

PLANNING APPLICATION NUMBER:P11/0440

Type of approval sought	Tree Preservation Order
Ward	SEDGLEY
Applicant	Mr David Clarkson
Location:	12, ROWENA GARDENS, SEDGLEY, DUDLEY, DY3 3QQ
Proposal	FELL AND REPLACE 1 SILVER BIRCH TREE
Recommendation Summary:	REFUSE

TREE PRESERVATION ORDER NO: D685 (2002) T6

SITE AND SURROUNDINGS

1. The trees subject to this application is a mature birch tree that is situated in the front garden of 12 Rowena Gardens, Sedgley. The tree is visible in the street scene, and is considered to provide 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 birch tree.
3. The tree has been marked on the attached plan.

HISTORY

4. There have been no previous Tree Preservation Order applications on this site. However there is currently a separate application (P11/0441) submitted to seek permission to crown reduce the tree, should this application be refused.

PUBLIC CONSULTATION

5. A letter of support has been received from an adjacent neighbour. They support the application on the grounds that the tree has lifted their driveway and they have

concerns about the tree damaging the service pipes and foundations of their property. A copy of their letter is attached to this report.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree I
TPO No.	T6
Species	Birch
Height (m)	9
Spread (m)	5
DBH (mm)	250
Canopy Architecture	Moderate
Overall Form	Moderate / Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature

Structural Assessment

Trunk / Root Collar	Good	
Scaffold Limbs	Good	
Secondary Branches	Moderate	
% Deadwood	7%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable <i>Imm / Likely / Possible / No</i>	Whole No	Part No / Possible

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	Daylight obstruction
Physical Damage	No
Surface Disruption	Possible damage to drive
Debris	Some

Amenity Assessment

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

Further Assessment

6. The applicant proposes to fell the birch tree as they consider the tree to be too large for its location, they are concerned about the potential hazard to pedestrians due to low hanging branches and they are concerned about the potential for damage to the drains, and foundations of the property.
7. On inspection the tree was found to be in a reasonable condition with no major defects present. It was noted that the tree had been previously pruned, and there was some slight decay at the previous pruning points. However overall it is not considered that the tree needs to be felled due to its current state of health, although some pruning may be of benefit.
8. The tree was considered to be a reasonable size for its location, and whilst it is currently taller than the house, it is considered that the tree is not overly overbearing on the house, and that the relationship between the house and the tree is acceptable.
9. It was noted that some of the branches on the road side of the tree do hang below the 2.5 metre required clearance under the Highways act. This could conceivably constitute a hazard and should be remedied. However it was not considered that there were any potential hazards that warrant the removal of the tree especially given that the applicant can prune the tree to provide the legally required clearances without submitting a formal application.
10. With regard to the potential for damage to the foundations of the property and the services at the property, the applicant has not submitted and information to suggest that damage has already happened or that damage is imminent.
11. As damage to pipes and foundations is dependant on a number of factors, including the structural integrity of the pipes, or the surrounding soil type and conditions; the likelihood of damage is not easily predictable and in the absence of evidence of damage it is not considered justifiable to fell trees on a speculative basis. As such the tree should not be felled for this reason.
12. Overall it is not considered that the reasons put forward by the application sufficiently justify the felling of the tree or the resulting detrimental impact on the amenity of the area. As such it is recommended that the application is refused.

