

## **PLANNING APPLICATION NUMBER:P11/0329**

Type of approval sought	Tree Preservation Order
Ward	ST THOMASS
Applicant	Mrs B. Field
Location:	<b>3, KINGSOAK GARDENS, DUDLEY, DY2 8AL</b>
Proposal	<b>FELL 1 SYCAMORE TREE</b>
Recommendation Summary:	<b>REFUSE</b>

### **TREE PRESERVATION ORDER NO: TPO/412 (1994) – A1**

#### **SITE AND SURROUNDINGS**

1. The tree subject to this application is an sycamore tree that is located in the rear garden of 3 Kingsoak Gardens. The tree is not visible from Kingsoak Gardens or from New Rowley Road. However the tree can be seen from the bottom of Hillman Drive, and the upper portion of the crown can be seen from the junction of Hillman Drive and Oakham Road. Overall it is considered that the tree provides a moderate to low amount of amenity to the surrounding area.

#### **PROPOSAL**

2. Summary of proposals for the works as written on application form is as follows:
  - Fell 1 Sycamore tree
3. The tree has been marked on the attached plan.

#### **HISTORY**

4. There have been no previous Tree Preservation Order applications on this site.

## PUBLIC CONSULTATION

5. A letter of objection has been received from the tree owner, who objects to the application on the grounds that the tree is healthy and they consider it to provide a significant amount of amenity to the surrounding area.
6. A letter of support has been received from an adjacent neighbour in Hillman Drive, stating that whilst the tree does not really affect them they can see that the tree causes problems to the applicant.
7. Copies of the representations have been attached to this report.

## ASSESSMENT

### Tree(s) Appraisal

<i>Tree Structure</i>	<b>Tree 1</b>
TPO No.	AI
Species	Sycamore
Height (m)	13
Spread (m)	6
DBH (mm)	400
Canopy Architecture	Moderate / Good
Overall Form	Moderate / Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature

#### *Structural Assessment*

Trunk / Root Collar	Good	
Scaffold Limbs	Good	
Secondary Branches	Good / Moderate	
% Deadwood	4%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable <i>Imm / Likely / Possible / No</i>	Whole No	Part No

#### *Vigour Assessment*

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

#### *Overall Assessment*

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

#### Other Issues

Light Obstruction	Yes – To neighbours
Physical Damage	Possible damage to adjacent wall
Surface Disruption	No
Debris	Some

**Amenity  
Assessment**

Visible	Yes
Prominence	Moderate / Low
Part of Wider Feature?	No
Characteristic of Area	Yes
<b>Amenity Value</b>	<b>Moderate / Low</b>

**Further Assessment**

8. The applicant, the adjacent neighbour in Hillman Drive, has proposed to fell the tree due to the amount of foliage that overhangs into their garden, the amount of light the tree obstructs from their property, the debris that falls from the tree and causes the paths to be slippery, and as the tree is considered to be out of proportion for the size of the garden.
9. On inspection the tree was found to be in relatively healthy conditions with no major defects present. It was noted that due to the tree's proximity to the boundary wall approximately 45-50% of the crown of the tree overhangs the applicant's garden.
10. Whilst there is a substantial amount of foliage that overhangs the boundary, it is not considered that the presence of this foliage prevents the reasonable enjoyment of the applicant's property. As such it is not considered that permission should be granted on the grounds of over hanging foliage.
11. It is accepted that the tree will block light from the property, as it is situated due west of the property, and opposite the main windows of the property. However it is not considered that the light obstruction the tree provides is sufficient to warrant the felling of the tree as pruning would be able to bring significant benefits whilst retaining the tree as an amenity to the area.
12. Issues relating to debris that falls from trees, either in relation to the mess that it makes, or the slip hazards that it causes; are not considered to be sufficient reasons for felling the tree as the clearance of such debris is considered to be part of routine property maintenance.
13. Similarly to the issues relating to light obstruction, it is accepted that the tree does appear large and overbearing from the applicant's property. However it is again considered that the felling of the trees on this grounds would be excessive, as a resolution to reasonable levels would be found by pruning the tree.

14. Overall, whilst the tree is not the most prominent to the wider area it is considered to provide a moderate amount of amenity to the very localised area of Hillman drive, in particular the bottom of Hillman Drive. Given the reasons for the application, and that many of the issues could be resolved by pruning it is not considered that sufficient justification has been provided to warrant the felling of the tree. as such it is recommended that the application is refused.

