

PLANNING APPLICATION NUMBER: P14/0374

Type of approval sought	Tree Preservation Order
Ward	Kingswinford South
Applicant	Mr John Donaghie
Location:	1, SOUTHWOOD CLOSE, KINGSWINFORD, DY6 8JL
Proposal	FELL 1 SCOTS PINE TREE
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

1. The tree subject to this application is an early mature pine tree that is located in the garden of 1 Southwood Close, Kingswinford. The tree stands adjacent to a similar size cedar tree and is visible from the adjacent Bromley Lane and forms a prominent visual feature when travelling up Bromley Lane from Cot Lane. The tree is considered to provide a moderate to high amount of amenity to the surrounding area.
2. The tree is protected as Tree 25 of TPO 206 that was served in 1987. The TPO protects trees in Southwood Close, and the adjacent Oakfield Avenue and West View Drive.

PROPOSAL

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

HISTORY

5. There has been one previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
P05/0463	Fell 1 Cedar Tree	Approved with conditions	16/05/05

PUBLIC CONSULTATION

6. A letter of support has been received from an adjacent neighbour. They support the application due to concerns about the safety of the tree following strong winds over the winter, future forecasted strong winds and the potential for damage or injury should the tree fail onto the adjacent Bromley Lane.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1
TPO No	T25
Species	Pine
Height (m)	12m
Spread (m)	8m
DBH (mm)	450mm
Canopy Architecture	Good
Overall Form	Good
Age Class <i>Yng / EM / M / OM / V</i>	Early Mature

Structural Assessment

Trunk / Root Collar	Good - No signs of any root plate movement	
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	Whole No

Vigour Assessment

Vascular Defects	None Evident
Foliage Defects	None Evident
Leaf Size	Good
Foliage Density	Good
Other	

*Overall
Assessment*

Structure	Good
Vigour	Good
Overall Health	Good

Other Issues

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

**Amenity
Assessment**

Visible	Yes
Prominence	High
Part of Wider Feature?	No
Characteristic of Area	Yes
Amenity Value	High / Moderate

Further Assessment

7. The applicant has proposed to fell the tree as they consider it to have outgrown its location, concerns about the trees' safety in strong winds and due to the tree blocking light from the garden and house.
8. On inspection the tree was found to be in a good condition with no major defects present. No evidence of any root plate movement was observed around the base of the tree, nor was any significant structural defects observed in the above ground portion of the tree.
9. With regards to the applicant's concern over the safety of the tree, they have not submitted any supporting tree report demonstrating that the tree is in any way pre-disposed to partial or complete failure. As no evidence of any defects was observed during the site visit it is not considered that there are any grounds for the felling of the tree as a result of any impaired condition.
10. It is also not accepted that the tree causes sufficient light obstruction to the garden or the house to prevent the reasonable enjoyment of the property. The tree is situated on the eastern side of the south facing garden and will only block morning sunlight from the house and garden, similarly the tree is located a sufficient distance away

from the main living room windows of the house, not to obstruct a significant amount of diffuse daylight during overcast days.

11. Similarly it is not considered that the tree has out grown its location. It is considered that the size of garden in which the tree stands could support a larger tree without having any detrimental impact on the reasonable enjoyment of the property.
12. Overall it is not considered that the reasons put forward for the felling of the tree are sufficient to justify the detrimental impact on the amenity of the area that would result from the felling. As such it is recommended that the application is refused.

CONCLUSION

13. No evidence of root plate instability, or structural defects were provided with the application and none were observed during the site visit. As such it is not considered that there are any grounds for the felling of the tree on the grounds of poor condition or impaired stability.
14. It was not considered that the tree prevents the reasonable enjoyment of the garden or property by virtue of its size, proximity to the house, or the extent of light obstruction. As such it is not considered that the tree should be felled on these grounds. Overall, it is not considered that the felling of the tree or the subsequent loss of public amenity has been justified by the reasons for the application and as such it is recommended that the application is refused.

RECOMMENDATION

15. 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 Southwood Close and Bromley Lane. No evidence of any root plate instability or structural defects was provided with the application or observed during inspection, and it is not considered that the tree prevents the reasonable enjoyment of the adjacent property by virtue of its size, location or shading. As such, the reasons for the application and the supporting information do not sufficiently justify the detrimental effect on the local amenity that would result from the proposed felling.

