

CITY OF WOLVERHAMPTON COUNCIL	Planning Committee Tuesday, 12 July 2022
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Planning application no.	22/00740/TR	
Site	21 Maythorn Gardens, Wolverhampton, WV6 8NP	
Proposal	06/00214/TPO (T143) - Cedar in rear garden - Fell because of condition	
Ward	Tettenhall Wightwick;	
Applicant	Mr William Humphries	
Cabinet member with lead responsibility	Councillor Stephen Simkins Deputy Leader: Inclusive City Economy	
Accountable Director	Richard Lawrence, Director of Regeneration	
Originating service	Planning	
Accountable employee	James Dunn	Tree Officer
	Tel	01902 555621
	Email	James.dunn@wolverhampton.gov.uk

1.0 Summary recommendation

1.1 Refuse

2.0 Application site

- 2.1 The cedar tree subject to this application is protected as T143 of The Wolverhampton Tettenhall No.2 Tree Preservation Order 1959. The Tree is situated within the rear garden of 21 Maythorn Gardens. The tree is situated centrally within the rear garden, with a canopy spread that overhangs most (approximately 57%) of the useable area of the rear garden.
- 2.2 The property in which the tree stands is situated within the residential cul-de-sac of Maythorn Gardens, there is a similarly sized cedar tree located in the front garden of the property, and a similar but smaller sized cedar tree located in the adjacent rear garden.
- 2.3 Maythorn Gardens was built on the site of a former single large property called “The Grove”, and the mature trees within Maythorn Gardens would have formed a part of the

landscaping associated with that property. The tree subject to this application appears to be a remnant of the formal landscaping alongside the driveway of that property.

3.0 Application details

- 3.1 The applicant has proposed to remove the tree due to concerns about the safety of the tree and the risk that it provides to resident and users of their property due to numerous previous incidences of significant branch failure.
- 3.2 In support of the applications Mr Humphries has submitted photos of a previous branch / limb failure, along with a supporting letter from a chartered arboriculturalist recommending the felling of the tree due to the nature and history of the branch failures.

4.0 Relevant policy documents

- 4.1 Wolverhampton Unitary Development Plan (UDP) – Policy N7: The Urban Forest

5.0 Publicity

- 5.1 No comments received.

6.0 Consultees

- 6.1 None.

7.0 Legal implications

- 7.1 Regulation 24 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 provides that any person who suffers loss or damage that is in consequence of the Council's decision to refuse consent, or to impose conditions when granting consent, may within 12 months of the decision, and subject to other limitations as set out in regulations, make a claim for compensation from the Council.
KR/30062022/A)

8.0 Appraisal

- 8.1 The Cedar tree subject to this application is a mature specimen that is prominently visible in the street scene of both Maythorn Gardens and Wood Road. The tree is one of a number of large trees that characterise the area and makes a significant contribution to the visual landscape and street scene. Furthermore, the tree forms a heritage link to the previous iterations of development at the site, as it appears that this tree may have been present at the time the 1884 County Series mapping was produced, and would have formed part of a short avenue of similar trees either side of the driveway to "The Grove" house, which occupied the plot prior to the current properties which were built around the 1970's. Given the public visibility, the stature of the tree and its heritage link, the tree has a high amenity value.
- 8.2 Given the high amenity value of the tree, the justification required for its removal needs to be similarly high.

- 8.3 The application describes the reasons of the application as the condition of the tree, and the risk to the occupiers and visitors to the property from further branch failure. In support of the application the applicant has submitted a letter / report from a chartered arboriculturalist which considers the impact of the falling branches and cones on the use of the garden by stating that in his assessment there were no pruning remedies to the failures and the only form of action would be to fell the tree.
- 8.4 The issues relating to the failure of seasonal debris are not considered sufficient grounds to fell a tree with an amenity value of this magnitude. The fall of needles, small twigs and cones from the tree is a natural process. Risk of injury from falling seasonal debris is sufficiently low so as not to place an undue burden on property owners. To accept that the natural shedding of cones, and other seasonal debris is sufficient grounds to fell high amenity trees would, if allowed to follow to its reasonable conclusion, result in a substantial and significant reduction in the amenity value of areas such as Tettenhall due to the presence of similar such trees in the area.
- 8.5 With regards to the failure of the larger branches from the tree and the impact that this has on the use of the garden, the issue at hand is whether the applicant has sufficiently demonstrated that the prevailing condition of the tree, the characteristics of the species and the associated hazard to the occupiers to the land underneath are such that the felling of the tree, is the most reasonable course of action given the amenity that the tree provides to the area.
- 8.6 During my visits to the tree the evidence of various failures was observed within the tree, including the most recent failures, and the significant hung-up limbs that are still retained during the canopy. There seem to be a predominant bias of the points of failure to the western half of the tree, which would appear to benefit from less protection from the prevailing winds from the cedar tree in the front garden. This would support the conclusions that the failures are related to the wind forces that are exerted on the trees.
- 8.7 The arboriculturalist's assertion in their report / letter, that "...there is no pruning remedy for these branch failures" and that "the only form of action is to remove the tree" isn't accepted, as on inspection, there appears to be substantial potential for the secondary and tertiary branches to be pruned back to appropriate pruning points so as to re-profile the canopy, reduce the overall lever arm length of the overall branches structures and lessen the wind forces exerted on the higher order branch structures and junctions, whilst still retaining the trees with a relatively naturalistic canopy. Such works would reduce the risk of branch failure whilst allowing for the retention of the tree as a significant amenity feature in the area.
- 8.8 Given the pruning potential that exists within the canopy it is not accepted that the felling of the tree is the only viable option to resolve the concerns regarding falling branches, and therefore, given the high amenity value of the tree the felling of the tree has not been adequately justified.

