

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO: 22/00575/TF.

APPEAL REF. NO: APP/TPO/N1350/9261.

LOCATION: Garden Cottage
Low Middleton Hall
Low Middleton
MIDDLETON ST. GEORGE

DESCRIPTION: Works to 1 no. Ash Tree protected by Tree Preservation Order 1986 (no.4) - Prune back over hanging branches to clear telephone wires and house.

APPLICANT: Mrs. Linda Brinton.

ASSISTANT PLANNING OFFICER: ROGER MARTIN.

BRIEF SUMMARY

1. This application was submitted for the pruning back of overhanging branches to clear the adjacent overhead telephone wires and the nearby house. No supporting evidence or details of the extent of pruning work was provided with the application. The application relied solely on the description of works set out on the application form, together with a number of supporting photographs.
2. The application tree is a mature Ash Tree positioned in a prominent location within the front/side garden of the application site and faces directly onto Middleton Lane. The application tree is visible from public vantage points along Middleton Lane and is an important feature of the street scene. There are numerous other trees growing within the locality, many of which are mature trees; these trees along with the application tree afford the immediate area a mature landscape quality and contribute positively to its character and appearance.

KEY POINTS TO NOTE

3. The main issues in this case were the effects of the proposed pruning on the health and visual amenity of the tree, and whether there were sufficient grounds for the works as proposed.
4. The Council's Senior Arboricultural Officer carried out an inspection of the Ash Tree and advised that there was an acceptable degree of clearance between the application tree, the telephone wires, and the house. He also advised that there were no structural reasons to undertake such work. The proposal was considered to be excessive and unjustified and would be detrimental to the health of the tree and would have a significant impact upon the character and appearance of the tree and the wider street scene. Damaging to the amenity value of the Ash Tree.

REASON(S) FOR REFUSAL

7. The application was refused for the following reason:

The 1 no. Ash Tree is protected by the virtue of Tree Preservation Order (no.1) 1952 and the application tree is considered to be in reasonable form and condition. Without any satisfactory justification, the pruning works would result in a loss of natural form to a protected tree in acceptable condition with no safety concerns; furthermore the applicant has not provided any structural reasons for the proposed works. The proposed development would therefore result in a significant detrimental impact upon the visual amenity of an important tree in the surrounding area, contrary to saved policy ENV4 Green and Blue Infrastructure (Strategic Policy) of the Darlington Borough Local Plan (2016-2036).

APPEAL DISMISSED:

8. Reasons as outlined by the Planning Inspector:

The outer edge of the tree's canopy is clear of the house by approximately 2 metres and the telephone wires pass beneath the canopy of the tree with good clearance. As a result the Inspector concluded that the tree is not causing problems in relation to its proximity to the house and telephone wires. Any pruning to materially increase the gap between the tree and the dwelling and telephone lines would alter the form of the tree to the detriment of its visual amenity.

9. In this case the proposed tree works would have a material adverse effect on the appearance of the tree and the points put forward to justify the proposed pruning do not outweigh the harm that would be caused.