

## PLANNING APPLICATION NUMBER: P13/1317

Type of approval sought	Tree Preservation Order
Ward	Pedmore and Stourbridge East
Applicant	Miss Clare Taylor
Location:	<b>38, FERNDAL PARK, PEDMORE, STOURBRIDGE, DY9 0RB</b>
Proposal	<b>PART A - FELL 1 LIME TREE PART B – FELL 2 PINE TREES</b>
Recommendation Summary:	<b>SPLIT DECISION</b>

### SITE AND SURROUNDINGS

1. The trees subject to this application are 2 pine trees and a lime tree. The trees are located in the rear garden of 38 Ferndale Park.
2. The lime tree appears to be part of the boundary landscaping of the original Ferndale house that occupied the site prior to the current dwellings. It is unlikely that the pines are old enough to predate the last development of the site; they appear to have been planted as part of the general landscaping when the “new” properties were built, or shortly afterwards.
3. The pine trees are publicly visible from the bridleway at the rear of the property, but do not have any wider visibility. The lime tree is visible from both the bridleway at the rear of the property, and also the crown of the tree is visible above the roof of the applicant’s property from various points in Ferndale Park.
4. Overall it is considered that the pine trees, due to their poor form, provide a low amount of amenity to the surrounding area, and the lime tree provides a high amount of amenity to the surrounding area.
5. The lime tree is protected as T16, and the pine trees are protected under G2 of TPO/277 that was served in 1987.

## PROPOSAL

6. Summary of proposals for the works as written on application form is as follows:

- PART A - Fell 1 Lime tree
- PART B – Fell 2 Pine trees

7. The trees have been marked on the attached plan.

## HISTORY

8. There have been four previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
P04/1943	Prune 1 Lime tree	Approved	18/11/2004
P03/0722	Fell 1 Cherry Tree	Approved	05/05/2003
85/51186	Fell 1 Sycamore Tree	Approved	01/08/1985
85/50383	Prune 1 Lime tree	Approved	25/04/1985

## PUBLIC CONSULTATION

9. A letter of support has been received from an adjacent neighbour. They support the application on the grounds that the tree is too big for its location and that it would cause substantial damage to their property if it were to fail.

## ASSESSMENT

### Tree(s) Appraisal

<i>Tree Structure</i>	<b>Tree 1</b>	<b>Tree 2</b>
Species	Lime	Pine
Height (m)	16	7
Spread (m)	11	5
DBH (mm)	750	400
Canopy Architecture	Good / Moderate	Poor
Overall Form	Good	Poor
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature

### *Structural*

### *Assessment*

Trunk / Root Collar	Good	Missing patches of missing bark at sites of previous
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		stem wounds. Area of decay on northern side of crown.		
Scaffold Limbs	Good		Moderate	
Secondary Branches	Good		Moderate	
% Deadwood	3%		10%	
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 Possible

#### *Vigour Assessment*

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

#### *Overall*

#### *Assessment*

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

#### Other Issues

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

#### Amenity

#### Assessment

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

<i>Tree Structure</i>	<b>Tree 3</b>
Species	Pine
Height (m)	7

Spread (m)	5
DBH (mm)	400
Canopy Architecture	Poor
Overall Form	Poor
Age Class <i>Yng / EM / M / OM / V</i>	Mature

*Structural  
Assessment*

Trunk / Root Collar	Good.	
Scaffold Limbs	Moderate	
Secondary Branches	Moderate	
% Deadwood	10%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Whole Possible

*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	Some

Amenity

Assessment

Visible	Yes
Prominence	Moderate / Low
Part of Wider Feature?	Yes

Characteristic of Area	Yes
<b>Amenity Value</b>	<b>Low</b>

### Further Assessment

10. The applicant has proposed to fell the trees on the following grounds:
  - The trees dominate the garden;
  - The lime tree is too large for its position in relation to the applicant's and their neighbour's property;
  - Nearby properties have had similar trees previously removed;
  - Where other nearby properties still have large protected trees that are in larger gardens in more appropriate positions in the garden which are considered to provide more amenity to the area;
  - The trees are of a common type of species;
  - The trees have limited public visibility;
  - The trees have a negative impact on the immediately adjacent residents due to the debris that falls from the trees, and the light they obstruct from the properties, and the amount of work that is required in order to maintain the gardens;
  - The trees obstruct sunlight from the rear of the adjacent properties.
11. On inspection the lime tree was found to be in a good condition with no major defects present. The two pine trees were found to be in a reasonable condition, although both had minor defects that, in time, are likely to limit the safe and useful life span of the trees.
12. Along with the minor defects in the pine trees they were found to be generally poorly formed and unimpressive specimens. It appears that at some point in their early life they have been subject to poor management that has resulted in their current poor form.
13. Overall it is considered that the felling of the pine trees is acceptable, as their poor form and impaired health does not allow them to provide sufficient amenity to warrant their retention.
14. As the lime tree was found to be in a good condition with no major defects present it is not considered that there is any reason why the tree is at any increased risk of failure. As such it is considered that the felling of the tree should not be granted due to the potential for damage should it fail.

