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**DEVELOPMENT CONTROL COMMITTEE**

**REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT**

**CONFIRMATION OF TREE PRESERVATION ORDERS**

**PURPOSE OF REPORT**

1. To consider whether or not the below Tree Preservation Order(s) should be confirmed with or without modification in light of the objections that have been received.

**BACKGROUND**

2. Section 198 of the Town and Country Planning Act 1990, provides that, where it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.
3. A tree preservation order may, in particular, make provision—
  - (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, willful damage or willful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
  - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
  - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.
4. Section 4 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 allows the Council to make a direction that the order shall take effect immediately for a provisional period of no more than six months.
5. For a tree preservation order to become permanent, it must be confirmed by the local planning authority. At the time of confirmation, any objections that have been received must be taken into account. The Town and Country Planning (Tree Preservation) (England) Regulations 2012 sets out the procedure for confirming tree preservation orders and dealing with objections.

6. If the decision is made to confirm a tree preservation order the local planning authority may choose to confirm the order as it is presented or subject to modifications.
7. New tree preservation orders are served when trees are identified as having an amenity value that is of benefit to the wider area.
8. When determining whether a tree has sufficient amenity to warrant the service of a preservation order it is the council's procedure to use a systematic scoring system in order to ensure consistency across the borough. In considering the amenity value of a tree factors such as the size; age; condition; shape and form; rarity; prominence; screening value and the presence of other trees present in the area are considered.
9. As the council is currently undergoing a systematic review of the borough's tree preservation orders, orders will also be served where there is a logistical or procedural benefit for doing so. Often with the older order throughout the borough, new orders are required to replace older order to regularise the levels of protection afforded to trees.
10. Where new orders are served to replace older orders, the older orders will generally need to be revoked. Any proposed revocation of orders shall be brought before the committee under a separate report.

## **FINANCE**

11. There are no direct financial consequences arising from this report although the Committee may wish to bear in mind that the refusal or approval subject to conditions, of any subsequent applications may entitle the applicant to compensation for any loss or damage resulting from the Council's decision (Section 203 of the Town and Country Planning Act 1990)

## **LAW**

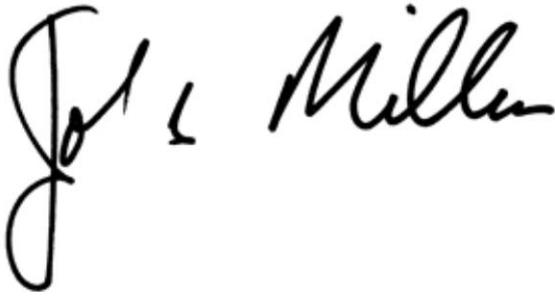
12. The relevant statutory provisions have been referred to in paragraph 2, 4, 5 and 10 of this report.

## **EQUALITY IMPACT**

13. The proposals take into account the Council's Equality and Diversity Policy.

## **RECOMMENDATION**

14. It is recommended that the tree preservation orders referred to in the Appendix to this report should be confirmed.



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DIRECTOR OF THE URBAN ENVIRONMENT

Contact Officer: James Dunn  
Telephone 01384 812897  
E-mail james.dunn@dudley.gov.uk

### **List of Background Papers**

Appendix 1.1 – TPO/0121/SED – Confirmation Report;  
Appendix 1.2 – TPO Plan and Schedule as served;  
Appendix 1.3 – Plan identifying objectors.

Appendix 2.1 – TPO/0121/SED – Confirmation Report;  
Appendix 2.2 – TPO Plan and Schedule as served;  
Appendix 2.3 – Plan identifying objectors;  
Appendix 2.4 – TPO Plan and Schedule for confirmation.

Appendix 3.1 – TPO/0126/SED – Confirmation Report;  
Appendix 3.2 – TPO Plan and Schedule as served;  
Appendix 3.3 – Plan identifying objectors;

Appendix 4.1 – TPO/0128/SED – Confirmation Report;  
Appendix 4.2 – TPO Plan and Schedule as served;  
Appendix 4.3 – Plan identifying objectors;  
Appendix 4.4 – TPO Plan and Schedule for confirmation.

**APPENDIX 1.1**

***Confirmation Report for***

***The Borough of Dudley (Melford Close, Penns Wood Close, Long Meadow Drive  
Sedgley (TPO/0121/SED)) Tree Preservation Order 2014***

Tree Preservation Order	TPO/0121/SED
Order Title	Melford Close, Penns Wood Close, Long Meadow Drive, Sedgley
Case officer	James Dunn
Date Served	09/10/14
Recommendation	Confirm

## **SITE AND SURROUNDINGS**

1. The tree preservation order comprises of 3 mature birch trees and an early mature maple tree that are located in the gardens of 2 Melford Close, 18 Penns Wood Close and 135 Long Meadow Drive. The trees are all prominently visible in the street scene of Long Meadow Drive.
2. The trees appear to be contemporary with the construction of the properties, and were all considered to provide sufficient amenity to the surrounding area to justify their protection.
3. The order has been served following a review of existing TPOs in the area. The three birch trees are all protected by previous orders.

## **PUBLIC REPRESENTATIONS**

4. Following the service of the order, objections were received from the owner of the 2 birch trees at Melford Close. The objections are based on the following grounds:
  - The cost of upkeep and pruning of the trees;
  - The debris from the trees block drain and gutters;
  - Dead branches drop onto the road and footpath.

## **RESPONSE TO OBJECTIONS**

5. It is considered that the trees subject to this TPO do all provide a sufficient amount of amenity to the area, and their inclusion within the TPO is justified.
6. The owner's of the tree are under no specific duty to prune the trees. Their only obligation as land owners it to take reasonable steps to prevent reasonably foreseeable damage that is caused by the trees. It is not considered that the trees will put any great maintenance burden on the owners of the property, and as such any maintenance required will fall within the remit of reasonable property maintenance.

