



Appeal Decision

Site visit made on 9 May 2025

By Simon McGinnety MSc M. Arbor. A

an Inspector appointed by the Secretary of State

Decision date: 11th June 2025

Appeal Ref: APP/TPO/N1350/10066 2 Quaker Lane, Darlington DL1 5PB

- 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 a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Rory Brownless against the decision of Darlington Borough Council.
 - The application Ref: 24/0064/TF, dated 18 January 2024, was refused by notice dated 20 February 2024.
 - The work proposed is T4 *Pinus nigra* – reduce easterly limb overhanging house by up to 3.5m (old pruning point).
 - The relevant TPO is The Borough of Darlington Tree Preservation (No. 10) Order, 1978 Land Adjacent to Polam Lane, Darlington, which was confirmed on 28 March 1979.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed pruning on the character and appearance of the area; and whether sufficient justification has been demonstrated for the pruning.

Reasons

Character and appearance

3. Quaker Lane is a small estate of predominantly semi-detached housing, accessed from the A167 to the west via Polam Lane. Throughout the estate, there are mature broadleaf and coniferous trees, including a stand of large and mature trees at the entrance to the estate and within the vicinity of the appeal house which contribute to the attractive and verdant landscape.
4. No 2 is positioned at the north of Quaker Lane and close to the entrance to the estate. The rear and side gardens contain several large and mature trees, including a birch tree in the front garden and two pine trees in the rear garden to the west of the appeal house. These trees add to the character and appearance

of the estate and are typical in species and age to the composition of the other trees in the immediate vicinity.

5. The appeal tree, one of the large and mature pines within the rear garden, has developed with an irregular form; there is no central leader, but a wide fork from which two large branches extend to the east and west. Notwithstanding this, the tree contributes positively to the visual amenity and is clearly visible to the public from both Quaker Lane and Polam Lane.
6. The proposed reduction of 3.5m from the eastern side of the tree crown is likely to have a moderately harmful impact on the appearance of the tree, creating an unbalanced crown to what is already an irregularly formed tree. Furthermore, the extent of the pruning will require making large diameter cuts and this is likely to leave the tree more prone to future conditional harm, such as disease ingress and decay.
7. While the resultant harm to the immediate appearance of the tree will be moderate, the pruning is likely to have a harmful effect on its long-term condition that will in turn have a detrimental impact on the character and appearance of the area. As such adequate justification should be provided and the necessity for the works and the reasons clearly demonstrated.

Justification

8. The climbing inspection provided with the application identifies that the form of the tree most likely resulted following of the loss of a central leader, and this is a reasonable assessment and conclusion. However, this loss of a leading central stem does not necessarily make the tree inherently less stable; a tree can develop and adapt to this loss.
9. From ground level, there did not appear to be any signs of splitting or damage at the fork and the report supplied with the application did not contain sufficient information, either as part of the supporting text or the image provided, that demonstrates damage, or an unacceptable weakness has developed within the fork of the tree. The report refers to exposed wood and the image provided shows what appears to be exposed heartwood within the fork, however, it is not clear from the image whether there is any decay ingress or whether the exposed wood has been compromised. In addition, there has been no use of diagnostic tools, tools that are now widely available, to identify the existence or extent of any decay or degradation to the wood.
10. The eastern branch extends significantly towards the property and the foliage at the end of the the branch is dense and will be heavy. However, the branch appears to have developed in a way to compensate for the weight, with additional growth on the underside of the branch where compression pressure will be great.

11. 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, I do not believe that the applicant has demonstrated adequate necessity to reduce the branch by the 3.5m specified.
12. I find that on balance that the resultant and potential harm that 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 put before me and the necessity for the work has not been adequately demonstrated.

Conclusion

13. As with any application to carry out works to a protected tree, a balancing exercise needs to be undertaken. The necessity for the works applied for must be weighed against the resultant harm to the character and appearance of the area.
14. 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 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.

S. McGinnety

INSPECTOR