



Appeal Decision

Site visit made on 14 June 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/TPO/N1350/8373

16 Cardinal Gardens, Darlington DL3 8SD

- 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 trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Mr Liam Coates against the decision of Darlington Borough Council.
 - The application Ref: 20/01163/TF, dated 1 December 2020, was refused by notice dated 15 January 2021.
 - The work proposed is crown lift 3 Beech trees to 5m.
 - The relevant Tree Preservation Order (TPO) is County Borough of Darlington TPO No.3 1962, which was confirmed on 7 June 1962.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's appeal statement includes a number of further matters that were not part of the application. These include reference to some previous Council decisions several decades ago, the full case detail and rationale for which are not before me. Further matters also include assertion of drain blockage, gutter damage, risk to foundations, vehicle damage and financial loss, without submission of substantive drain, guttering and foundation survey or photographic evidence. The nature of a fast track appeal is such that only the information that was submitted at application stage falls to be considered. As such, these further matters have not formed part of my deliberations.

Main Issue

3. The main issue in this case is the effect of the proposed works on the character and appearance of the area, and whether sufficient justification has been demonstrated for these works.

Reasons

4. The large beech trees in this appeal are located in the garden of a detached house that is near the end of a residential cul-de-sac. The trees are in a row, in an area of garden to one side of the house.
5. Relatively full, natural canopy form is a distinctive part of the appearance of the row of appeal trees and the nearby stretch of tree line to the west. Together these form a substantial part of the terminating vista at the end of the Cardinal Gardens cul-de-sac, within the residential suburb. The appeal

- trees with their mature, characterful form and substantial leafy canopies, and the host tree line, draw the eye from various viewpoints along the southern part of Cardinal Gardens.
6. As such, the beeches contribute positively to the mature framework of trees which provides a leafy backdrop to the southern part of Cardinal Gardens. The trees provide a good level of amenity value, and contribute positively to the distinctive character of the neighbourhood.
 7. The proposed crown lift to 5m would noticeably eat into the lower part of the trees' canopies, and diminish their naturalness of form and appearance. This would erode the distinctive, relatively full and natural character of the local treescape, from various viewpoints along the southern part of Cardinal Gardens. Thus, the proposed work would harm the character and appearance of the area.
 8. While there is some bark loss at the base of the trees, their canopies are of healthy appearance, with relatively little visible deadwood. Leaf, twig and small branch material that I saw on the ground in the vicinity of the trees during my site visit, albeit a snapshot in time, is typical of a healthy tree of this sort. Furthermore, no substantive arboriculturist's survey is before me to indicate that parts of the trees are at significant risk of failure. Moreover, the proposed work could invite risk of decay to the trees.
 9. Much of the dwelling's relatively substantial garden space provides usable outdoor space that is not directly beneath the canopies of the appeal trees. Moreover, deadwood can be removed without application for protected tree works.
 10. In the light of the above combination of factors, I find that there is not a demonstrably significant safety risk that necessitates the substantial proposed crown lift to 5m of the three protected trees.
 11. In conclusion, the proposed work to the protected trees would harm the character and appearance of the area, and sufficient justification has not been demonstrated for their proposed crown lift to 5m.

Conclusion

12. For the reasons given, the appeal is dismissed.

William Cooper

INSPECTOR