



Appeal Decision

Site visit made on: 25 March 2014

By: **Jim Unwin** BSCFor MICFor FArborA CEnv.

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

Decision date: 8 May 2014

Appeal Ref:

APP / TPO / L3245 / 3679

At:

No.110 Portland Crescent, Shrewsbury, SY2 5NW.

- 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 Mr T Goodall, against the decision of Shropshire Council.
- The application Ref: 13/04143/TPO, dated 01 October 2013, was refused by notice dated 27 November 2013.
- The work proposed, refused and appealed is refusal of consent for felling one oak tree, T1 of the TPO.
- The relevant Tree Preservation Order (TPO) is the *Shrewsbury & Atcham Borough Council Tree Preservation Order (110 Portland Crescent)*, which was confirmed on 05 December 1984.

Decision

1. I dismiss the appeal to fell oak tree T1 of the TPO, standing in the front garden of No.110 Portland Crescent, Shrewsbury.

Main Issues

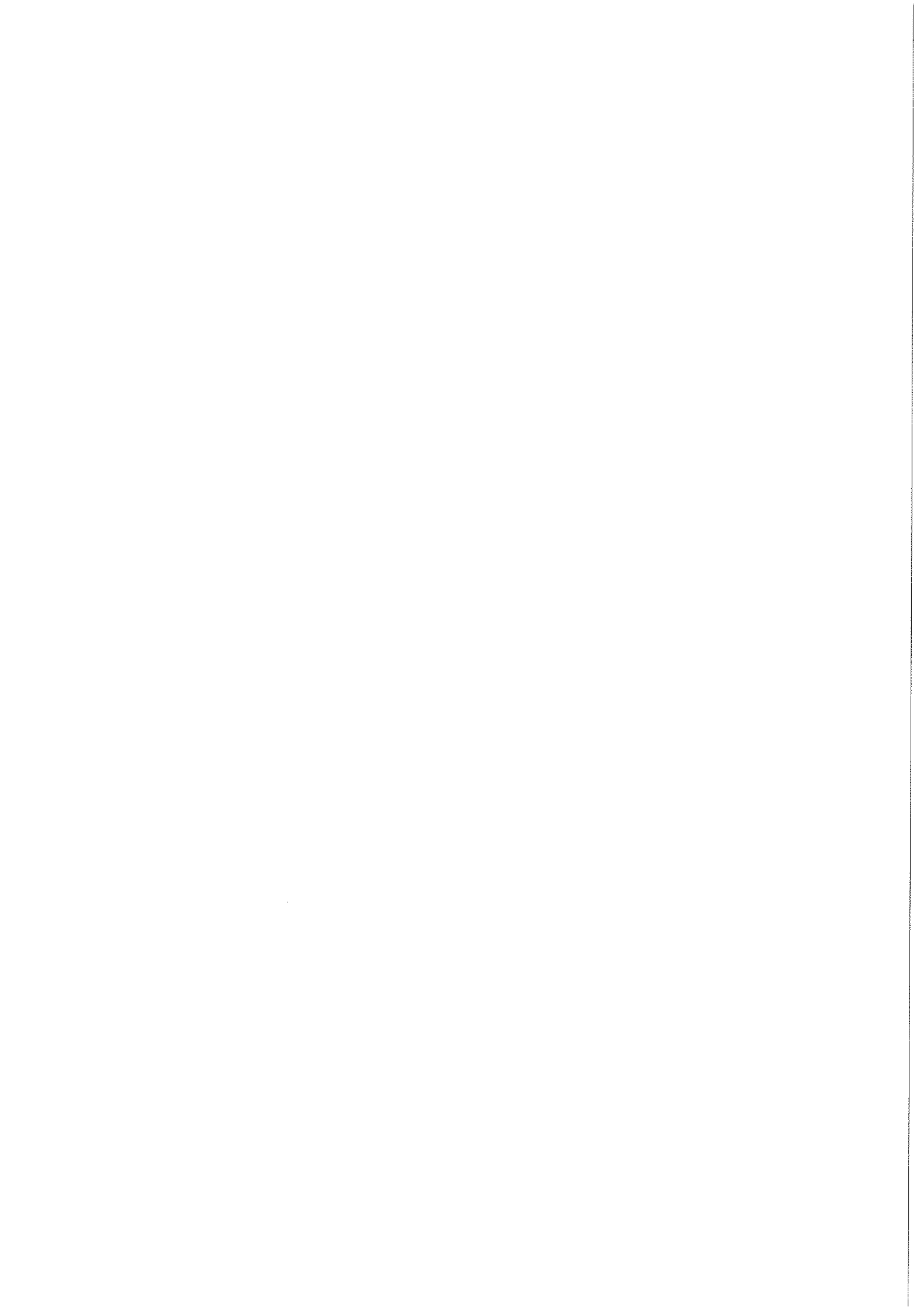
2. I consider the main issues in this appeal are:
 - the impact the proposals would have on the appearance and character of the locality, and
 - whether the reasons given for felling the oak tree are sufficient to justify that course of action.

