

# PLANNING APPLICATION NUMBER:P09/1198

Type of approval sought	Tree Preservation Order
Ward	SEDGLEY
Applicant	Mr Colin Birch
Location:	<b>22, SUNNINGDALE ROAD, SEDGLEY, DUDLEY, DY3 3PP</b>
Proposal	<b>FELL 1 NO. GREY ALDER TREE</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## TREE PRESERVATION ORDER NO: D 690 (2002) – T5

### SITE AND SURROUNDINGS

1. The tree subject to this application is an early mature alder tree that is located in the front garden of 22 Sunningdale Road, Sedgley. The tree is relatively small, and whilst visible is not particularly prominent in the street scene. As such it is considered to provide 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 Alder Tree
3. The tree is marked on the attached plan.

### HISTORY

4. There has been one previous Tree Preservation Order application on this site.

<i>Site History</i>		
Application No	P01/1802	15/11/01
Proposal	Fell 1 Birch Tree	Approved subject to conditions

### PUBLIC CONSULTATION

5. No representations were received.

## ASSESSMENT

### Tree(s) Appraisal

6.

Tree Structure	Tree I
Species	Alder
Height (m)	4
Spread (m)	2
DBH (mm)	150
Canopy Architecture	Moderate
Overall Form	Moderate
Age Class <i>Yng / EM / M / OM / V</i>	Early Mature

#### Structural Assessment

Trunk / Root Collar	Good
Scaffold Limbs	Good
Secondary Branches	Good
% Deadwood	3%
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	No
Physical Damage	None evident
Surface Disruption	Substantial damage to adjacent driveway
Debris	Slight

#### Amenity Assessment

Visible	Yes
Prominence	Not Really
Part of Wider Feature?	No
Characteristic of Area	Yes
<b>Amenity Value</b>	<b>Moderate / Low</b>

### Further Assessment

7. The tree subject to this application is an early mature alder tree. The applicant has proposed to remove the tree as the roots of the tree are causing damage to the driveway of the adjacent property.
8. On inspection the tree was found to be in a good state of health with no major defects present. It was noted that there was substantial disruption of the adjacent block paved driveway, in close proximity to the base of the tree. It is considered that the damage has been caused by the roots of the tree.
9. Normally where damage is being caused to driveways, a solution involving judicious root pruning and adaptation of the surface is recommended. However in this case, due to the proximity of the tree and the scale of the damage, any root pruning may have a detrimental impact on the tree.
10. Also due to the size of the tree and its growth potential, even if the roots are removed and the damage repaired, it is considered that it is likely that the damage would re-occur as the roots of the tree continue to grow under the driveway.
11. If the tree provided a decent amount of amenity to the surrounding area, then all options other than tree removal would normally need to be considered prior to the felling of the tree. However in this case as the tree has a limited amenity value, that could in part be replaced by an appropriately planted replacement tree, and with regard to the potential for future damage should the tree remain, it is recommended that permission for the felling of the tree is granted.
12. This application was originally considered by the committee on the 9<sup>th</sup> November 2009. However at this committee meeting it was noted that the tree had been pruned without the relevant TPO permission. As such the committee requested that the applicant provide an explanation as to why the tree had been pruned. A letter from the applicant was received on the 9<sup>th</sup> March 2010 explaining that whilst the applicant knew the tree was protected, they thought that permission was only required to fell the tree, and that they could prune it without permission. The applicant pruned the tree in order to prevent damage to their neighbour's new car that was being caused by falling debris. A copy of this letter is attached to this report.

## CONCLUSION

13. The applicant has proposed to fell the tree as it is causing damage to the driveway at the adjacent property.
14. On inspection the tree was found to be in healthy condition with no major defects present. It is considered that the damage has been caused by the roots of the tree.
15. Normally where trees are damaging driveways, solutions other than the felling of the tree would be preferred. However in this case it is considered that the amenity value of the tree is sufficiently low so that, with an appropriate replacement tree, the impact on the amenity of the area would be negligible and therefore the felling of the tree may be appropriate.
16. As such it is recommended that application is approved subject to the planting of an appropriate replacement tree.

