



Appeal Decision

Site visit made on 6 March 2014

by **I Murat** MSc, F.Arbor.A, CEnv, MCIEEM

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

Decision date: **17 APR 2014**

Appeal Ref: APP/TPO/H0738/3569
100 Wolviston Road, Billingham TS22 5JQ

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to fell an ash protected by a Tree Preservation Order.
- The appeal is made by Mrs S Gilbert against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 13/2001/X, undated, was refused by notice dated 17 October 2013.
- The proposed work is felling.
- The relevant Tree Preservation Order (TPO) is the Stockton-on-Tees Borough Council (Land and Property at 100 Wolviston Road, Billingham, Stockton-on-Tees) Tree Preservation Order 2007 No.680, which was confirmed on 16 November 2007.

Decision

1. The appeal is dismissed.

Main Issues/s

2. I consider the main issues in this appeal are:
 - a. The effect on the appearance and character of the area if the tree is felled.
 - b. Whether the reasons given for the works are sufficient to justify that course of action.

Reasons

3. **(a) The effect on the appearance and character of the area if the tree is felled.** The appeal site is a corner plot. The tree, being located on the corner, is visually prominent from a wide number of vantage points. The principal vantage points are considered to be along Wolviston Road, Monkseaton Drive and Rievaulx Avenue. From all these vantage points the tree, being the only tree in the immediate vicinity, is visually prominent in the landscape.
4. Visibility varies from the whole of the tree through to significant portions of the upper canopy giving a distinct skyline appearance.

Conclusions on (a)

5. Overall, I have decided that there would be a significant effect on the immediate locality and the appearance of the area if the tree were felled.

6. **b) Whether the reasons given for the works are sufficient to justify that course of action.** Given the amenity associated with the tree there would need to be sound reasons to justify its loss.
7. I agree that there is clear damage to the wall by the incremental growth of the tree's stem and buttress roots. It can be clearly seen that there is a significant deformation of the tree against the wall. The applicant has not submitted any technical information to support the contention the wall cannot be repaired and that the repair would not last for a reasonable length of time. The deformation of the footpath can be addressed with a small repair which is normal practice for such defects.
8. With regards to the issues of rubbish entering the property. I do not agree that a small gap in the wall will allow in more rubbish to be blown into the property. There is no particular reason why a simple mesh guard could not be incorporated into any repair.
9. The appellant draws attention to the fact that the tree has been previously pollarded. However, the significance of this is not expanded upon either directly by the appellant, or the arborist they consulted.
10. The appellant draws attention to the issues of the Tree Preservation Order and the way it has been administered. This is not a matter that I can consider. Any matter concerning the merit of the order should be addressed to the council.

Conclusions

11. Pulling all the threads together. 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 any of the evidence placed before me is sufficient to justify the felling of the tree. The appeal is dismissed.

I Murat

Arboricultural Inspector