

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	24/00064/TF
APPEAL REF. NO:	APP/TPO/N1350/10066
LOCATION:	2 Quaker Lane, Darlington
DESCRIPTION:	Works to 1 no. Pine (T.4) protected under Tree Preservation Order (No.10) 1978 - Reduce easterly limb overhanging house by up to 3.500-metres (Amended Description).
APPLICANT:	Rory Brownless.

ASSISTANT PLANNING OFFICER: ROGER MARTIN.

BRIEF SUMMARY

1. This application was submitted for works to 1-no. Pine Tree that is protected by virtue of Tree Preservation Order (No.10) 1978, that involved the reduction of an easterly limb to 1-no. Pine Tree, which is overhanging application property by up to 3.500-metres. The applicant provided written Arboricultural advice from an appropriate expert in the form of a Tree Survey/ Climbing Inspection

2. The Pine Tree is located within the rear garden of no. 2 Quaker Lane, towards the western boundary of the garden and abuts the public highway that is located towards the northern elevation of the application site. The application tree is clearly visible to the public from within the confines of Polam Lane, where it is one of the most prominent trees, and also Quaker Lane where its stature and presence adds to the verdant nature of the area. Overall, the presence of the application tree makes a significant contribution to the character and appearance of the area.

KEY POINTS TO NOTE

3. The main issues are the effect of the proposed pruning on the visual amenity of the surrounding area, and whether the reasons given for the works to the tree justify that course of action.

4. The Council's Senior Arboricultural Officer carried out an inspection of the Pine Tree and advised that authorisation be refused as there are no justifiable structural reasons to prune back the overhanging limbs towards the eastern side of the tree.

REASON(S) FOR REFUSAL

5. The application was refused for the following reason(s): -

a. The 1 no. Pine Tree that is the subject of this application is protected by the virtue of Tree Preservation Order (No. 10) 1978 and is of a high amenity value and in reasonable condition and consequently remains worthy of further protection by the virtue of a Tree Preservation Order (TPO). The proposed work to this protected tree is considered to be excessive and it has not been adequately demonstrated that the works are necessary or justified. The proposed pruning back of overhang to the 1 no. protected tree would result in a loss of amenity to this protected tree; 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).

APPEAL DISMISSED:

6. Reasons as outlined by the Planning Inspector: -

a. Based on the form of the tree and the location of the eastern branch above the conservatory and garden of a residential property, the desire to reduce the lateral growth to some extent to lessen the pressures and the lever arm effect is understandable. However, the Inspector did not consider that the applicant demonstrated adequate necessity to reduce the branch by the 3.5m specified. On balance the Inspector found that the resultant and potential harm a 3.5m crown reduction of the eastern branch is likely to have to the appearance of the tree and its condition is not outweighed by the information presented and the necessity for the work has not been adequately demonstrated.

b. The Inspector considered that the pruning of the Pine Tree by 3.5m would be harmful to the tree and in turn to the character and appearance of the area and found nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is was dismissed.