

# PLANNING APPLICATION NUMBER:P10/0116

Type of approval sought	Tree Preservation Order
Ward	SEDGLEY
Applicant	Mrs Dorothy Slater
Location:	<b>54, MONUMENT LANE, SEDGLEY, DUDLEY, DY3 1LY</b>
Proposal	<b>TO FELL 1 NO.LIME TREE</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## TREE PRESERVATION ORDER NO: D728 (2002) – T28

### SITE AND SURROUNDINGS

1. The tree subject to this application is a mature lime tree that is located in the front garden of 54 Monument Lane, close to the boundary with 56. The tree is one of a number of lime trees in the front gardens of properties in Monument Lane. This tree has been pollarded a number of times in its past which has kept the tree at a relatively small size. Overall it is considered that the tree provides a 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 has been one previous Tree Preservation Order application on this site.

Application No	Proposal	Decision	Date
98/51135	Pollard one Lime tree	Approved with conditions	05/08/98

## PUBLIC CONSULTATION

5. No representations have been received.

## ASSESSMENT

### Tree(s) Appraisal

<i>Tree Structure</i>	<b>Tree I</b>
TPO Number	T28
Species	Lime
Height (m)	8
Spread (m)	5
DBH (mm)	350
Canopy Architecture	Moderate / Poor – previously pollarded
Overall Form	Moderate
Age Class <i>Yng / EM / M / OM / V</i>	Mature

#### *Structural Assessment*

Trunk / Root Collar	Good	
Scaffold Limbs	Good	
Secondary Branches	Moderate – Pollard Re-growth	
% Deadwood	5%	
Root Defects	None evident	
Root Disturbance	None evident	
Other		
Failure Foreseeable <i>Imm / Likely / Possible / No</i>	Whole No	Part Possible

#### *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
<b>Overall Health</b>	<b>Good</b>

#### **Other Issues**

Light Obstruction	Some
Physical Damage	Pushing neighbouring wall out of true
Surface Disruption	Some
Debris	Slight

#### **Amenity Assessment**

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

### Further Assessment

6. The applicant, who owns the property next to where the tree is situated, has proposed to fell the tree as it is damaging the front boundary wall of their property and is lifting the slabs on the drive.
7. On inspection the tree was found to be in a good state of health with no major defects present. The tree has been previously pollarded and as such, if this application is not approved will require maintenance works in the relatively near future.
8. It was also noted that the front boundary wall, that serves as a retaining wall to hold back the higher front gardens, has been displaced and currently has a noticeable lean towards the road.
9. There was also some visible disruption of the drive surface, likely to be the result of roots pushing the surface up.
10. The tree is situated within a metre of the applicant's front boundary wall and it is considered that the displacement of the wall has been caused by a major root growing up against the wall and then expanding over time. The expansion of the root will be exacerbated by the root rubbing on the back of the wall damaging the outer surface of the root which the tree will try to heal by the production of callus growth on the damaged section.
11. It is considered that the root has now expanded past the original line of the wall, so that the rebuilding of the wall will not be possible without the removal of the root. Due to the likely importance of this root to the tree this would not be recommended as it would potentially lead to the de-stabilisation of the tree.
12. It may be worth noting in this case that because the tree is causing damage to third party property, the owner of the property (the applicant in this case), could legally remove the roots that are causing the damage under the exemption that allows works in order to abate a legal nuisance. If these works are undertaken there would be a knock on affect of potentially rendering the tree unsafe and therefore exempt under the Dead, Dying and Dangerous exemption.
13. It is considered that the removal of the tree would have a slightly detrimental impact on the amenity of the area. However as the tree is causing damage to property it is considered that the removal of the tree would be appropriate.

## CONCLUSION

14. The applicant has proposed to fell the tree because it has started to damage the front boundary wall and cause damage to the driveway.
15. On inspection the tree was found to be healthy, previously pollarded lime tree that is one of a number of lime trees in the front gardens of surrounding properties.
16. It was noted that there were evident root traces under the drive and that the front boundary wall that also serves to retain the front garden of the applicant's property has been displaced out of tree and currently has a lean towards the road.
17. Overall it is considered that the damage to the wall is being caused by the tree and that due to the proximity of the tree to the wall root pruning to abate the problem would remove a significant proportion of the trees structural roots. As such it is considered that the only viable solution is to fell the tree.
18. It is accepted that the removal of the tree would have a slightly detrimental impact on the amenity of the area. However it is considered that this impact is justified due to the damage being caused to the applicant's property.
19. As such it is recommended that the application is approved.

## RECOMMENDATION

20. 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.



Bone Canal & Mill Dam Bay

J1

LYNDON CLOSE

WORKMERE LANE

THE STOUT

Nursery

Surgery

Lib

N294400

N294400

N294300

N294300

N294200

N294200



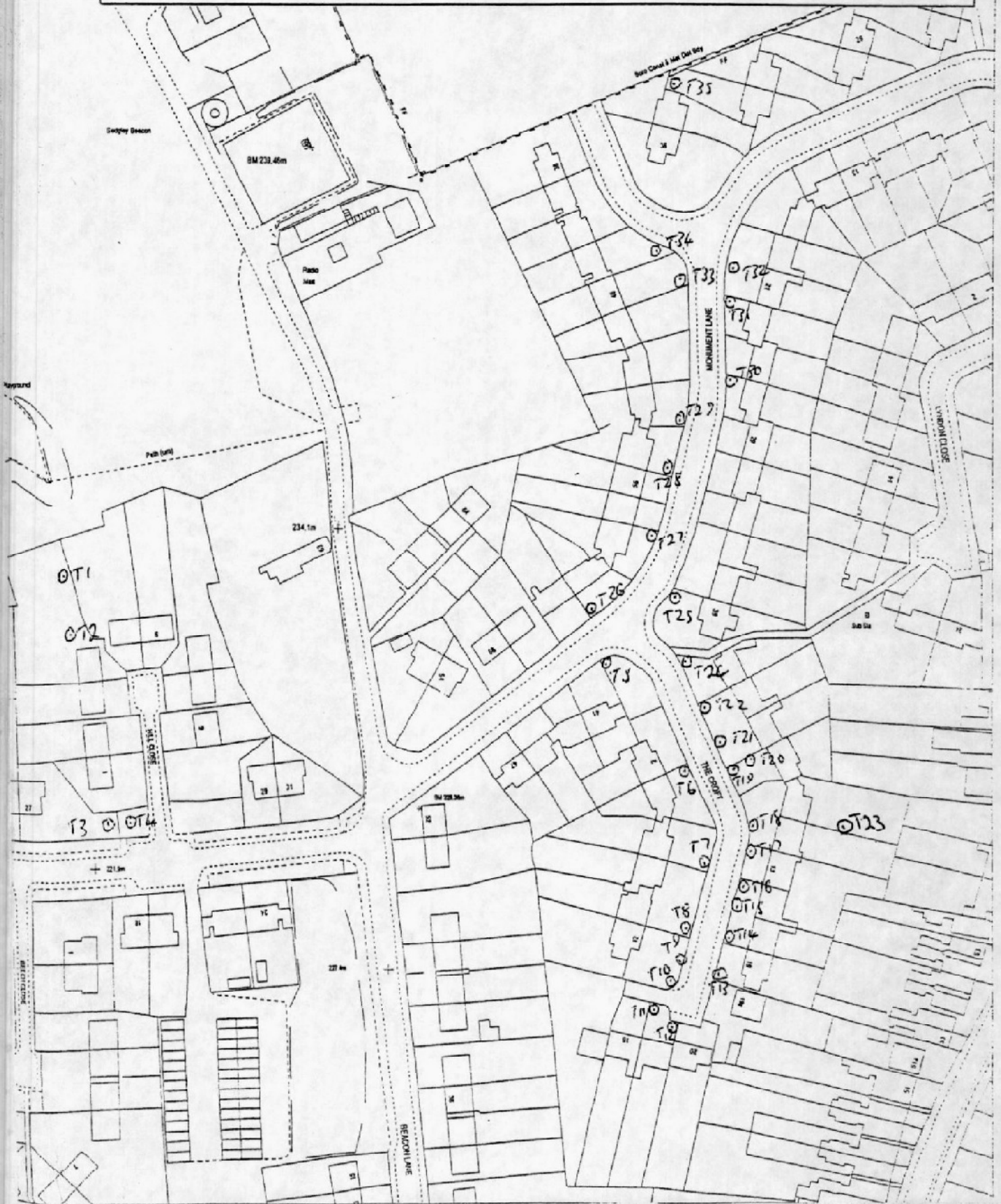
Map referred to in the Borough Council of Dudley  
Tree Preservation Order 2002 No728  
Monument Lane/The Croft/Hill Close, Sedgley

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



## SCHEDULE 1

### SPECIFICATION OF TREES

Reference on Map	Description	Situation
Trees specified individually		
(Circled in black on the plan)		
T1	Birch	4 Hill Close, Sedgley
T2	Birch	4 Hill Close, Sedgley
T3	Birch	27 Beacon Rise, Sedgley
T4	Lime	Open Space Beacon Rise/Hill Close
T5	Sycamore	Open Space 41 Monument Lane
T6	Lime	4 The Croft, Sedgley
T7	Lime	6 The Croft, Sedgley
T8	Lime	10 The Croft, Sedgley
T9	Lime	12 The Croft, Sedgley
T10	Lime	12 The Croft, Sedgley
T11	Lime	18 The Croft, Sedgley
T12	Lime	18 The Croft, Sedgley
T13	Lime	19 The Croft, Sedgley
T14	Lime	17 The Croft, Sedgley
T15	Lime	15 The Croft, Sedgley
T16	Lime	15 The Croft, Sedgley
T17	Lime	13 The Croft, Sedgley
T18	Lime	11 The Croft, Sedgley
T19	Lime	7 The Croft, Sedgley

T20	Lime	7 The Croft, Sedgley
T21	Lime	5 The Croft, Sedgley
T22	Lime	3 The Croft, Sedgley
T23	Birch	11 The Croft, Sedgley
T24	Lime	1 The Croft, Sedgley
T25	Lime	39 Monument Lane, Sedgley
T26	Lime	62 Monument Lane, Sedgley
T27	Lime	60 Monument Lane, Sedgley
T28	Lime	54 Monument Lane, Sedgley
T29	Lime	52 Monument Lane, Sedgley
T30	Lime	27 Monument Lane, Sedgley
T31	Lime	23 Monument Lane, Sedgley
T32	Lime	21 Monument Lane, Sedgley
T33	Lime	46 Monument Lane, Sedgley
T34	Lime	44 Monument Lane, Sedgley
T35	Lime	32 Monument Lane, Sedgley

Groups of trees

(Within the broken line on the plan)

None

Trees specified by reference to an area

(Within the dotted line on the plan)

None



Woodlands

(Within the continuous line on the plan)

None