7. The issues relating to leaf fall or other seasonal debris from the trees is not considered to be sufficient grounds to prevent the confirmation of the TPO. Whilst seasonal debris can sometimes cause issues with guttering and drains, it is considered that the clearance of drains and guttering is part of reasonable property maintenance.
8. Birch trees will often drop small dead branches and twigs; these are rarely of sufficient size to cause and damage or injury. On inspection no significant deadwood was observed in the trees, and any that does occur can be removed without permission. As such it is not considered that the trees are in poor condition, and therefore should not be removed from the TPO
9. Overall it is considered that the trees subject to this TPO provide a sufficient amount of amenity to the surrounding area to justify the confirmation of this order and their continued protection.

## **CONCLUSION**

10. It is not considered that any of the objections raised to the TPOs are sufficient to prevent the confirmation of the order.

## **RECOMMENDATION**

11. It is recommended that the Tree Preservation Order be confirmed as served.

**APPENDIX 1.2**

***Tree Preservation Order Plan and Schedule As Served***



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Map referred to in the Borough Council of Dudley  
**Melford Close, Penns Wood Close and Long Meadow Drive**  
**Sedgley (TPO/0121/SED)**

Tree Preservation Order 2014

Scale: 1 : 800

# SCHEDULE

## Specification of trees

### **Trees specified individually** (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Birch	2 Melford Close
T2	Birch	2 Melford Close
T3	Birch	18 Penns Wood Close
T4	Maple	135 Long Meadow Drive

### **Trees specified by reference to an area** (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

### **Groups of trees** (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

### **Woodlands** (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

***APPENDIX 1.3***

***Plan Identifying Objectors Properties***

**★ - *Objection Received from Property***



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Map referred to in the Borough Council of Dudley  
**Melford Close, Penns Wood Close and Long Meadow Drive**  
**Sedgley (TPO/0121/SED)**

Tree Preservation Order 2014

Scale: 1 : 800

**APPENDIX 2.1**

***Confirmation Report for***

***The Borough of Dudley (Greenslade Road, Long Meadow Drive Sedgley  
(TPO/0122/SED)) Tree Preservation Order 2014***

Tree Preservation Order	TPO/0122/SED
Order Title	Greenslade Road, Long Meadow Drive, Sedgley
Case officer	James Dunn
Date Served	09/10/14
Recommendation	Confirm with modifications

## SITE AND SURROUNDINGS

1. The tree preservation order comprises of 6 mature trees and that are located in the gardens of 1 Greenslade Road, 8 Green Slade Road and 105 Long Meadow Drive. Trees 1,2,3,5 and 6 are all visible in the local street scene of Long Meadow Drive, and from the junction of Greenslade Road and Longmeadow Drive. Tree 4 is visible at the head of the cul-de-sac in Aylesford Close
2. The order has been served following a review of existing TPOs in the area. With the exception of the tree 4, all of the trees are all protected by previous orders. The trees were all considered to provide sufficient amenity to the surrounding area to justify their protection.

## PUBLIC REPRESENTATIONS

3. Following the service of the order, objections were received from the owners of the 103, 105 and 107 Long Meadow Drive regarding the inclusion of T5 & T6 in the order. The objections are based on the following grounds:
  - Lack of amenity value;
  - Concerns about the safety of the trees;
  - The debris from the trees drops on to the patios and the gardens of the adjacent properties.
  - The debris from the trees block drain and gutters;
  - The trees are too large for their locations;
  - The shade from the trees precludes the use of a greenhouse;
  - The cost of maintenance of the trees.

## RESPONSE TO OBJECTIONS

4. It is considered that the trees subject to this TPO do all provide a sufficient amount of amenity to the area, and their inclusion within the TPO is justified.
5. It is noted that the trees in question are mainly visible against the backdrop of the Alder Coppice woodland, however it is considered that the evergreen nature of the trees, make them more prominent in certain views, especially in the winter. Also as the trees are positioned slightly in front of the woodland when viewed from in front

to the adjacent properties their upper crowns stand above the crowns of the adjacent woodland.

6. The objection from 103 Longmeadow Drive included a list of 14 local residents who have stated that they would have no objection to the felling of the trees.
7. Whilst it is accepted that the amenity of the local area would not be catastrophically depleted should these trees be removed, it is considered that they do provide a good amount of amenity to the area, and as such are worthy of their continued protection.
8. On inspection of the trees no symptoms of poor vigour or structural impairment were observed. As such it is not considered that the trees are at any heightened risk of substantial failure. The cedar tree may be liable to lose branches following snow or windy weather, but given the crown form of the tree it is not considered that such branches will ever be particularly large or are likely to cause major damage or injury should they fall.
9. It is not considered that the issues relating to needle fall and other seasonal debris onto the garden and patios is sufficient to prevent the confirmation of the order. It is accepted that throughout the year various debris will fall from the trees, and that this can lead to the need for regular clearances. However it is considered that such debris is part and parcel of enjoying mature trees in an urban environment and the resulting inconvenience must be tolerated.
10. The issues relating to needle fall or other seasonal debris blocking the guttering is not considered to be sufficient grounds to prevent the confirmation of the TPO. Whilst seasonal debris can sometimes cause issues with guttering and drains, it is considered that the clearance of drains and guttering is part of reasonable property maintenance.
11. It is accepted that the trees are large specimens relatively close to the adjacent properties. The cedar tree (T5) is located 5.5 metres from the rear elevation of 107 Long Meadow Drive and 7.6 metres from the rear elevation of 105 Longmeadow Drive. The spruce tree (T6) is located some 12.3 metres from the rear elevation of 105 and 3.6 metres from the rear elevation of 103 Long Meadow Drive.
12. Given the orientation of the trees to the properties, it is considered that despite its closer proximity, the spruce tree has limited shading impact on the adjacent properties, but it is accepted that the cedar tree will block some diffuse daylight from the properties at 105 and 107 Long Meadow Drive.
13. The impact of the trees could be lessened to some degree by appropriate crown lifting, although this will only partially improve the issues.

