The Planning Inspectorate

Appeal Decision

Site visit made on 31 August 2022

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2022

Appeal Ref: APP/TPO/Y3805/8863
21 Greenoaks, Lancing, West Sussex BN15 0HN

- 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 Brian Lawrence against the decision of Adur District Council.
- The application Ref: AWDM/1636/21, dated 30 August 2021 was refused by notice dated 8 October 2021
- The work proposed is Sycamore (T1) Fell – Because of restricted access to the drive and interference with the growth of Ginkgo Bilboa (T2).
- The relevant Tree Preservation Order (TPO) is 162/2/57(L), which was confirmed on 27 January 1958.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the public amenity value of the Sycamore tree and the likely impact of its felling on the character and appearance of the area; and (b) whether the reasons given are sufficient to justify the felling of the tree.

Reasons

Amenity

3. The Sycamore tree is located within the front garden to 21 Greenoaks, a semi-detached bungalow paired with 19 Greenoaks. The dwelling is served by a vehicle access adjacent to the side boundary with 23 Greenoaks. A Ginkgo Bilboa (tree T2) is located on the common boundary between nos. 21 and 23 a few metres back from the back edge to the footway. The Sycamore tree is sited about 1m behind the front boundary wall and adjacent to the driveway. There is a telegraph pole located at the back edge to the footway directly in front of the boundary between nos. 21 and 23. The wires emanating from the pole pass through the canopies of both trees.

4. The Sycamore and Ginkgo Bilboa trees were identified as a group of two trees when the TPO was made some 65 years ago. Since that time the trees have grown together, and their canopies intertwine. Both trees are now substantial mature specimens. The Ginkgo Bilboa is slightly larger, but the Sycamore is in a more forward position in the group.

5. The Sycamore appears to be structurally sound with an upright frame and to be in relatively good condition, although there are signs of some die-back on lower branches extending towards 19 Greenoaks.

6. The appeal site is positioned on the outside of a bend in Greenoaks. In street views from the east, both trees are clearly visible as a conspicuous group. When viewed from the south, the Sycamore is more prominent, partially screening the Ginkgo Bilboa behind. The two trees form the dominant landscape feature in Greenoaks rising high above the bungalows' roof lines.

7. Having regard to the tree's condition, form, size and visibility in the street scene and to the relative paucity of trees along this part of Greenoaks, my findings on the first issue are that the Sycamore tree has a high level of public amenity value. As such, its felling would give rise to considerable harm to the character and appearance of the area. Consequently, any reasons given to justify its felling need to be convincing.

Justification

8. The reasons put forward are straightforward. Firstly, the appellant says the tree (together with the telegraph pole) hinders access for vehicles to the property. The tree's trunk is directly behind a front garden wall and whilst it would have increased in girth over the years, it does not encroach directly on to the drive. The Council point out that the telegraph pole post-dates the TPO.

9. I am in no doubt that the tree and telegraph pole constrain access and egress movements to some degree. Greenoaks has a relatively narrow carriageway and if a car is parked on the road opposite the vehicle crossover, this would make a direct approach to the access more difficult and shuffling more likely to avoid contact with the pole or tree. Nonetheless, the access has been used this way for many years and some degree of care is commonplace for drivers using a vehicle access at domestic curtilages. The nuisance value alone does not warrant removal of the Sycamore tree. Moreover, the situation could be ameliorated if the telegraph pole were to be relocated.

10. A second reason is the effect of the Sycamore on the Ginkgo Bilboa's crown, which it is claimed is most noticeable in winter after leaf fall. Whilst my visit was in the summer, I could see that branches of both trees were intertwined. It is not unusual when two trees are allowed to grow as a group that the pair's combined crown become a dominant landscape feature and that there is weaker growth between the two trunks. If the Sycamore tree were to be felled this would expose the Ginkgo Bilboa's weaker front facing side to public view. In time, this may regenerate to provide a fuller attractive canopy, but the amenity value of the group of two trees would have been lost. Moreover, a lesser specification of works to the Sycamore tree could be sought, such as crown thinning or crown reduction and removal of crossing branches, which could alleviate some of the Sycamore's impact on the Ginkgo Bilboa.

11. The appellant would be willing to provide a replacement tree, but this would take many years to provide comparable amenity value to the Sycamore and the benefit of the two trees as a group would be lost.

Other matters

12. Other issues have been raised by neighbours in support of felling the tree. It is claimed that tree roots are damaging the footway, but at the time of my visit

there was no significant lifting of pavement slabs or trip hazards. The Council point out that the footway is maintained by West Sussex County Council.

13. A representation states the Sycamore restricts daylight to several properties. It is the outer of the two trees, so further from the dwellings. Some shading is only to be expected from a large tree, but this did not appear to be severe. Any shading could be ameliorated by reduction or thinning works to the tree.

14. There is a concern that the Sycamore tree could affect the foundations to nearby dwellings, but there is no evidence before me to that effect.

15. It is pointed out that the tree interferes with and damages multiple phone lines which emanate from the telegraph pole. This is a matter for the telephone operator in the first instance and attracts little weight in the overall balance.

16. I acknowledge that the tree is showing some signs of decline, but these are not so extensive to justify its removal.

Conclusion

17. With any application to fell a protected tree, a balancing exercise needs to be undertaken. The necessity for the works applied for must be weighed against the resultant loss to the amenity of the area. Having had regard to all matters raised in support of felling the Sycamore tree, it is my judgement that these matters individually or in combination do not outweigh the harm to the character and appearance of the area that would result from the tree's felling due to its high public amenity value.

18. Accordingly, for the reasons set out above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR