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## Appeal Decision

Hearing held on 3 July 2012

Site visit made on 3 July 2012

by **P J Asquith MA(Hons) MA MRTPI**

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

Decision date: **25 JUL 2012**

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**Appeal Ref: APP/TPO/H0738/2443**

**Gillingwood, 103 Fairfield Road, Fairfield, Stockton-on-Tees, TS19 7BU**

- 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 trees protected by a Tree Preservation Order.
  - The appeal is made by Mrs Sandra Welsh against the decision of Stockton-on-Tees Borough Council.
  - The application Ref: 11/2253/X, dated 2 September 2011, was refused by notice dated 2 February 2012.
  - The work proposed is the reduction in size by 20% and the stopping of upward growth of two beech trees.
  - The relevant Tree Preservation Order (TPO) is the Stockton-on-Tees Borough Council (103 Fairfield Road, Stockton) Tree Preservation Order No. 161, 1991, which was confirmed on 24 January 1992.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues in respect of this appeal are: (a) the effect of the proposed work on the amenity value of the trees and on the character and appearance of the surrounding area; and (b) whether the reasons given for the work justify that course of action.

### Reasons

#### *Amenity value, character and appearance*

3. The appeal property comprises a large detached house and garden to the north-eastern side of Fairfield Road, a local distributor road flanked by residential development. The two beech trees of some 10-12m in height lie to either side of the vehicular access to the property off Fairfield Road, partially overhanging the footpath along the roadside and the road itself. They form part of the group of trees covered by TPO No. 161 which occupies the front garden of No. 103, the others in the group including a number of tall, imposing pines. Together, these trees, along with others within flanking gardens on the north-eastern side of the road, provide a considerable softening effect to the townscape within this area, particularly bearing in mind the less vegetated appearance of more modern housing to the opposite side of the road. By their positioning, stature and leaf colour the beech help to provide a pleasing complementary contrast to the other trees within the garden of No. 103 and

those further along the road. In particular, they are very prominent because of their positioning directly opposite the junction of the residential street of Upsall Grove from where their height, attractive colouration and intermingling crowns are most clearly seen.

4. The crown spread of the beech trees varies from some 4m to 7m and the trees are likely to be in the region of 75-100 years old. Some past crown lifting has occurred to provide clearance over the driveway, pavement and road but the trees maintain a pleasing natural appearance and balance. The Council previously approved works to the trees in 2009 to prune back soft growth to the lower canopy and increase ground clearance and that adjacent to the house. This was not to exceed 10% of the volume of the trees. At the Hearing the appellant indicated that this work had not been carried out. The appellant now wishes to reduce the size of the crowns by some 20% and she indicated that she had been advised by an arborist that such a level of reduction would not be harmful to the trees. Nonetheless, no documentary evidence to substantiate this view has been produced and the arborist did not appear at the Hearing. On the other hand, the Council suggests there is no reason to reduce the size of the trees in terms of their health or for general arboricultural reasons. Furthermore, beech is not a vigorous species and a high degree of pruning, including that of mature wood, can make them susceptible to disease. I have no reason to come to a contrary view.
5. I consider that a 20% reduction in the size of the trees and work to prevent further upward growth would be harmful to the overall appearance and shape of the trees; if carried out they would have a far more manicured, constrained and smaller shape, which would be particularly noticeable when viewed from Upsall Grove. Such a level of work could make them more susceptible to health problems which could threaten their longevity. Given the positive contribution of the trees to amenity, as described above, such a reduction would be detrimental to the character and appearance of the area in general.

*Justification for the works*

6. The appellant has two principal reasons for wishing to reduce the size of the trees; fear that they might cause subsidence to the house, and issues of light and shading. Regarding the former, most of the house, built at the turn of the 20<sup>th</sup> century, was underpinned about 19 years ago, the appellant indicating that the reason for this was subsidence caused by trees. She is concerned that unless the beech trees are reduced in size subsidence might re-occur. Although at the Hearing Mrs Welsh indicated that when underpinning took place certain trees around the house were removed, she was not able to say where these had been in relation to the property.
7. I have seen no documentary or other evidence to suggest that there is any ongoing subsidence to the house, that there is a threat of this arising from the presence of the beech trees (whose trunks are about 10m from the nearest part of the front of the house) or that the beeches were responsible for any part of the previous subsidence caused. Whilst concern was expressed about insurance premiums that were having to be paid, I have been presented with no evidence to suggest that the existence of the beech trees in their present state results in an inability to obtain insurance cover. On the assumption that the underpinning was carried out correctly, this should have taken account of the presence of the beech trees.

8. Having regard to shade and light, No.103 is a double-fronted house with two front sitting rooms orientated in a south-westerly direction. I was able to visit these rooms at the Hearing close to midday when it was bright but not sunny. The room closest to the beech trees was the darker of the two, which in part was as a result of shading by the trees. Nonetheless, it was also evident that this difference was partially as a result of the furnishings and décor of this room, with a large recessed fireplace with partial dark wood panelling, and a large dark wood bookcase. The room was not unpleasantly dark or gloomy, did not need to be artificially lit at the time and the presence of the trees in combination with the protected pines did not obscure all views of the open sky.
9. I do not doubt that at other times of the day and year and in different weather conditions the room may be darker and more shaded than the appellant would wish. Similarly, I have no doubt that the reduction of the trees sought by the appellant would assist in limiting the shading of the living room. Nonetheless, a lesser degree of reduction as suggested by the Council would be likely to also help. Overall, I do not consider that the proposed degree of work to the trees is justified to significantly ameliorate the living conditions of the occupiers of No. 103 either on the basis of fears of possible structural damage or in respect of the shading of one of their habitable rooms.

*Conclusion*

10. Having taken into account all of the foregoing matters, I consider the proposed work to the trees in question would seriously undermine their amenity value, could threaten their health and longevity, and would have a harmful impact on the appearance and character of the area. The reasons given to justify the work are not sufficient to outweigh the harm that would result should the proposed work be undertaken. Accordingly, the appeal must fail.

*P J Asquith*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT

Sandra Welsh

Appellant

FOR THE LOCAL PLANNING AUTHORITY

Stuart Hibbert

Principal Tree and Woodland Officer

Helen Conti

Planning Technician