## RECOMMENDATION

17. It is recommended that application is approved subject to the conditions set out below.

### Conditions and/or reasons:

1. A replacement tree shall be planted between the beginning of November and the end of March, within 1 year of felling (and replanted if necessary) and maintained until satisfactorily established. The size, species and locations of the replacement tree(s) shall be agreed in writing with the Local Planning authority prior to the felling of the trees to which this application relates.
2. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:1989 'Recommendations for Treework'.
3. The works hereby approved shall be carried out within 12 months of the date of this decision.



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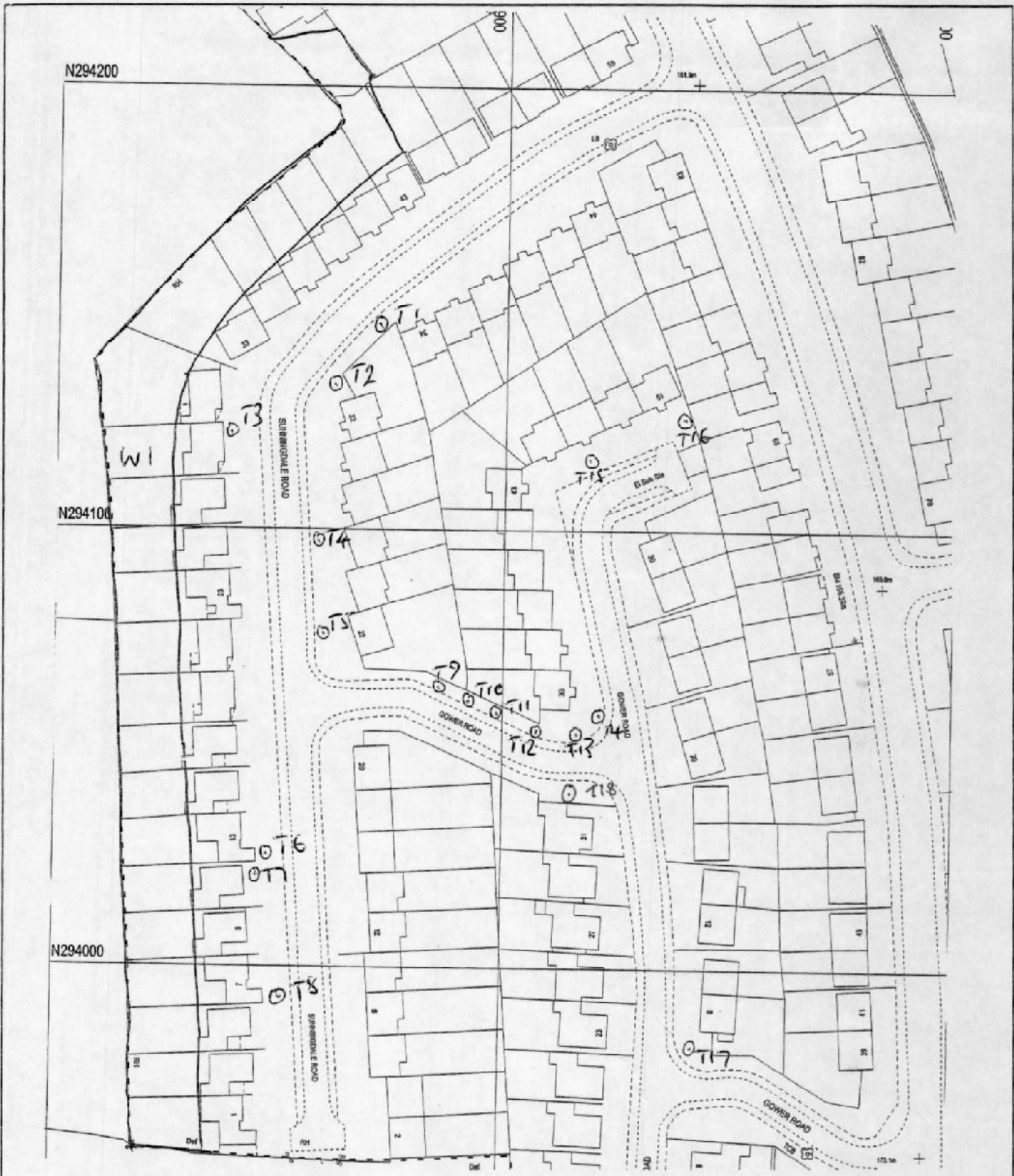
SUNNINGDALE ROAD

