

APPENDIX 3.1

Confirmation Report for

***The Borough of Dudley (Sunningdale Road / Gower Road, Sedgley
(TPO/0126/SED)) Tree Preservation Order 2014***

Tree Preservation Order

Order Title

Case officer

Date Served

Recommendation

TPO/0126/SED
Sunningdale Road / Gower Road, Sedgley
James Dunn
15/10/14
Confirm

SITE AND SURROUNDINGS

1. The tree preservation order comprises of 17 trees that are located in the gardens of properties in Sunningdale Road, and Gower Road. All of the trees are visible in the street scene.
2. The order has been served following a review of existing TPOs in the area. With the exception of the trees 9, 10, 16 & 17, all of the trees are protected by previous orders. The trees were all considered to provide sufficient amenity to the surrounding area to justify their protection.

PUBLIC REPRESENTATIONS

3. Following the service of the order, an objection was received from the owner of 31 Gower Road. The objection was also made on behalf of the owner/occupier of 18 Sunningdale Road. The objections are based on the following grounds:
 - T9, T10 & T17 were not previously protected in 2002.Lack of amenity value;
 - T16 has been poorly pruned on one side by the owner of 20 Sunningdale Road. This has resulted in a tree with poor form;
 - The process of looking over garden fences to identify trees subject TPOs is questionable as this has led to some trees not being protected as the ownership of the trees could not be established.
 - T9 & T10 pose a risk to the adjacent drainage apparatus which serves a number of properties;
 - The roots of T11 may damage the sewerage pipes that run across the rear gardens of 29 and 31 Gower road and due to the lack of inspection manholes such damage could not be checked until major disruption is caused;
 - T11 is damaging the garden fence of 31 Gower Road, causing it to lean out towards Gower Road;
 - T11, as a result of root encroachment in to the garden, extracts moisture from the soil of the rear garden of 31 Gower Road, preventing the objector from growing vegetables;
 - If left in place the roots of T11 may grow into the lawn of 31 Gower Road and damage mowing equipment;
 - The lower branches of T11 overhang the pavement and at times drop to below 2 metres form the pavement forcing user to walk into the road;
 - The branches of the tree are growing into the road, so as to impede the passing of traffic;

RESPONSE TO OBJECTIONS

4. The trees identified for protection as part of the review have all been scored using an amenity evaluation system called TEMPO. This system assesses various factors such as, condition, life expectancy, public visibility and expediency to protect the trees. Each factor is given a score, and the total of these scores determines whether a tree is suitable for protection.
5. All of the trees in the order were scored as providing sufficient amenity to warrant protection. As such it is not considered that the fact that some trees were not previously protected 12 years ago is necessarily relevant in the assessment of the tree for protection under this order.
6. With regards to T16, whilst the pruning works that have been undertaken, have impaired the form of the tree, it still presents itself to public view as a reasonably formed tree. As such the previous poor works are not considered to be sufficient reason to prevent the inclusion of this tree in the TPO.
7. With regards to the process of indentifying trees for protection, it is considered that any tree visible form a public vantage has the potential to provide sufficient amenity for protection. It is not considered that only trees wholly visible within the public realm should be considered, and that trees that are substantially or even partially visible from within back gardens are appropriate for TPO if it is deemed that they provide sufficient amenity to the area.
8. Other trees in rear gardens in Gower Road have been included in other orders, and where trees have not been included it is considered that this is the result of them providing insufficient amenity to the local area, rather than an inability to identify the ownership of the trees.
9. Tree roots do not have the ability to break into sewerage or drainage pipes that are not already previously damaged. As such, if any root ingress into drain has occurred it is the result of faulty drains that need to be repaired regardless of any root ingress. Modern repair techniques allow for long sections of the drain to be lined without the vulnerable joints that are susceptible to the failures that allow for root ingress. As such the need to remove trees as a result of root ingress has markedly decreased in recent years.
10. However given that there is currently no evidence of any root ingress into the local drainage system, the removal of the trees from the order on these grounds is considered to be inappropriately speculative. As such it is not considered that Either T9, T10 or T11, should be removed for the order on the grounds of potential damage to drainage apparatus in the future.