15. It is accepted that the lime tree is a large and dominant feature in the rear garden of the applicant's property. However it is considered that, even given the size of the tree, it does not dominate to the extent that prevents the reasonable enjoyment of the property. It is also considered that the relationship between the tree and the property could be improved with appropriate pruning, although there would be a limit to the amount of potential improvement.
16. Overall it is not considered that the size and dominance of the tree in relation to the gardens or adjacent properties is sufficient to justify the impact on the amenity of the area if the tree were felled.
17. The fact that adjacent properties have had approval to remove trees is not in itself considered to add weight to the felling of this tree. From looking at the reasons for some of the recent fellings, the reasons for the approvals either relate to problems with the condition of the trees, or the trees were considered to provide little in the way of amenity. As has been discussed above it is considered that the lime tree is healthy and does provide a significant amount of amenity to the surrounding area. As such it is not considered that the grounds for the felling of adjacent trees could be applied to the lime tree.
18. The applicant has stated that as the trees are of native, and common species, their suitability for protection under a TPO is questionable. Whilst it is accepted that the rarity of a tree may be additional grounds to justify protection, it is not considered that a tree that provides a useful amount of amenity to the surrounding area should not be protected purely due to the widespread availability of other examples of its species. As such it is not considered that this is sufficient grounds for the felling of the lime or the pine trees.
19. The applicant has contended that the lime tree is only just visible from in front of the property, and whilst visible from the bridleway at the rear, due to the height of the trees, they are not obviously visible as by the time they become visible you are pretty much stood underneath them.
20. From walking the local area it is considered that the lime tree is sufficiently publicly visible to provide a useful degree of amenity to the area. It is accepted that from the bridle way it does have a limited prominence although still makes a contribution to the general landscaping and amenity of this side of the property.
21. From Ferndale Park the tree is more visible and more prominent. Whilst when stood directly in front of the property the tree is partially screened from view by the

applicant's house, the majority of the crown of the tree is visible above the adjacent properties and the tree is visible in longer distant views. Given the lack of similarly large trees immediately adjacent to the lime tree it appears to almost stand alone and draws the eye to itself. It is also considered that the tree help to visually stitch together the other large trees that once formed the boundary vegetation of the original property on this site.

22. Overall it is considered that the tree is a significant visual feature in the area, and that this translates to a high amount of public amenity.
23. It is accepted that the trees and especially the lime tree will drop substantial amounts of seasonal debris from their crowns. However the clearance of such debris has been long held to be part of routine property maintenance, and the felling of valuable trees should not be approved for this reason. This stance has been readily accepted by the planning inspectorate.
24. The trees will block sunlight from the adjacent properties from mid-day. However if the pine trees are approved for removal this will alleviate the light obstruction up to a point. It is also considered that the issues of light obstruction could be improved by appropriate pruning to the lime tree. However it is not considered that the light obstruction is so bad, or could not be remedied to the point where it would justify the felling of the lime tree.
25. Overall it is considered that the lime tree is a high value tree, and whilst it is accepted that it will cause some problems in relation to its proximity to the adjacent properties and the debris that falls from the trees, it is not considered that these problems are sufficient to justify the loss of amenity that would result from its felling. As such it is recommended that the proposal to fell the lime tree is refused.
26. The felling of the pine trees is considered appropriate as their impaired form and health are reflected in a low amenity value. It is recommended that the proposal to fell the pine trees subject to a condition requiring a single replacement tree.

## CONCLUSION

27. Overall, it is considered that the proposed felling of the pine trees is acceptable due to their impaired form and condition.
28. It is not considered that the felling of the lime tree has been sufficiently justified as it is considered to provide a high amount of amenity to the surrounding area.

29. As such it is recommended that the application is part approved and part refused.

## RECOMMENDATION

30. It is recommended that Part A (Fell 1 lime tree) is REFUSED and that Part B (Fell 2 pine trees) is APPROVED subject to the stated conditions and informative.

### Reason for Approval

Overall, it is considered that the proposed felling of the pine trees is acceptable as they are considered to provide a limited amount of amenity to the surrounding area due to their impaired form and condition.

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

### Reason for Refusal:

1. The Lime tree subject to this application is considered to provide a high amount of amenity to the surrounding area. It is not considered that the felling of this tree and the resultant loss of public amenity, has been adequately justified by the reasons put forward in support of the application.



ROBERTS LANE

FERNDAL PARK

Path (um)

