

PLANNING APPLICATION NUMBER:P08/0556

Type of approval sought	Tree Preservation Order
Ward	KINGSWINFORD NORTH & WALLHEATH
Applicant	Mrs K Fereday
Location:	53, FELLOWS AVENUE, WALL HEATH, KINGSWINFORD, DY6 9ET
Proposal	FELL ONE NUMBER OAK TREE.
Recommendation Summary:	REFUSE

TREE PRESERVATION ORDER NO: D 583 (1999) – T1

SITE AND SURROUNDINGS

1. The tree subject to this application is an early mature oak tree. The tree is located in the rear garden of 53 Fellows Avenue, Kingswinford. The tree is prominent in the street scene of New Bridge Road and provides a high to 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 Oak 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.

PUBLIC CONSULTATION

5. At the time of writing one letter of support had been received from an adjoining neighbour. The neighbour has raised concerns about the damage being caused to the fences and the safety of the tree due to the level change in the surround garden area.

ASSESSMENT

Tree(s) Appraisal

6.

Criteria	Tree 1
TPO No	T1
Species	Oak
Height	9m
Spread	8m
Diameter	350mm
Form	Moderate / Good
Vigour	Good
Approx Age	Early Mature
Pests / Diseases	None Evident
Canopy	Good
% Deadwood	1%
Cavities	None Evident
Bark	Good
Roots	Moderate – Causing damage to fence panels and gravel board
Overall Health	Good
Visibility	High
Amenity Value	High / Moderate

Further Assessment

7. The applicant has proposed to fell the tree due to the damage that the tree is causing to the fences of the property; the overhang onto the adjacent road; the nuisance caused to their neighbour by the overhang and the shading of the neighbour's garden and the potential for damage to the services within the adjacent road.
8. On inspection the tree was found to be in a reasonable state of health with no major defects present. It was noted that the canopy of the tree does not have the best of form, and if the tree were to remain some judicious pruning would certainly be beneficial.
9. On inspection of the roots of the tree quite significant damage to the adjacent fencing. Currently a major root of the tree is growing against the gravel board and the concrete fence post pushing it out of line. As such the fence panel no longer sits between the two fence posts. Whilst it is accepted that the tree is causing the damage, there are a number of ways in which the fence could be repaired to provide an equivalent amount of security and amenity, and as such it is not considered that

the damage to the fence justifies the impact on the public amenity that would result from the felling of the tree.

10. During the inspection the overhanging branches onto the adjacent road were found to be slightly obstructing the highway and do not conform to the requirements of the Highways Act 1980. However the overhanging in itself is not sufficient cause to fell the tree.
11. The tree is due north to of the applicant's neighbour's garden and does not cover an excessive amount of the garden. As such the shade and overhanging caused by the tree is not considered to be significant to the enjoyment of the property. As such the removal on of the tree on these grounds is not considered appropriate.
12. On inspection no evidence of damaged services was observed on the adjacent road or footpath. As such unless such evidence can be provides the felling of the tree is not justified on the speculation of future damage.
13. With regard to the concerns raised by the neighbour about the change in ground level, during the inspection the change is ground level was considered to have been there for some time. As such the roots of the tree will have developed to adapt to this. As such the change in ground level is not considered to be a significant factor in the trees safety.

CONCLUSION

14. The early mature oak tree subject to this application is located in the rear garden of 53 Fellows Avenue and provides a moderate to high amount of amenity to the users of the adjacent Newbridge Road.
15. The applicant has specified a number of reasons for the removal of the tree, including the damage caused to the fence, the overhang onto the road and the shading of the neighbour's garden. On consideration these issues are not considered sufficient to justify the loss of amenity that would result from the removal of the tree.
16. However, during inspection it was considered that the tree would benefit from pruning however this would require a further application.