11. Similarly it is not considered that the lack of inspection manholes in the sewers adjacent to T11 is sufficient grounds to remove this tree for the order. CCTV drain inspections can be carried out over relatively long distances, and as such it is considered unlikely that the distance between inspections chambers would be sufficient to prevent the identification of any suspected root ingress.
12. Garden fence along the northern boundary of 31 Gower Road is leaning towards the road. However it is not accepted that the cause of this lean is singularly or even predominantly related to the root growth of the trees. The fence also serves as a retaining structure for the raised ground level behind. The soil level behind the fence is approximately 600mm higher than the on the road side.
13. The natural ground pressure pushing the fence towards the road will be considerable and advice provide by the Building Control section suggests that gravel boards and concrete posts are not considered to be an appropriate retaining structure. It is this ground pressure, rather than any root action is likely to be the cause to the movement of the fence. As such it is not considered appropriate to remove the tree for the order due to the movement of the fence.
14. It is accepted that the roots of T11 may well have entered the objector's garden and may be extracting moisture from the soil that will have a knock-on effect on what can be grown adjacent to the tree. However this moisture extraction is not an insurmountable obstacle to growing vegetables at the property, and as such it is not considered that the tree should be removed from the order on these grounds.
15. Given the change in and levels it is not considered likely that any major roots that have grown under the fence will surface in the lawn and cause damage to the lawn mower. If such roots do appear appropriate root pruning, subject to permission, would be able resolve any issues. As such it is not considered that the tree should be removed from the order on this basis.
16. Section 154 of the Highways Act 1980 obliges any owners of trees adjacent to the highway to maintain appropriate clearances over the pavement and carriageway. The accepted clearances are 2.5 metres over the pavement and 5.2 metres over the carriageway. As this is a requirement in law, the exemptions within the TPO mean that formal permission is not required in order to undertake the minimum required works to meet this obligation. As such it is not considered that presence of the TPO is a barrier to providing adequate clearance to the highway.
17. Overall it is considered that the trees subject to this TPO provide a sufficient amount of amenity to the surrounding area to justify the confirmation of this order and their continued protection.

