

Appeal No: APP/TPO/E0345/7536

Planning Ref: 191031

Site: 7a Dellwood Park, Caversham, Reading, RG4 7NX

Proposal: Fell one Oak tree 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 property is one of a few which are part of the extension to the original Dellwood Park. The property contains one protected tree (the Oak in question) and there are protected trees in neighbouring properties to the south (in Dellwood Park) and west (in Orwell Close), all of which were retained during the development of Dellwood Park.
- 1.2 In 2019, the applicant sought assistance from the Council to force the owners of 20 Orwell Close (to the rear) to reduce the height of their trees (a row of protected Sycamores) which were resulting in light loss to the garden of 7A Dellwood Park. Unfortunately, negotiations were not successful.
- 1.3 In June 2019, an application to fell the Oak in the rear garden of 7A Dellwood Park was received, the reasons for felling given as:
'Fell due to shady conditions and low/no amenity value. Tree is only visible to 7, 7A & 7B Dellwood Park. Oak leaning towards the house due to the nearby Sycamore screen canopies which are covered in dense Ivy, now growing taller than the Oak tree, blocking light from the south'.
- 1.4 Officers were satisfied that the Oak tree provided sufficient amenity value to warrant a TPO as the tree can be seen from the front of the property and further down Dellwood Park and can clearly be seen from the north end of Orwell Close, i.e. the tree can therefore be seen from a public place and be viewed by various local residents.
- 1.5 Whilst it was appreciated that this is the only tree in the applicant's control, hence the only one they can potentially remove to improve light levels, the semi-mature Oak appeared to be in good condition and was one of many trees retained and protected during the development of the original Dellwood Park and the later extension of this. It provides amenity value, contributing to the overall tree coverage in this verdant area hence the felling was not considered reasonable and was refused on 17 July 2019.

2 SUMMARY OF DECISION

- 2.1 The Inspector considered the main issues to be the amenity value of the Oak tree and the impact of felling it on the character and appearance of the area, and whether there were sufficient grounds to justify felling it.
- 2.2 The Inspector agreed that the Oak provided amenity value to the area and that its felling would not significantly alter the amount of light within the garden or entering the house. 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 the amenity value assessment by Officers and 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