



Appeal Decision

Site visit made on 19 May 2015

by Mick Boddy F Arbor A FICFor CEnv

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

Decision date: 5 June 2015

Appeal Ref: APP/TPO/H0738/4271

1 Auckland Way, Stockton-on-Tees, Cleveland, TS18 5LG

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent for the felling of five poplar trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Mr A Dixon, of Digital Designs, acting as agent for the appellant, Mr Sean Brockbank, against the decision of Stockton-on-Tees Borough Council.
 - The application, Number 14/2135/X, dated 4 August 2014, was refused by notice dated 16 October 2014.
 - The relevant TPO is The Council of the Borough of Stockton-on-Tees (Land to the Rear of 1 Auckland Way, Hartburn, Stockton-on-Tees) Tree Preservation Order 2012 No TPO 814, which was confirmed on 14 February 2013.
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Decision

1. I dismiss the appeal in so far as it relates to the felling of four of the five poplars, referred to as T1 to T4 in the application.
2. I allow the appeal in relation to poplar T5 of the application and grant consent for the felling of this tree, subject to the following conditions:
 - (i) The work for which consent is hereby granted shall be implemented within two years of the date of this decision.
 - (ii) The felling work for which consent is hereby granted shall be carried out in accordance with British Standard BS3998:2010 Tree work – Recommendations.

Preliminary Matters

3. In accordance with current Planning Practice 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 that decision, and any further information requested by the Inspector. I am therefore unable to give consideration to the additional issues raised by the appellant in the appeal submission.

4. An objection to the application was submitted by the resident of the neighbouring property to the north-west, 3 Auckland Way. This suggests that the trees constitute a significant amenity of the area and should therefore be preserved if possible, although it accepts that there is sufficient justification for the removal of T5.

Main Issues

5. I consider that the main issues in this case are:
 - (i) The impact of the proposed removal of the poplar trees on the local landscape and amenity of the area.
 - (ii) Whether the reasons put forward are sufficient to outweigh the amenity afforded by the poplars and thereby warrant their removal.

Reasons

Impact of the proposed removal of the poplar trees

6. The appellant's property is situated on the north-eastern side of Auckland Way, close to its junction with Dunedin Avenue. The five poplar trees are growing in a closely spaced row on the inner side of the north-eastern boundary of the rear gardens, adjacent to Greens Lane. T1 and T3 are twin-stemmed from major forks at around 600 millimetres and 1.6 metres respectively, whilst the remaining three trees are single-stemmed.
7. The area enjoys a good level of tree cover, with a number of individual broadleaved trees flanking Greens Lane and a dense tree belt running along the southern edge of the area of open space to the northern side of Auckland Way, adjacent to Green's Beck.
8. The poplars are tall specimens, with broad, heavily branched crowns that form a common canopy mass. Whilst not outstanding individuals, collectively the trees are prominent within the local landscape and, by virtue of their height, the visually dominant feature when approaching along Greens Lane from the north-west. Accordingly, I am of the opinion that the trees should only be removed if an overriding justification has been demonstrated for this course of action.

Reasons put forward for the removal of the poplars

Previous damage and susceptibility to future branch shedding

9. It appeared that the upper section of the north-westernmost poplar, T5, has historically broken out and subsequently regenerated. The base of the main regenerated leading shoot is swept to the north-west and the crown partially suppressed by the larger adjacent T4.
10. A substantial upright branch has snapped out of the upper section of the crown of T4, leaving a shattered stub.

11. There is a cavity on the principal, north-eastern stem of T3 at a height of approximately 8 metres. It appeared probable that this is associated with a historic branch failure but the wound is occluding well and, from ground level, it did not appear to represent a significant structural weakness.
12. Given their close spacing, the trees' crowns have developed asymmetrically along the north-east/south-west axis, this asymmetry being exacerbated in the case of T1 and T3 by their twin-stemmed form. The long, slender branches that ascend over the pavement and edge of Greens Lane will be increasingly susceptible to breakage as they continue to grow out towards the light and become more heavily end-weighted. A number of such branches on the south-western (inner) side are beginning to subside and becoming more horizontal.
13. Overall, I agree with the conclusion of the report submitted in support of the application that there is a significant and increasing risk of the poplars shedding branches onto the road or pavement. However, I note that in relation to the risk posed by trees T1 – T4, these are categorised as structural condition C – *'one or more moderate defects that are (sic) could lead to failure during severe unexpected weather conditions.'* Only T5 is categorised as containing significant structural defects that could lead to failure during weather events expected in this locality.

Potential pruning

14. The poplars are specimens of indifferent form; the primary amenity value of which relates to their stature rather than them being particularly attractive or otherwise outstanding individual specimens. If the trees contained major structural defects such that it was necessary to undertake a substantial reduction of their crowns, I consider this would diminish their amenity value to the extent that it would be better to remove and replace them.
15. Whilst I consider that the removal of T5 is warranted on the basis of its poor form and limited potential, the loss of this tree would not significantly diminish the integrity of the group. With regards to poplars T1 – T4, at the current time, I take the view that the risks associated with the ongoing retention of these trees could be appropriately mitigated by a relatively modest degree of pruning (subject to a successful consent application). Provided that such pruning is professionally and sympathetically executed, it should not excessively diminish the trees' amenity value or create any significant issues in terms of excessive regeneration.
16. On the basis of the evidence before me, I have concluded that there is only sufficient justification for the removal of T5 and the issues relating to the remaining four poplars can currently be adequately addressed by pruning.

Conditions

17. To ensure a satisfactory standard of work and minimise any negative impact on the surrounding features, I have imposed a condition stipulating that the permitted works should be undertaken in accordance with the British Standard BS3998:2010 Tree work – Recommendations.
18. As there is insufficient space to establish a replacement for T5 within the row, I have decided not to impose a replanting condition in this instance.

Conclusions

19. In view of my decisions on the main issues, I have concluded that there is currently insufficient justification for the felling of the poplars T1 –T4 of the application and the alternative option of managing these trees by pruning has not been exhausted. I therefore dismiss the appeal in relation to these trees.
20. I allow the appeal in relation to the removal of poplar T5 of the application and grant conditional consent for the felling of this tree.

Mick Boddy

Arboricultural Inspector