14. On balance it is considered that the amenity value that the trees provide to the area is sufficient to outweigh the issues related to the size, proximity and light loss to the adjacent properties.
15. Similarly it is not considered that the fact that the shading caused by trees precludes the owner of 107 Long Meadow Drive from using a greenhouse in their garden is sufficient to prevent confirmation of the order. It is considered that the ability to have a greenhouse is insufficient to outweigh the public benefit of protecting the trees.
16. Overall it is considered that the trees subject to this TPO provide a sufficient amount of amenity to the surrounding area to justify the confirmation of this order and their continued protection.

#### **ADMINISTRATIVE CORRECTIONS**

17. Following the service of this order it was noted that T5 and T6 were incorrectly plotted on the plan and that T6 was incorrectly numbered (as T5) and incorrectly identified as a fir when it is in fact a spruce. As such these issues need to be corrected if the decision is take to confirm the order. A correct plan and schedule have been included at appendix 2.4

#### **CONCLUSION**

18. It is not considered that any of the objections raised to the TPOs are sufficient to prevent the confirmation of the order. The correction detailed above should be made if the order is confirmed

#### **RECOMMENDATION**

19. It is recommended that the Tree Preservation Order be confirmed subject the administrative corrections set out below.

**APPENDIX 2.2**

***Tree Preservation Order Plan and Schedule As Served***



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Map referred to in the Borough Council of Dudley

Long Meadow Drive, Greenslade Road, Sedgley (TPO/0122/SED)



Scale: 1:1000

Tree Preservation Order 2014

# SCHEDULE

## Specification of trees

### **Trees specified individually** (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Rowan	12 Greenslade Road
T2	Whitebeam	12 Greenslade Road
T3	Whitebeam	12 Greenslade Road
T4	Ash	8 Greenslade Road
T5	Cedar	105 Long Meadow Drive
T5	Fir	105 Long Meadow Drive

### **Trees specified by reference to an area** (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

### **Groups of trees** (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

### **Woodlands** (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

***APPENDIX 2.3***

***Plan Identifying Objectors Properties***

**★ - *Objection Received from Property***



Map referred to in the Borough Council of Dudley

Long Meadow Drive, Greenslade Road, Sedgley (TPO/0122/SED)



Tree Preservation Order 2014

Scale: 1 : 1000

**APPENDIX 2.4**

***Tree Preservation Order Plan and Schedule As Recommended for Confirmation***

# SCHEDULE

## Specification of trees

### **Trees specified individually** (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Rowan	12 Greenslade Road
T2	Whitebeam	12 Greenslade Road
T3	Whitebeam	12 Greensalade Road
T4	Ash	8 Greenslade Road
T5	Cedar	105 Long Meadow Drive
T6	Spruce	105 Long Meadow Drive

### **Trees specified by reference to an area** (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

### **Groups of trees** (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

### **Woodlands** (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**



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Map referred to in the Borough Council of Dudley

Long Meadow Drive, Greenslade Road, Sedgley (TPO/0122/SED)



Scale: 1 : 1000

Tree Preservation Order 2014

**APPENDIX 3.1**

**Confirmation Report for**

***The Borough of Dudley (Sunningdale Road / Gower Road, Sedgley  
(TPO/0126/SED)) Tree Preservation Order 2014***

Tree Preservation Order	TPO/0126/SED
Order Title	Sunningdale Road / Gower Road, Sedgley
Case officer	James Dunn
Date Served	15/10/14
Recommendation	Confirm

## SITE AND SURROUNDINGS

1. The tree preservation order comprises of 17 trees that are located in the gardens of properties in Sunningdale Road, and Gower Road. All of the trees are visible in the street scene.
2. The order has been served following a review of existing TPOs in the area. With the exception of the trees 9, 10, 16 & 17, all of the trees are protected by previous orders. The trees were all considered to provide sufficient amenity to the surrounding area to justify their protection.

## PUBLIC REPRESENTATIONS

3. Following the service of the order, an objection was received from the owner of 31 Gower Road. The objection was also made on behalf of the owner/occupier of 18 Sunningdale Road. The objections are based on the following grounds:
  - T9, T10 & T17 were not previously protected in 2002. Lack of amenity value;
  - T16 has been poorly pruned on one side by the owner of 20 Sunningdale Road. This has resulted in a tree with poor form;
  - The process of looking over garden fences to identify trees subject TPOs is questionable as this has led to some trees not being protected as the ownership of the trees could not be established.
  - T9 & T10 pose a risk to the adjacent drainage apparatus which serves a number of properties;
  - The roots of T11 may damage the sewerage pipes that run across the rear gardens of 29 and 31 Gower road and due to the lack of inspection manholes such damage could not be checked until major disruption is caused;
  - T11 is damaging the garden fence of 31 Gower Road, causing it to lean out towards Gower Road;
  - T11, as a result of root encroachment in to the garden, extracts moisture from the soil of the rear garden of 31 Gower Road, preventing the objector from growing vegetables;
  - If left in place the roots of T11 may grow into the lawn of 31 Gower Road and damage mowing equipment;
  - The lower branches of T11 overhang the pavement and at times drop to below 2 metres from the pavement forcing user to walk into the road;
  - The branches of the tree are growing into the road, so as to impede the passing of traffic;

