



Appeal Decision

Site visit made on 6 December 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 20 December 2017

Appeal Ref: APP/TPO/E0345/6361

10 Dellwood Park, Caversham, Reading, RG4 7NX

- 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 Michael and Anita Matthews against the decision of Reading Borough Council.
 - The application Ref: 171199/TPO dated 11 July 2017 was refused in part and granted in part by notice dated 31 July 2017.
 - The work proposed is felling of one Lime Tree (T5) at 10 Dellwood Park, Reading.
 - Consent to fell the tree was refused.
 - Consent for lesser works was granted: A crown lift to 5-6m through 360° including the removal of basal growth, minor epicormic growth from the main stems and removal of primary branches from the main stems where less than 50mm diameter; reduction in height by approximately 2m back to suitable growing points; and associated reshaping to maintain a flowing crown line.
 - The relevant Tree Preservation Order (TPO) is Reading Borough Council TPO 17/15; 7A -10 Dellwood Park, Caversham, Reading, which was confirmed on 16 March 2016.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has issued a split decision, and has granted consent for lesser works to the tree as set out above. The proposal to fell the tree was refused and is before me.

Main Issues

3. I consider the main issues in this case are the impact of the removal of the Lime tree on the character and appearance of the area, and whether sufficient justification has been demonstrated for the proposed felling.

Reasons

Character and Appearance

4. Dellwood Park comprises a residential cul-de-sac of detached dwellings set in generous gardens. The Lime tree (T5) is located in the rear garden of No 10. The tree has been the subject of works in the past and now has an unusual non-standard form with a pollarded central stem with three large upright central stems. Those works have altered the natural form of the tree to some

extent, although the canopy spread has been managed and is no more than would be expected of a tree of this age.

5. As a consequence of its rear garden location, only the upper part of the tree canopy is glimpsed from the road. However, notwithstanding the previous works, I saw that the Lime continues to contribute scale and maturity to the locality, forming a pleasant contrast to the built development that surrounds it and affording an appreciable degree of public amenity. To my mind, the tree continues to meet the criteria for assessing the amenity value of trees, as set out in the National *Planning Practice Guidance* ¹ making a positive contribution to the sylvan character and appearance of Dellwood Park. Overall, I conclude on this issue that the loss of the tree would result in significant harm being caused to the character and appearance of the area.

Justification

6. Therefore, any reasons given to justify the tree's removal need to be convincing. It is to those reasons which I now turn. The appellants say the tree is too near the house and the constant stream of leaf fall, honey dew, seeds, and other detritus causes considerable inconvenience and nuisance to the appellant and neighbours.
7. However, problems arising from leaf fall and debris are not uncommon in an area where mature trees contribute towards making an area an attractive place to live, and in any event, the appellant would have purchased the property in the knowledge of the presence of the tree, and the sylvan setting to which it contributes. In my opinion these nuisance factors certainly do not justify the felling of the tree.
8. There is nothing before me to suggest that that the tree is of poor health, lacking vigour, or is suffering from pests, disease or decay. Nor has it been suggested that it results in an unacceptable loss of daylight/ sunlight reaching the dwelling, or shading to the garden. I accept that it is arguably more difficult to manage and prune the tree effectively due to its unusual form. However, it is still possible.
9. With any application to fell protected trees a balancing exercise needs to be undertaken; where the essential need for the works must be weighed against the resultant loss to the amenity of the area. In this case, having considered all matters, I conclude that the loss of this Lime tree would result in significant harm being caused to the character and appearance of the area. Furthermore, insufficient justification has been provided to fell the tree and therefore the appeal should fail.
10. I may have reached a different view if the tree was located in a more constricted garden area or in closer proximity to the house. However, it is planted within a reasonably generous garden which can readily accommodate the tree at its present stage of maturity, with branch spread being clear of the conservatory and main part of the dwelling.
11. In any event, felling is not the only option that should be considered, and the substantial pruning work permitted by the Council would result in a less dense crown which would reduce the tree's impact and reduce the 'nuisance' factors proportionately.

¹ Paragraph ID 36-008-20140306

12. It is proposed to plant a replacement tree, and the appellants clearly appreciate the value of trees having planted other species within the garden. However, any replacement specimen would take many years to reach the stature of the Lime and make a comparable contribution to the amenity of the area.

Conclusion

13. Overall, having considered all matters, I conclude that the loss of this Lime tree would result in significant harm being caused to the character and appearance of the area. Insufficient justification has been provided to fell the tree and the appeal should be dismissed.

Nigel Harrison

INSPECTOR