



Appeal Decision

Site visit made on 4 June 2020

by Phillip J G Ware BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/TPO/G4240/7652 18 Water Gate, Audenshaw, M34 5QP

- 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 Mrs S Lennox against the decision of Tameside Metropolitan Borough Council.
 - The application Ref: 19/00065/TPO, dated 2 September 2019, was refused by notice dated 26 September 2019.
 - The work proposed is the felling of a beech tree (T3).
 - The relevant Tree Preservation Order (TPO) is the Tameside Metropolitan Borough Council, Slate Lane, Audenshaw (B5) TPO 2001 which was confirmed on 2 March 2001.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this case are the impact of the removal of the tree on the character and appearance of the area and whether sufficient justification has been demonstrated for the proposed felling.

Reasons

3. The property is set back from the Watergate and is close to Slate Lane. The tree in question is located within the garden of the property, close to Slate Lane.
 4. The tree is a mature specimen, which makes a significant contribution to the mature and verdant streetscene along Slate Lane. It is visible to those using the Lane on foot or in cars, as well as those other properties which give onto the Lane. Its loss would cause significant harm to the area.
 5. Given that, any reasons given to justify the removal of the tree need to be convincing. It is to those reasons to which I now turn.
 6. From my inspection of the tree it appears to appear in good health and there is no sign of decay or damage. It is located a distance from the house and, although I can understand the appellant's concern about the potential effect on
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her property, there is no evidence before me that this is a problem at the present or that it may become so in the future.

7. I can appreciate the issues related to seeds, nuts and leaves which the appellant has emphasised – especially in the particular circumstances in which she finds herself and which she has detailed. However the presence of large trees near to a property is not unusual, and the inconvenience of leaf litter and similar issues, particularly in an area defined by a mature landscape and which provides an attractive place in which to live, is not uncommon. This is not a persuasive reason to allow the appeal.
8. I appreciate the replacement planting could be secured by a condition. However it would take many years for any new tree(s) to make anything like a comparable contribution to the amenity of the area.
9. I note that another tree has already been felled at the other end of the garden. However this was apparently due to issues caused by that particular tree, and has little bearing on this case.
10. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Age and health issues have been raised in this case and the appeal has been made by a person who has a protected characteristic for the purposes of the PSED. But it does not follow from the PSED that the appeal should succeed, although I have taken the equality implications into consideration.
11. With any application to fell protected trees 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 case there has simply been insufficient evidence put forward to justify the removal of the protected tree.
12. Thus, having considered all matters, I find that the loss of the tree would result in significant harm to the character and appearance of the area. Furthermore, insufficient justification has been provided to fell the tree and the appeal should be dismissed.

Phillip Ware

Inspector