## RESPONSE TO OBJECTIONS

4. The trees identified for protection as part of the review have all been scored using an amenity evaluation system called TEMPO. This system assesses various factors such as, condition, life expectancy, public visibility and expediency to protect the trees. Each factor is given a score, and the total of these scores determines whether a tree is suitable for protection.
5. All of the trees in the order were scored as providing sufficient amenity to warrant protection. As such it is not considered that the fact that some trees were not previously protected 12 years ago is necessarily relevant in the assessment of the tree for protection under this order.
6. With regards to T16, whilst the pruning works that have been undertaken, have impaired the form of the tree, it still presents itself to public view as a reasonably formed tree. As such the previous poor works are not considered to be sufficient reason to prevent the inclusion of this tree in the TPO.
7. With regards to the process of indentifying trees for protection, it is considered that any tree visible form a public vantage has the potential to provide sufficient amenity for protection. It is not considered that only trees wholly visible within the public realm should be considered, and that trees that are substantially or even partially visible from within back gardens are appropriate for TPO if it is deemed that they provide sufficient amenity to the area.
8. Other trees in rear gardens in Gower Road have been included in other orders, and where trees have not been included it is considered that this is the result of them providing insufficient amenity to the local area, rather than an inability to identify the ownership of the trees.
9. Tree roots do not have the ability to break into sewerage or drainage pipes that are not already previously damaged. As such, if any root ingress into drain has occurred it is the result of faulty drains that need to be repaired regardless of any root ingress. Modern repair techniques allow for long sections of the drain to be lined without the vulnerable joints that are susceptible to the failures that allow for root ingress. As such the need to remove trees as a result of root ingress has markedly decreased in recent years.
10. However given that there is currently no evidence of any root ingress into the local drainage system, the removal of the trees from the order on these grounds is considered to be inappropriately speculative. As such it is not considered that Either T9, T10 or T11, should be removed for the order on the grounds of potential damage to drainage apparatus in the future.

11. Similarly it is not considered that the lack of inspection manholes in the sewers adjacent to T11 is sufficient grounds to remove this tree for the order. CCTV drain inspections can be carried out over relatively long distances, and as such it is considered unlikely that the distance between inspections chambers would be sufficient to prevent the identification of any suspected root ingress.
12. Garden fence along the northern boundary of 31 Gower Road is leaning towards the road. However it is not accepted that the cause of this lean is singularly or even predominantly related to the root growth of the trees. The fence also serves as a retaining structure for the raised ground level behind. The soil level behind the fence is approximately 600mm higher than the on the road side.
13. The natural ground pressure pushing the fence towards the road will be considerable and advice provide by the Building Control section suggests that gravel boards and concrete posts are not considered to be an appropriate retaining structure. It is this ground pressure, rather than any root action is likely to be the cause to the movement of the fence. As such it is not considered appropriate to remove the tree for the order due to the movement of the fence.
14. It is accepted that the roots of T11 may well have entered the objector's garden and may be extracting moisture from the soil that will have a knock-on effect on what can be grown adjacent to the tree. However this moisture extraction is not an insurmountable obstacle to growing vegetables at the property, and as such it is not considered that the tree should be removed from the order on these grounds.
15. Given the change in and levels it is not considered likely that any major roots that have grown under the fence will surface in the lawn and cause damage to the lawn mower. If such roots do appear appropriate root pruning, subject to permission, would be able resolve any issues. As such it is not considered that the tree should be removed from the order on this basis.
16. Section 154 of the Highways Act 1980 obliges any owners of trees adjacent to the highway to maintain appropriate clearances over the pavement and carriageway. The accepted clearances are 2.5 metres over the pavement and 5.2 metres over the carriageway. As this is a requirement in law, the exemptions within the TPO mean that formal permission is not required in order to undertake the minimum required works to meet this obligation. As such it is not considered that presence of the TPO is a barrier to providing adequate clearance to the highway.
17. Overall it is considered that the trees subject to this TPO provide a sufficient amount of amenity to the surrounding area to justify the confirmation of this order and their continued protection.

## **CONCLUSION**

18. It is not considered that any of the objections raised to the TPOs are sufficient to prevent the confirmation of the order. It is recommended that the order be confirmed without modifications

## **RECOMMENDATION**

19. It is recommended that the Tree Preservation Order be confirmed without modifications.

**APPENDIX 3.2**

***Tree Preservation Order Plan and Schedule As Served***



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Map referred to in the Borough Council of Dudley  
**Sunningdale Road/Gower Road, Sedgley (TPO/0126/SED)**

Tree Preservation Order 2014

Scale: 1 : 1000

# SCHEDULE

## Specification of trees

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Whitebeam	32 Sunningdale Road
T2	Whitebeam	32 Sunningdale Road
T3	Tulip Tree	31 Sunningdale Road
T4	Whitebeam	29 Sunningdale Road
T5	Whitebeam	26 Sunningdale Road
T6	Whitebeam	13 Sunningdale Road
T7	Rowan	11 Sunningdale Road
T8	Monkey Puzzle	7 Sunningdale Road
T9	Cypress	20 Sunningdale Road
T10	Cypress	20 Sunningdale Road
T11	Lime	20 Sunningdale Road
T12	Cherry	33 Gower Road
T13	Cherry	33 Gower Road
T14	Cherry	33 Gower Road
T15	Silver Birch	51 Gower Road
T16	Pine	20 Sunningdale Road
T17	Pine	18 Sunningdale Road

**Trees specified by reference to an area**  
(within a dotted black line on the map)

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<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

**Groups of trees**  
(within a broken black line on the map)

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<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

