



Appeal Decision

Site visit made on 14 October 2013

by **Brian G. Crane, M Hort, P Dip Arb (RFS), OND Hort, FLS, F Arbor A, MIC For, MI Hort, MEWI, MSB, Chartered Arboriculturist**

an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government

Decision date:

04 DEC 2013

Appeal Ref: APP/TPO/C1570/3441

53 Landscape View, Saffron Walden, Essex CB11 4AT

- 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 a tree protected by a Tree Preservation Order.
- The appeal is made by Mr A Ketteridge against the decision of Uttlesford District Council.
- The application Ref: UTT/13/1735/TPO dated 19 July 2013, was refused by notice dated 1 August 2013.
- The proposed work is to reduce by a maximum of 50% (to or beyond the previous reduction in 2006).
- The relevant Tree Preservation Order is the Uttlesford District Council Tree Preservation Order 04/12 53 Landscape View, Saffron Walden, which was confirmed on 30 October 2012.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this case to be:-
 - i. The effect of the proposal on tree health and the character and amenity of the area.
 - ii. Does the appeal tree present such a significant nuisance to the owners of 53 Landscape View that this is sufficient to outweigh its amenity value and justify the works proposed?

Reasons

The effect of the proposal on tree health and the character and amenity of the area.

3. The appeal tree is a walnut (*Juglans regia*) in the mature phase of its life cycle. It has a well-formed and well balanced crown and appears to be growing with appropriate vigour for its age and species. I consider it likely to have a safe, useful life expectancy in excess of 50 years. The tree is visible above the ridge-line of the house and there are views from Landscape View from across the road and from points to the southwest. It is likely to be visible from a number of nearby properties. I consider that it contributes to local landscape character

and visual amenity and that the works proposed would affect such amenity, albeit temporarily.

4. Pruning opens wounds within the crown of a tree; such wounds are susceptible to colonisation by a number of wood-decaying pathogens, notably fungi. In addition, loss of foliage would inhibit the tree's ability to photosynthesise carbohydrates and lead to hormonal imbalances, both of which factors would have negative implications for long-term tree health, the more so, in this instance as the tree was reduced comparatively recently. The degree of pruning proposed is excessive and does not observe the recommendations published in British Standard 3998 Tree Work (2010). I consider that the works are likely to impact negatively on tree health and landscape amenity.

Does the appeal tree present such a significant nuisance to the owners of 53 Landscape View that this is sufficient to outweigh its amenity value and justify the works proposed?

5. The tree stands on the southern boundary of the property. At the time of my visit, I noted that the garden was in almost complete shade from the boundary hedge to the south and the house itself. The tree did not appear to be adding significantly to this shade cover. The reduction proposed would take place at the ends of the branches and would have little effect on shade cast into the garden, as most of this appears to be cast into the neighbouring property to the north. Shade cast by the tree will move from west to east, being cast away from the house during the latter part of the day. I noted that plants and lawn within the garden appeared to be healthy and growing with appropriate vigour. I do not consider that shading issues at this property would justify the works proposed, not that they would be significantly resolved by such works.
6. I saw no evidence of significant branch breakage within the crown of the tree, nor of any other indications that it poses a current and identifiable hazard. The crown showed very little dead wood at the time of my visit. No evidence that the tree is hazardous has been produced.
7. The garden is approximately 37 metres long and 9.5 metres wide; the tree is over 11 metres from the nearest point on the rear elevation. The crown of the tree forms above 3.5 metres from ground level. Although the crown radius stretches most of the way across the garden, I did not form the impression that the tree was in any way oppressive within the garden setting.

Other Matters

8. The appellant has raised a number of matters in appeal documentation which did not form part of the initial application to the Local Planning Authority. As the Authority has not had the opportunity to consider these issues, I am unable to address them in determining this appeal. Some matters raised are not relevant to the current appeal.

Conclusions

9. The appeal tree contributes to local visual amenity and landscape quality. The works proposed would degrade such attributes (albeit temporarily). The degree of pruning proposed is likely to have negative effects on long-term tree health and vigour. Shading issues have been considered and, in my view, the works proposed are unlikely to significantly resolve these and would not justify the works proposed. I saw nothing to indicate that the tree poses a current and

identifiable hazard and no evidence to such effect has been produced. I do not consider that the tree is excessively large for its setting, or that it is oppressive. For these reasons, I dismiss the appeal.

B G Crane

Arboricultural Inspector

