

PLANNING APPLICATION NUMBER:P12/0207

Type of approval sought	Tree Preservation Order
Ward	SEDGLEY
Applicant	Mr Christopher Harris
Location:	9, PENNS WOOD CLOSE, SEDGLEY, DUDLEY, DY3 3QT
Proposal	FELL 1 OAK TREE
Recommendation Summary:	REFUSE

TREE PRESERVATION ORDER NO: D704 (2002) W1

SITE AND SURROUNDINGS

1. The tree subject to this application is a mature oak tree that is located in the rear garden of 9 Pennswood Close. The house is situated in a small residential cul-de-sac. The rear of the property backs onto the woodland of Alder Coppice.
2. Due to the trees location and its small stature, the tree is only partially visible above the ridge line of the property, and only provides a moderate to low amount of visual amenity.

PROPOSAL

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

HISTORY

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

<i>Application No</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
P01/0290	Thinning and reduction of oak tree	Refused	20/02/01
P07/0170	Fell 1 oak Tree	Refused	12/03/07
P09/1197	Fell 1 Oak Tree	Refused	16/11/09
P10/0053	Prune 1 Oak tree	Approved with conditions	15/03/10

6. The application to fell in 2007 was refused contrary to the case officer's recommendation. The applicant appealed, but the appeal inspector upheld the decision of the committee.

PUBLIC CONSULTATION

7. No Public representations have been received.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1
Species	Oak
Height (m)	10
Spread (m)	9
DBH (mm)	550
Canopy Architecture	Moderate - Twin stemmed from 4m
Overall Form	Moderate
Age Class <i>Yng / EM / M / OM / V</i>	Mature / Over Mature

Structural Assessment

Trunk / Root Collar	Good	
Scaffold Limbs	Good	
Secondary Branches	Good	
% Deadwood	5%	
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	Not In Leaf
Foliage Density	Not In Leaf
Other	

Overall Assessment

Structure	Good
Vigour	Moderate / Good
Overall Health	Good

Other Issues

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

Amenity Assessment

Visible	With difficulty
Prominence	No
Part of Wider Feature?	Yes
Characteristic of Area	Yes
Amenity Value	Moderate / Low

Further Assessment

8. The tree subject to this application is a mature oak tree that is located in the rear garden of 9 Pennswood Close. The tree is partially visible from the cul-de-sac of Pennswood Close over the ridge line of the property. The public view of the tree from the well used paths in the woodland at the rear is obscured by the surrounding trees.
9. The applicant would like to fell the tree as he is concerned about the safety of the tree and the shading the tree provides to the garden.
10. On inspection the tree was found to be in a moderate condition. Whilst no major defects were present the tree was found to have little extension growth, often a sign of poor vigour. Whilst the tree may have limited vigour mature oak trees can often continue in such a condition for many years.
11. It was noted that there was some deadwood within the crown, which should be removed. Although the amount of deadwood was not considered excessive.

12. At about 0.5 metres above ground level there is a large wound that has resulted from the removal of a co-dominant stem a good number of years ago. There is now evidence of decay within this wound however on inspection it was not found to extend into the main stem and therefore at present it is not considered to have any implication on the structural health of the tree as a whole.
13. The applicant has expressed concerns about the lean of the tree towards the house. On inspection this lean was considered to be part of the natural growth of the tree as it has endeavoured to optimise its access to the available light resources, when competing against surrounding vegetation. No evidence was observed that would suggest that the lean of the tree has resulted from root disturbance or insufficient roothold. As such the lean of the tree is not considered to increase the chances of failure.
14. Overall it is considered that the tree is reasonable healthy and as such should not be felled due for any reason related to its health or structural condition.
15. With regard to the applicant's claim that the tree obstructs light from his property, the tree is on the northern side of the property and will only block sunlight from the property and garden in the late afternoon and evening and not direct sunlight. Whilst direct sunlight obstruction will be minimal the tree will have a greater impact on the diffuse daylight reaching the property.
16. It is considered that the tree has an overbearing impact on the rear garden, and that even if the tree was pruned to acceptable levels the tree would still dominate the rear garden.
17. The tree provides little in the way of visual amenity to the surrounding area, and whilst this was accepted in the previous appeal decision, the inspector considered that the tree does provide public amenity due to the habitat value of the tree and as a part of the ancient woodland. It was also noted that the removal of the tree would serve to erode the naturally developed woodland edges, which forms an integral part of a healthy woodland ecosystem.
18. If this tree did not form part of a wider woodland, it is considered that, due to the limited visual amenity of the tree, the overbearing impact on the garden would have been sufficient reason to recommend approval for the felling of the tree. However a judgment needs to be made as to whether the additional benefits, other than the visual amenity, that the tree confers on the surrounding are by virtue of its type and location adjacent to an ancient woodland, are sufficient to warrant the retention of the tree.

19. Overall, given the condition of the tree; the ecological and benefits of the tree due to its location within the woodland edge; and that the reasons for the application are not significantly different to the reasons considered under the previous applications, it is not considered that sufficient justification has been submitted to warrant the felling of the tree.

CONCLUSION

20. The applicant has proposed to fell the tree as they have concerns over the safety of the tree and the amount of shade that the tree casts on the property.
21. On inspection it was found that whilst the tree does appear to have diminished vigour, there were no other defects present. Due to the age and nature of the tree it is considered that the reduction in vigour is likely to be more of a comment on its age rather than a symptom of poor condition.
22. The tree will block some direct sunlight from the garden in the late afternoon, however the main impact of the tree is considered to be the obstruction of diffuse daylight and the general overbearing impact of the tree on the garden of the property and the rear of the house.
23. The tree is considered to provide little in the way of visual amenity to the surrounding area, but it is accepted that the tree does provide an ecological benefit to the area as it forms part of the woodland edge, a habitat rich area that develops along the edge of woodlands.
24. Given this and that the reason for the application or the condition or impact of the tree has not significantly changed since the previous refusals it is considered that the reasons for the application do not sufficiently outweigh the amenity benefits to the tree and as such it is recommended that the application is refused.

RECOMMENDATION

25. It is recommended that application is refused for the stated reasons.

Conditions and/or reasons:

1. The reasons for the application do not sufficiently justify the removal of the tree and the subsequent loss of amenity to the surrounding area.



Alder Coppice



OT1

PENNSWOOD CLOSE

LONG MEADOW DRIVE

MELFORD CLOSE

AYLESFORD CLOSE



Map referred to in the Borough Council of Dudley
Tree Preservation Order 2002 No D704
Sedgley No. 28

ORDNANCE SURVEY MAPPING IS BASED UPON THE ORDNANCE SURVEY MAP WITH THE
SANCTION OF THE CONTROLLER OF H M STATIONERY OFFICE .
LICENCE NUMBER LA 076171

DRAWING A2362

GRID REF

SCALE 1/1250

FIRST SCHEDULE

INDIVIDUAL TREES

(Circled in black on the plan)

<u>No.</u>	<u>Description</u>	<u>Location</u>
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NONE

GROUPS

(Within the broken black line on the plan)

<u>No.</u>	<u>Description</u>	<u>Location</u>
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NONE

AREAS

(Within the dotted line on the plan)

<u>No</u>	<u>Description</u>	<u>Location</u>
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NONE

WOODLAND

(Within the continuous line on the plan)

<u>No.</u>	<u>Description</u>	<u>Location</u>
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W1	Area of mixed deciduous Woodland	Rear gardens, 95a, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125 Long Meadow Drive Rear gardens, 2, 4, 6, 8, 10, 12, 14 Penns Wood Close
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