## CONCLUSION

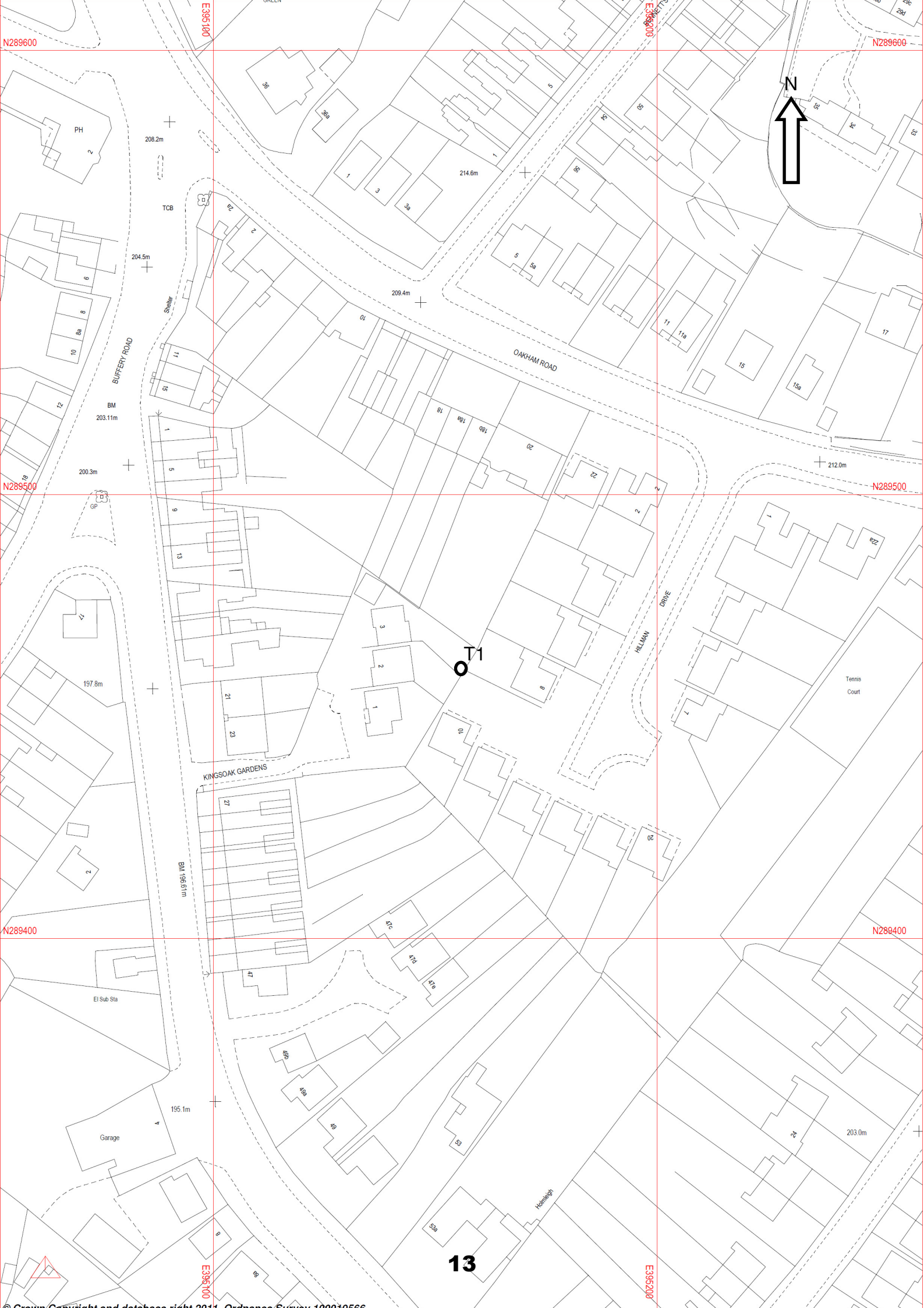
15. The applicant has proposed to fell the tree on the grounds of the overhanging branches, the light obstruction; the debris from the tree making the paths slippery, and the general overbearing appearance of the tree.
16. Whilst it is considered that the tree does cause the applicant some problems it is not considered that the felling of the tree is the only answer. Due to the species and form of the tree, pruning could achieve significant improvements for the applicant.
17. Overall it is not considered that the applicant has provided sufficient justification to warrant the felling of the tree and it is recommended that the application is refused.

