

# PLANNING APPLICATION NUMBER:P13/1194

Type of approval sought	Tree Preservation Order
Ward	Belle Vale
Applicant	Mr Graham Jones
Location:	<b>2, THE LIMES, LYDDINGTON DRIVE, HALESOWEN, B62 8TS</b>
Proposal	<b>PART A - FELL 1 BIRCH TREE (T2) PART B – FELL 2 BIRCH TREES (T1 &amp; T3)</b>
Recommendation Summary:	<b>SPLIT DECISION</b>

## SITE AND SURROUNDINGS

1. The trees subject to this application are 3 Silver birch trees. The trees are located on land at the side of 2 Lyddington Drive.
2. The trees are part of a wider linear feature of trees including other birch and goat willow trees that run along the side of 102 Lodgefield Road and 2 Lyddington Drive.
3. Overall it is considered that the trees, as part of the wider group, provide a high amount of amenity to the surrounding area.
4. The trees are protected under A1 of TPO/261 that was served in 1987.

## PROPOSAL

5. Summary of proposals for the works as written on application form is as follows:
  - PART A - Fell 1 Birch tree (T2)
  - PART B – Fell 2 Birch trees (T1 & T3)
6. The trees have been marked on the attached plan.

## HISTORY

7. There have been two previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
96/51404	Prune Silver birch trees	Refused	14/01/93
92/51815	Reduce height of silver birch trees	Refused	14/11/96

## PUBLIC CONSULTATION

8. A letter of objection has been received from a neighbour in Chatsworth Road. They object to the application on the grounds that the trees were in situ when the applicant bought the property, and the problems with bird mess is just part of nature and should not be a reason to fell healthy trees. They also have concerns about the potential for the erosion of the bank on which they stand if they are removed.

## ASSESSMENT

### Tree(s) Appraisal

<i>Tree Structure</i>	<b>Tree 1</b>	<b>Tree 2</b>
Species	Birch	Birch
Height (m)	10	10
Spread (m)	5	5
DBH (mm)	2 x 250	250
Canopy Architecture	Moderate	Moderate
Overall Form	Good	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature

### *Structural Assessment*

Trunk / Root Collar	Good	Good
Scaffold Limbs	Good	Good
Secondary Branches	Good	Good
% Deadwood	3%	3%
Root Defects	None Evident	None Evident
Root Disturbance	None Evident	None Evident

Other				
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Part No	Whole No	Whole No

*Vigour Assessment*

Vascular Defects	None Evident	None Evident
Foliage Defects	None Evident	None Evident
Leaf Size	Not in Leaf	Not in Leaf
Foliage Density	Not In Leaf	Not in Leaf
Other		

*Overall*

*Assessment*

Structure	Good	Good
Vigour	Good	Good
<b>Overall Health</b>	<b>Good</b>	<b>Good</b>

Other Issues

Light Obstruction	Yes	Yes
Physical Damage	None Evident	None Evident
Surface Disruption	None Evident	None Evident
Debris	Yes	Yes

Amenity

Assessment

Visible	Yes	Yes
Prominence	High	High
Part of Wider Feature?	Yes	Yes
Characteristic of Area	Yes	Yes
<b>Amenity Value</b>	<b>High</b>	<b>High</b>

<i>Tree Structure</i>	<b>Tree 3</b>
Species	Birch
Height (m)	10
Spread (m)	5
DBH (mm)	250
Canopy Architecture	Good
Overall Form	Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature

*Structural*

*Assessment*

Trunk / Root Collar	Good.	
Scaffold Limbs	Moderate	
Secondary Branches	Moderate	
% Deadwood	3%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Whole No

*Vigour Assessment*

Vascular Defects	None Evident
Foliage Defects	None Evident
Leaf Size	Moderate
Foliage Density	Good
Other	

*Overall**Assessment*

Structure	Moderate
Vigour	Moderate
<b>Overall Health</b>	<b>Moderate</b>

Other Issues

Light Obstruction	Yes
Physical Damage	None Evident
Surface Disruption	None Evident
Debris	Yes

