

# PLANNING APPLICATION NUMBER:P10/0324

Type of approval sought	Tree Preservation Order
Ward	BROCKMOOR AND PENSNETT
Applicant	Mrs Valerie Allen
Location:	<b>30, THE PLANTATION, PENSNETT, BRIERLEY HILL, DY5 4RT</b>
Proposal	<b>TO FELL 4 NO.CONIFER TREES</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## TREE PRESERVATION ORDER No: D003 (1960) W3

### SITE AND SURROUNDINGS

1. The trees subject to this application are 4 Cypress. Four of them are situated in close proximity in the rear garden of 30 The Plantation. The trees are visible from the public open space at the rear, but are partially screened from public view by a lime tree and another cypress tree. as such it is considered that the trees provide a low amount of amenity to the local area.

### PROPOSAL

2. Summary of proposals for the works as written on application form is as follows:
  - Fell 4 Cypress trees.
3. The trees have been marked on the attached plan.

### HISTORY

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

### PUBLIC CONSULTATION

5. No public representations have been received.

## ASSESSMENT

### Tree(s) Appraisal

6.

<i>Tree Structure</i>	<b>Tree 1</b>	<b>Tree 2</b>	<b>Tree 3</b>	<b>Tree 4</b>
TPO No	W1	W1	W1	W1
Species	Cypress	Cypress	Cypress	Cypress
Height (m)	8	6	6	8
Spread (m)	3	1.5	1.5	2.5
DBH (mm)	250	2 x 100	3 x 100	1 x 250
Canopy Architecture	Good	Moderate Suppressed	Moderate Suppressed	Good
Overall Form	Moderate	Moderate	Moderate	Moderate
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Early Mature	Early Mature	Mature

#### *Structural Assessment*

Trunk / Root Collar	Good		Good		Good		Good	
Scaffold Limbs	Good		Good		Good		Good	
Secondary Branches	Good		Good		Good		Good	
% Deadwood	1%		1%		1%		1%	
Root Defects	None Evident		None Evident		None Evident		None Evident	
Root Disturbance	None Evident		None Evident		None Evident		None Evident	
Other								
Failure Foreseeable <i>Imm / Likely / Possible / No</i>	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No

#### *Vigour Assessment*

Vascular Defects	None Evident		None Evident		None Evident		None Evident	
Foliage Defects	Possible Cypress Aphid		Possible Cypress Aphid		Possible Cypress Aphid		Possible Cypress Aphid	
Leaf Size	Good		Good		Good		Good	
Foliage Density	Poor – thinning		Poor – thinning		Poor – thinning		Poor – thinning	
Other								

#### *Overall Assessment*

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

#### **Other Issues**

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

#### **Amenity**

##### **Assessment**

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

## Further Assessment

7. The applicant has proposed to fell the trees as they have now grown together to form almost a solid wall of foliage and obstruct substantial light from the garden. The applicant has also cited the reason that the trees are now deteriorating in health and are becoming unsightly.
8. There are 5 mature / early mature cypress trees in the applicant's garden, one of the trees is growing close to the rear boundary and the other four are growing in two groups of two in the bottom half of the garden. It is the two groups of two that the applicant has proposed to fell.
9. The trees are protected by virtue of their location within a Woodland TPO that was served in 1960. As it is considered that the trees are only protected due to their location rather than as the result of their contribution to the area.
10. On inspection, the trees were found to be in a moderately healthy condition. In structural terms the trees are ok, but there was evidence of defoliation of the fresh growth, possibly as the result of cypress aphid infestation.
11. Whilst cypress aphid doesn't kill trees in its own right it will repeatedly kill off the new growth which will have a cumulative detrimental impact on the health of the trees over the forthcoming growing seasons and could ultimately weaken the tree to bring on its demise.
12. The foliage of all the trees appears to be thinning, which suggests the trees are declining in health already.
13. Collectively the trees do form a substantial barrier to both direct sunlight and diffuse daylight from the house and the garden.
14. The trees are considered to provide little in the way of public amenity to the area, as whilst they are visible from the open space at the back of the property there is an early mature lime tree that is growing on the open space adjacent to the rear boundary, that serves to almost completely screen the tree from public view in the spring, summer and autumn. Also the cypress tree that is to remain also serves to partially screen the trees.
15. Whilst light obstruction is not generally considered a sufficient reason to fell trees that provide a good amount of amenity to the area, it is considered that due to the low amount of amenity that these trees provide that in this case the felling of the trees is appropriate.