RECOMMENDATION

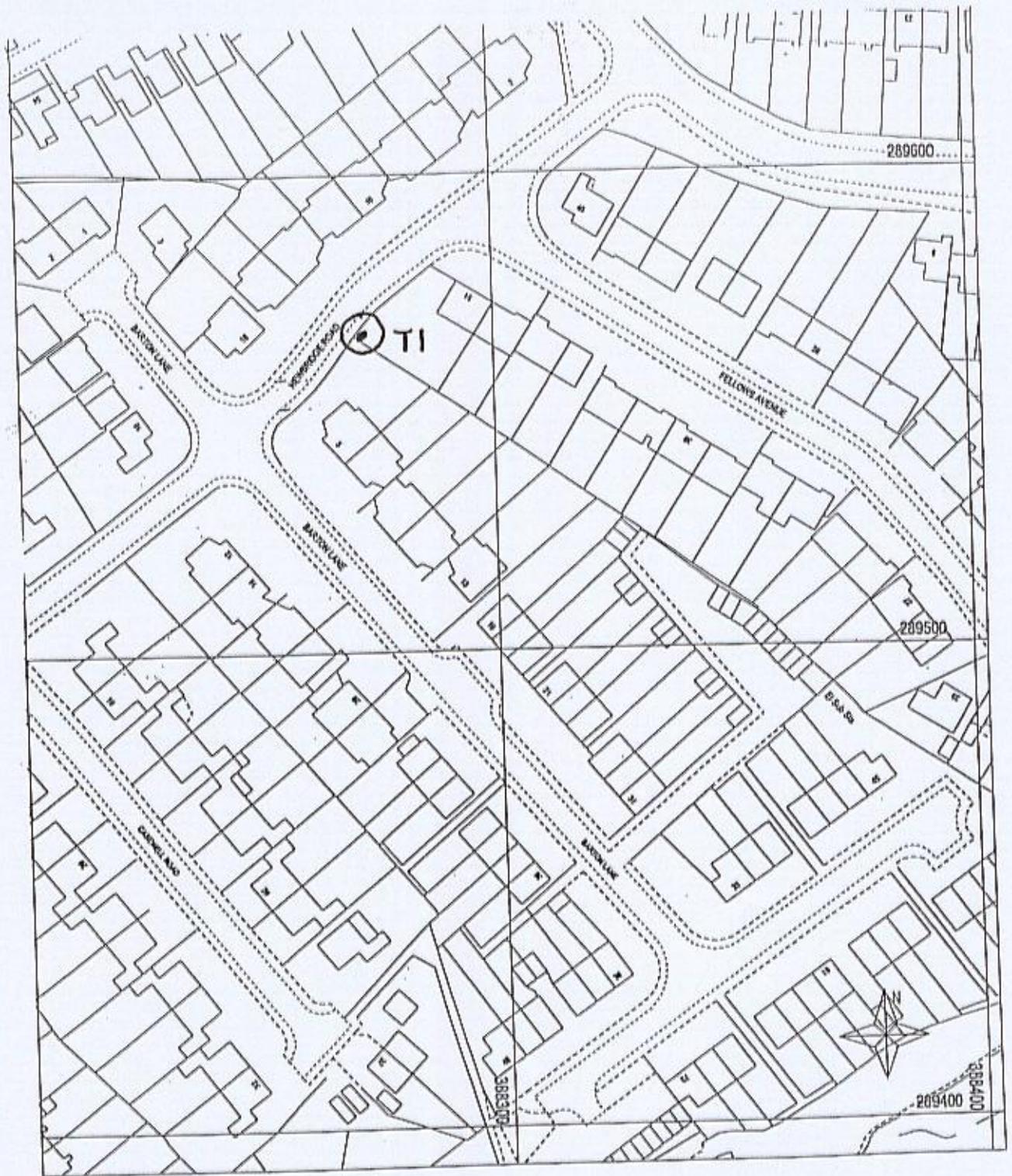
17. It is recommended that application is refused for the reason stated below.

Conditions and/or reasons:

1. The tree provides a moderate to high amount of amenity to the surrounding area and users of Newbridge Road. 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.



99



Map referred to in the Borough Council of Dudley
 51 FELLOWS AVENUE
 Tree Preservation Order 1999 No D 583

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 NO 2336

GRID REF 895882

SCALE 1/ 1250

SCHEDULE 1

SPECIFICATION OF TREES

Reference on Map	Description	Situation
Trees specified individually		
T1	Oak	51 Fellows Avenue, Wall Heath

Trees specified by reference to an area

None

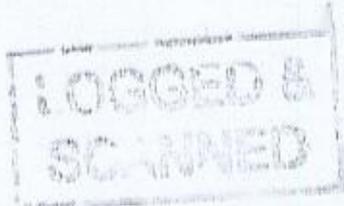
Groups of trees

None

Woodlands

None

PO8/0556



Douglas HALE
5 BARTON LANE
WALL HEATH
KINGSWINFORD
DY6 9EX
9th MAY '08.

REF. APPLICATION TO REMOVE TREE AT 53 FELLOWS AVE.

Dear Mr Junno.

I have conferred with MR Jeneday of 53 Fellows Ave concerning the oak tree which abuts my property and his.

Most of the problems we discussed are obvious -

Root damage to both our boundary fences, with the posts being forced over the public footpath. Cracks and uneven pavement caused by root spread. The branches spreading over our gardens cutting out light etc.

Another concern to me particularly is that the tree is on ground that is approx. a metre higher than my garden, and with the spread of branches throwing a lot of weight on to my side I feel the tree could eventually topple onto my bungalow.

I totally agree with this application and hope that permission is granted to Mr Jeneday.

Yours Sincerely


D. A. HALE