

Wolverhampton City Council

OPEN DECISION ITEM

Committee **PLANNING COMMITTEE** Date: **31st January 2012**

Originating Service Group(s) **REGENERATION & ENVIRONMENT**

Contact Officer(s) **Andrew Fisher**

Telephone Number(s) **(01902) 555621**

Title/Subject Matter: **OBJECTION TO THE WOLVERHAMPTON CITY COUNCIL
(10 THE DINGLE) TREE PRESERVATION ORDER 2011**

Recommendation:

That the Wolverhampton City Council (10 The Dingle) Tree Preservation Order 2011 be confirmed for the reasons set out in the report. This is to ensure the continued protection of the trees covered by the Order, which make a significant contribution to the local amenity.

**OBJECTION TO THE WOLVERHAMPTON CITY COUNCIL (10 THE DINGLE) TREE PRESERVATION ORDER 2011
(see attached plan)**

1. Purpose of the report

- 1.1 To inform the Committee of the letters of objection received in relation to the Tree Preservation Order (TPO) made in respect of a Maple (T1) and Ash (T2) tree at 10 The Dingle, Wolverhampton and seek Committee's confirmation of the Order.

2. Background to Report

- 2.1 A enquiry was made, earlier this year by the owner of 10 The Dingle as to the Preserved status of trees at No 10 The Dingle. These trees are not currently protected by a Tree Preservation Order. He was concerned that works may be undertaken to the trees by neighbours at the rear of his property. A survey of this area has revealed two mature native trees (listed above) of high amenity value visible from the highway and surrounding area. The trees are not situated within a Conservation Area.

- 2.2 The Council's Tree Officer subsequently made a site evaluation and considered that these trees merited protection by an Order, for the following reasons:

(i) The Ash tree in the rear garden of 10 The Dingle is of substantial mature stature and is a prominent feature in the local landscape; being visible from either, the public highway, The Dingle or from Birchglade at the rear of this property and are prominent in the shared view of the surrounding locality.

(ii) The amenity afforded by these trees is enhanced by their condition: all have an estimated long safe useful life expectancy - in excess of 50 years;

(iii) These trees are particularly suitable to their setting, all being located to the end of rear gardens sufficiently distant from the properties as to be unlikely to be associated with any major structural damage.

- 2.3 As a consequence of the existing high amenity value of the trees, it was considered expedient to include these in an Order, which was served on 15th December 2012. (T1-T2 on attached plan)

3 **Report Details**

- 3.1 Letters of objection have been received from the owners of: 8 The Dingle and 9 Birchglade relating to the trees T1 and T2

Summary of Objections

Letter from the owner of 8 The Dingle:

- 3.2 There concern for loss of light into his garden
The TPO'd trees are situated in the North West corner of the rear garden and will only cast a shadow into the rear of the garden in the late evening. A Pine tree on the East of the garden of 10 the Dingle may cast afternoon shade into the garden of No 8 The Dingle and was not included in the Order. This tree is closer to property and was considered not suitable for protection.
- 3.3 Gutters and drain grilles frequently need clearing
This may be relevant in the autumn months but cannot be accepted as a reason for not serving TPOs on trees.
- 3.4 Tree roots parch one side of the garden.
The TPOd trees are located at the rear of the garden of No10 and would have little or no effect on the garden of No 8.
- 3.5 Hard work to clear up the leaves and they make the patio slippery.
A seasonal occurrence but cannot be accepted as a reason for not serving TPOs on trees.
- 3.6 Removal of self set seedlings
Seeds from trees are wind borne or transmitted by birds, destinations are random and cannot be controlled..

Letter from the owner of 9 Birchglade:

- 3.7 Blocking light due to size
The TPOd trees are sited to the south of this property and will cast shade around mid-day. They will not affect morning or evening sunlight. The owner of the trees is under no legal obligation to manage the height of the trees.

4 **Conclusion**

- 4.1 The two trees in the rear garden are fine healthy specimens with a long safe life expectancy of 30 years plus. They make a significant contribution to the character of the local area and their removal would have a substantial and adverse impact on amenity.
- 4.2 As a result, Members are recommended to confirm the Tree Preservation Order on these trees.

5.0 **Legal Implications**

- 5.1 Under section 198 (1) of the Town and Country Planning Act 1990 if the Council, as the local planning authority, consider it to be expedient in the interests of amenity to make provision for the preservation of trees, it may make a Tree Preservation Order. A TPO may prohibit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the Council. **KR/19012012/D**

6 **Financial Implications**

- 6.1 This report has no financial implications for the Council.

