



Appeal Decision

Site visit made on 18 March 2016

by **Jonathan Fulcher**

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

Decision date: 03 May 2016

Appeal Ref: APP/TPO/V2255/4797
30 Preston Park, Faversham, Kent ME13 8LN

- 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 Mr Patrick Couchman against Swale Borough Council.
- The application dated 16 June 2015 ref: 15/504947/TPO was refused by notice dated 19 August 2015.
- The proposed work is the felling of a copper beech tree.
- The relevant TPO is the Swale Borough Council Tree Preservation Order No 6 of 2015 which was confirmed on 4 January 2016.

Decision

1. I dismiss the appeal.

Procedural matters

2. The decision ref: 15/504947/TPO was made in respect of TPO 6/1999. Subsequent to the appeal of 20 August 2015 Swale Borough Council was unable to provide evidence that the 1999 TPO had been confirmed. Consequently Swale Borough Council made a new TPO on 26 September 2015, which was confirmed on 4 January 2016.

Main Issues

3. In my view the main issues in this case are:-
 - i) The effect of the proposed felling on local landscape quality and on amenity; and
 - ii) Whether or not there are sufficient grounds for the works as proposed.

Reasons

Effects of proposed works on amenity

4. The appeal tree is a maturing copper beech of about 15m in height, appearing to be in normal health and condition for the species. The tree stands in the rear garden of 30 Preston Park towards the rear south end of the garden. The tree is visible from St Catherines Drive and Preston Park, and its slightly elevated position in respect of Preston Park gives it a degree of local prominence. This is reinforced by the absence of similar trees close by, which gives the appeal tree individual specimen amenity value. Foliage colour of copper beeches can polarise opinion, but the dark foliage also reinforces the prominence of the appeal tree. I am satisfied that the appeal tree has amenity value and is a significant local landscape feature. I find that the loss of the

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appeal tree would have an adverse effect on local landscape quality and on amenity.

Grounds for the proposed works

5. The shedding of bud scales, leaves and seeds as beech mast is normal for beech trees. It is understandable that these may be inconvenient but I have not seen evidence to show that they are at such an excessive and unreasonable level as to warrant the proposed felling.
6. The production of honeydew by aphids sucking sap from leaves is also a natural phenomenon, associated with several tree species including beech. Again this may be inconvenient, but I have not seen evidence to show that the production of honeydew and the problems associated with it are at such an excessive and unreasonable level as to warrant the proposed felling.
7. The appeal tree has dwellings to its west, north and east and gardens in all orientations. It is likely that the appeal tree will cast a shadow to the north in the middle of the day. It will also cast shade to the west, towards properties on the south side of St Catherines Drive, in the morning, and shade to the east, towards properties 26-30 Preston Park in the afternoon. The appeal tree is some 15m or so from the rear elevations of properties in Preston Park, with the crown spread towards the dwellings of about 7m. This degree of separation seem to be reasonable for an urban situation. I have not seen evidence to show that the degree of shading is at such an unreasonable and excessive degree as to warrant the proposed works.
8. The appeal tree has amenity value by virtue of its size, form and foliage, and the extent of its local visibility. If local residents are reported in the appeal submissions as having been indifferent to the application to fell, I do not see this as pressing evidence that the appeal tree does not have amenity value or that it is not worthy of retention. In fact I have seen several submissions from third parties relating to the appeal, which does not suggest complete indifference.
9. Turning to third party representations in support of the application, most reiterate the matters raised in the application and appeal submissions, to a greater or lesser degree. The nearest properties have shade towards one end or the other of the day and otherwise have reasonable degrees of sunlight. In the matters of materials shed by the tree I have not seen additional information in the third party submissions sufficiently pressing to warrant felling.
10. The third party submissions raise the matters of television reception and solar panels. The tree has been present substantially in its present form for some years, and is clearly a feature that it would be reasonable to take into account in the matters of proposed television aerials and solar panels. I do not find the issues relating to television reception of such weight as to justify the proposed felling.
11. In the matter of solar panels, I would expect any potential supplier/installer to make a detailed assessment of the cost benefits from the installation, with an assessment of the potential influence of such elements as vegetation on the ability of the panels to function. I have not seen such an assessment. Trees generally make a very significant contribution to air quality by their absorption of carbon dioxide and their release of oxygen. On the evidence I have seen I find that the benefit of solar panels do not outweigh the benefits of the appeal tree.

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12.I conclude that the reasons for felling do not outweigh the amenity value of the appeal tree and that I should dismiss this appeal.

Conclusions

13.The appeal beech tree makes a contribution to the local landscape and the proposed felling is likely to have an adverse effect on local landscape quality and on amenity.

14.On the basis of the evidence I have seen I find that the reasons for felling do not outweigh the amenity value of the tree and do not warrant the proposed works.

15.I conclude that the proposed felling of the appeal beech tree is not warranted on the evidence and I therefore dismiss the appeal.

Jonathan Fulcher

Arboricultural Inspector