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## Appeal Decision

Site visit made on 3 December 2010

by **I Murat**

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

Decision date: 23 December 2010

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### Appeal Ref: APP/TPO/N1350/1459 16 & 18 Greencroft Close, Darlington

- 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 two limes protected by a Tree Preservation Order.
  - The appeal is made by Mr A Way against the decision of Darlington Borough Council.
  - The application Ref: 10/00554/TF, dated 29 July 2010, was refused by notice dated 15 September 2010.
  - The proposed work is crown thinning and crown reduction.
  - The relevant Tree Preservation Order (TPO) is The County of the Borough of Darlington Tree Preservation (No3) Order 1961, which was confirmed on 28 December 1962.
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### Decision

1. The appeal is dismissed.

### Main Issue/s

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

### Reasons

*The first issue - The effect on the appearance and character of the local area if the trees are pruned.*

3. The trees are part of a linear group of mature trees located in the rear gardens of the houses on Greencroft Close. The trees are visible from a number of public vantage points and give a sense of scale and maturity, breaking up the regular form of the houses. From the principal vantage points, the proposed works would have little detrimental effect on the treed character of the Conservation Area or on the visual amenity afforded by the trees. The silhouette of the trees would alter very little through the crown reduction works. The thinning works as appealed, would make little difference to the overall appearance of the trees.

4. On the first issue, I have decided that overall, there would be no material adverse effect on the appearance and character of the area if the trees were pruned as appealed.

*The second issue – Whether the reasons given for pruning the trees are sufficient to justify that course of action.*

5. No evidence or quantification of risk has been presented regarding the potential damage to the property. It is not apparent if the concerns are due to the direct effect of the trees falling or the potential of the trees' roots to cause damaging ground movements through soil drying. In either case, no evidence has been submitted to substantiate the concerns.
6. Mr Way draws attention to the fact that there are deposits of leaves from the appeal trees that block the gutters. Pruning in the form of either crown reduction or thinning will not alleviate this.
7. I note Mr Way's concerns regarding the state of the paths, roof and walls. However, the cleaning of the mess is considered to be normal household maintenance and is not sufficient to justify the pruning of the trees. The pruning of the trees by the amount appealed would not prevent this from occurring.
8. Mr Way raises concerns regarding the degree of shading to his and his neighbour's property and the consequence of dark rooms and cold. I agree that the tree located in the garden of No 18 will cause shade issues to the property No 16. However, having viewed the site and the extensive tree cover, I am of the impression that there are a number of trees not in the control of the appellant that create the same conditions and that pruning the trees by the amount appealed would make little difference. Notwithstanding this, lime reacts vigorously to crown thinning. The tree will quickly replicate the canopy density that it had prior to the works taking place within a growing season. Repeated pruning can be damaging to tree physiology creating constant wounds that are susceptible to disease and dysfunction.
9. The location of the tree in the grounds of No 16 did not appear to me to be creating such intolerable conditions as to be detrimental to the reasonable use of the property. Shade issues appeared to be associated with other trees.

### **Conclusions**

10. I have noted all that the appellant has submitted in support of the application and subsequent appeal. Whilst I am of the opinion that the works appealed would have little detrimental effect on the appearance of the trees and subsequently visual amenity, they would have no effect in reducing the issues raised in terms of leaf litter or green mess found on the paths, roof and walls. The risk to the property was not quantified in terms of direct or indirect damage and no supporting evidence was produced to substantiate either.
11. Whilst the tree in the garden of No 18 shades the property of No 16, other trees not in the control of the appellant equally add to the degree of shade that affects the properties. The works appealed would bring about very short relief from the issues raised making them futile in implementing.

12. Having considered carefully the points raised and the evidence placed before me, I am not persuaded that the reasons given for pruning the trees are sufficient to justify that course of action. I therefore dismiss the appeal.

*I Murat*

**Arboricultural Inspector**