## RECOMMENDATION

18. It is recommended that application is refused for the reasons set out below.

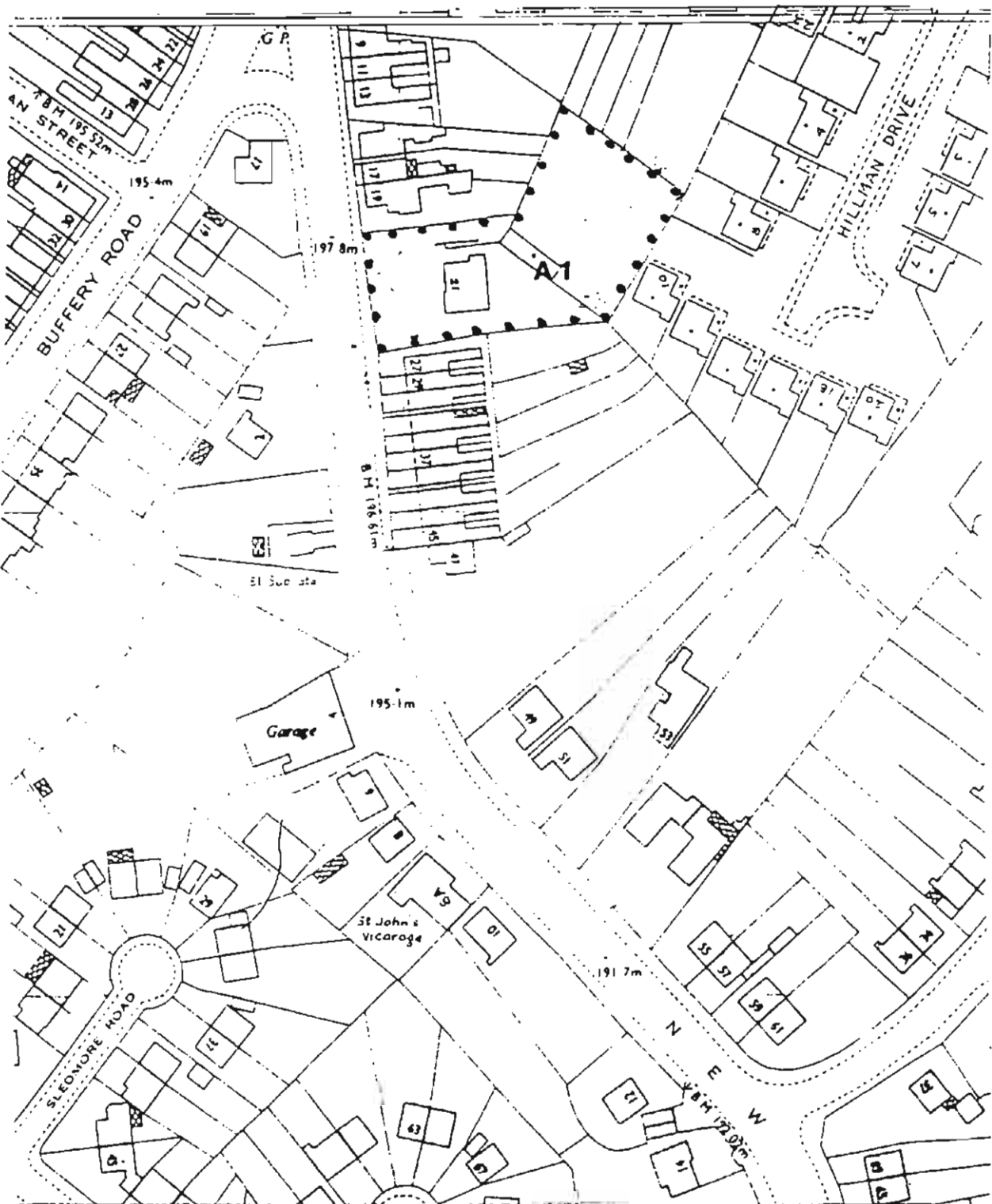
### Conditions and/or reasons:

1. The tree provides a moderate amount of amenity to the immediate locality and surrounding area. The reasons for the application and the supporting information do not sufficiently justify the detrimental affect on the local amenity that would result from the proposed felling.



FIRST SCHEDULE

<u>No. On Map</u>	<u>Description</u>	<u>Location</u>
A1	The several trees of whatever species within Area A1 on the map.	21 New Rowley Road Dudley



**DUDLEY**  
Metropolitan Borough  
ORDNANCE SURVEY  
MAPPING IS BASED UPON  
THE ORDNANCE SURVEY  
MAP WITH THE SANCTION  
OF THE CONTROLLER OF  
H.M. STATIONERY OFFICE.  
LICENCE NUMBER LA  
078171

*Map referred to in  
the Borough Council of Dudley*  
**21 New Rowley Road,  
Dudley (D112)**

*Tree Preservation Order 1994*

grid ref:  
**951 894**

scale:  
**1:1250**

drg no.:  
**A:2167**

P11/0329

Many thanks to the planning officer for their professional and helpful guidance. I really appreciate their assistance on the telephone when I called . I was very shocked when I read that there was an application to demolition the only mature tree that we have in our garden . The tree has considerable amenity value and I would be devastated to lose it.

I did not realise that someone else could seek to take away the only mature tree we have and I could not imagine our garden without the greenery and wildlife it provides .

We have seen no signs at all of any damage or disease to the tree which is a shapely mature specimen

Please can this note be submitted to the officers/members who will be considering this matter

Many thanks

best wishes

Caroline



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I have no objection to the proposal.

The tree causes me little problem unless it was to fall in the direction of my house.

It is a large tree in a relatively small space and restricts light to Mrs Field's rear garden and rooms to the rear of her house when in leaf. The proximity of the tree to her garden could also result in damage to her property in high winds.

ST Cooper  
10 Hillman Drive  
Oakham  
Dudley  
DY2 7TR