

PLANNING APPLICATION NUMBER:P12/0858

Type of approval sought	Tree Preservation Order
Ward	Sedgley
Applicant	Mrs S. Harris
Location:	9, PENNS WOOD CLOSE, SEDGLEY, DUDLEY, DY3 3QT
Proposal	FELL 1 OAK TREE
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

TREE PRESERVATION ORDER NO: D704 (2002) W1

SITE AND SURROUNDINGS

1. The tree subject to this application is a mature oak tree that is located in the rear garden of 9 Penns Wood Close. The house is situated in a small residential cul-de-sac. The rear of the property backs onto the woodland of Alder Coppice.
2. Due to the trees location and its small stature, the tree is only partially visible above the ridge line of the property, and only provides a moderate to low amount of visual amenity.

PROPOSAL

3. Summary of proposals for the works as written on application form is as follows:
 - Fell 1 oak tree
4. The tree has been marked on the attached plan.

HISTORY

5. There have been five previous Tree Preservation Order applications on this site.

<i>Application No</i>	<i>Proposal</i>	<i>Decision</i>	<i>Date</i>
P01/0290	Thinning and reduction of oak tree	Refused	20/02/01
P07/0170	Fell 1 oak Tree	Refused	12/03/07
P09/1197	Fell 1 Oak Tree	Refused	16/11/09
P10/0053	Prune 1 Oak tree	Approved with conditions	15/03/10
P12/0207	Fell 1 Oak Tree	Refused	09/05/2012

PUBLIC CONSULTATION

6. No Public representations have been received.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1
Species	Oak
Height (m)	10
Spread (m)	9
DBH (mm)	550
Canopy Architecture	Moderate - Twin stemmed from 4m
Overall Form	Moderate
Age Class <i>Yng / EM / M / OM / V</i>	Mature / Over Mature

Structural Assessment

Trunk / Root Collar	Good	
Scaffold Limbs	Good	
Secondary Branches	Good	
% Deadwood	5%	
Root Defects	None Evident	
Root Disturbance	None Evident	
Other		
Failure Foreseeable <i>Imm / Likely / Possible / No</i>	Whole No	Part No

Vigour Assessment

Vascular Defects	None Evident
Foliage Defects	None Evident
Leaf Size	Not In Leaf
Foliage Density	Not In Leaf
Other	

Overall Assessment

Structure	Good
Vigour	Moderate / Good
Overall Health	Good

Other Issues

Light Obstruction	Yes
Physical Damage	None Evident
Surface Disruption	None Evident
Debris	Yes

Amenity Assessment

Visible	With difficulty
Prominence	No
Part of Wider Feature?	Yes
Characteristic of Area	Yes
Amenity Value	Moderate / Low

Further Assessment

7. The tree subject to this application is a mature oak tree that is located in the rear garden of 9 Penns Wood Close. The tree is partially visible from the cul-de-sac of Penns Wood Close over the ridge line of the property. The public view of the tree from the well used paths in the woodland at the rear is obscured by the surrounding trees.
8. The applicant has proposed to fell the tree following a request from their neighbour's Insurers as the tree has been implicated in a tree subsidence event at the neighbouring property.
9. In support of the application the insurers have provided a tree report, an engineering report a soil analysis report and some level monitoring.
10. The submitted information shows that there is damage at the property; the property is founded on shrinkable clay soils that are desiccated and that there are oak roots

present under foundations. The level of monitoring that has been submitted only included two sets of measurements, one in June and one in August. As such it is not considered that there is sufficient information in the level monitoring to provide any useful information other than that there is movement in the building.

11. Normally if a tree was considered to provide a good amount of amenity to the surrounding area, then a full set of monitoring result would generally be required to sufficiently implicate the tree in the damage. However as this tree is only considered to provide a moderate to low amount of amenity to the area, government guidance states that the justification required to fell the tree should not be as onerous as if the tree provided a high amount of amenity. As such it is considered that the lack of full monitoring results should not be a bar to the approval of the application, if all other information supports approval.
12. Given the nature of the soil and the presence of tree roots on the underside of the foundation of the property, it is considered that on the balance of probabilities the tree in question is a significant cause of the damage to the neighbouring property. As such it is considered that it would be appropriate to approve the application.
13. Normally a replacement tree would be required, however given the nature of the damage, the relatively small size of the applicant's garden and the presence of the woodland over the rear boundary; it is considered that the requirement to plant a replacement tree would not be necessary in this instance.

CONCLUSION

14. Overall it is considered that the information submitted by the insurers in relation to the alleged subsidence damage to this property is sufficient, on the balance of probability, to implicate the oak tree as a cause of the damage.
15. Given that the tree has been implicated it is considered that the felling of the tree is reasonable, and as such it is recommended that the application is approved.

RECOMMENDATION

16. It is recommended that application is approved subject to the stated conditions.

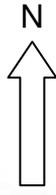
Reason For Approval

Overall it is considered that the information submitted by the insurers in relation to the alleged subsidence damage to this property is sufficient, on the balance of probability, to implicate the oak tree as a cause of the damage.

Given that the tree has been implicated it is considered that the felling of the tree is reasonable, and as such it is recommended that the application is approved.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Treework'.



Alder Coppice



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