



Appeal Decision

Site visit made on 19 October 2022

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 9 December 2022

Appeal Ref: APP/TPO/H0738/8869

3 Wasdale Grove, Stockton-on-Tees TS19 0PP

- 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 undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Miss Karen Harvey against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 21/2738/X, dated 21 October 2021, was refused by notice dated 2 December 2021.
 - The work proposed is the felling of an Oak.
 - The relevant Tree Preservation Order (TPO) is 3 Wasdale Grove, Sheraton Park TPO 112 1988, which was confirmed on 14 October 1988.
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Decision

1. I dismiss the appeal.

Main Issues

2. I consider the main issues in respect of this appeal are the effect on the visual amenity of the area if the proposed tree works were to be carried out and whether the reasons given for the works justify that course of action.

Reasons

The 1st issue – visual amenity

3. The Oak (identified as T1 in the TPO Schedule) stands in the back garden of no. 3, a semi-detached dwelling, located on a corner, leading into a short cul-de-sac. The Oak is a mature specimen and has an imposing presence. I observed that the area is characterised by built form and the Oak is seen in conjunction with other nearby mature trees, providing a green setting to the area. As such, it forms an important part of the wider landscape setting of the area, contributing a strong element to the local skyline, giving the tree substantial public amenity value.
4. I consider that a significant gap in the skyline would be created by its removal. This would be apparent in views from Wasdale Grove, Sheraton Park and Staveley Grove and would not be compensated for by the other trees. Any replacement tree would take a considerable amount of time to fill the gap left by its removal. In which case, the felling of the Oak would result in significant harm to the visual amenity of the area as it would remove a landscape feature that makes a substantial contribution to the green buffer.

The 2nd issue – the justification for the proposed works to the tree

5. Concerns were raised that the Oak is causing damage to the appeal site property and neighbouring dwellings. In particular, it was claimed that the Oak has damaged the garage walls and floor of the neighbouring dwelling at no. 5. While I was unable to gain access to no. 5, as part of my visit, I did view the rear garden of the neighbouring dwelling at no. 1.
6. Overall, I did not observe any property or drain damage during my visit that could be solely attributed to the Oak. Moreover, no evidence has been adduced from a suitably qualified person, such as a structural engineer, to substantiate the appellant's claims in this regard. Furthermore, with regard to the house sale and the appellant's concern that the tree has had a negative impact, there is nothing before me to demonstrate that the lack of a suitable buyer is solely down to the presence of the Oak.
7. While I am sympathetic to the concerns of the appellant, including the claims that the Oak causes shading due to its size, the submitted evidence does not show that measures short of felling, such as ongoing judicious tree management, have been fully explored to reduce the tree's impact on nearby gardens/dwellings. To this end, I note the Council's comment that pruning could be carried out to the tree to reduce its overall size and spread which would serve to reduce its impact.
8. Accordingly, it has not been demonstrated that the proposed works are a proportionate solution to the concerns raised and meet the requirements of sound arboriculture. I consider that the works would conflict with Policy 5 (ENV) of the adopted Stockton on Tees Borough Council Local Plan 2019.

Conclusion

9. For the reasons given above and noting the support from neighbours for the proposed works, I conclude that the removal of the Oak would not be justified, and the appeal is dismissed.

Richard McCoy

INSPECTOR