16. Due to the small relatively small size of the garden it would only be appropriate to plant a single tree as a replacement, as planting any more would cause competition in the future that would have a long term detrimental impact on the planted trees. As such it is only recommended that a single tree is required to mitigate for the felling of the four trees.

## CONCLUSION

17. The applicant has proposed to fell the four cypress trees as they consider them to now be too big for the garden; block too much light from the house and garden and they have now started to deteriorate with patches of dead foliage appearing on the trees.
18. On inspection it was considered that the proposal was acceptable as the trees now dominate the garden and will be a substantial obstruction to direct sunlight and diffuse daylight throughout the day.
19. It was also noted that the trees appear to be suffering from a cypress aphid infestation that is causing the new foliage growth to be killed off, which in time will have a detrimental impact on the health of the trees.
20. The trees are considered to provide little amenity to the area as they are substantially screened from public view by a lime tree on the adjacent public space and another cypress at the very bottom of the garden. It is considered that due to the size of the garden it would only be appropriate to require a single replacement tree should permission be granted for the felling of these four trees.
21. Overall it is considered that the application is appropriate and should be approved subject to the following recommendations.

## RECOMMENDATION

22. It is recommended that the 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.

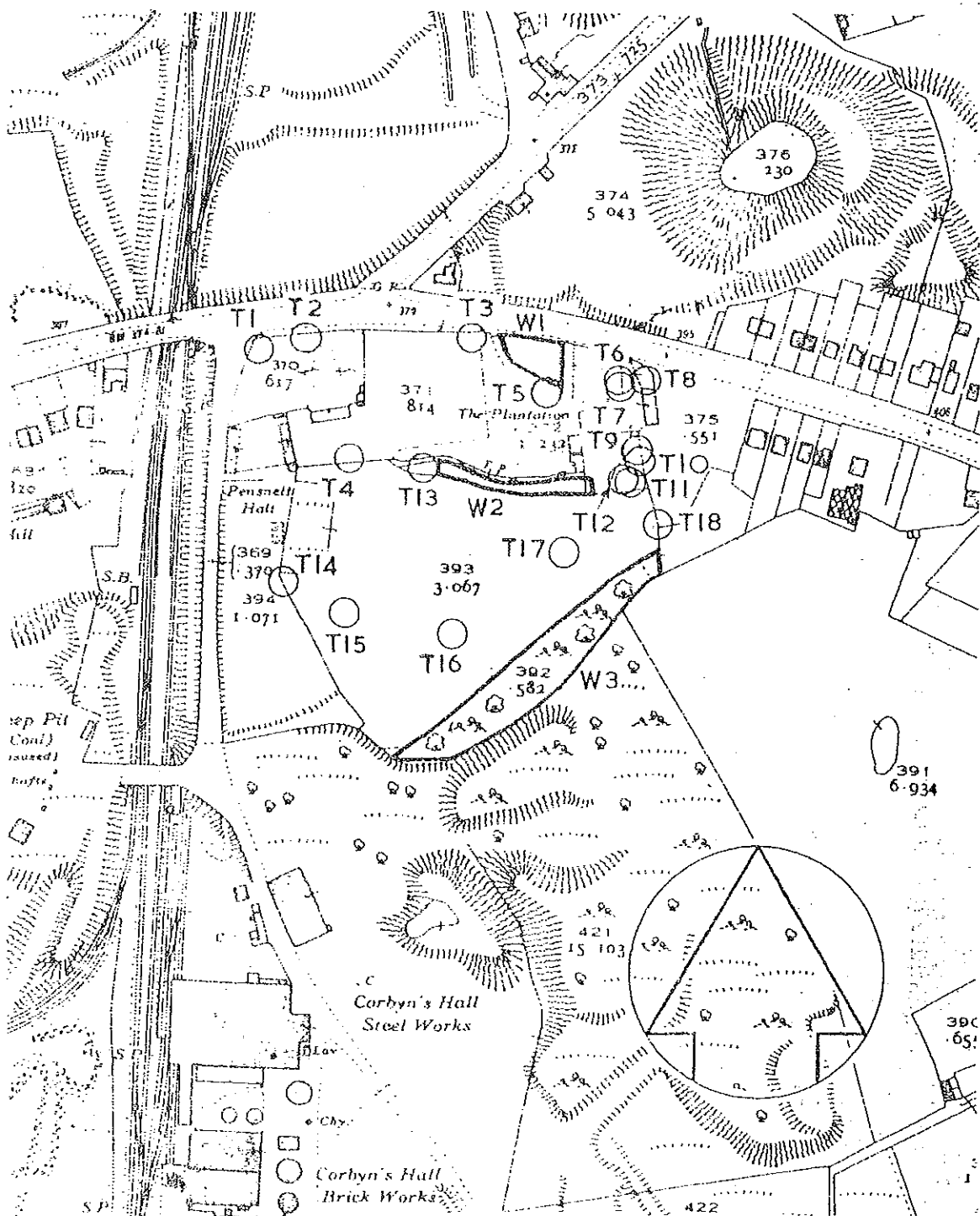


