

**Appeal No:** APP/TPO/E0345/7682

**Planning Ref:** 191592

**Site:** Blaggrave House, Upper Warren Avenue

**Proposal:** Fell one False acacia in the front garden

**Decision level:** Delegated

**Method:** Written Representation

**Decision:** Appeal Dismissed

**Date Determined:** 14 April 2020

**Inspector:** Richard Duggan BSc (Hons) DipTP MRTPI

## 1. BACKGROUND

1.1 An application to fell the mature False acacia was received in October 2019 based on the following concerns:

The tree grows over the roof of the property and garage causing problems with the guttering.

The tree makes the front rooms of the property very dark.

The tree has thorns which are a concern regarding the risk to dogs and grandchildren standing on them.

Concern about roots and the stability of the tree and potential damage to the property.

1.2 Officers confirmed that the tree was in good condition and provided multiple environmental benefits, all of which are important in view of the Council's climate emergency declaration.

1.3 Officers acknowledged that the issues raised were regrettable but were some of the inevitable consequences of living in any area with mature trees. As such, these reasons alone would not support an application to fell a healthy protected tree. Officers concluded that allowing a tree to be removed to alleviate shading, leaf drop or risk of thorns in feet would be a drastic action and would set an unacceptable precedent for deciding similar applications in the future. The felling was therefore refused on 4 November 2019 with alternative, lesser works being approved to help alleviate the concerns.

## 2 SUMMARY OF DECISION

2.1 The Inspector considered the main issues to be the amenity value of the False acacia 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 commented that *'the tree contributed positively to the wider character and appearance of the area, being one of a number of mature tree species close to the appeal property and interspersed throughout this verdant and attractive residential area and that it, along with the other trees, plays a significant part in softening views of the built environment'*.

2.3 In relation to the nuisance issues raised, the Inspector did not consider that the living conditions of the residents were affected to such a degree that felling the tree is required and that the work approved would help alleviate the issues. As no technical or professional reports relating to damage to the building had been supplied, the Inspector dismissed those concerns as a reason for felling. Whilst the concerns relating to the thorns was acknowledged, the Inspector commented that such things were a *'natural and ordinary consequence of having a tree of this species within a residential environment and inevitably carry little weight in favour of tree removal'*.

2.4 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.*

*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 response of Officers to the concerns raised 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