**Woodlands**  
(within a continuous black line on the map)

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<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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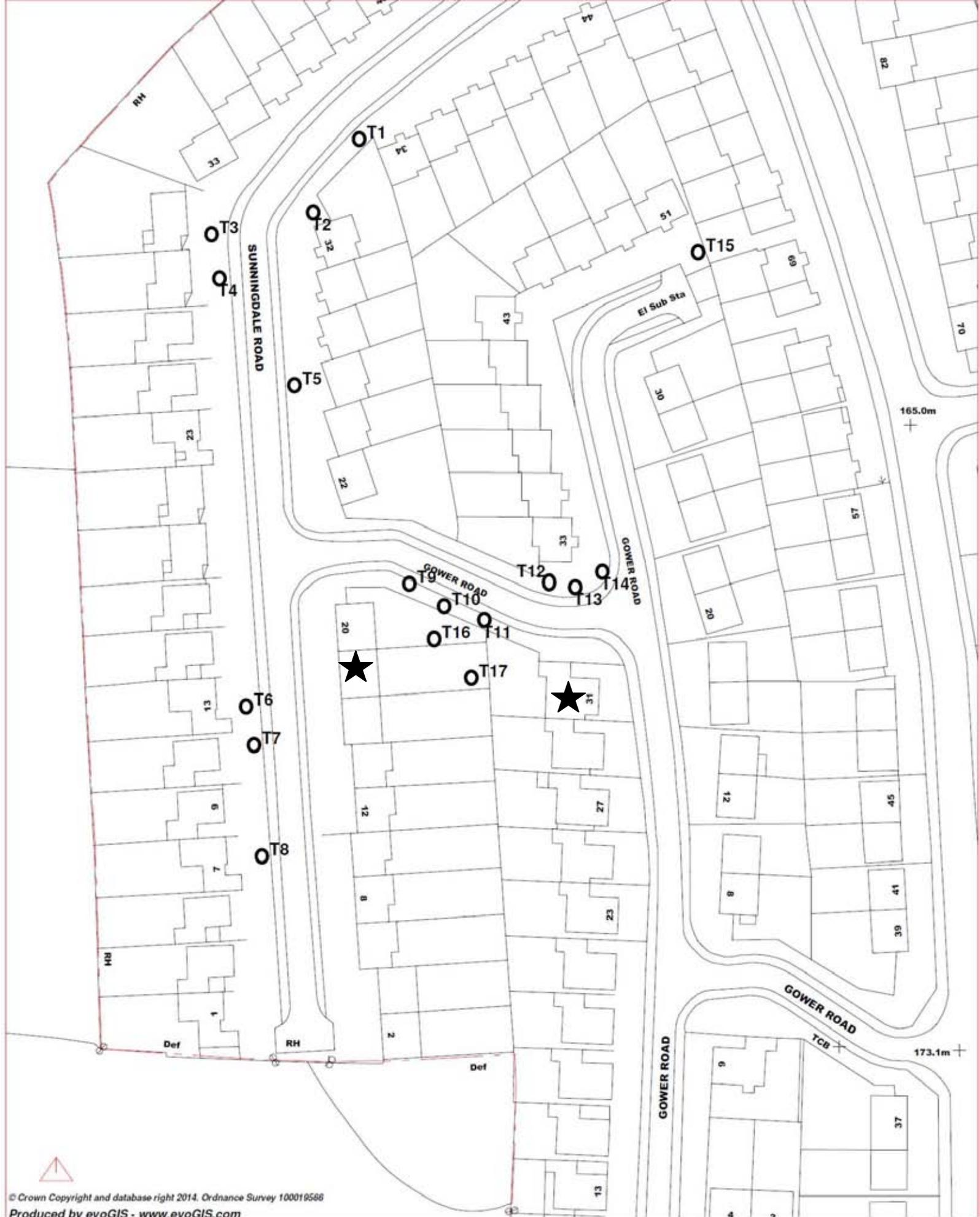
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**NONE**

**APPENDIX 3.3**

***Plan Identifying Objectors Properties***

**★ - *Objection Received from Property***



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Map referred to in the Borough Council of Dudley

Sunningdale Road/Gower Road, Sedgley (TPO/0126/SED)

Tree Preservation Order 2014

Scale: 1 : 1000

***APPENDIX 4.1***

***Confirmation Report for***

***The Borough of Dudley (Horton Close / St Brides Close / Langland Drive /  
Eastleigh, Sedgley (TPO/0128/SED)) Tree Preservation Order 2014***

Tree Preservation Order	TPO/0128/SED
Order Title	Horton Close / St Brides Close / Languard Drive / Eastleigh, Sedgley
Case officer	James Dunn
Date Served	21/10/14
Recommendation	Confirm with modifications

## **SITE AND SURROUNDINGS**

1. The tree preservation order comprises 27 trees that are located in the gardens of properties in Caswell Road, Westridge, Ryecroft Close, Languard Drive and Horton Close. The trees were all identified as worthy of protection due to their contribution to the local street scene.
2. The order has been served following a review of existing TPOs in the area. Nine of the listed trees are protected by previous orders. The trees were all considered to provide sufficient amenity to the surrounding area to justify their protection.

## **PUBLIC REPRESENTATIONS**

3. Following the service of the order, objections were received from the owner of 50 Languard Drive, 14 Horton Close and 26 Caswell Road. The objections were based on the following grounds:
  - The tree in the rear garden of 50 Languard Drive drops a substantial amount of debris whilst the property owner is unable to clear up;
  - The tree in front garden of 16 Horton Close (T25) is located very close to the adjacent properties and is inappropriate to be retained in this location;
  - The trees in the side garden of 26 Caswell Road (T17 – T20) are poor specimens that are not worthy of inclusion within the order.

## **RESPONSE TO OBJECTIONS**

4. The birch tree in the rear garden of 50 Languard Drive is prominently visible in the street scene of Languard Drive when viewed from the area around the junction with St Brides Close. It is considered that the tree provides sufficient amenity to the area to warrant the protection of a TPO.
5. It is accepted that the tree will drop various seasonal debris in the rear garden of the property and that this will require clearing on a number of occasions a year. It is considered that the clearance of such debris is part of reasonable property maintenance, and whilst the resident at 50 Langdale Drive may not personally be

able to undertake the task it is not considered that it is sufficient grounds to prevent the confirmation of the TPO.