9.0 Conclusion

9.1 Having regard to both the application and the documents submitted in support, the reasons put forward in the application to justify the felling of this high value tree are not sufficient to justify the impact on the amenity of the local area that would result from the proposed felling of the tree. In particular, the proposed risk to further significant failure of the tree has not been demonstrated to the point that felling of the tree is, given the amenity value of the tree, the most appropriate and reasonable management option.

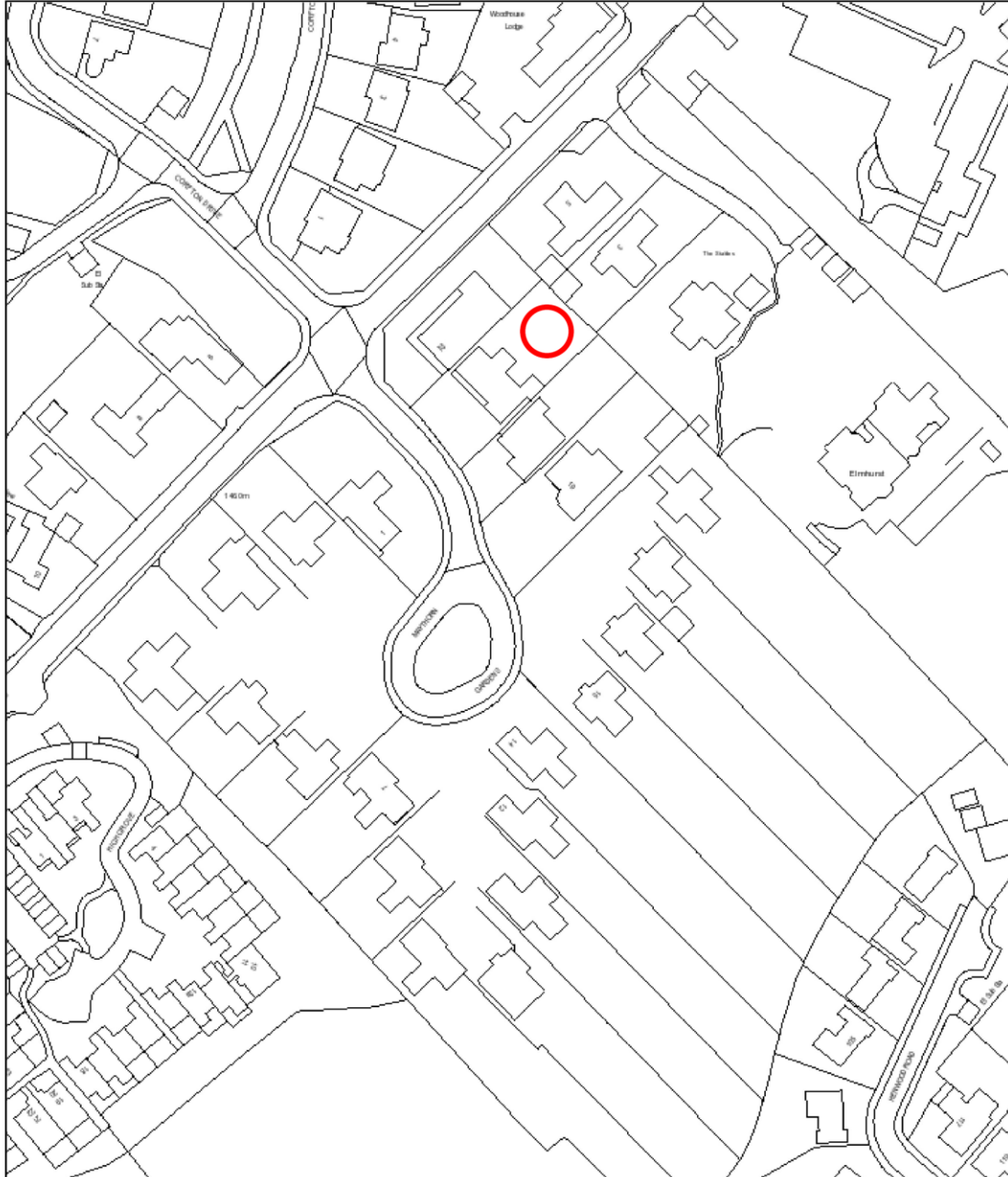
10.0 Detail recommendation

10.1 Refuse planning permission for the following reason:

The cedar tree subject to this application provides a high amount of amenity to the surrounding area. The application and associated supporting information do not sufficiently demonstrate that the felling of the tree is the most appropriate and reasonable management option for the tree and therefore the detrimental impact on the amenity value of the tree that would result from the proposed works has not been sufficiently justified.

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Location Plan for application 22/00740/TR



6/30/2022, 4:08:48 PM



Tree subject to application

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