

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	22/01281/TF
APPEAL REF. NO:	APP/TPO/N1350/9537
LOCATION:	67 Milbank Court, Darlington
DESCRIPTION:	Felling of 1 no. Cypress tree protected under Tree Preservation Order (No.3) 1962 (T52)
APPLICANT:	Emma Evis

PLANNING OFFICER: CHRISTINA MCALPINE

BRIEF SUMMARY

1. Consent was sought to fell the protected Cypress tree. The LPA refused the application due to the harm to the character and appearance of the area, and insufficient justification had been provided to demonstrate the tree should be removed.
2. The application was refused for the following reason:

In the opinion of the Local Planning Authority, the proposed felling of the Cypress Tree has not been adequately justified and the proposed replacement tree, a London Plane, has not been considered a suitable replacement. The Cypress Tree is in reasonable form and condition and is a highly valuable tree within the street scene, which contributes to the visual amenities and verdant character of the area. The information put forward to fell the Cypress Tree is insufficient to justify its removal, which would be detrimental to the character and appearance of the area and would therefore be contrary to Part VIII of the Town & Country Planning Act and The Town & Country Planning (Tree Preservation)(England) Regulation 2012; the National Planning Policy Framework (NPPF) (2021) and Tree Preservation Orders and Planning Practice Guidance (PPG).
3. The Inspector dismissed the appeal. They note that the tree is a large and mature specimen, which contributes to the existing verdant character of the area. Consequently, the removal of the tree would be notable and would therefore impact upon the character and appearance of the area if removed.
4. The suggested replacement tree would not mitigate this impact and would take considerable time to grow to a similar size as the existing tree.
5. The tree was not found to be unhealthy as part of the site visit and the tree report did not indicate otherwise.

6. It was deemed that overall, the remaining garden spaces can be reasonably enjoyed. As such, the resulting visual impact (should the tree be removed), outweighs the inconvenience caused by the positioning of the tree for this site.

KEY POINTS TO NOTE

7. The appeal was dismissed because:
 - The felling of the tree would be harmful to the character and appearance of the area;
 - Insufficient information was provided to support the felling of the tree, as to outweigh the above-mentioned harm.