

**READING BOROUGH COUNCIL: APPEAL DECISION REPORT**

**PLANNING APPLICATIONS COMMITTEE: 24 April 2024**

**Ward:** Coley

**Appeal No.** APP/TPO/E0345/9178

**Planning Ref:** 220564/TPO

**Site:** 7 Portway Close, Tilehurst, Reading, RG1 6LB

**Proposal:** Application to fell one Lime tree in the rear garden

**Decision level:** Delegated

**Method:** Written Representation

**Decision:** Appeal ALLOWED

**Date Determined:** 18<sup>th</sup> March 2024

**Inspector:** A Tucker BA (Hons) IHBC

**Site description:**

The application site relates to 7 Portway Close; the tree in question being a mature Lime tree situated in the rear garden. The property has been extended to the rear, the extension confirmed to be 'permitted development' through application 170055/CLP, following a 2014 application for a rear extension being withdrawn, partly on tree grounds. The entire rear garden has been decked.

**Reasons for refusal:**

The Lime tree in question has been protected since 1964, prior to the houses in Portway Close being constructed; the most recent TPO being made in 2001 as a result of the review of the original TPO. It was unfortunate that the house was built without allowing greater space for the future growth of the tree. The concern over the relationship between the tree and the house / garden has been exacerbated by the decision of the then owner in 2017 to build a rear extension, thereby bringing living accommodation closer to the tree and reducing the size of the garden in which it sits further. This was then worsened by the installation of decking meaning the Lime is now within a less than ideal decked area, rather than a larger garden, as it was.

In amenity terms, the tree remains highly visible in the surrounding area due to its significant height, being considerably higher than the roof of the houses, and can be seen from Littlecote Drive to the west, A4 Berkeley Avenue to the south and within Portway Close. It makes a significant contribution both individually and to the general verdant character of the area.

In view of the fact that there is no reasonable opportunity for a replacement specimen tree to be planted in the immediate area in order to mitigate the removal of the tree, the removal of the tree would result in the permanent loss of tree canopy cover at Portway Close.

Officers consider that the extension shows poor judgement, especially given the concerns previous occupiers & owner raised regarding the suitability of the tree's location, heightened by this extension. However, the appellant bought the property with this extension and decking in place and with the tree being evident and protected. The acceptability of the tree should therefore have been considered in purchasing the property. A recent appeal dismissal (ref APP/TPO/E0345/8541), also relating to a mature Lime tree in close proximity to a house, addressed this particular issue, with the Inspector stating:

*'I agree that the tree is the dominant feature at the front of the property. However, it is likely that the relationship between the tree and the house and garden, given its maturity, would have been a similar one when the property was purchased and occupied. It is likely that this relationship, the protected status of the tree and its future growth would have been a consideration at that time for the appellant.'*

Given the significance of the tree in question and that the situation with the tree and house/decking had not changed since purchase of the property, or since this matter was considered last year (a similar application to fell was refused), officers refused the felling of the

Lime tree. The reasons put forward were not considered to outweigh the significant amenity value that would be permanently lost from the felling of the tree.

**Main Issues:**

The Inspector identified that the main issue was:

- The effect of the felling of the tree on the character and appearance of the area, and whether sufficient justification has been demonstrated for the works.

The Inspector observed that:

*'The local area has a good proportion of mature tree cover that gives it a verdant character and appearance and helps to break up the impact of development'.*

And that:

*'The Lime is of a substantial height with a good overall form. It rises well above the height of the dwelling to the extent that it is prominent to view from Portway Close. It can also be viewed easily from Berkley Avenue and Littlecote Drive. It contributes to the verdant and mature character and appearance of the area and in this context has considerable amenity value. The loss of the Lime would have a considerable impact on the character and appearance of the area. Consequently, any reasons given for the work need to be convincing'*

The Inspector noted the small size of the garden, which is dominated by the Lime, worsened by its location west of the property. In relation to the rear extension, this was observed by the Inspector, but it was considered that the dominating impact of the Lime would be very similar if the extension was not present, as the garden would still be small. The Inspector acknowledged that the appellant would have been aware of the Lime when purchasing the property and that the pruning work consented by the Council would modestly improve the situation. However, the Inspector considered that:

*'its continued retention to be unreasonable given the simple facts relating to its scale and position relative to the dwelling and its small garden'*

**Summary:**

In summary, the Inspector acknowledged that with any application to fell protected trees, a balancing exercise needs to be undertaken, and the reasons put forward for felling weighed against the resultant loss to the amenity of the area. The Planning Practice Guidance makes clear that in general terms, the higher the amenity value of the tree and the greater any negative impact of the proposed works on amenity, the stronger the reasons needed before consent is granted. The Inspector agreed that the amenity value of the Lime is considerable but that the reasons given for its felling were compelling and carried considerable weight; the conclusion being that they *'outweigh the harm to the character and appearance of the area'*

The Inspector further confirmed that a condition would not be attached for a replacement tree as such a tree would have to be so small, given the size of the garden, and would have limited visibility given the terraced nature of the dwellings, that it would not mitigate the loss of the Lime.