AmenityAssessment

Visible	Yes
Prominence	High
Part of Wider Feature?	Yes
Characteristic of Area	Yes
<b>Amenity Value</b>	<b>High</b>

### Further Assessment

9. The applicant has proposed to fell the trees for the following reasons:
  - The trees block substantial amounts of light from the adjacent property;
  - There are problems with bird mess dropping on the patio and conservatory;
  - The property remains damp as it does not get any sun;
  - The slabs of the patio are being stained due to the bird mess and require repeated bleaching to clean;
  - The applicant is unable to put washing out due to the mess from the trees;
  - The gutters get blocked by the debris from the trees.
10. On inspection the trees were all found to be in a good condition with no major defects present.
11. The property, which is younger than the group of adjacent trees, is built at a lower level than the trees, and the conservatory, which takes up most of the enclosed garden, is within approximately 2-2.5 metres of the base of the trees.
12. Given this proximity the overhang from the trees hangs over the conservatory, and totally dominates the enclosed garden area. The trees will cast almost solid shade over the conservatory and small garden area in the morning and early afternoon.
13. It is accepted that there will be significant issues with bird mess and other debris from the trees and that this will cause a substantial amount of works in order to clear and clean the debris. A certain amount of work is expected to be undertaken as part of the routine property maintenance, and generally such issues would not be considered sufficient to fell trees that provide useful amenity to an area.
14. Due to the size of the trees and their relation to the property the trees do have a massively overbearing impact on the garden.
15. Given the small size of the useable garden, and proximity, it is considered that in this case it would be appropriate for some works to be undertaken to alleviate the issues that the trees are causing. However given the high amenity value of the group of trees it is considered that any works that are approved should be undertaken with an aim of preserving as much of this amenity value as possible.
16. Normally it would be considered that the pruning of the trees would be an appropriate mechanism by which to alleviate some of the problems. However as birch trees do not respond well to pruning it is considered that the amount of pruning required would

be detrimental to the health of the trees, and could ultimately lead to a need for all of the trees to be removed.

17. To this end, it is considered that the removal of two of the proposed trees would be acceptable, as this would still leave four birch trees in the wider group. It is considered that T1 and T3 should be removed to thin the group out without creating a significant hole in the group of trees. The removal of the trees will create some gaps in the group thereby providing some respite from the problems caused, whilst still maintaining the overall visual form of the group.
18. It is accepted that the felling of just two trees would not provide a permanent and total solution to the problems caused by the trees, however it should alleviate the problems to a degree and is considered to be the best balance between the applicant's wishes and preserving the amenity that the trees provide to the area.
19. As the recommended tree removal is intended to thin the group out, it is considered that the provision of a replacement tree would be inappropriate as it would struggle to establish amongst the other trees.
20. Overall, it is considered that the removal of two of the three trees would be acceptable, and as such it is recommended that the application is part approved and part refused.

## **CONCLUSION**

21. They have proposed to remove the trees due to the problems caused by shading, bird mess and seasonal debris falling from the tree. Whilst normally the clearing of such problems would be covered by the routine maintenance of a property, in this case, due to the relationship between the property and the trees it is considered that problems experienced are sufficiently bad to require some action.
22. As such, it is recommended that two of the trees should be felled in order to alleviate the problems to a degree whilst preserving the amenity value of the wider group of trees as far as possible.
23. As such, it is recommended that the application is part approved and part refused.

## **RECOMMENDATION**

24. It is recommended that Part A (Fell T2) of the application is REFUSED and that Part B (Fell T1 & T3) is APPROVED subject to the stated conditions and informative.

### Reason for Approval

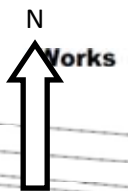
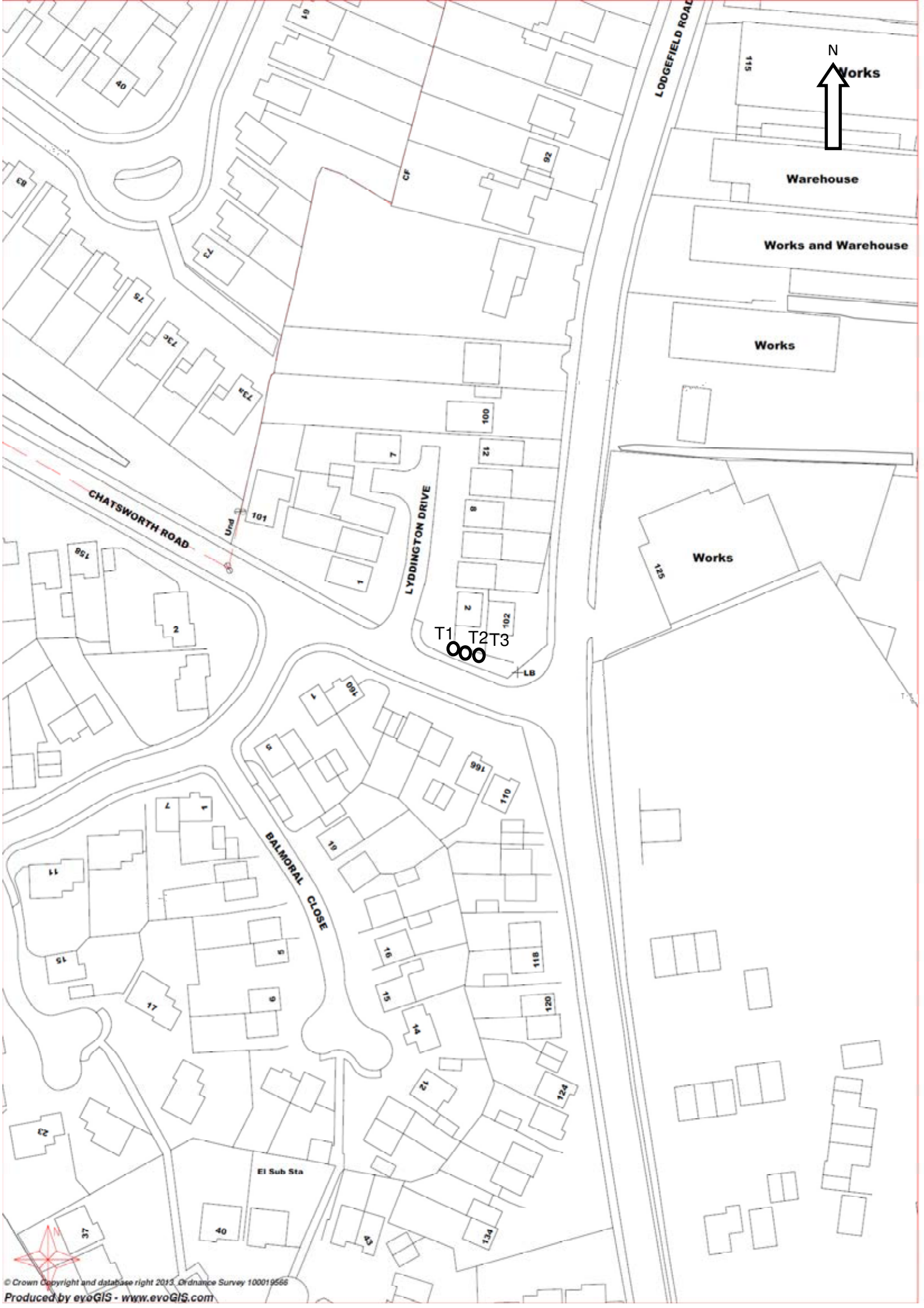
Overall, it is considered that the proposed felling of two of the three birch trees is acceptable as this is considered to be the best balance between going some way to alleviate the problems that the trees are causing and preserving the amenity as far as possible.

### Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree work'.
2. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Tree work'.

### Reason for Refusal:

1. The Birch tree (T2) that is the fifth tree along from the junction of Lyddington Drive subject to this application is considered to provide a high amount of amenity, as part of the wider group, to the surrounding area. It is considered that whilst the felling of the other trees subject to this application has been justified, if this tree were to be felled it would create a significant gap within the wider group and the amenity value of the overall group would be diminished.



T1 T2 T3  
ooo