

PLANNING APPLICATION NUMBER: P09/0268

Type of approval sought	Tree Preservation Order
Ward	KINGSWINFORD SOUTH
Applicant	Mr Peter Francis
Location:	9, LYMSEY CROFT, WORDSLEY, STOURBRIDGE, DY8 5ND
Proposal	FELL BEECH OR REDUCE TREE BY 50%
Recommendation Summary:	REFUSE

TREE PRESERVATION ORDER NO: D365 (1992) – T17

SITE AND SURROUNDINGS

1. The tree subject to this application is a mature beech tree that is located in the rear garden of 9 Lymsey Croft, Wordsley. The tree is situated on a bank close to the boundary with 17 Fernleigh Gardens. The tree is visible above the surrounding properties and provides a high amount of amenity to the area.

PROPOSAL

2. Summary of proposals for the works as written on application form is as follows:
 - Fell or Crown reduce by 50%, 1 beech tree.
3. The tree has been marked on the attached plan.

HISTORY

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

<i>Site History</i>		
Application No	86/51417	07/01/87
Proposal	Prune one tree and fell two trees	Approved with conditions
Application No	P01/1896	29/11/01

Proposal	Thin Beech tree by 15%	Approved with conditions
Application No	P01/1895	29/11/01
Proposal	Fell 1 Beech tree	Refused
Application No	P02/0587	29/05/02
Proposal	Fell 1 Beech tree	Refused
Application No	P03/2407	22/01/04
Proposal	Prune 1 Beech Tree	Refused
Application No	P03/2408	22/01/04
Proposal	Fell 1 Beech Tree	Refused
Application No	P08/0018	28/02/08
Proposal	Prune 1 Beech tree	Approved with conditions

PUBLIC CONSULTATION

5. A Letter of support has been received from an adjacent neighbour. No reasons for the support of the application were given. A copy of the letter is attached to this report

ASSESSMENT

Tree(s) Appraisal

6.

Criteria	Tree 1
TPO No	T17
Species	Beech
Height	14m
Spread	9m
Diameter	900mm
Form	Good
Vigour	Good / moderate
Approx Age	Mature
Pests / Diseases	None Evident
Canopy	Moderate
% Deadwood	1%
Cavities	Slight at old pruning

	wounds
Bark	Good
Roots	Moderate / Good
Overall Health	Good
Visibility	High
Amenity Value	High

Further Assessment

7. The applicant has proposed to fell or crown reduces this tree by 50% in order to reduce the size of the crown and the overhang onto the neighbour's property.
8. Permission was granted on the 28th February 2008 to crown reduce the tree by 15%. This works has never been carried out, as the applicant felt that this amount of works was insufficient.
9. On inspection the tree was found to be a healthy, imposing specimen at the top of this cul-de-sac. Due to its proximity and slightly elevated position in relation the bungalow at 9 Lymsey Croft, the tree has an overbearing affect on the property. Also due to its location with the adjacent property the crown on the western side of the tree overhangs a significant part of the neighbour's garden.
10. As the tree is in a good condition, it is not considered that the tree I likely to cause any damage to the property as the result of falling limbs. As such the felling of the tree on safety grounds is not considered appropriate.
11. Also it is not considered that the crown reduction of the tree by 50% is appropriate as beech trees do not take kindly to extensive pruning. If this tree was reduced by 50% there is a good chance that it would enter into terminal decline and could be dead within 5 – 10 years. As such the impact on the amenity of the area would be significant.

CONCLUSION

12. The applicant has proposed to fell the beech tree or crown reduce it by 50% in order to reduce the overhang over his property and the neighbouring gardens.
13. It is considered that the felling of the tree would result in a significantly detrimental impact on the amenity of the area, which has not been justified by either the reasons for the application or the information submitted in support of the application.