Reasons

- ***The impact the proposal would have on the appearance and character of the locality.***

Character of the locality

3. Preston Street and Portland Crescent together with several short cul-de-sacs off them provide access to an extensive residential area on the eastern edge of Shrewsbury, about 2km east from the Town centre. Houses are all late Twentieth-century, and most are detached and two storey, set in smallish plots, typically with front gardens open to roads. This confers a spacious and open character to the locality. Local terrain is flat and level.
4. No.110 is set close to the junction of Preston Street and Portland Crescent, and opposite Reynauld's Close. The front garden is open to the wide public footway.



It is relatively short but wide: up to 30m across the frontage, with lawn and parking in front of the house, and tapering to a point at the southern end. The enclosed rear garden, located west of the two-storey house, is much smaller, and provides the property's outdoor amenity space.

5. No.95 Preston Street's house faces south, set near the front (southern) edge of a wedge-shaped corner plot. A long drive runs past No.110's front lawn to a concrete apron in front of No.95's garage, adjacent to the angle of No.110's plot.

Local tree cover

6. The locality around the southern end of Portland Crescent contains few trees. At the site visit I noted a row of small oaks forming a hedge on the southern side of Preston Street, about 45m south from the appeal tree. To the west of these small oaks are two large hedgerow oaks, the closest about 50m south west from the appeal tree. Some trimmed golden Leyland cypress stand on the south-east corner of No.95 Preston Street's plot, over 20m south from the appeal tree.
7. Starting about 45m to the north west of the appeal tree are several medium-sized trees including cherry, silver birch, weeping willow and Norway spruce, in older rear gardens of Highfields. The section of Portland Crescent near No.110 and nearby cul-de-sacs of Reynauld's Close, Patricia Drive and Winifred Close contain no significant trees.

Amenity value of the appeal tree

8. I measured the appeal English oak to be 10m tall. It has a broad canopy with radial spread of 6.2m north towards the house 6.5m away, 5.7m east towards the road 10.9m away, 6.5m south, and estimated 6m west over the boundary with No.95 Preston Street. The appeal oak is isolated, with no other trees anywhere nearby.
9. At the site visit the oak was the most obvious soft landscape feature in views north and south along the southern end of Portland Crescent, and is prominent in views west along Reynauld's Close. It provides a high level of visual amenity value to its residential surroundings, because there are so few nearby trees.

