The Planning Inspectorate

Appeal Decision

Site visit made on 2 June 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2021

Appeal Ref: APP/TPO/A2525/7273
Monks Lodge, Monks House Lane, Spalding, Lincolnshire PE11 3LH

- 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.
- The appeal is made by Mr Paul Kitchen against the decision of South Holland District Council.
- The application Ref: H16-0045-19, dated 14 January 2019, was refused by notice dated 7 March 2019.
- The work proposed is 60% crown reduction for oak, ash and sycamore trees.
- The relevant Tree Preservation Order (TPO) is South Holland District Council (Spalding) TPO No. 21, 1985, which was confirmed on 24 April 1986.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the works on the character and appearance of the area and whether sufficient justification has been given.

Reasons

3. The oak, ash and sycamore are imposing, mature and well-spaced trees with largely balanced canopies situated close to the front garden boundary of Monks Lodge, which is set well back from the road.

4. There are other mature trees in the vicinity, notably lining the field boundary opposite and further along the road where they border a large recreation ground. The TPO plan suggests that many of the existing trees in the immediate vicinity were associated with the large ground of one dwelling, and have been retained despite infill development.

5. The size and scale of these particular specimens is visible at distance and I conclude that they make a positive and major contribution to the verdant character and appearance of the area.

6. The appellant wishes to carry out a 60 per cent crown reduction on all three trees for reasons of safety, as dead wood and branches have fallen.

7. The ash has had some removal of side limbs, has areas of included bark and bracket fungi. I also noticed dieback high in the canopy, but there is nothing before me to suggest that the ash is diseased. All other areas of foliage looked vigorous and healthy.

8. The oak is a fine mature tree with no obvious significant faults that I could see, and although the lower canopy is now at a height where it interferes slightly with use of the hardstanding, if the deadwood is removed, I see no reason why major works should be needed.

9. The sycamore has a dense vigorous canopy but again, with the removal of deadwood and hanging branches, I see no reason why further works would be needed.

10. The application is based on the advice of a tree surgeon. The advice is not before me. However, a 60 per cent crown reduction would result in a considerable reduction of the canopies, consequent loss of live growth and would be highly likely to result in large pruning wounds which can be susceptible to pathogen entry. This would be detrimental to the trees' future health and longevity. The extent of the proposed works is shown on annotated photographs and reinforces my concerns in this regard.

11. There is no condition survey before me or any explanation as to how these works would address the appellant's concerns and management objectives, or the tree's ability to withstand such treatment, as set out in BS 3998[1]. Furthermore, there is nothing before me to identify structural defects or disease in any tree, or why a general crown reduction to this degree would address those issues. Moreover, BS 3998 sets out that applications for crown reductions are imprecise and unsatisfactory without reference to length, height, spread etc.

12. It is unclear to me whether any live branches have fallen from any of the three trees, as the photographs appear to show deadwood. Although I noticed deadwood and hanging branches in all three trees to a greater or lesser extent, Planning Practice Guidance states that dead branches may be removed from living trees without prior notice or consent. This would address the issue of falling debris.

13. With regard to comments made on annotated photographs, I did not notice that any of the trees was significantly impeding traffic or the passage of pedestrians along the footway. Moreover, even if they were, mitigation would not require the drastic degree of work proposed in this application. I appreciate that the ash overhangs a neighbour's garden but that dwelling has a large garden and it is unclear what harm this is causing. In any case, in electing to live in areas with mature trees it is generally accepted that although there are benefits in terms of visual amenity, there is likely to be additional maintenance.

14. The appellant has provided evidence of a tree nearby which has had the entire crown removed. I do not have the details as to why such extreme works were allowed. However, although there is vigorous epicormic growth emerging from the truncated trunk, the tree is highly disfigured and has very little character or visual amenity value. In any case, whatever the underlying reasons for this work, it does not alter my reasoning with regard to these particular trees. I appreciate that a nearby tree may have failed. However, I have very little information in this regard and it does not follow that all trees in the area are susceptible to failure.

[1] Tree Work - Recommendations

15. I agree with the Council's report that works of this nature and extent require far more detailed justification than has been provided, and I do not find this reasoning to be erroneous or incomplete. The proposed works may be outlined in broad terms but there is very little justification as to why they are needed or any indication that the condition and morphology of each tree has been taken into account. Moreover, as outlined above, such descriptions fall short of what best practice requires and I have to base my reasoning on my own observations.

16. I appreciate the safety concerns but as noted above, in the absence of more detailed information I am unclear as to why normal management of deadwood and more minor works would not address these concerns.

17. The significant reduction in the canopy of these trees would remove their impact along this stretch of the Monks House Lane, and would result in far smaller specimens with poor form, and considerably less stature and visual impact. This would be detrimental to the character and appearance of the area. Moreover, the evidence before me suggests that the immediate safety concerns could be addressed by work not requiring formal consent.

18. I conclude that the works would be detrimental to the character and appearance of the area and that sufficient justification has not been given. The appeal is dismissed.

A Blicq

INSPECTOR