

# **PLANNING APPLICATION NUMBER:P07/0194**

Type of approval sought	Tree Preservation Order
Ward	Kingswinford South
Applicant	Mr N Lawley
Location:	<b>ORCHARD HOUSE, OAKFIELD AVENUE, KINGSWINFORD, DY6 8HJ</b>
Proposal	<b>FELL 1 CEDAR TREE AND PRUNE 1 CEDAR TREE</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## **TREE PRESERVATION ORDER NO: D206 (1987) – T9 & T10**

### **SITE AND SURROUNDINGS**

1. The trees subject to this application are two mature cedar trees that are located in the front garden of Orchard House, Oakfield Avenue. The trees are a highly prominent feature of the road and provide 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 1 Cedar tree and Prune 1 Cedar tree
3. The trees have been marked on the attached plan.

### **HISTORY**

4. There has been one previous Tree Preservation Order application on this site.

<i>Site History</i>		
Application No	88/51678	26/07/88
Proposal	Lifting the crown and cleaning out 1 large tree, cleaning out 1 pine tree and 1 cedar tree.	Approved



## PUBLIC CONSULTATION

5. One letter of objection to the felling of either of the trees has been received from a local resident. The basis of the objection is: that in today's climate green conservation must be borne in mind and that if the tree were removed the objector would lose the privacy that the tree provides from properties on the other side of the road.
6. With regard to the objection about privacy, the closest property that would gain any overlooking if the tree is removed is approximately 26 metres away from the windows of the objector's house. As such, whilst the objector's house may become more visible following the tree's removal, there is unlikely to be any intrusive overlooking from the properties opposite.

## ASSESSMENT

### Tree(s) Appraisal

Criteria	Tree 1	Tree 2
TPO No	T9	T10
Species	Cedar	Cedar
Height	14m	15m
Spread	8m	9m
Diameter	900mm	700mm
Form	Moderate – 1 sided	Moderate – 1 sided
Vigour	Good	Good
Approx Age	Mature	Mature
Pests / Diseases	None evident.	None Evident
Canopy	Poor – 1 sided	Moderate – 1 sided
% Deadwood	3% - History of lost branches	1% - some small hung up branches
Cavities	None evident – some over long branches	None Evident
Bark	Good	Good
Roots	Moderate – Restricted	Moderate – restricted
Overall Health	Good / Moderate	Moderate
Visibility	High	High
Amenity Value	High	High

### Further Assessment

7. The cedar trees subject to this application are mature specimens that are located in front of Orchard House, Oakfield Avenue. The trees provide a high amount of amenity to the surrounding area.
8. The applicant would like to fell the cedar tree (Tree 1) that is closest to 17 Oakfield Avenue, as the tree has now become unbalanced as the result of a series of lost limbs in bad weather.
9. On inspection the tree was found to be in a good to moderate state of health with no major defects present within the trees. It was noted that the tree has a one sided crown and there evident area of scarring following a number of limb failures. The location of these failed limbs is such that they would have dropped onto the adjacent property.
10. The applicant is stating that as so many branches have now fallen that the tree has become unbalanced and will ultimately become hazardous.
11. Whilst the tree does have a one sided crown it is considered that this could be alleviated though pruning. However this may have a detrimental impact on the amenity value of the tree. In my opinion the more serious hazard is the threat from more falling branches.
12. Cedar trees have evolved a tendency for dropping limbs during high winds or following heavy snowfall. This appears to be a survival strategy that aims to reduce the canopy weight, and sail area to prevent whole tree failure during unsettled weather. Due to this tendency cedar trees can drop healthy branches without warning.
13. As this tree is close to the boundary with number 17 any branches that failed on the northern side of the tree are likely to drop onto this house and have the potential to cause serious damage or harm. As the branches could drop without warning, it is impossible to prepare for a falling branch.
14. The tree currently has a number of over extended limbs that have substantial end weighting, and it is likely that if any branches are to fail then it will be one of these branches that does.

15. As such the decision on the future of this tree needs to be taken bearing in mind the loss of amenity, that will be substantial; and whether this is justified in light of the potential for harm that the tree currently poses.
16. On balance I consider that as there still a number of substantial limbs that could drop from the tree and due to the proximity of the adjacent property, that the tree should be removed to remove the risk of future damage.
17. If permission is granted for the removal of this tree then the remaining tree will be left slightly one sided. However the remaining canopy would be able to sustain a crown reduction that would serve to re-balance the crown of the tree.
18. It is with this in mind that the applicant has proposed a 1.5 metre crown reduction of the adjacent cedar tree that would re-balance the crown. It is recommended that even if permission is not granted for the felling of the adjacent cedar, this tree should still be crown reduced in order to shorten some over extended limbs that are present.
19. This crown reduction should not have a detrimental impact on the amenity of the area as the tree will still be a prominent feature in the area.

## CONCLUSION

20. The trees subject to this application are two mature cedar trees that are located in the front garden of Orchard House, Oakfield Avenue. The trees both provide a high amount of amenity to the surrounding area
21. The applicants would like to fell the cedar tree closest to 17 Oakfield Avenue and crown reduce the remaining cedar tree by 1.5 metres on the southern side.
22. The reasons for the felling of the cedar tree are that the tree has dropped significant branches in the past, most recently losing one during the storms in December. As such the applicant considered that the tree is now unbalanced and may be hazardous. Whilst it is not accepted that the tree is so unbalanced that it cannot be retained, there is a significant risk of the tree dropping limbs on the neighbouring property and causing damage.
23. Whilst the removal of this cedar would be substantially detrimental to the amenity of the area, as there is a significant chance of future damage, it is considered that

removal of this tree should be approved, subject to the condition of two replacements.

24. The crown reduction on the other cedar would be required to visually re-balance the tree if approval is given for the removal of the adjacent tree, however even if the adjacent tree is not removed the crown reduction is still required to shorten some overly long limbs that are present in the tree.
25. This crown reduction will not be detrimental to the amenity of the area.

## RECOMMENDATION

25. It is recommended that application is approved subject to the conditions set out below.

### Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:1989 'Recommendations for Treework'.
2. Two replacement trees 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 location of the replacement trees shall be agreed in writing with the Local Planning authority prior to the felling of the trees to which this application relates.
3. The tree is to be inspected for bird nests and any crevices for bats. If any nests are present and disturbance to nesting or fledgling birds are present then works shall not be undertaken between 1st March and 30th August in any year. If bats are present then advice should be sought from English Nature or the local Wildlife Trust.
4. The works hereby approved shall be carried out within 12 months of the date of this decision.