



PLANNING COMMITTEE

8th September 2022

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

APPLICATION TO REMOVE 1 PROTECTED SYCAMORE TREE AT 9, ROWTHORN CLOSE, STREETLY, B74 2EN.

1. PURPOSE OF REPORT

Reason for bringing to committee: Significant community interest.

2. RECOMMENDATIONS

Refuse Consent.

3. PROPOSAL

T1 – Sycamore to fell.

4. SITE AND SURROUNDING

Rowthorn Close is a cul-de-sac located at the end of Linforth Drive, which is situated towards the southern end of Thornhill Road and 9, Rowthorn Close is situated adjacent the turning head. The area is primarily residential with properties of differing ages and architectural styles. Sutton Park is situated to the east of the property approximately 100 metres away. The area has good tree cover of diverse species and age ranges.

5. RELEVANT PLANNING HISTORY

Application 04/1464/TR/T1 to prune 3 Sycamores given consent by the Council on 04/08/2004.

Application 14/1473/TR to fell 1 Sycamore and crown lift 1 Sycamore to give 4.0 metres clearance above ground level given consent by the Council on 03/11/2014.

Application 15/0611 to fell 1 Oak tree which was refused by the Council on 01/06/2015. However, consent was given to remove the lowest 2 lateral branches extending west towards the roof of 7, Rowthorn Close, B74 2EN back to the main stem and to remove a large stub at a height of approximately 2.5 metres back to the main stem.

Application 18/0718 to fell 1 Sycamore (the Sycamore which is the subject of this application) refused by the Council on 31/07/2018

Application 20/0572 to fell 1 Oak and 1 Sycamore (the same Sycamore which is the subject of this application) refused by the Council on 09/11/2020.

6. RELEVANT POLICIES

National guidance explaining the regulations governing Tree Preservation Orders can be found in the National Planning Policy Framework, Planning Practice Guidance -Tree Preservation Orders and Trees in Conservation Areas (updated 06 March 2014).

Saved UDP: Policy ENV18: Existing woodlands, trees and hedgerows, states:

- (a) 'The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows'.

7. CONSULTATION REPLIES

Not applicable.

8. REPRESENTATIONS

Three representations have been received from 7 and 9, Rowthorn Close, B74 2EN and 32, Linforth Drive, B74 2EQ supporting the proposed removal of the Sycamore tree, citing the following reasons:

- The branches overhang the roof of 7, Rowthorn Close and should they break during bad weather will cause considerable damage and danger to life.
- Leaf litter, seeds and sap falls into the gutters and drains.
- Bird droppings on the house roof tiles and car.
- Aphid secretions when in full leaf causing lacklustre finish to paintwork.
- The tree makes a mess of white plastic window frames and glass.
- Tree pollen enters house causing health issues.

9. DETERMINING ISSUES

Whether the proposed removal of the Sycamore tree will be detrimental to the amenity, aesthetic and landscape value of the locality, and whether there is sufficient justification for the removal of the tree for the reasons given in the application.

10 ASSESSMENT OF THE PROPOSAL

Site Visit: 04/08/2022

Tree: 1 mature Sycamore tree.

The Sycamore tree which is the subject of this application is situated adjacent the west property boundary of 9, Rowthorn Close, B74 2EN adjacent 7 Rowthorn Close and is protected by TPO title no. 46/2008. The Sycamore is labelled T1 on the application form and during the officer site visit and inspection of the tree the

following observations were made:

T1 – Sycamore – a mature tree with a stem diameter of approximately 600mm, a height of approximately 18.0 metres and a crown spread of approximately 12.0 metres. The main stem is clear of branches up to a height of approximately 7.0 metres above ground level. There are old pruning wounds on the main stem that have yet to fully occlude. The crown of the tree extends outside of the tree owners boundary overhanging the front driveway of 7, Rowthorn Close, B74 2EN by up to approximately 2.5 metres in places. From a ground inspection, the tree appears to be in good condition with no evidence of any significant faults, decay or indications of pest or disease.

The application to remove the Sycamore is supported by a tree report dated 11/04/2022 made by A L Smith a fully qualified Chartered Arboriculturist who is acting as the agent for the owner / occupier of 9, Rowthorn Close, B74 2EN. The assessment of the Sycamore was made following concerns by the owner / occupier and neighbour at 7, Rowthorn Close about the amount of leaf litter and detritus which that falls into the gutters causing blockages. In addition, Aphid secretions when the tree is in full leaf and bird droppings degrading car paintwork are also cited as a concern. The tree report considers that the crown of the Sycamore is dense and in good condition with signs of reasonable vitality. The tree report further states that the only works that can be recommended to remedy the issues associated with the tree are to have it removed as pruning is not considered a viable alternative.

In response to the representations:

- From a ground inspection the Sycamore tree appears to be in good condition and there is no evidence to suggest it is more susceptible to branch failure in severe weather events than any other healthy tree.
- The shedding of leaves and seeds is a natural biological function of the tree and whilst they can be an inconvenience, they only affect a small area of garden and their removal is considered to be part of routine property maintenance. Similarly, the removal of aphid secretions and bird droppings falling onto the property and cars is also considered to be part of routine property maintenance.
- No evidence has been supplied with the application that the Sycamore is responsible for causing health issues.

11 CONCLUSIONS AND REASONS FOR DECISION

It is considered that the inconveniences experienced by the tree owner and near neighbours are the drawbacks of living in close proximity to a mature tree and they are not matters that would normally justify the removal of what is a healthy protected tree with demonstrable visible public amenity value. Lesser pruning works have been considered but discounted, as they would need to be severe to have any noticeable effect, which would significantly harm the trees health and amenity value.

12 RECOMMENDATION

Refuse consent.

13 **CONDITIONS AND REASONS**

Walsall Metropolitan Borough Council, as a Local planning Authority, hereby refuses consent for the following works as shown in this application:

- To fell Sycamore tree T1

For the following reason:

- From a ground inspection the Sycamore tree appears to be in good condition and there is no evidence to suggest it is more susceptible to branch failure in severe weather events than any other healthy tree.
- The shedding of leaves and seeds is a natural biological function of the tree and whilst they can be an inconvenience, they only affect a small area of garden and their removal is considered to be part of routine property maintenance. Similarly, the removal of aphid secretions and bird droppings falling onto the property and cars is also considered to be part of routine property maintenance and does not justify the removal of a healthy tree with demonstrable visible public amenity value.
- No evidence has been supplied with the application that the Sycamore is responsible for causing health issues.

CT OFFICER

14 **CONTACT OFFICER**

Andrew Cook – Regeneration Officer Trees. Extension: 4740

Alison Ives,
HEAD OF PLANNING & BUILDING CONTROL