



Rec'd 04 JAN 2012

Referred to

## Appeal Decision

Site visit made on 16 December 2011

by **I Murat**

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

Decision date: 3 January 2012

### Appeal Ref: APP/TPO/N1350/2069 8 The Green, Hurworth-on-Tees

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by Mr A N Schoon against the decision of Darlington Borough Council.
- The application Ref: 11/00362/TF, dated 26 May 2011, was refused by notice dated 8 August 2011.
- The proposed work is felling.
- The relevant Tree Preservation Order (TPO) is The Borough of Darlington Tree Preservation (No.16) Order 1994, which was confirmed on 1 December 1994.

### Decision

1. The appeal is allowed and permission is granted to fell horse-chestnut T6 (as defined in the First Schedule of the TPO) in accordance with application 11/00362/TF, dated 26 May 2011, subject to the following conditions:
  - All works are undertaken to BS3998: 2010.
  - The work shall be undertaken within 2 years of the date of this decision.
  - The Local Planning Authority shall be notified of when the works are to start and when they have been completed.
  - A replacement tree of a size, species and in a position to be agreed with the Local Planning Authority shall be planted within 12 months of the date of the removal of the tree hereby permitted.
  - If the replacement tree is destroyed, dies or is removed within 5 years of the date of planting, a replacement tree of the same size and species shall be planted at the same place during the next available planting season.

## Main Issues

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

## Reasons

3. The tree is part of a linear group along the boundary of the appellant's property. I was able to view the tree from a number of public vantage points including Roundhill Road and Roundhill Close. Along Roundhill Road, the tree is visible for a short length with views being generally obscured by the presence of other mature trees and properties. The clearest view is along Roundhill Close where the tree is visible between the first two properties. From this visual perspective, the tree is clearly an integral part of the linear group of trees, which include sycamore and ash, and adds to the treed character of the Conservation Area.
4. On the first issue, I have decided that the loss of the tree has some detrimental effect on the general appearance of the street scene and the Conservation Area. I have placed a condition requiring its replacement which I consider will have a long-term positive benefit.
5. I have inspected the tree at close quarters and agree with the submitted survey and other photographs submitted with the appeal, that the tree does appear to be suffering from *Phytophthora spp* related problems. I could see no other reason for the girdling of the two large dead limbs. The stem has lesions associated with the disease. Over several years, and particularly if a tree has multiple bleeding cankers, the areas of dead phloem and cambium underneath the bleeding areas may coalesce and extend until they encircle the entire trunk or branch. When this happens crown symptoms become visible, typically consisting of yellowing of foliage, premature leaf drop and eventually, crown death.
6. The photographs within the file show early browning of the foliage which is typical of the infestation. Whilst I note the current guidance suggests that trees with vigorous crowns can be retained, the photographs on file suggest otherwise.
7. Concerns have been raised about the tree's relationship with the wall. Whilst I note the tree is located approximately 1.5 metres from the wall, at this part, I did not notice any damage typical of root induced failure. I note the reference to a report undertaken on the wall but have not been given a copy to support the contention the tree is a threat to the stability of the wall and both cannot be retained.

## **Conclusions**

8. I have noted all that has been submitted by the appellant and the Council in respect of this appeal. I am satisfied that, whilst the loss of tree will have some detrimental effect on amenity, it appears to be infected with *Phytophthora spp* and unlikely to recover. I therefore grant the appeal subject to the conditions specified.

*I Murat*

**Arboricultural Inspector**