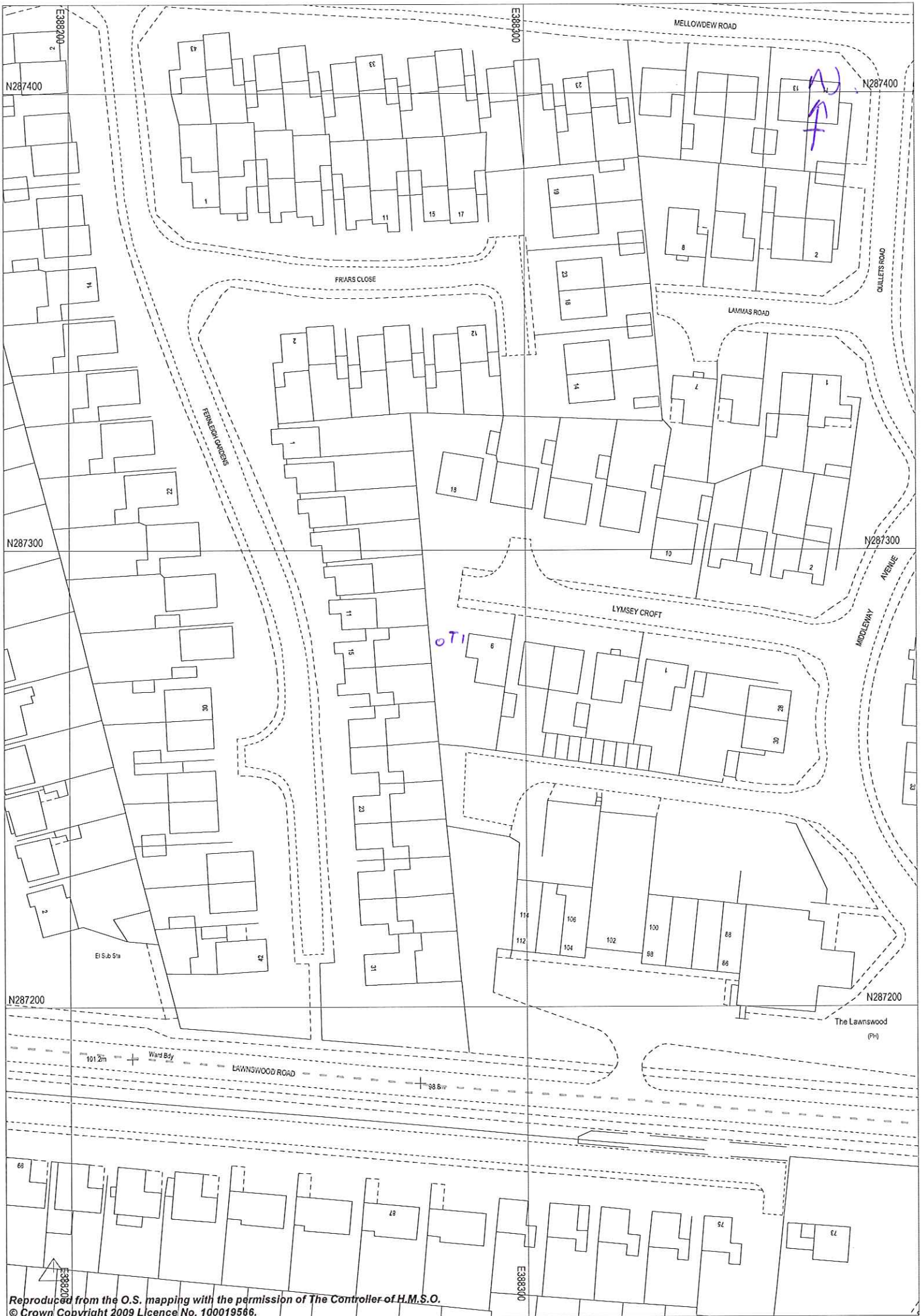
14. Similarly the 50% crown reduction would have a detrimental impact on the amenity of the area initially in terms of the loss of size of the tree but, long term as the result of the likely decline in health and eventual death of the tree.

RECOMMENDATION

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

Conditions and/or reasons:

1. The tree provides a high amount of amenity to the surrounding area and users of Lymsey Croft and Middlepark Avenue. 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



FIRST SCHEDULE

Schedule of Trees.

