

APPENDIX A

Appeal by Mr D Pogson, Mr D Dawson and Dr K Franklin

Site at 25a Storrs Road, Chesterfield.

CHE/16/00669/TPO

2/4150

1. Planning permission was refused on 26th September 2016 for permission to undertake works to trees protected by a Tree Preservation Order.
2. The application to fell 2 No Beech trees Ref: CHE/16/00669/TPO, dated 26 September 2016, was refused by notice dated 22 November 2016.
3. The Tree Preservation Order (TPO) confers protection to eleven separate trees along Storrs Road, and the Beech trees subject to this appeal are referred to as T8 and T9 within the Order. Three separate planning applications to fell the two Beech trees (T8 and T9) were submitted at the same time by Mr David Pogson, Mr David Dawson and Dr Kenneth Franklin. However, as the agent (Mr David Dawson from Treelife Arboricultural Consultancy Ltd) was the same for each applicant, the Council amalgamated the three applications into one (application reference: CHE/16/00669/TPO).
4. A further planning application to prune the Beech trees was submitted by Mrs Jean Coxhead under reference CHE/16/00695/TPO and was approved on 22 November 2016. The Council's decision in respect of these works is not affected by my determination of this appeal. The appeal has been dismissed.

Amenity value

5. The Beech trees are fine, mature specimens with large, relatively evenly-shaped canopies, and are located in the rear garden of 25a Storrs Road. Due to their size and position the appeal trees, along with the adjacent protected trees, are one of the most prominent groups of trees in the locality, along with those found to the south of Elm Lodge. As the appeal trees are located in the rear garden of 25a Storrs Road views from public vantage points are generally limited to their canopies. However, the canopies are highly visible from the adjacent highway and are seen through the gaps between other properties in the road such as between No's 29 and 31.

6. The trees contribute positively to the wider character and appearance of the area, being one of a number of other protected tree species in the vicinity of the appeal property. In this context the appeal trees, along with the other adjacent trees within the TPO, play a significant part in softening public views of the built environment, and the inspector considered that their removal would have a harmful effect on the locality and their enjoyment by the public who travel along Storrs Road.
7. The trees enhance the visual amenity of their residential surroundings and their removal would cause significant harm to the character and appearance of the street scene and wider landscape. It is in this context that the inspector considered the justification provided for the proposed work.

Justification for the work

8. The basis of the appellant's case is the concern regarding shading and loss of light within the adjacent properties, falling debris and moss accumulation within the effected lawns. The inspector saw that the canopies of the trees have grown and spread over recent years, to the extent that they extend across the rear gardens of the adjoining properties. The trees have attained a size that they are giving rise to shading and loss of light such that residential amenity for the occupants is reduced, and have led to some moss growth within the affected lawns. In the inspectors opinion, this could be remedied to some extent by crown thinning and comparatively modest works to prune, trim back and thin the branches as well as removing some lower branches, rather than felling the trees. The inspector saw no reason why the trees would not successfully withstand this level of work and continue to make a positive contribution to public amenity, particularly with regrowth over the following years. Indeed, the Council has granted consent to crown lift both trees by a maximum of 4 metres; crown thin to a maximum of 15%; and crown reduce by a maximum of 3 metres. This, in the inspectors view, will go a long way to addressing the concerns of the Appellant's, as well as ensuring that the trees continue to contribute to the visual amenity of the locality.

9. The inspector noted the strength of feeling shown by the Appellant's regarding clearing fallen debris. Whilst he had sympathy with this matter, he did not regard the nuisance factor of clearing tree related debris as a justification for the works as these are a natural and ordinary consequence of having trees within a residential environment. The clearing of debris is part of routine household maintenance when living in proximity to a tree, and in isolation it provides no justification for undertaking the excessive level of work being proposed to the protected trees.