GOWER ROAD

SUNNINGDALE ROAD

GOWER ROAD

GOWER ROAD



**Map referred to in the Borough Council of Dudley  
Tree Preservation Order 2001 No D690  
Sedgley No. 14 (Sunningdale Road / Gower Road)**

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

8+2

FIRST SCHEDULE

INDIVIDUAL TREES

(Circled in black on the plan)

<u>No.</u>	<u>Description</u>	<u>Location</u>
T1	Cherry	32, Sunningdale Road, Sedgley
T2	Cherry	32, Sunningdale Road, Sedgley
T3	Cherry	29, Sunningdale Road, Sedgley
T4	Rowan	26, Sunningdale Road, Sedgley
T5	Alder	22, Sunningdale Road, Sedgley
T6	Cherry	13, Sunningdale Road, Sedgley
T7	Cherry	11, Sunningdale Road, Sedgley
T8	Cherry	7, Sunningdale Road, Sedgley
T9	Silver Birch	22, Sunningdale Road, Sedgley
T10	Cherry	33, Gower Road, Sedgley
T11	Cherry	33, Gower Road, Sedgley
T12	Cherry	33, Gower Road, Sedgley
T13	Cherry	33, Gower Road, Sedgley
T14	Cherry	33, Gower Road, Sedgley
T15	Silver Birch	47, Gower Road, Sedgley
T16	Silver Birch	51, Gower Road, Sedgley
T17	Holly	8, Gower Road, Sedgley
T18	Lime	31, Gower Road, Sedgley

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

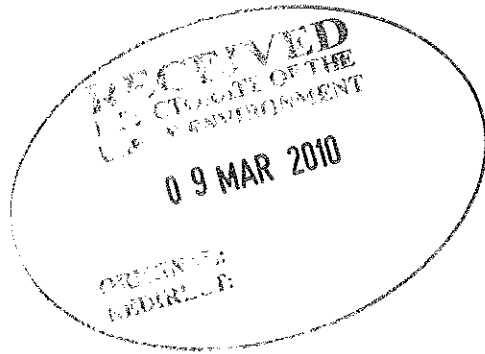
WOODLAND

(Within the continuous line on the plan)

<u>No.</u>	<u>Description</u>	<u>Location</u>
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W1	Mixed deciduous woodland	1-43, Sunningdale Road, Sedgley (odd nos.)
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22 Sunningdale Rd  
Sedgley  
Dudley  
West midlands  
DY3 3PP

7<sup>th</sup> March 2010

Dear Sir,

I am writing to you to explain the reasons why I had to prune the Grey Alder tree in my front garden last year. I did not realise that I could not prune the tree without permission but knew that I could not cut it down. However, my neighbour had bought a brand new car and parked it on his drive. The Grey Alder in our front garden was over hanging his drive way and the leaves and branches were falling off the tree and marking the car's paint work. I consider myself to be a very considerate neighbour and therefore pruned the tree to stop the leaves and branches from falling onto the car and marking the paint work.

I have also sent in an application last year for permission to fell the tree as the roots are damaging my neighbour's tarmac drive.

My apologies again for pruning the tree but I was unaware that I could not do this without permission.

I look forward to a swift response to my letter.

Yours faithfully

Mr. C Birch.

Mr C Birch.