



Appeal Decision

Site visit made on 16 December 2009

by **I Murat**

an Arboricultural Inspector appointed by the Secretary
of State for Communities and Local Government

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date:
18 JAN 2010

Appeal Ref: APP/TPO/H0738/877

Claireville Hotel, 519 Yarm Road, Eaglescliffe, Stockton

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 a beech and monkey puzzle protected by a Tree Preservation Order.

- The appeal is made by Mr Reed against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 09/1993/X, dated 5 August 2009, was refused by notice dated 29 September 2009.
- The work proposed is felling.
- The relevant Tree Preservation Order (TPO) is The Stockton-on-Tees Borough Council (Land to the rear of the Claireville Hotel, 517 - 519 Yarm Road, Eaglescliffe, Stockton-on-Tees) Tree Preservation Order 2005, which was confirmed on 26 July 2005

Decision

1. I allow the appeal in part and grant consent to fell the monkey puzzle (T4) on land at Claireville Hotel, 519 Yarm Road, Eaglescliffe, Stockton in accordance with the application 09/1993/X, dated 5 August 2009 and the plans submitted with it, subject to the following conditions:
 - The Council will be given 7 days notice as to when the works are to begin and be notified when the works are complete.
 - The works are undertaken to BS 3998: 1989 Recommendations for Tree Works.
 - The tree works are undertaken within two years of the date of this decision.

I dismiss the appeal in respect of the following tree: beech (T1) and refuse to grant consent to fell.

Main Issues

2. I consider the main issues in this appeal are:
 - a) The effect on the appearance and character of the local area if the beech and monkey puzzle are felled.
 - b) Whether the reasons given for felling the beech are sufficient to justify that course of action

Reasons

The first issue - The effect on the appearance and character of the local area if the beech and monkey puzzle are felled

3. The monkey puzzle tree is not visible from any public vantage points. Viewing the site along Yarm Road at a point close to the entrance of Eaglescliffe Golf Course walking back towards the hotel in a northerly direction from both sides of the road, I was unable to take in even a glimpse of the monkey puzzle. When viewed from directly outside the entrance to the hotel, the tree is lost to the background. The tree to me has no visual amenity and therefore, I grant its removal on the basis that its loss has no detrimental effect on the treed character or visual amenity of the site. The site is adjacent to, but not within, the Eaglescliffe with Preston Conservation Area. The loss of the tree has no detrimental impact on the Conservation Area.
4. In respect of the beech, I am satisfied, having viewed the tree from all the major public vantage points that the tree is of visual amenity and enhances the character of the hotel's grounds adding a sense of scale and maturity. The removal of the tree would have a detrimental appearance on these grounds and the general setting of the hotel and the aims of the Tree Preservation Order.
5. On the first issue, I have decided that overall there would be a material adverse effect on the appearance and character of the locale if the beech were felled as appealed. However, the removal of the Monkey-puzzle has no such impact and I am content to grant the removal of this tree.

The second issue - Whether the reasons given for felling the beech are sufficient to justify that course of action

6. I accept that the tree will reduce the level of available direct sunlight to the property and the garden during the early morning. However, I note that the building itself will shade the function room during the afternoon and evening. In respect of the patio area, there appears to have been some adhoc pruning of lower branches to either facilitate additional light to this area or make additional clearance for car parking and grounds maintenance. The appellant makes the point that neighbours would benefit from the removal of the tree, but it appears too remote from their property to have any meaningful impression on the direct sunlight levels.
7. It is not uncommon for twigs and branch wood, less than 2 centimetres in diameter, to become dislodged in high winds, but this does not usually constitute a serious hazard, nor would it designate the tree as 'dangerous'. It could be alleviated by maintenance of the tree which would include crown cleaning, i.e. removal of any dead, diseased, broken or rubbing branches that were found. Issues such as bird excrement and the like are matters of normal maintenance and do not warrant the removal of the tree.

8. Mr Reed's original application expands on the commercial reasons to remove the trees and expand and diversify into other areas of the hotel and conference business. The reasons submitted in the original application and on the appeal form were not supported by a business plan/projections or proof that business has been or is being lost because of the inadequate car parking facilities. Neither has any evidence been presented to me to show that alternative forms of car park surfacing have been investigated and proved to be unviable.
9. Issues of security have been cited but having viewed the site I was unable to see any significant "blind spots" caused by the beech tree. The issue of insurance premiums was also raised, but again there was no financial or other written evidence to show that the hotel is either paying an extra levy for trees on its property or would be given significant savings were trees not present.
10. I accept the view that there will be pressure on the surrounding streets when the car park is at capacity but was given no evidence to demonstrate the frequency of occupancy at or above capacity, or that the Council, in its role as the Highways Authority, has made representations to the appellant regarding this issue.

Conclusions

11. In respect of the monkey puzzle (T4), the tree has no visual amenity therefore, its removal has no detrimental to the treed character of the site. Replacement is considered unnecessary on this occasion. The grounds are well treed.
12. The beech is a well-formed prominent tree and enhances the character of the hotel's grounds adding a sense of scale and maturity. Much of the appellant's evidence lacked the necessary information to support his case. Therefore, on the evidence presented before me, I refuse to grant permission to fell the beech (T1).

I Murat

Arboricultural Inspector