



Appeal Decision

Site visit made on 25 March 2009

by **Jonathan Cocking F.R.E.S., P Dip Arb. (R.F.S.), F Arbor A., M. IOB, C.Biol, MICFor**
an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government

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Date:

27 MAY 2009

Appeal Ref: APP/TPO/H0738/423

1 The Willow Chase, Long Newton, Stockton-on-Tees, TS21 1PD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to undertake work to an Ash tree protected by a Tree Preservation Order.
- The appeal is made by Mr Thomas Russell Evans against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 08/2819/X, dated 8 September 2008, was refused by notice dated 4 November 2008.
- The work proposed is to fell or seriously reduce the appeal tree.
- The relevant Tree Preservation Order (TPO) is Stockton-on-Tees Borough Council (Land adjacent to 1 The Willow Chase, Long Newton) Tree Preservation Order 2005 No. 603, which was confirmed without modification on 4 July 2005.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this appeal are:
 - Would the proposed work be detrimental to the character and appearance of the area?
 - Does the appeal tree represent an unacceptable risk to the appellant and adjacent property?
 - Does the tree block a significant amount of light to the house?

Reasons

The first issue - Would the proposed work be detrimental to the character and appearance of the area?

3. The appeal tree was formerly located at the entrance to the village of Long Newton, but significant road improvement works have taken place over the recent years and the appeal tree is now in a less prominent position. In addition to this, opposite the tree there is an area which forms the edge of the A66 road which is heavily planted with young and semi mature specimens of mixed species.

4. The appeal tree is however, the only fully mature specimen in the immediate vicinity.
5. I consider therefore that on the first issue, the works would have some detrimental effect on the character and appearance of the local area.

The second issue - Does the appeal tree represent an unacceptable risk to the appellants and adjacent property?

6. At the time of my inspection the appeal tree was covered in dense Ivy, which prevented a detailed examination. However, some cavities with decay present were noted in the crown of the tree where it has been heavily pruned in the past.
7. There is a large limb which overhangs the Summer House and which causes the appellants some concerns. This limb is becoming excessively heavy for the decayed wood close to the stem to support it and there is some merit in the argument that this limb could represent a hazard in time.
8. Apart from this, there is no evidence of any limbs which are likely to fail in the future. The appeal tree may from time to time shed small limbs or dead branches but the risk to people or property in this respect is very low and this does not present a safety risk significant enough to warrant complete removal.
9. I have decided on the second issue that the removal of the appeal tree on these grounds alone is not acceptable although some remedial works might be worth applying to the local authority for.

The third issue - Does the tree block a significant amount of light to the house?

10. The appeal tree is situated to the southwest of the dining room and will block some late afternoon and early evening sun. The canopy of the appeal tree also overhangs the summer house and will cast shade onto this building. However, the property has more than one aspect and as such will enjoy sunlight from other angles.
11. I consider that the removal of the tree to prevent light blockage has not been justified.
12. I have therefore decided on the third issue that the removal of the appeal tree on these grounds alone is not justified.

Conclusions

13. Having considered all of the written evidence before me and based on my observations on site I am not persuaded that the case for felling has been made. The application and subsequent appeal are vague in respect to alternative works to felling. In the absence of detailed information on what degree of pruning is intended by "seriously reduce", I am unable to allow this aspect of the appeal which would be too vague and open to too wide an interpretation.
 14. After a thorough examination of appeal tree, no evidence was seen of any excessive deadwood or danger posed by the tree although the appellants may
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want to consider making a fresh application for lesser works, which should be specifically detailed, in order to alleviate the adverse effects of the tree on his property.

15. The tree is not considered to be casting sufficient shade to warrant its removal.
16. I therefore dismiss this appeal.

Jonathan P Cocking

Arboricultural Inspector