



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: 11 June 2025

Appeal Ref: APP/TPO/N1350/9738

27 Staindrop Crescent, Darlington, County Durham DL3 9QA

- 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 trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Janine Mitchell against the decision of Darlington Borough Council.
 - The application Ref: 23/00338/TF, dated 28 March 2023, was refused by notice dated 4 May 2023.
 - The work proposed is 1 No Beech and 1 No Lime - prune back branch tips overhanging the garden (27 Staindrop Crescent) by up to 3m.
 - The relevant TPO is The County Borough of Darlington Tree Preservation (No. 3) Order 1962, which was confirmed on 5 September 1962.
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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. Staindrop Crescent is an attractive crescent of predominantly semi-detached houses that are accessed from Staindrop Road (B6279) to the north. There is a variety of mixed age broadleaf trees within the highway verge of Staindrop Crescent and the occasional tree within the gardens of some of the houses and combined, these trees are an attractive feature on the landscape. The appeal tree is part of a small woodland stand to the east of Staindrop Crescent and within the grounds of the adjacent Greystones Drive, a multi occupancy complex of houses and apartments. These woodland trees are clearly visible to the public from both Staindrop Road and Staindrop Crescent where they contribute significantly to the visual amenity and give the area a mature and verdant appearance.

4. The appeal trees are a large and mature lime and a large and mature beech. The trees are on the western edge of the woodland stand with the stem of the trees immediately to the east of the garden of No 27 and the crowns of both trees extending well into and over the garden of the appeal house and the neighbouring houses to the north and south. The size, maturity and position of the trees mean that they are visible to the public, particularly from Staindrop Road, where they contribute positively to the visual amenity and to the character and appearance of the area.
5. The appellant has stated that the impact of the work will not be visible to the wider public and will therefore not affect the visual amenity of the tree. While it may be the intention of the work to remove only the lower overhanging branches 'up to 3m', I can only base my decision on the information put before me and based on the specification provided, I have considered the application as a reduction of all overhanging growth by 3m. In my assessment, such pruning would have an immediate and detrimental effect on the appearance and natural form of the trees, including the parts of the tree that are clearly visible to the public. Furthermore, such an extensive reduction of any mature tree has the potential to introduce harm, by creating large and multiple wounds and removing a significant percentage of live growth. This is particularly the case with certain species less tolerant to such pruning works, beech included, and I consider that the pruning proposed in this case would be harmful to the long-term condition of the appeal trees, particularly the beech.
6. As a result of the harm the proposed pruning works are likely to cause to both the appearance and long-term condition of the trees, which in turn would be harmful to the character and appearance of the area, adequate justification should be provided to support the necessity for such works.

Justification

7. Other than a snapped branch on the lime tree, I found nothing on my site visit to suggest that the trees are anything other than healthy and the tree report provided with the application and subsequent appeal does not contain anything that demonstrates otherwise. With the exception of the snapped branch, that appeared to be reasonably well attached to the lime tree, there is nothing I noted on site, nor that has been put before me that gives me reason to consider that the trees are posing any obvious or unacceptable risk and I therefore do not consider that the proposed works are necessary for arboricultural reasons. Mature trees may periodically shed small branches, but this can usually be managed through prudent management and removal of dead or damaged branches, neither of which require an application
8. Weight is given to the matter of reasonable enjoyment of the garden. The trees, particularly the beech, overhang into the garden by quite a considerable degree

and it is likely that this will lead to seasonal nuisance, such as seed and leaf drop, birds roosting and it will also contribute to the casting of shade on parts of the garden throughout the day. However, I don't consider that a 3m crown reduction would go far to mitigate or minimise these issues; even if they are pruned to the extent applied for, the trees will still drop leaves and seed casings, they will continue to cast shade at certain times of the day and birds will continue to roost in them.

9. While the seasonal deposits, birds roosting and shade are matters that should be afforded weight in any appeal decision, these are mature trees that have been established for a considerable time and the by-products of them are a consequence of having attractive and mature landscapes within our towns and cities.
10. I have no reason to doubt that previous pruning works have been carried out to the trees. However, decisions are based on their own merits and whether work was previously approved or otherwise, it does not necessarily set a precedent for subsequent applications. Trees are living organisms, and their growth, appearance and condition will change over time meaning what may have been considered acceptable work previously, is not necessarily acceptable in perpetuity.
11. As such, and notwithstanding the weight afforded to the reasonable enjoyment of the garden, I find that on balance, the resultant harm that a 3m crown reduction is likely to have to the wider landscape, contrasted against the likely benefits of the work specified, outweighs the reasons put forward for the proposed pruning.

Conclusion

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

S. McGinnety

INSPECTOR