

**DARLINGTON BOROUGH COUNCIL**

**APPEAL AGAINST REFUSAL OF PLANNING PERMISSION**

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<b>APPLICATION REF. NO:</b>	23/00338/TF.
<b>APPEAL REF. NO:</b>	APP/TPO/N1350/9738.
<b>LOCATION:</b>	Greystones Drive.
<b>DESCRIPTION:</b>	Works to trees protected under Tree Preservation Order (No.3) 1962 A2 - 1 no. Beech and 1 no. Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by up to 3m).
<b>APPLICANT:</b>	Mrs Mitchell.

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**ASSISTANT PLANNING OFFICER: ROGER MARTIN.**

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**BRIEF SUMMARY**

1. This application was submitted for works to 1-no. Beech Tree and 1-no. Lime Tree that are protected by virtue of Tree Preservation Order (No.3) 1962, which involved pruning back of branch tips overhanging an adjacent garden (27 Staindrop Crescent) by up to 3m).
2. An Arboricultural statement was submitted by the applicant in support of the application. The Arboricultural statement makes recommendations for on-going remedial works.
3. The Beech Tree and the Lime Tree are growing within the grounds of the Greystones Residential Development but more specifically towards the external perimeter boundary of the application site that faces directly on to the rear garden of no. 27 Staindrop Crescent. The Beech Tree and the Lime Tree are part of a large group of trees within the grounds of the application site, which form an important part of the character and appearance of the street scene. The height and position of the trees is such that they can be seen from a number of public vantage points along both Greystones Drive and to a lesser extent Staindrop Crescent

**KEY POINTS TO NOTE**

4. 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.
5. The Council's Senior Arboricultural Officer carried out an inspection of the Beech Tree and the Lime Tree and advised that the proposed works were not justified and recommended that the pruning back of both the Beech Tree and Lime Tree by up to 3 metres over the rear garden of no. 27 Staindrop Crescent should be refused.

## **REASON(S) FOR REFUSAL**

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

a. Both the 1 no. Beech Tree and the Lime Tree, are protected by Tree Preservation Order (no.3) 1962 and are considered to be in reasonable form and condition. It is not considered that the proposed works would be of benefit to the health and stability of the trees and 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).

## **APPEAL DISMISSED:**

6. Reasons as outlined by the Planning Inspector: -

a. The pruning of the beech and lime tree by 3m would be harmful to the trees and in turn to the character and appearance of the area. Having considered all the evidence before me, I find nothing of sufficient weight to support the necessity for the proposed work that would outweigh the harm caused by it. The appeal is therefore dismissed.