



Appeal Decision

Site visit made on 8 April 2024

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 May 2024

Appeal Ref: APP/TPO/C3430/9824

39 Copper Beech Drive, Wombourne, Staffordshire WV5 0LH

- 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 (TPO).
 - The appeal is made by Dipesh Patel against the decision of South Staffordshire Council.
 - The application Ref is 23/00623/TTREE.
 - The work proposed is crown reduction over garden of 5 Gittens Park by up to three metres.
 - The relevant TPO is South Staffordshire District Council Tree Preservation Order No. 23/18001/TPO, which was confirmed on 1 February 2024.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposed works on the character and appearance of the area; and whether or not the reasons given provide sufficient justification for the works.

Reasons

3. The tree, a large mature specimen, is growing in the rear garden of 39 Copper Beech Drive. It makes up part of a prominent linear group comprised of specimens of similar species and maturity. Whilst the tree has developed a significant lean, it remains in apparent good health with a full and verdant crown and main structural elements that appear free from any obvious defects. Despite being of comparatively short height when compared to adjacent specimens, the appeal tree is visible from a variety of publicly accessible vantage points and makes a valuable contribution to the verdant landscape of the locality as part of an established group of mature trees.
4. The proposal is focussed upon an intended crown reduction of up to three metres to the tree's southeastern side where it overhangs the neighbouring private garden of 5 Gittens Park. Reduction works of the extent planned would noticeably reduce the size of the tree's crown and inevitably lead to significant pruning wounds. I acknowledge that publicly available views of the tree's overhanging elements are often restricted by the presence of intervening buildings. Even so, some glimpsed views, including from a short stretch of Peartree Drive, are available. In this context, the proposed works, which would result in a considerable loss of foliage, would give rise to material harm to the character and appearance of the area. Therefore, any reasons to justify the

works need to be clear and convincing. It is to those reasons, the second main issue, to which I now turn.

5. The proposal is principally motivated by a desire to eliminate the risk of large pieces of deadwood falling on to an area of private garden that is used by playing children. Indeed, instances of large and heavy chunks of deadwood being deposited and of deadwood falling in the presence of children have been reported. Nevertheless, upon inspection of overhanging parts of the tree, I was unable to identify any obvious irregularities or any disproportionate amalgamations of deadwood. Moreover, it has not been demonstrated that any threat posed by falling debris could not be appropriately mitigated through cyclical inspection and routine maintenance (to remove elements of deadwood) as an alternative to a significant crown reduction. Whilst there would inevitably be costs associated with undertaking maintenance, this does not offer robust justification for noticeably reducing a large and verdant crown that contributes positively to the visual amenity of the area.
6. It has been suggested that the tree's lean has increased in recent times and that this poses a risk to the appellant's home and family. Whilst I acknowledge the appellant's anxieties in this respect, any suggestion that the tree's lean is worsening over time has not been supported by precise technical evidence. Moreover, there is no clear reason to consider the tree to be structurally unsound nor that reasonable management measures have been neglected by the tree's owner(s). It is also relevant that clear separation presently exists between the tree's overhanging elements and neighbouring built form.
7. With any application for works to a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant effect upon the character and appearance of the area. In this case, the proposed crown reduction would result in material harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for the works.
8. Accordingly, for the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

Andrew Smith

INSPECTOR