

Appeal No: APP/TPO/E0345/7458

Planning Ref: 190544

Site: 2 Ferndale Close, Tilehurst, RG31 6UZ

Proposal: Fell one Lawson cypress in the rear garden

Decision level: Delegated

Method: Written Representation

Decision: Appeal Dismissed

Date Determined: 8 April 2020

Inspector: Richard Duggan BSc (Hons) DipTP MRTPI

1. BACKGROUND

- 1.1 The Lawson cypress in question is one of 14 trees on the property protected by TPO 109/06; 10 of which are Lawson cypress.
- 1.2 An application to fell the Cypress in question, supported by an arboricultural report, was received in April 2019 for two reasons:
 - 1) The tree's crown is supported by a stem, that has a tight, weak, included union.
 - 2) The tree is located in a well-used garden and there is a possible risk of harm or damage if one of the stems were to fail.
- 1.3 In relation to amenity, the arboricultural report stated that *'the tree forms part of a larger group of evergreens but, in itself, is not particularly valuable or visible from outside the site'*. Officers did not agree with this statement; the tree being highly visible from Ferndale Close, being the front (western) tree of those in the south side of the rear garden hence that its loss would be noticeable.
- 1.4 The Arboricultural Report stated, in the Tree data schedule, that the tree was in 'fair' physiological and structural condition. The Tree survey schedule explanatory notes defined 'fair' structural condition as: *'some structural defects noted but remedial action not required at present'*. This indicated that structural defects present did not require the tree to be felled. The justification for felling presented in the report stated that the tree has a *'tight, weak, included union'*; that *'there is a possible risk of harm or damage if one of the stems were to fail'* and that *'to retain this tree within an acceptable level of safety would require the crown to be significantly reduced, which would both greatly reduce any amenity value it provides and would involve continued resources to maintain it'*. Officers considered these comments to be in conflict with the structural condition. No detailed information on the examination of the fork and the potential risk this presented, taking into account the growth form of the specific tree and nature of this species, was provided.
- 1.5 Officers commented that a multi-stem form is not unusual for Lawson cypress and it would be unreasonable to fell all trees of this species with this form in the Borough. The stems of the tree in questions are very upright in nature hence the leverage on each, due to the upright angle, and risk failure from, e.g. high winds, is much reduced compared to a multi-stem tree where the co-dominant stems are growing apart at an angle. Officers did not agree that the risk presented by the tree was such that felling was justified. Given this, along with the inconsistencies within the Arboricultural Report and the limited discussion on the tree's structural condition, it was considered that insufficient justification had been provided for the removal of the tree on safety grounds hence the application was refused on 5 July 2020.

2 SUMMARY OF DECISION

- 2.1 The Inspector considered the main issues to be the amenity value of the Lawson Cypress tree and the impact of felling it on the character and appearance of the area, and whether there are sufficient grounds to justify felling it.
- 2.2 The Inspector considered the tree to form part of the verdant setting and that its removal would have a harmful effect on the locality and the character and appearance of the area. The Inspector agreed that *'the Appellant's own arboricultural report does not provide any*

evidence which identifies a present danger or concludes that the tree is immediately dangerous and hence needs to be felled' and that based on the structural condition there was insufficient grounds to justify felling the protected tree.

2.3 The Inspector concluded that:

With any application to fell a protected tree a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case there has simply been insufficient evidence put forward to justify the removal of a significant protected tree.

Felling the tree at this time would mean the removal of a healthy tree which otherwise would likely to continue to enhance the visual qualities of the appeal property well into the future. I consider that its removal would have a detrimental effect on the local environment and would be harmful to the visual amenity and character of the area.

The appeal was therefore dismissed.

Head of Planning, Development & Regulatory Services Comment:

This appeal decision is welcome given that the comments made by the Planning Inspector upholding Officer's assessment of amenity and the supporting evidence submitted, hence that insufficient reasons for felling had been provided. The decision is particularly welcome given the Council's climate emergency declaration and the need to retain trees for their contribution to climate change mitigation.

Case officer: Sarah Hanson