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## Appeal Decision

Site visit made on 22 February 2013

by **I Murat**

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

Decision date: **15 MAR 2013**

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### Appeal Ref: **APP/TPO/H0738/2948** **8 Prestwick Court, Eaglescliffe**

- The appeal is made under Regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against the refusal to grant consent to fell an ash protected by a Tree Preservation Order.
  - The appeal is made by Mrs P Oldham against the decision of Stockton-on-Tees Borough Council.
  - The application Ref: 12/2140/X, dated 4 September 2012 was refused by notice dated 30 October 2012.
  - The proposed work is felling.
  - The relevant Tree Preservation Order (TPO) is The Council of the Borough of Stockton-on-Tees (Land at 7 Prestwick Court, Eaglescliffe) Tree Preservation Order 2010 No TPO 751, which was confirmed on 11 February 2011.
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#### Decision

1. The appeal in respect of felling the tree is dismissed.

#### Preliminary Issues

2. In accordance with current guidance, fast-track procedure cases are dealt with on the basis of the original application and its supporting documentation, the decision of the Local Planning Authority and the reasons they gave when making the decision. I am therefore unable to give consideration to the additional issues raised by the appellant in the appeal namely; infiltrating the gas supply and structural damage to the main house.

#### Main Issue/s

3. I consider the main issues in this appeal are:
  - a. The amenity value of the tree and the likely impact of the proposal to fell on the character and appearance of the area.
  - b. Whether the reasons given for felling the tree are sufficient to justify that course of action proposed.

#### Reasons

4. **(a) The amenity value of the tree and the likely impact of the proposal to fell on the character and appearance of the area.** I found at my site visit the tree can be viewed from a number of public vantage points. The tree is located at the head of Prestwick Court. It is visible from Wentworth Way, between the gaps in the properties along Portland Close, along Honister Walk and Uldale Drive. The crown of the appeal tree can be seen from the public
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viewpoints. The canopy is well proportioned and does not appear out of scale. Viewed from public vantage points, and to a greater or lesser extent depending on the depth into the site, the tree contributes to the attractive mature appearance of the whole area.

**Conclusions on (a)**

5. On the first issue, I have decided that overall, there would be a significant material adverse effect on the appearance of the local area if the tree were felled.
6. **(b) Whether the reasons given for felling the tree are sufficient to justify the course of action proposed.** In view of the amenity associated with the tree, there would need to be sound reasons to justify its loss. The reasons given are mainly centred on the effect the tree has on the hard surface drive serving the property.
7. There is clear buckling to the block paved drive that is typical of damage caused by the incremental growth of tree roots. There has been no evidence to suggest the damaged area could not be repaired or the edge of the drive redefined to incorporate the roots more successfully. Whilst the damage is inconvenient, I am of the opinion that the damage does not outweigh the clear visual amenity the tree affords to the wider area.

**Conclusions**

8. I have noted all that the appellant has stated in support of the application and those matters which are valid before me. Having considered carefully the points raised, I am not persuaded that the evidence placed before me is sufficient to justify the removal of the tree. The appeal is dismissed.

*I Murat*

**Arboricultural Inspector**