

PLANNING APPLICATION NUMBER:P06/0636

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| Type of approval sought | Tree Preservation Order |
| Ward | Kingswinford South |
| Applicant | Mrs D Charlton |
| Location: | 29, SUMMERCOURT SQUARE, KINGSWINFORD, DY6 9QJ |
| Proposal | PART A - CROWN REDUCE 1 NORWAY MAPLE PART B - CROWN REDUCE 1 SYCAMORE |
| Recommendation Summary: | PART APPROVE & PART REFUSE (SPLIT DEC'N) |

TREE PRESERVATION ORDER NO: D377 (1992) – A1

SITE AND SURROUNDINGS

1. The trees subject to this application are 1 Norway Maple and 1 Sycamore tree. The trees are located in the rear garden of 29 Summercourt Square. The application has been received by the owner of 22 Ridge Road as the trees are close to the rear fence of the property.
2. The trees form part of a wider belt that extends along the majority of the boundaries between Summercourt Square and Ridge Road. The surrounding area is predominantly residential.

PROPOSAL

3. Summary of proposals for the works as written on application form is as follows:
 - Crown reduce one Norway Maple and one Sycamore tree.
4. The trees have been marked on the attached plan.

HISTORY

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

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| <i>Site History</i> | | |
| Application No | P05/2019 | 13/09/05 |
| Proposal | Prune Norway Maple | Refused |

PUBLIC CONSULTATION

6. Representations were received from Mr G Stone, owner of 29 Summercourt Square; and Mrs K Barret on behalf of the Summercourt (Kingswinford) Residents' Association. Copies of the letters are appended to this report.
7. The grounds of Mr Stone's objections are summarised below:
 - The reasons stated in support of the application are frivolous.
 - The tree does not cause loss of light to the garden – supported with photos.
 - The works will not prevent mess from the birds, as the birds will only relocate.
 - The works will spoil the natural look of the Norway Maple.
 - The owners of 22 Ridge Road are not prevented from using the area of garden underneath the trees. This is evidenced by the presence of plants growing along fence line in the garden of 22 Ridge Road.
 - Mr Stone does not consider the effects of the Norway Maple tree to result in a loss of enjoyment for the applicants; and he considers that the foliage and flowers of the tree provide an 'attractive asset to anyone's garden'.
 - The Sycamore tree subject to this application has only a limited overhang.
 - Due to the Sycamore's location, due north of the garden, it does not cast a significant amount of shade on the garden.
 - The tree currently houses nesting birds.
 - That the pruning of the trees will do little to reduce the debris produced by the trees subject to the application and the other trees in surrounding gardens.
8. Mr Stone also highlights the existence of a restrictive covenant on the Land Title (ref: SF46457) that related to the sale of the land for the development of the properties in Summercourt Square in 1960. The covenant states that no trees are to be topped, lopped or felled within 15 feet of the boundaries of the land. And whilst Mr Stone accepts that the presence of a covenant cannot influence the decision of the Council he request that the applicants be made aware of the covenant
9. The letter written by Mrs K Barrett on behalf of the Summercourt (Kingswinford) Residents' Association objects to the proposal on the grounds listed below:
 - Loss of Light – The tree does not shade no. 22 Ridge Road as the garden of the house faces north.
 - Overhanging branches are an inevitable part of living in an area with many mature trees, there are numerous similar examples of tree branches overhanging neighbours gardens and it seems a dangerous precedent to establish lopping for this reason alone.

- Some debris from trees is inevitable and unless dangerous has to be tolerated if we are to live amongst trees.
- The debris resulting from the pigeons is not sufficient to justify the pruning of these trees.

ASSESSMENT

Tree(s) Appraisal

| Criteria | Tree 1 | Tree 2 |
|------------------|--|---|
| TPO No | A1 | A1 |
| Species | Norway Maple | Sycamore |
| Height | 8m | 8m |
| Spread | 7m | 3m |
| Diameter | 250mm | 150mm |
| Form | Moderate – Biased over garden of 22 Ridge Road | Poor – drawn up and biased over the garden of 22 Ridge Road |
| Vigour | Moderate / Good | Moderate |
| Approx Age | Early Mature | Young |
| Pests / Diseases | None Evident | None Evident |
| Canopy | Moderate – biased over neighbouring garden | Poor – biased over neighbouring garden |
| % Deadwood | 1% | 1% |
| Cavities | None Evident | None Evident |
| Bark | Good | Slight growth crack on main stem – not significant |
| Roots | Good | Good |
| Overall Health | Good | Good |
| Visibility | Moderate – partially screened from public view by bungalow | Moderate / Low |
| Amenity Value | Moderate / Low | Moderate / Low |

Further Assessment

10. The trees subject to this application are an early mature Norway Maple and a young Sycamore tree. The trees appear to be in a reasonable state of health, with no major

defects present. The trees are situated in the rear garden of the 29 Summercourt Square.