6. On inspection the tree in the front garden of 16 Horton Close (T25) was found to be located in very close proximity to the adjacent properties, and that given its growth potential it is an inappropriate tree to be located in such a location as it will never be able to satisfactorily develop into a good specimen. As such it is considered that this tree should be removed from the order.
7. Similarly it is considered that the trees in the side garden of 26 Caswell Road are not worthy of continued protection as they were all found to have issues that will limit their long term amenity values.
8. The cherry trees (T17 & T19) were found to have substantial decay cavities and it is considered that the life expectancy of the trees is limited. The cedar tree T18 was found to have been topped out in the past, which has resulted in the tree developing poor form. Given the species characteristics, if this tree is retained and required to grow into a large tree it is likely that it will suffer substantial failures at the point at which it was topped out. The rowan tree has developed a relatively poor canopy form, and due to its proximity to the street light it will require constant pruning in order to prevent the tree from blocking the street light. As such the tree is likely to develop into a very poor specimen with an unbalanced crown.
9. It is accepted that these four trees, due to their various issues, are not particularly appropriate for continued protection and as such it is recommended that they are removed from the order.
10. Overall it is considered that the order should be confirmed subject to the removal of T17-T20 and T25 from the order as they are not, on balance, considered to be appropriate candidates for the long term protection that is afforded by a TPO.

#### **ADMINISTRATIVE CORRECTIONS**

11. Following the service of the order a number of owners of the protected trees contacted the council to inform them that the trees had been removed prior to the service of the order.
12. In all cases the trees removed had not been subject to previous protection, and given that there was a slight delay between the survey of the trees and the service of the order it is not considered that there has been any breach of the order.
13. As such T3, T4, T8 & T26 should be removed from the order.
14. Also following service of the order it was noted that T13 and T14 were plotted on the wrong side of the boundary between 14 and 16 Caswell Road. As such the location of these trees should be amended.

15. An amended plan and schedule have been included at appendix 4.4.

## **CONCLUSION**

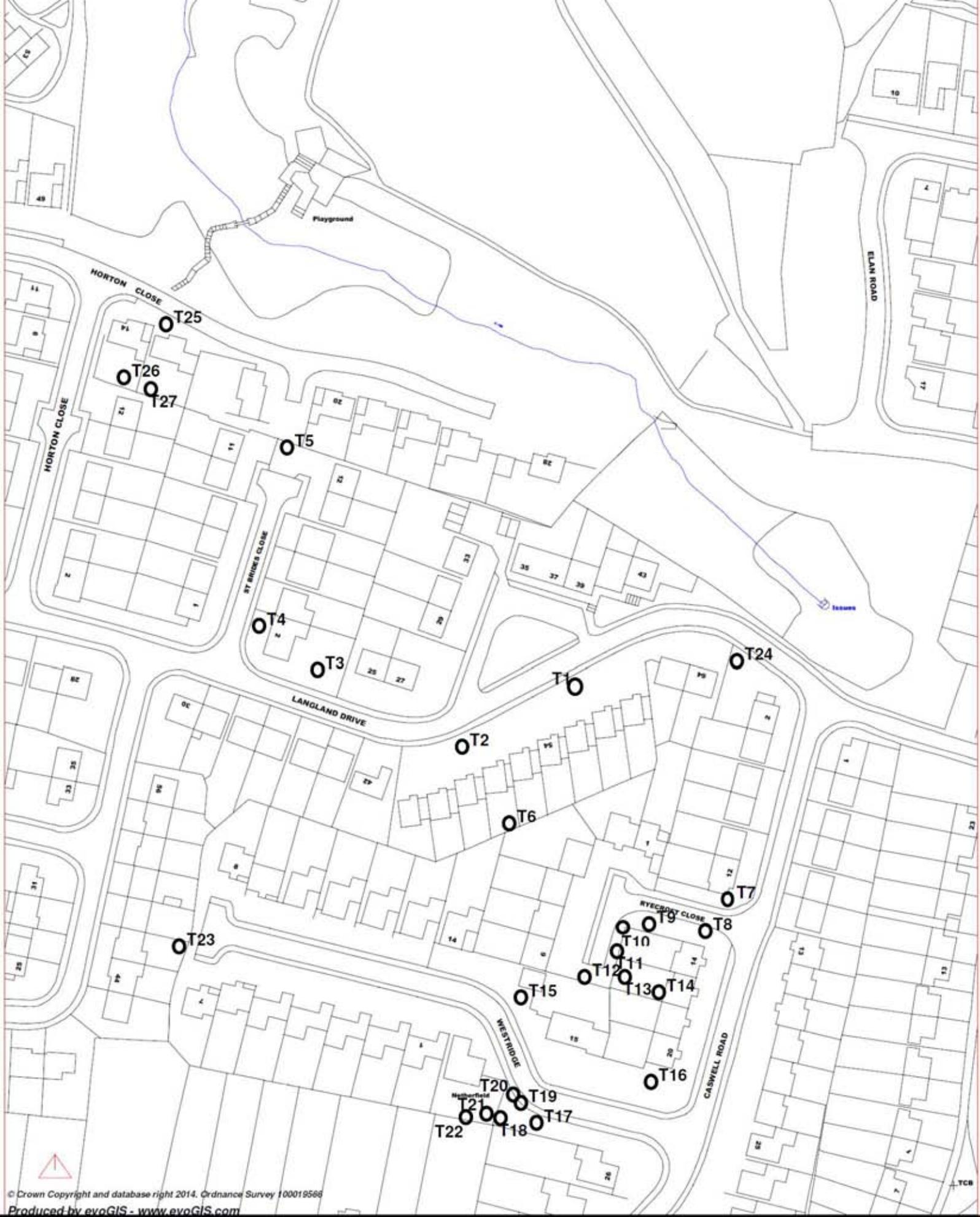
16. Overall it is considered that T17 T20, and T25 are not worthy of continued protection under the order due to either defects within the trees, inappropriate location of poor form.
17. T3, T4, T8 and T26 should be removed from the order as they were felled prior to the service of the order, and the location of T13 and T14 should be amended.

## **RECOMMENDATION**

18. It is recommended that the Tree Preservation Order be confirmed subject the modifications and administrative corrections set out below.

