

Wolverhampton City Council

OPEN DECISION ITEM

Committee

PLANNING COMMITTEE

Date: 28th February 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 - 12 THE DINGLE) TREE
PRESERVATION ORDER 2011**

Recommendation:

That the Wolverhampton City Council (10 -12 The Dingle) Tree Preservation Order (TPO) 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 (10-12 THE DINGLE) TREE PRESERVATION ORDER 2011
(see attached plan)**

1. Purpose of the report

- 1.1 The decision whether to confirm the Tree Preservation Order made in respect of a Maple (T1) and Ash (T2) tree at (10-12 The Dingle), was deferred from Planning Committee on the 31st January to allow a site visit on 14th February, 2012.

2. Background to Report

- 2.1 A enquiry was made, earlier last 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 boundary Ash tree in the rear gardens of 10-12 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 2011.

3 Report Details

- 3.1 Letters of objection have been received from the owners of: 8 The Dingle and 9 Birchglade.

Summary of Objections

Letter from the owner of 8 The Dingle:

- 3.2 Concern for loss of light into rear garden

The Maple and Ash trees are situated to the North West corner of the rear garden of Numbers, 10 and 12 The Dingle and will only cast a shadow into

rear garden of No. 8 in late afternoon/early evening, when in leaf. A Spruce tree to the East of the rear garden of 10 the Dingle may cast afternoon shade into the garden of No 8 and is also closer to property at Numbers, 8 and 10 The Dingle. Consequently, it was not considered appropriate to include this tree in the Order.

3.3 Gutters and drain grilles frequently need clearing

It is acknowledged that clearance of drains and grilles may be onerous in the autumn months. However, the natural seasonal occurrence of leaf fall is not considered a valid reason not to protect trees.

3.4 Tree roots parch one side of the garden.

The trees which are the subject of the Order are located at the rear of the gardens of No.s 10 -12 and are sufficiently distant from the garden of No 8 as to have little or no effect upon plant growth.

3.5 Hard work to clear up the leaves and patio is made slippery.

As referred to in Paragraph 3.3, leaf fall is not considered a valid reason to prevent the protection of significant trees.

3.6 Removal of self set seedlings

Seeds shed from trees are wind borne or transmitted by birds, therefore their distribution cannot be controlled.

Letter from the owner of 9 Birchglade:

3.7 Blocking light due to size

The Maple and Ash trees are sited to the south of this property and will cast shade around mid-day, but should not affect available light in the morning or evening. The letter of objection implies that the trees should be regularly pruned to control their size: however, tree owners are under no legal obligation to manage the height of their trees.

4 **Conclusion**

4.1 The two trees in the rear garden are fine healthy specimens with a long safe life expectancy of 50 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 Consequently, Members are recommended to confirm the Tree Preservation Order which applies to 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, wilful damage or wilful destruction of trees except with the consent of the Council. [LD/13022012/Y](#)

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.

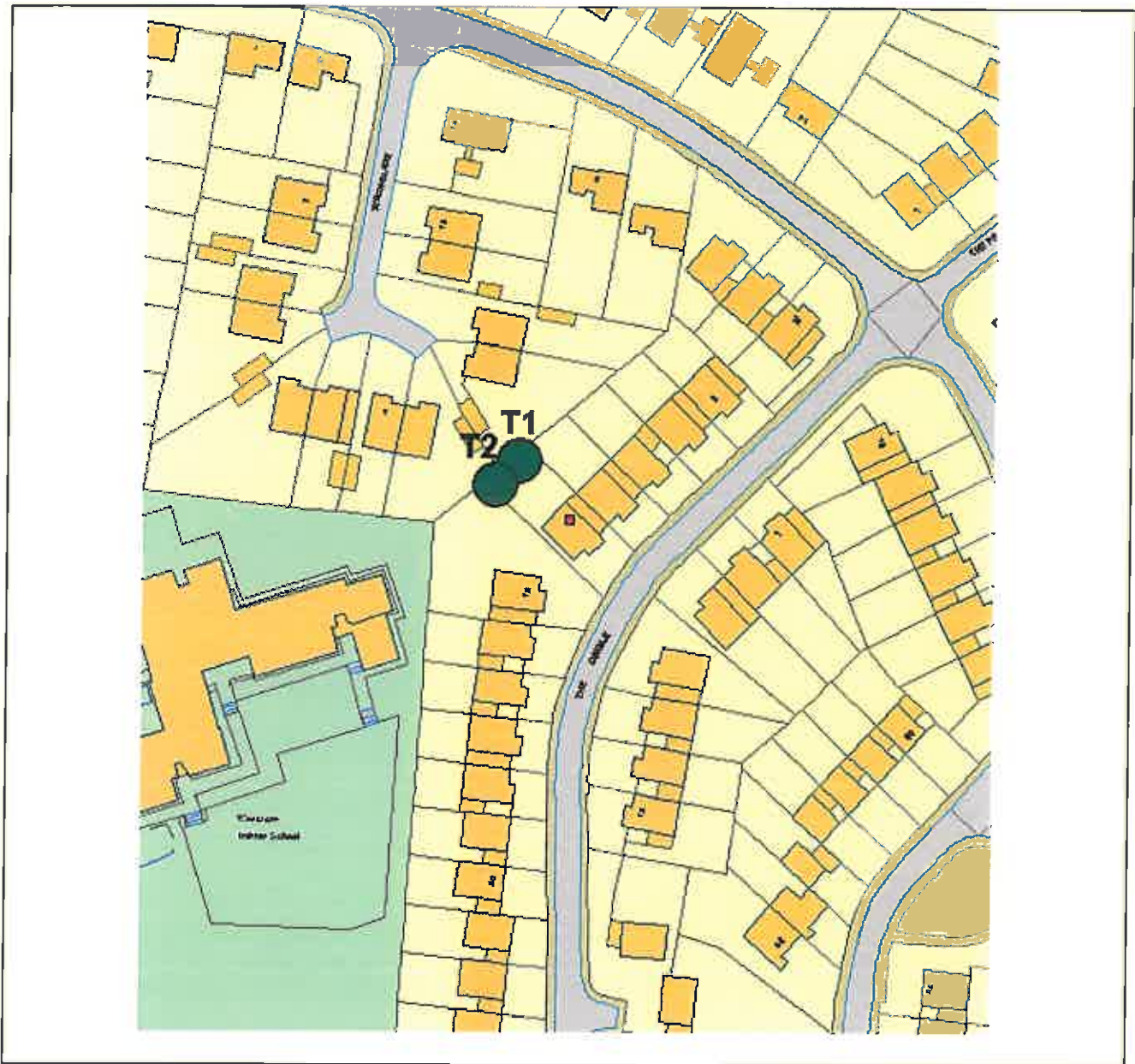
8 Environmental Implications

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

Case Officer : Mr Andrew Fisher

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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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Wolverhampton City Council Regeneration & Environment Planning Services Civic Centre St Peter's Square Wolverhampton WV1 1RP	The Wolverhampton City Council, 10 The Dingle, Tree Preservation Order 2011.	Reference Number: - 11/00011/TPO
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