11. The trees are located on the southern side of a group of trees that are located toward the bottom of the garden in 29 Summercourt Square. The stems of both of the trees are located within a metre of the rear boundary of 22 Ridge Road.
12. Due to the location of the trees on the southern edge of the group, they have developed imbalanced canopies that have grown towards the available light, that is, over the rear garden of 22 Ridge Road.
13. The applicant wishes to crown reduce both trees to reduce the overhang of the garden of 22 Ridge Road. The reasons cited for the application are to regain the use of affected part of the garden and to reduce the debris given off by the trees and the birds.
14. During the site visit, there did not appear to be any significant sunlight obstruction from the trees, and due to the presence of the rest of the group of trees, the proposed works are unlikely to improve the amount of refracted daylight. As such no significant works should be approved on the grounds of the loss of light.
15. The current overhang of the tree does not at present restrict pedestrian access to the rear of the garage, and as such could not be described as significantly preventing use of the garden. As such, this reason is not sufficient to justify any works that would have a detrimental impact on the amenity that the tree provides.
16. With regard to the debris that is given off by the birds that sit / nest in the tree, due to the location of the surrounding trees in close proximity to the garden the proposed works are unlikely to significantly reduce the number of birds in the immediate locality, and therefore it is highly likely that the debris from the birds will be unaffected by the proposed works. As such no significant works should be approved on these grounds.
17. Again with regard to the surrounding trees in the area the proposed works are unlikely to substantially reduce the amount of tree related debris that ultimately falls in the garden of 22 Ridge Road. Also these problems are considered to be minor nuisances and significant works should not be approved for these reasons.
18. The guidance set out within 'Tree Preservation Orders – A Guide to the Law and Good Practice', states:

'In considering applications the LPA are advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.'

The guidance then goes on to state:

'...if the amenity value of the tree or woodland is low and the impact of the application in amenity terms is likely to be negligible, consent might be granted even if the LPA believe there is no particular arboricultural need for the work.'

19. Due to the tree's locations the main public vantage point of the trees and therefore the prime source of any public amenity, is the road and footpath of Ridge Road.
20. When viewed from this location both the Norway Maple and the Sycamore tree form part of the wider group of trees that are located adjacent to the rear boundary of 22 Ridge Road. Due to the size and presence of the other trees in the group the majority of the amenity value is provided by the collective group rather the individual trees within that group. As such in assessing the impacts on the amenity provided to the area of any proposed works, consideration must be given to the amenity that the group provides.
21. It is considered that the crown reduction of the Norway Maple will not have a detrimental impact on the current amenity of the individual tree or the wider group, as long as the reduction does not exceed more than 1.5 metres of the crown and is carried out to the stipulations within British Standard 3998 – Recommendations For Tree Works.
22. This measured reduction will still leave sufficient foliage on the so that the pruning does not have a detrimental impact on the trees ability to produce energy. Also the branch network of the tree will allow this reduction to be carried out and still leave appropriate buds and branches to develop a healthy crown in the future.
23. The crown reduction of the Sycamore tree is considered to be inappropriate due to the minimal crown that this tree currently possesses. As such, any reduction would remove a significant proportion of the crown and seriously impact on the trees ability to produce the required nutrients. As there is a possibility that the pruning of the sycamore tree could result in the trees decline and ultimately death, the pruning

could destroy any current or future amenity that the tree has. As such no works should be allowed on this tree.

CONCLUSION

24. The trees subject to this application are a Norway Maple and sycamore tree that are situated on the southern edge of a group of trees in the rear garden of 29 Summercourt Square. Due to the trees' locations, and their tendency to grow towards available light sources they have developed canopies that are biased over the rear garden of 22 Ridge Road. The applicant wishes to Crown reduce the trees to reduce the overhang over the garden of 22 Ridge Road.
25. The owner of the tree at 29 Summercourt Square has provided evidence of restrictive covenant that exists on the site which may prevent the pruning of lopping, topping of the tree in question. Whilst the presence of this covenant should not affect the Council's determination of this application the applicant should be made aware of the covenant and advised to seek legal advice to clarify their position.
26. The proposed reduction of the Sycamore tree may lead to its decline and death. As such these works would destroy any current or future amenity that the tree provides. As such these works should be refused.
27. However it is the opinion of the case officer, that the crown reduction of the Norway Maple tree will not detrimentally affect the amenity that the tree provides to the surrounding area as long as the reduction is limited to a maximum of 1.5 metres of the trees crown.
28. This scale of reduction will not detrimentally affect the tree's ability to produce energy and therefore will not have a detrimental affect on the trees health
29. As these works would have a limited affect on the amenity that the tree provides; government guidance states that the level of justification required is significantly reduced, and as such should be approved.

RECOMMENDATION

30. It is recommended that a 1.5 meter crown reduction is approved for PART A of the application is approved subject to the conditions set out below. PART B of the application should be refused.

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. 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.
3. The works hereby approved shall be carried out within 12 months of the date of this decision

Reason for Refusal

The proposed pruning works on the sycamore tree subject to this application are of a magnitude that could cause the tree to enter into decline. As such the works and the subsequent demise of the tree would have a negative impact on both the current and future amenity that the tree provides.