CONCLUSION

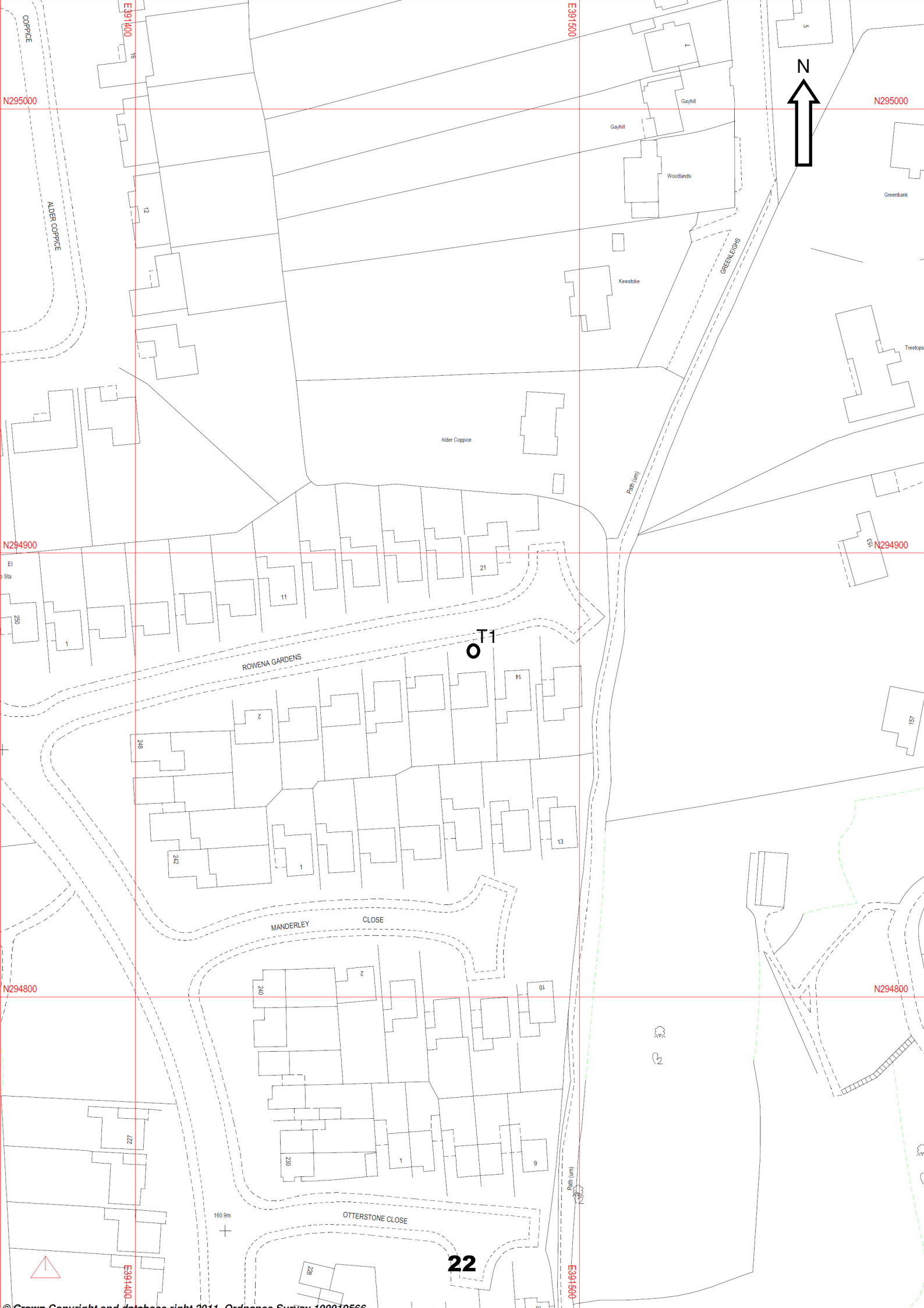
13. The applicant proposes to fell the birch tree as they consider the tree to be too large for its location, they are concerned about the potential hazard to pedestrians due to low hanging branches and they are concerned about the potential for damage to the drains, and foundations of the property.
14. Overall it is not considered that the reasons put forward sufficiently justify the felling of the tree, especially given the lack of supporting information to suggest that the tree has, or is likely to cause damage to the services or foundations of the property. It is therefore 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 amount of amenity to the immediate locality and surrounding area. 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.



160 9m

22

T1

Map grid coordinates:

- Eastings: E391400, E391500
- Northings: N294800, N294900, N295000

Street names:

- Alder Coppice
- Rowena Gardens
- Manderley Close
- Otterstone Close
- Greenleighs
- Parish (un)
- Gayhill
- Woodlands
- Kewstoke
- Greenbank
- Treetops

Building numbers:

- 1, 2, 9, 10, 11, 12, 13, 14, 16, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

SCHEDULE 1

SPECIFICATION OF TREES

Reference on Map	Description	Situation
------------------	-------------	-----------

Trees specified individually

(Circled in black on the plan)

T1	Willow	2, Alder Coppice, Sedgley
T2	Hawthorn	257, Northway, Sedgley
T3	Rowan	246, Northway, Sedgley
T4	Leyland Cypress	2, Rowena Gardens, Sedgley
T5	Sycamore	8, Rowena Gardens, Sedgley
T6	Silver Birch	12, Rowena Gardens, Sedgley
T7	Rowan	242, Northway, Sedgley
T8	Cherry	267, Northway, Sedgley
T9	Beech	267, Northway, Sedgley
T10	Cherry	267, Northway, 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



**Map referred to in the Borough Council of Dudley
 Tree Preservation Order 2002 No D685
 Sedgley No. 9 (Rowena Gardens)**

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

RECEIVED
DIRECTORATE OF THE
URBAN ENVIRONMENT

12 APR 2011

14 Rowena Gardens
Sedgley
Dudley
West Midlands
DY3 3QQ

ORIGINAL:
REDIRECT:

For the attention of
Case Officer: James Dunn.

12th April 2011

Dear Sir,

SILVER BIRCH TREE: 12 ROWENA GARDENS, SEDGLEY, DUDLEY, DY3 3QQ.

With reference to the two letters I have received regarding the silver birch tree on my neighbours property. I would prefer application number P11/0440, be implemented, to fell and replace.


My concerns being that roots are pushing up on my driveway, alongside the house, which is 9 to 10 metres from the base of the tree and I worry about service pipes, gas, water etc., and also the foundations of my house.

In the opposite direction the roots will be well under the roadway and amongst the service pipes there!

I believe the roots have already broken and blocked the water drain on my neighbours property, No. 12, as when it rains we get a big pool on their side path, below and adjoining my retaining wall.

I hope that this problem can be speedily resolved, as it can only get worse as the tree grows.

Yours faithfully,



P.S. This silver birch tree, although a woodland tree, was actually planted by my previous neighbour, Michael Harryman, so it is not a self setter.

To: Sarah Willetts
Planning Control Manager
Directorate of the Urban Environment
Planning Services
Dudley Metropolitan Borough Council
3 St James's Road
Dudley
West Midlands
DY1 1HZ