CONCLUSION

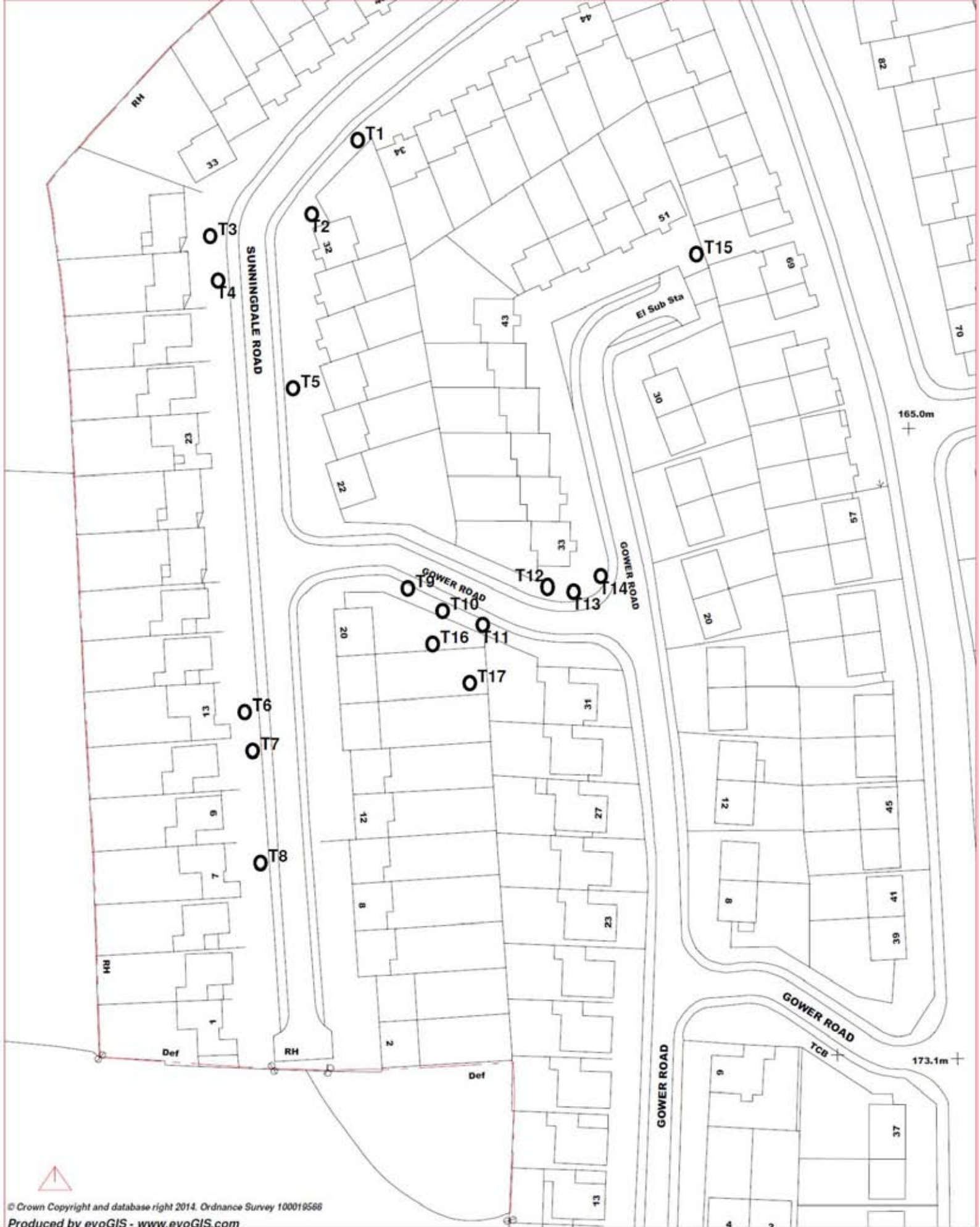
18. It is not considered that any of the objections raised to the TPOs are sufficient to prevent the confirmation of the order. It is recommended that the order be confirmed without modifications

RECOMMENDATION

19. It is recommended that the Tree Preservation Order be confirmed without modifications.

APPENDIX 3.2

Tree Preservation Order Plan and Schedule As Served



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Map referred to in the Borough Council of Dudley



Sunningdale Road/Gower Road, Sedgley (TPO/0126/SED)

Scale: 1 : 1000

Tree Preservation Order 2014

SCHEDULE

Specification of trees

Trees specified individually
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Whitebeam	32 Sunningdale Road
T2	Whitebeam	32 Sunningdale Road
T3	Tulip Tree	31 Sunningdale Road
T4	Whitebeam	29 Sunningdale Road
T5	Whitebeam	26 Sunningdale Road
T6	Whitebeam	13 Sunningdale Road
T7	Rowan	11 Sunningdale Road
T8	Monkey Puzzle	7 Sunningdale Road
T9	Cypress	20 Sunningdale Road
T10	Cypress	20 Sunningdale Road
T11	Lime	20 Sunningdale Road
T12	Cherry	33 Gower Road
T13	Cherry	33 Gower Road
T14	Cherry	33 Gower Road
T15	Silver Birch	51 Gower Road
T16	Pine	20 Sunningdale Road
T17	Pine	18 Sunningdale Road

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

Groups of trees
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

Woodlands
(within a continuous black line on the map)