7. **Equal Opportunities**

- 7.1 This report has no implications for the Council's Equal Opportunities Policies.

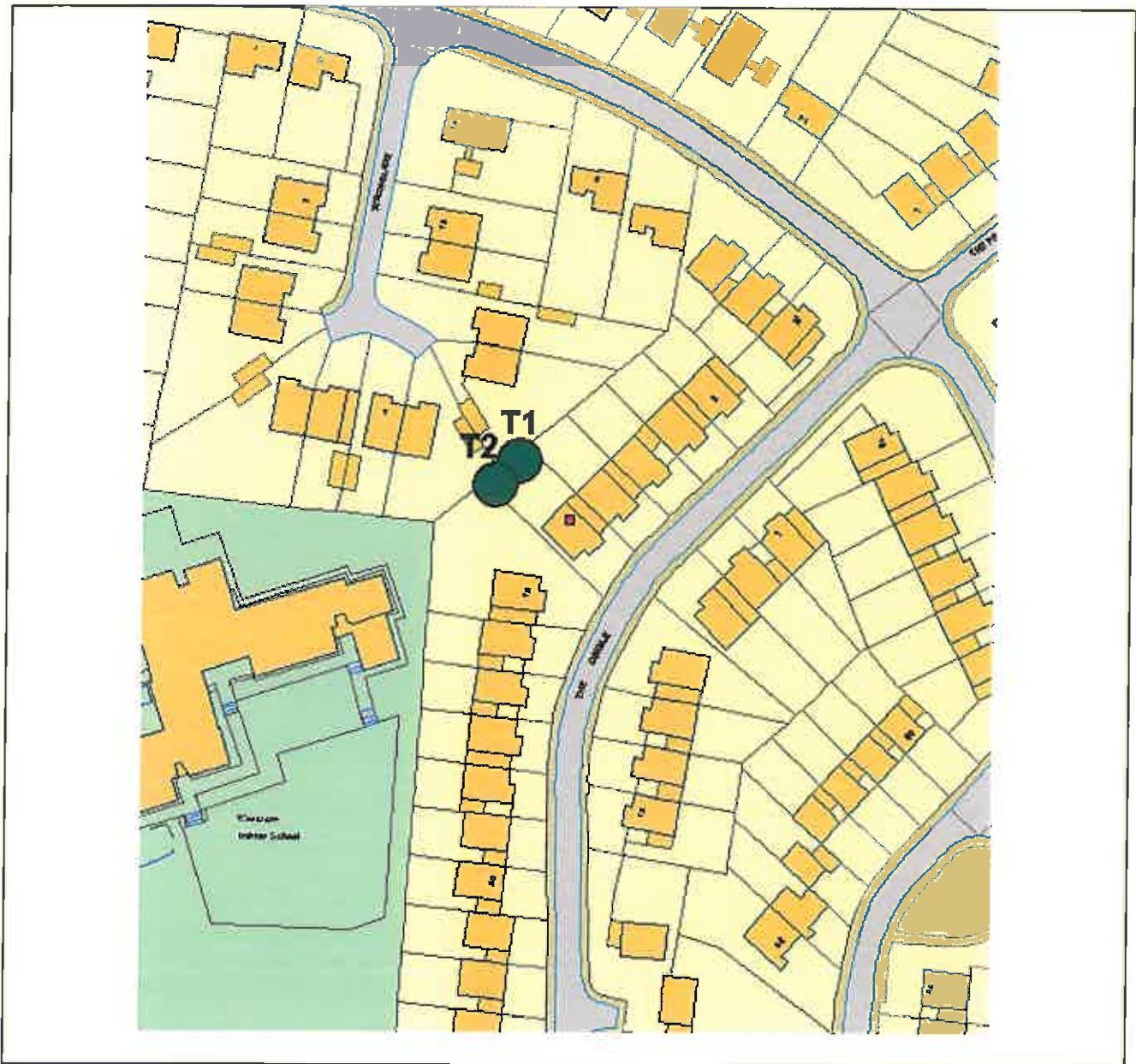
8 **Environmental Implications**

- 8.1 This report has significant environmental implications which are fully explained within the body of this report.

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Section Leader (Enforcement and Trees): Charlotte Morrison.



O/S coordinates (easting): 388575

O/S coordinates (northing): 298250

Approx Scale of Plan 1:1250 - Do not scale from plan

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WV1 1RP

**The Wolverhampton City Council, 10
The Dingle, Tree Preservation Order
2011.**

Reference
Number: -
11/00011/TPO