For these reasons the Inspector ALLOWED the appeal.

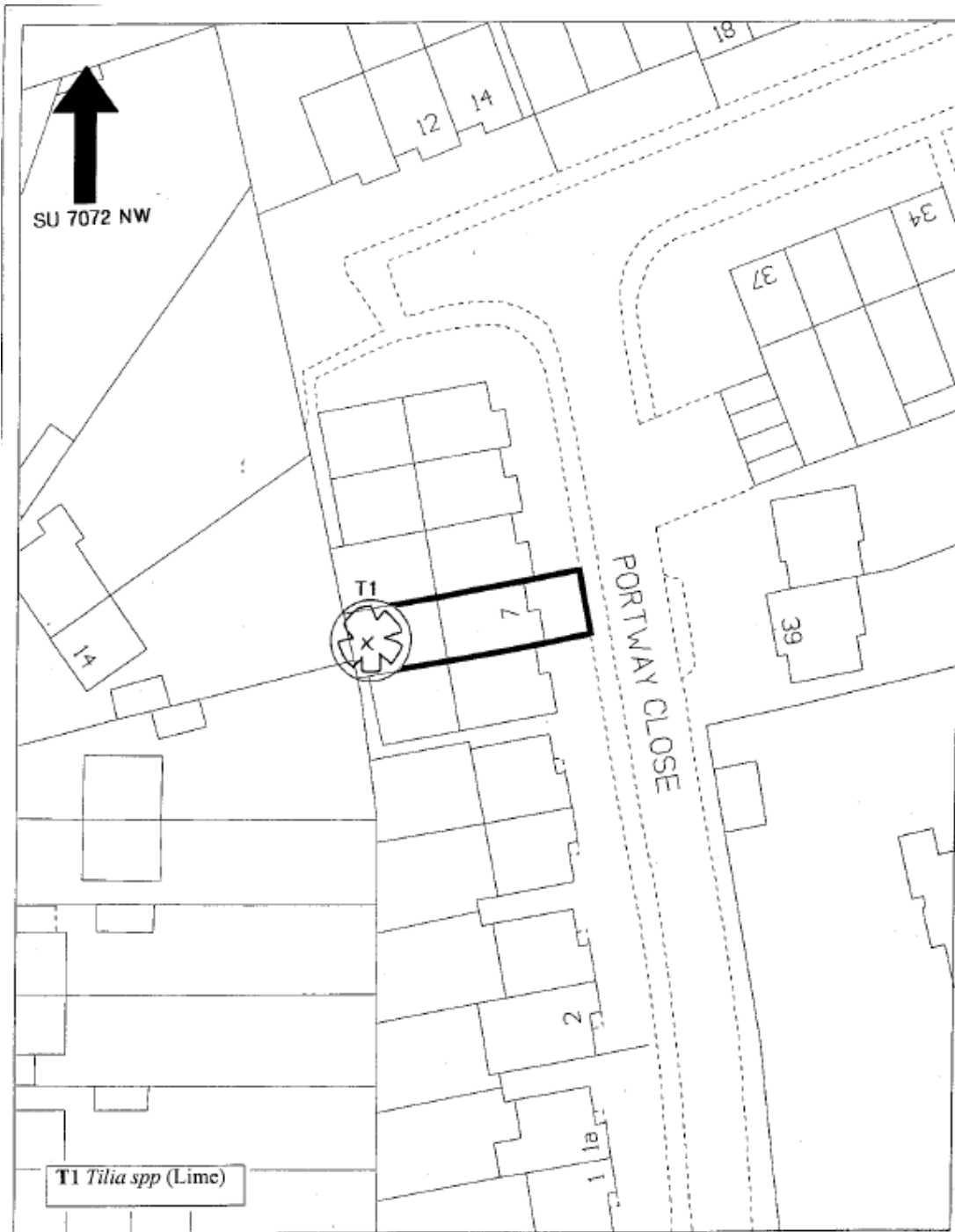
**Head of Planning, Development & Regulatory Services Comment:**

The Inspector agreed with Officers on the importance of the tree and the significant amenity value that will be lost as a result of its felling. However, on balance, the reasons put forward in support of felling were considered to outweigh this harm.

The lack of a requirement for a replacement is disappointing. Whilst it is accepted that such a replacement would not fully mitigate the loss of the Lime, replacement planting would have been welcome in view of the aims of the adopted Tree Strategy.

**Case Officer: Sarah Hanson**

TPO Plan:



Title: Tree Preservation Order – 7 Portway Close, Reading.

Date: MARCH 2001

Org No. E2037

Scale: 1:500



**Reading**  
BOROUGH COUNCIL

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View from Berkeley Avenue:



View from Littlecote Drive:



View from Portway Close:

