

PLANNING APPLICATION NUMBER:P10/0485

Type of approval sought	Tree Preservation Order
Ward	KINGSWINFORD SOUTH
Applicant	Mrs G. Payne
Location:	107, COURT CRESCENT, KINGSWINFORD, DY6 9RN
Proposal	TO FELL AND REPLACE 1 NO. LIME TREE.
Recommendation Summary:	REFUSE

TREE PRESERVATION ORDER NO: D 083 (1979) – T2

SITE AND SURROUNDINGS

1. The tree subject to this application is a mature lime tree that is located in the rear garden of 107 Court Crescent, Kingswinford. The tree is visible above and between the surrounding properties and forms part of a linear feature of lime trees that run along the back boundaries of a number of properties in the area. It is considered that the tree provides a High to moderate 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 Lime tree.
3. The tree has been marked on the attached plan.

HISTORY

4. There have been three previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
P00/51933	Fell 1 Lime Tree	Refused	05/01/01
P02/0463	Prune 1 Lime Tree	Approved with conditions	04/04/02
P06/1336	Prune 1 Lime tree	Approved with conditions	21/08/06

PUBLIC CONSULTATION

5. At the time of writing no representations were received. As the public consultation period doesn't expire until a couple of days prior to the committee any representation received before the committee will be forwarded to the committee as pre-committee notes.

ASSESSMENT

Tree(s) Appraisal

6.

<i>Tree Structure</i>	Tree I
TPO Number	T2
Species	Lime
Height (m)	16
Spread (m)	8
DBH (mm)	550
Canopy Architecture	Moderate / Good
Overall Form	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	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	Not in Leaf
Foliage Density	Not in Leaf
Other	

Overall Assessment

Structure	Good
Vigour	Good
Overall Health	Good

Other Issues

Light Obstruction	Yes
Physical Damage	None Evident
Surface Disruption	Lifting pathway in adjacent property
Debris	Some

Amenity Assessment

Visible	Yes
Prominence	Moderate
Part of Wider Feature?	Yes
Characteristic of Area	Yes
Amenity Value	High / Moderate

Further Assessment

7. The applicant has proposed to fell the tree in order to allow the planting of a tree that is more in keeping with the garden.
8. On inspection the tree was found to be in a good condition with no major defects present. It was noted that the tree is responding vigorously to the previous pruning works and has developed copious re-growth along with a decent amount of epicormic growth on the main stem and scaffold limbs.
9. The tree is the dominant feature in the garden and due to its position to the south of the house and garden will block direct sunlight from the garden from mid morning to mid afternoon.
10. Whilst the tree is a large tree it is not considered that the tree is sufficiently over bearing on the property to warrant its felling, and the detrimental impact on the amenity of the area that would result.
11. During the site visit, the applicant raised concerns about the safety of the tree. However no evidence of any significant defects was observed and no arboricultural report providing evidence of any significant defects has been provided. As such the tree should not be felled on safety grounds.
12. Overall, whilst it is accepted that the tree is the dominant feature in the garden; that it will block light from the house and garden for a significant proportion of the day; and will cause the applicant various seasonal problems throughout the year from the debris that naturally falls from the tree; it considered that the reasons for the felling of the tree do not sufficiently justify the detrimental impact on the amenity of the are that would result from the felling of the tree. As such it is recommended that the application is refused.

CONCLUSION

13. The tree subject to this application is a mature lime tree that is situated in the rear garden of 107 Court Crescent. The tree forms part of a linear feature of lime trees that run along the rear boundaries of a number of properties in Court Crescent. It is considered, that due to the tree's contribution to this group and the tree's individual

contribution to the area, the tree provides a moderate to high amount of amenity to the area.

14. The applicant has proposed to fell the tree as they consider it to be too large and not in keeping with the size of the garden.
15. Whilst it is accepted that the tree is a large tree, and will cause various problems to the applicant from light obstruction to leaf drop and honeydew. It is not considered that the tree prevents the reasonable enjoyment of the applicant's garden and therefore it is not considered that the felling of the tree has been sufficiently justified.
16. As such it is recommended that the application is refused.

RECOMMENDATION

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

Conditions and/or reasons:

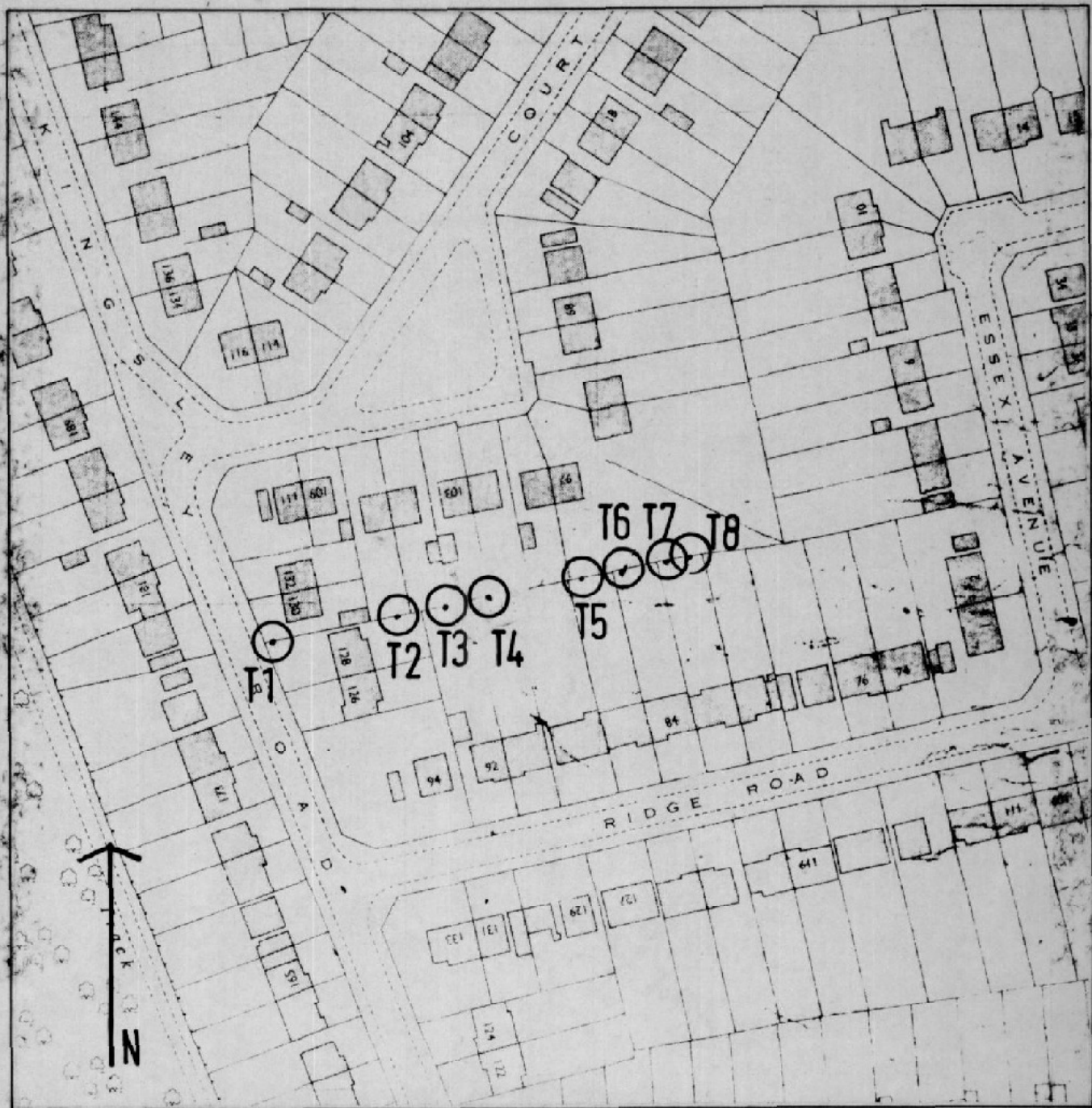
1. The tree provides a moderate to high amount of amenity to the surrounding area and users of Court Crescent and Ridge Road. The reasons for the application and the supporting information do not sufficiently justify the detrimental affect on the local amenity that would result from the proposed felling



T1



Map referred to in DUDLEY METROPOLITAN BOROUGH RIDGE ROAD, COURT CRESCENT, KINGSWINFORD TREE PRESERVATION ORDER 1979



Scale 1 1250
Grid ref. 880883

O S. Sheets :- SO
 edition

The common seal of the Metropolitan
Borough of Dudley was affixed hereto
in the presence of :-

FIRST SCHEDULE

Trees Specified Individually
(encircled in Black on Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Lime	128/130 Kingsley Road, Kingswinford
T2	Lime	94 Ridge Road/107 Court Crescent, Kingswinford
T3	Lime	92 Ridge Road/105 Court Crescent, Kingswinford
T4	Lime	90 Ridge Road, Kingswinford
T5	Lime	86 Ridge Road/97 Court Crescent, Kingswinford
T6	Lime	84 Ridge Road/97 Court Crescent, Kingswinford
T7	Lime	82 Ridge Road/97 Court Crescent, Kingswinford
T8	Lime	82 Ridge Road/97 Court Crescent, Kingswinford