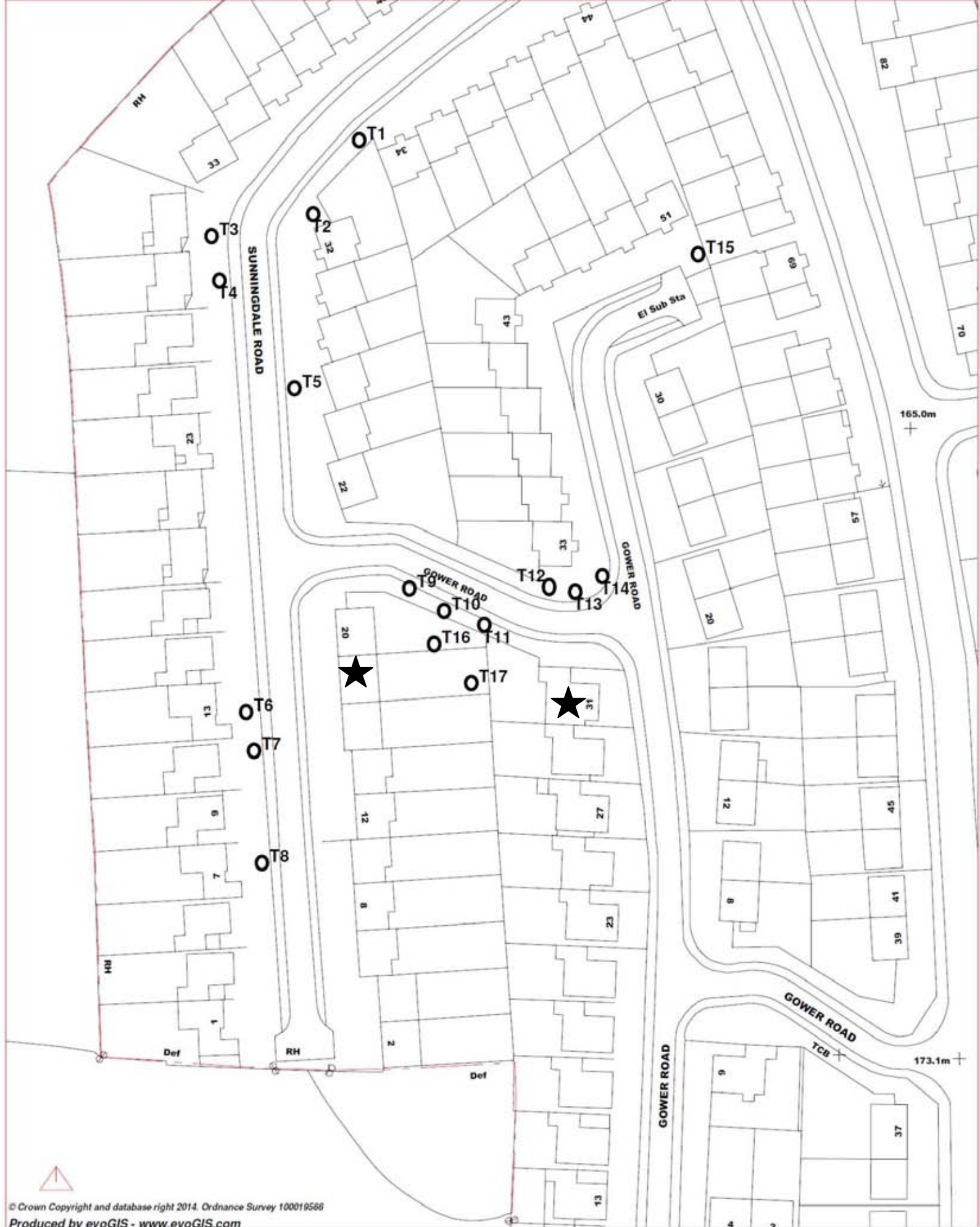
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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NONE

APPENDIX 3.3

Plan Identifying Objectors Properties

★ - *Objection Received from Property*



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Scale: 1 : 1000

Tree Preservation Order 2014