**APPENDIX 4.2**

***Tree Preservation Order Plan and Schedule As Served***



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Map referred to in the Borough Council of Dudley  
**Horton Close/St Brides Close, Langland Drive/  
 Eastleigh, Sedgley (TPO/0128/SED)**

Tree Preservation Order 2014

Scale: 1 : 1400

# SCHEDULE

## Specification of trees

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	56 Langland Drive
T2	Whitebeam	48 Langland Drive
T3	Lime	2 St. Brides Close
T4	Laburnum	2 St. Brides Close
T5	Maple	12 St. Brides Close
T6	Silver Birch	50 Langland Drive
T7	Lime	12 Caswell Road
T8	Spruce	14 Caswell Road
T9	Silver Birch	14 Caswell Road
T10	Silver Birch	Open space in Ryecroft Close
T11	Silver Birch	Open space in Ryecroft Close
T12	Silver Birch	6 Ryecroft Close
T13	Cherry	16 Caswell Road
T14	Cherry	16 Caswell Road
T15	Copper Beach	15 Westridge
T16	Beech	20 Caswell Rod

T17	Cherry	26 Caswell Road
T18	Cedar	26 Caswell Road
T19	Cherry	26 Caswell Road
T20	Rowan	26 Caswell Road
T21	Ash	Netherfield, Westridge
T22	Ash	Netherfield , Westridge
T23	Silver Birch	46 South View Road
T24	Red Maple	2 Caswell Road
T25	Pine	16 Horton Close
T26	Red Maple	14 Horton Close
T27	Cedar	16 Horton Close

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

**NONE**

**Groups of trees**  
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

**NONE**

**Woodlands**  
(within a continuous black line on the map)

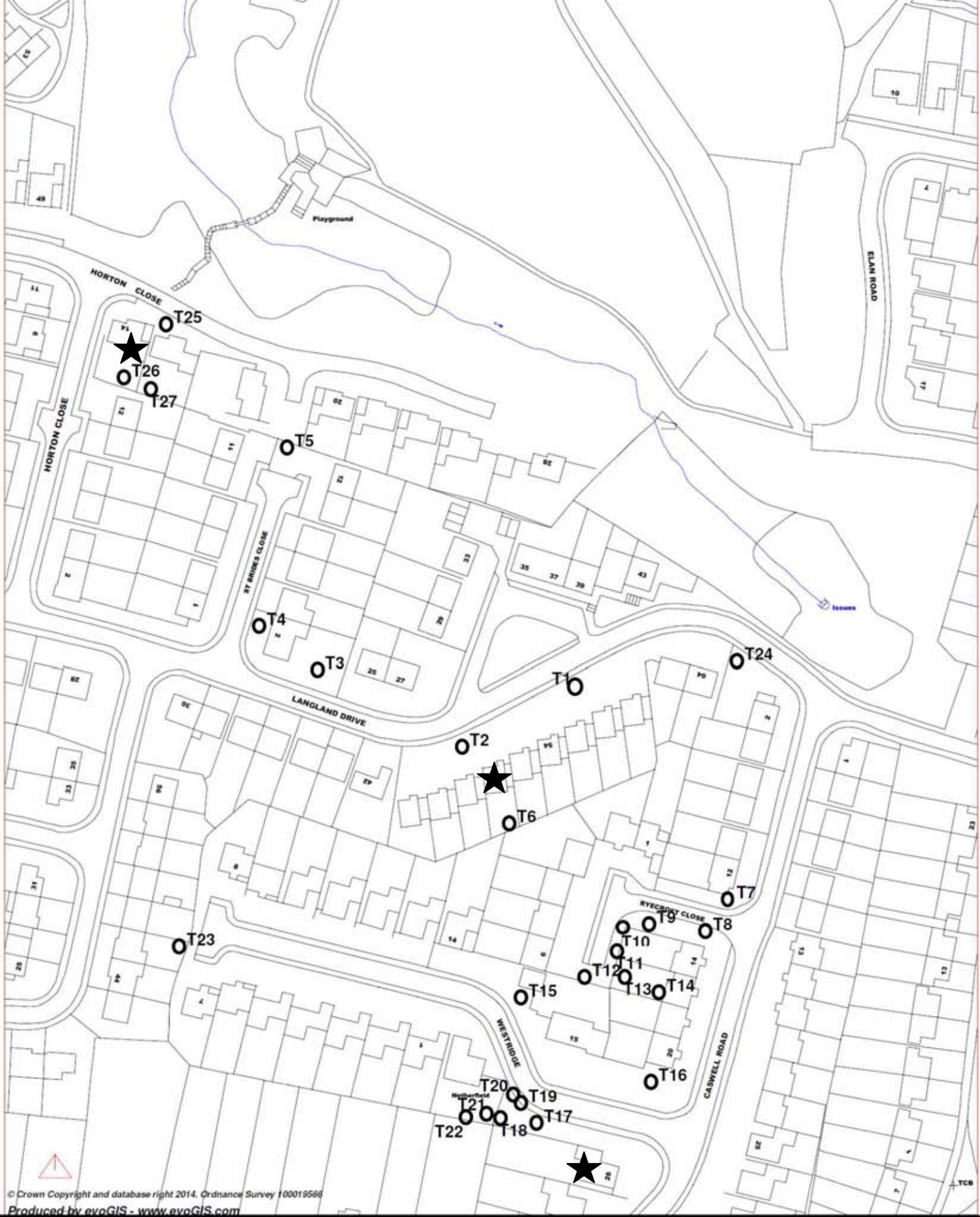
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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**NONE**

