

Appendix A

Appeal by Mr James Allsop

Works to Protected Tree at 44 Netherleigh Road, Brampton, Chesterfield.

CHE/20/00322/TPO

2/1388

1. Planning permission was refused on 14th July 2020 for felling a protected Sycamore tree (T29) at 44 Netherleigh Road, Brampton for the following reasons:
 - The tree is not unreasonably burdensome and pruning could alleviate shading concerns
 - The tree is part of a group and of amenity value and its removal would create a gap;
 - No evidence of any damage to property.
2. An appeal against the decision has been determined by the written representation appeal method and has been allowed. The main issues were:
 - i) The effect of the removal of the sycamore tree on the character and appearance of the area.
 - ii) Whether the reasons put forward are sufficient to justify the removal of the tree.

Effect of the removal of the sycamore

3. Number 44 is a detached house on the northern side of Netherleigh Road, a cul-de-sac within an established residential estate. There is an extensive area of open space/playing field (Manor Fields) to the rear of the properties on this section of the road. The immediate area benefits from a good level of mature tree cover, much of which is protected by the TPO. These trees, including the sycamore which is the subject of the appeal, provide a significant degree of visual amenity and contribute positively to the mature and verdant landscape of the area, and to its character and appearance. The sycamore is a mature tree growing within the back garden of the appellant's property. There is a conservatory to the rear of the house, with a raised patio beyond that projects into the garden. The tree is situated approximately 6 metres from the

rear elevation of the house, at a distance of 4.3 metres from the conservatory and 1.5 metres from the wall of the patio.

4. The sycamore is both healthy and stable. The lower branches have previously been removed from the tree and there is a substantial degree of clearance beneath its crown, although a number of new shoots are regenerating from the trunk. The crown merges with that of a similar-sized sycamore (T28) growing in the rear garden some 7 metres or so to the north of the appeal tree. An ash growing adjacent to the western boundary of the garden, scheduled as T27 of the TPO, was removed several years ago with the Council's consent. Although situated within the rear garden, the crown of the sycamore can be seen from the road to the south. The tree is also visible from the area of open space/playing field to the rear, to which there appeared to be unrestricted public access. Whilst views of the sycamore from the rear are partially obscured by the adjacent sycamore (T28) and the chestnut tree in the neighbouring garden (T30) from certain angles, it is an integral element of the tree belt running along the rear of the properties.
5. The loss of the sycamore would diminish the collective amenity afforded by the tree belt and the reasons put forward therefore need to demonstrate an overriding justification for its removal, which outweighs any negative impact that this action will have on the character and appearance of the area.

Reasons put forward for the removal of the sycamore

6. The sycamore is a substantial tree growing in close proximity to the rear of the house. Although the tree was out-of-leaf at the time of the inspectors visit, the photographs submitted by both the appellant and the Council confirm that it is densely foliated in the summer months and its crown will therefore cause a degree of direct shading and a reduction in ambient light to the rear of the property. This impact will be exacerbated by the orientation of the garden and presence of the further sycamore to the north (T28).
7. In the decision notice, the Council invited a further application to thin the sycamore (and other trees in the garden) to allow more light to filter through the crown into the garden area. Given the size and density of sycamore foliage, the inspector

considered that the benefit of any further pruning that could reasonably be undertaken without significant detriment to the tree would be limited and shortlived.

8. A degree of seasonal inconvenience and additional maintenance associated with the shedding of leaves, small twigs and other debris is an unavoidable consequence of owning a property containing protected trees. However, given the size and proximity of the sycamore, the inspector took the view that the overall impact in this instance exceeds what could reasonably be deemed tolerable. Sycamores are prone to aphid infestation and there will no doubt be some honeydew deposition and resultant sooty mould associated with the appeal tree, which will be a further source of seasonal inconvenience and additional maintenance. The area of garden and adjacent patio beneath the tree will also be affected by droppings from birds alighting in its crown, resulting in further inconvenience and cleaning.
9. No evidence has been submitted to support the suggestion that the sycamore may cause structural damage in the future. Accordingly, the inspector did not consider the unsubstantiated risk of future structural damage occurring affords significant additional support for the removal of the sycamore tree. Whether or not the sycamore is a native species has no bearing on the appeal. Many non-native trees are highly valued and are justifiably protected by preservation order. Furthermore, given the number of pests and diseases affecting our tree stock and the changing climate, non-native trees will become increasingly important in the future.
10. Although there would normally be a strong presumption against removal of a mature, protected tree, every case must be judged on its own merits and the specific prevailing circumstances. In this instance, the tree is one of two substantial sycamores growing in what is a relatively modest sized garden to accommodate such trees. Whilst there will inevitably be some negative impact on the character and appearance of the area resulting from the loss of the sycamore, this would be limited to some degree by the presence of the second sycamore that will remain. Furthermore, the planting of a replacement tree would not only go some way to compensating for the loss of the sycamore

but would also help to maintain the continuity of the tree belt in the longer term.

11. With any application to fell a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this instance, the inspector found the impact of the sycamore is sufficiently overbearing to warrant its removal and override the resultant loss of public visual amenity and any associated adverse impact on the character and appearance of the area.

Conditions

12. In order to maintain the level of tree cover within the area and in accordance with the appellant's offer, the inspector has imposed a condition requiring a further sycamore to be planted as a replacement for the tree to be removed.

- 1) The work for which consent is hereby granted shall be implemented within two years of the date of this decision.
- 2) In the first planting season following the removal of the sycamore, replacement planting shall be undertaken with a light-standard sycamore, or alternative species capable of attaining a similar stature, agreed in writing with the local planning authority, of a minimum size of 6 - 8 centimetres in girth, at a height of 1 metre.
- 3) The replacement tree shall be planted and supported in accordance with British Standard BS 8545: 2014, Trees: from nursery to independence in the landscape – Recommendations (or equivalent British Standard if replaced), in a location that shall have first been agreed in writing with the local planning authority.
- 4) If within a period of five years from the date of planting, the replacement tree (or other tree planted in its place) is removed, uprooted, destroyed or dies, a further tree of the same size and species shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original.