STAFFORDSHIRE COUNTY COUNCIL  
BRIERLEY HILL URBAN DISTRICT

TREE PRESERVATION ORDER NO. 1 1960

ORDNANCE SHEET — STAFFORDSHIRE LXVII.14  
REVISION OF 1937

SCALE : 1/2500



FIRST SCHEDULE

NOTE: All the trees, groups of trees and woodlands described in this schedule are situate in the parish of Pensnett in Brierley Hill Urban District. All plot numbers referred to are Ordnance Survey plot numbers on 25 inch sheet Staffordshire LXVII.14 Revision of 1937

TREES SPECIFIED INDIVIDUALLY  
(encircled in black on the map.)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T1	Pear	In Plot No. 370
T2	Lime	-ditto-
T3	Sycamore	In Plot No. 371
T4	Pear	-ditto-
T5	Cherry	In Plot No. 372
T6	Sycamore	-ditto-
T7	Sycamore	-ditto-
T8	Sycamore	-ditto-
T9	Thorn	-ditto-
T10	Lime	-ditto-
T11	Sycamore	-ditto-
T12	Elm	-ditto-
T13	Turkey oak	-ditto-
T14	Thorn	On boundary between Plot Nos. 393 and 394
T15	Birch	In Plot No. 393
T16	Beech	-ditto-
T17	Sycamore	-ditto-
T18	Sycamore	On boundary between Plot Nos. 375 and 393

TREES SPECIFIED BY REFERENCE TO AN AREA  
(within a dotted black line on the map.)

- - - - - N O N E - - - - -

GROUPS OF TREES  
(within a broken black line on the map.)

- - - - - N O N E - - - - -

WOODLANDS  
(within a continuous black line on the map.)

<u>No. on Map.</u>	<u>Description</u>	<u>Situation</u>
W1	Mixed broadleaved woodland consisting mainly of sycamore, horse chestnut, elm, cherry and copper beech	Plot No. 372 (part)
W2	Narrow belt of mixed broadleaved woodland consisting mainly of Turkey oak with some lime, ash and sycamore	Plot No. 372 (part)
W3	Mixed broadleaved woodland consisting mainly of lime, sycamore and thorn with some beech	Plot Nos. 392 (part) and 393 (part)