<u>No.</u>	<u>Description.</u>	<u>Location.</u>
T1	Lime	21, Middleway Avenue, Wordsley.
T2	Spruce	26, Middleway Avenue, Wordsley.
T3	Maple spp	1, Lammas Road, Wordsley.
T4	Sycamore	1, Lammas Road, Wordsley.
T5	Beech	2, Lymsey Croft, Wordsley.
T6	Horse chestnut	2, Lymsey Croft, Wordsley.
T7	Birch	2, Lymsey Croft, Wordsley.
T8	Mountain Ash	28, Middleway Avenue, Wordsley.
T9	Fir	3, Lammas Road, Wordsley.
T10	Horse chestnut	3, Lammas Road, Wordsley.
T11	Lime	5, Lammas Road, Wordsley.
T12	Lime	12, Lymsey Croft, Wordsley.
T13	Horse chestnut	14, Lymsey Croft, Wordsley.
T14	Lime	16, Lymsey Croft, Wordsley.
T15	Cherry	12, Lymsey Croft, Wordsley.
T16	Beech	18, Lymsey Croft, Wordsley.
T17	Beech	9, Lymsey Croft, Wordsley.
T18	Beech	Lawnswood Road, Shopping Estate, Wordsley.
T19	Pine	33, Middleway Avenue, Wordsley.
T20	Lime	Lawnswood Road, Shopping Estate, Wordsley.
T21	Lime	Lawnswood Road, Shopping Estate, Wordsley.
T22	Mountain Ash	31, Fernleigh Gardens, Wordsley.
T23	False Acacia	31, Fernleigh Gardens, Wordsley.
T24	Lime	42, Fernleigh Gardens, Wordsley.
T25	Birch	42, Fernleigh Gardens, Wordsley.
T26	Cherry	2, Lawnswood Avenue, Wordsley.
T27	Cherry	2, Lawnswood Avenue, Wordsley.
T28	Lime	32, Fernleigh Gardens, Wordsley.
T29	Lime	28, Fernleigh Gardens, Wordsley.
T30	Pine	32, Fernleigh Gardens, Wordsley.
T31	Birch	28, Fernleigh Gardens, Wordsley.
T32	Mountain Ash	3, Fernleigh Gardens, Wordsley.
T33	Lime	2, Friars Close, Wordsley.
T34	Lime	2, Friars Close, Wordsley.
T35	Lime	2, Friars Close, Wordsley.
T36	Ash	10, Lymsey Croft, Wordsley.

Groups.

G1 9 Sycamores

G2 2 Birch, 1 Lime

G3 3 Limes

Lawnswood Road Shopping Estate,
Wordsley.