***APPENDIX 4.3***

***Plan Identifying Objectors Properties***

**★ - *Objection Received from Property***



Map referred to in the Borough Council of Dudley

**Horton Close/St Brides Close, Langland Drive/  
Eastleigh, Sedgley (TPO/0128/SED)**

Tree Preservation Order 2014



Scale: 1 : 1400

***APPENDIX 4.4***

***Tree Preservation Order Plan and Schedule As Recommended for Confirmation***

# SCHEDULE

## Specification of trees

**Trees specified individually**  
(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	56 Langland Drive
T2	Whitebeam	48 Langland Drive
<del>T3</del>	<del>Lime</del>	<del>2 St. Brides Close</del>
<del>T4</del>	<del>Laburnum</del>	<del>2 St. Brides Close</del>
T5	Maple	12 St. Brides Close
T6	Silver Birch	50 Langland Drive
T7	Lime	12 Caswell Road
<del>T8</del>	<del>Spruce</del>	<del>14 Caswell Road</del>
T9	Silver Birch	14 Caswell Road
T10	Silver Birch	Open space in Ryecroft Close
T11	Silver Birch	Open space in Ryecroft Close
T12	Silver Birch	6 Ryecroft Close
T13	Cherry	14 Caswell Road
T14	Cherry	14 Caswell Road
T15	Copper Beach	15 Westridge

T16	Beech	20 Caswell Rod
<del>T17</del>	<del>Cherry</del>	<del>26 Caswell Road</del>
<del>T18</del>	<del>Cedar</del>	<del>26 Caswell Road</del>
<del>T19</del>	<del>Cherry</del>	<del>26 Caswell Road</del>
<del>T20</del>	<del>Rowan</del>	<del>26 Caswell Road</del>
T21	Ash	Netherfield, Westridge
<del>T22</del>	<del>Ash</del>	<del>Netherfield, Westridge</del>
T23	Silver Birch	46 South View Road
T24	Red Maple	2 Caswell Road
<del>T25</del>	<del>Pine</del>	<del>16 Horton Close</del>
<del>T26</del>	<del>Red Maple</del>	<del>14 Horton Close</del>
T27	Cedar	16 Horton Close

**Trees specified by reference to an area**  
(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

**NONE**

**Groups of trees**  
(within a broken black line on the map)

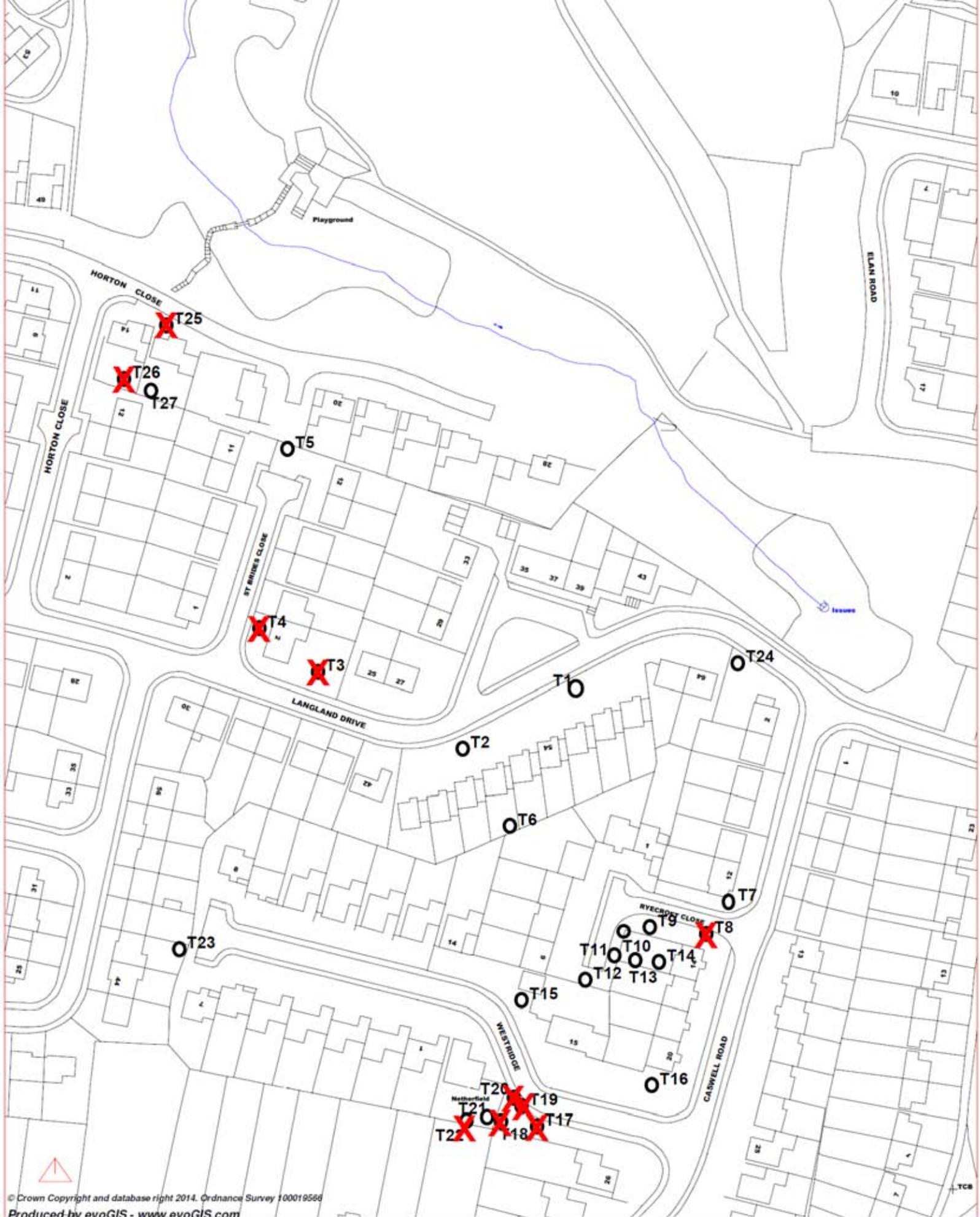
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

**NONE**

**Woodlands**  
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

**NONE**



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Map referred to in the Borough Council of Dudley  
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Tree Preservation Order 2014

Scale: 1 : 1400