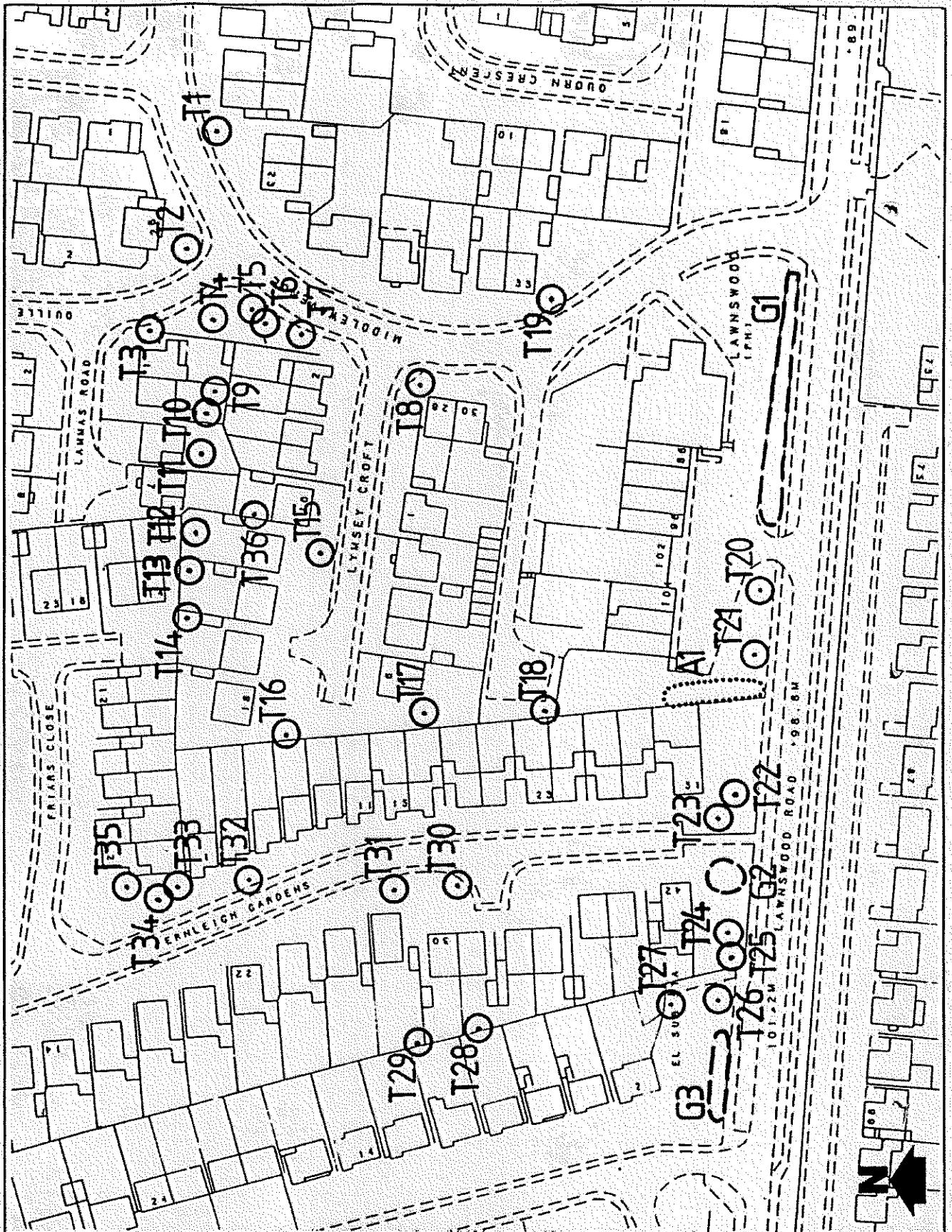
42, Fernleigh Gardens, Wordsley.

2, Lawnswood Avenue, Wordsley.

Areas.

A1 Trees of whatever species
within Area A1 of plan no.
A/2115.

Lawnswood Shopping Centre, Wordsley.

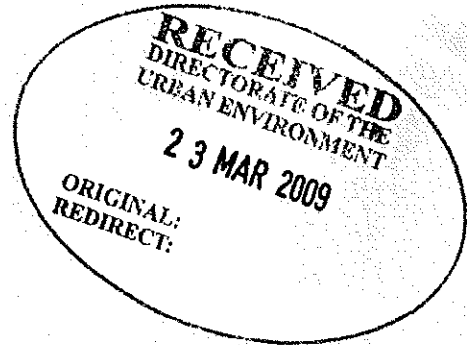


DUDLEY
Metropolitan Borough
ORDNANCE SURVEY
MAPPING IS BASED UPON
THE ORDNANCE SURVEY
MAP WITH THE SANCTION
OF THE CONTROLLER OF
H.M. STATIONERY OFFICE.
LICENCE NUMBER LA 078171
FP/91/283

Map referred to in
the Borough Council of Dudley
**Lawnswood Road,
Wordsley**
Tree Preservation Order 1991

grid ref:	881 871
scale:	1:1250
diag. no.:	A: 2115

15 Fernleigh Gardens
Wordsley
Stourbridge
West Midlands
DY8 5LY



20th March 2009

Dear Sir/Madam,

I agree to the proposal of reducing the tree by 50% or fell beech, at 9 Lymsey Croft, Wordsley, Stourbridge, DY8 5ND, application number: **P09/0268**. Dudley Council ref: **NBR1/P09/0268**. Only stipulation is if any damage done to fence it will be replaced by the above party.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

(Mr.H.Cooper)