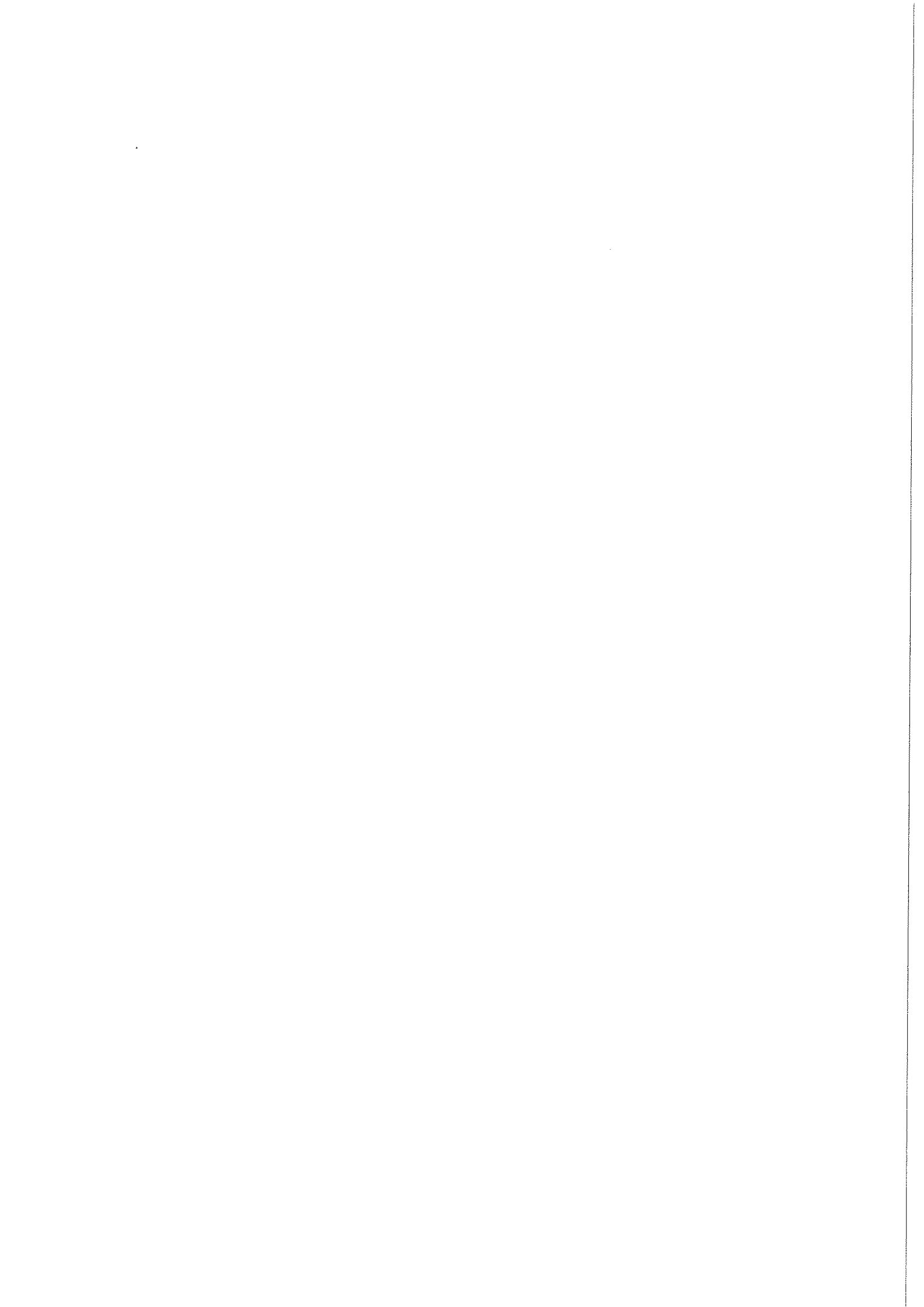
Impact of tree removal on the local landscape

10. Removal of the oak would erode the landscape around the southern end of Portland Crescent and adjacent sections of residential road. Reasonable justification would be required to justify its removal.

- ***Whether the reasons given for removing the appeal English oak are sufficient to justify that course of action.***

Root influence on No.110

11. The oak is 6.5m south from the side wall of No.110, and its canopy reaches within 0.3m of the house. Therefore it is likely roots reach the house. However, the distance is too great for there to be any risk of direct root pressure causing impact damage to any significant part of No.110's foundations.



Subsidence risk

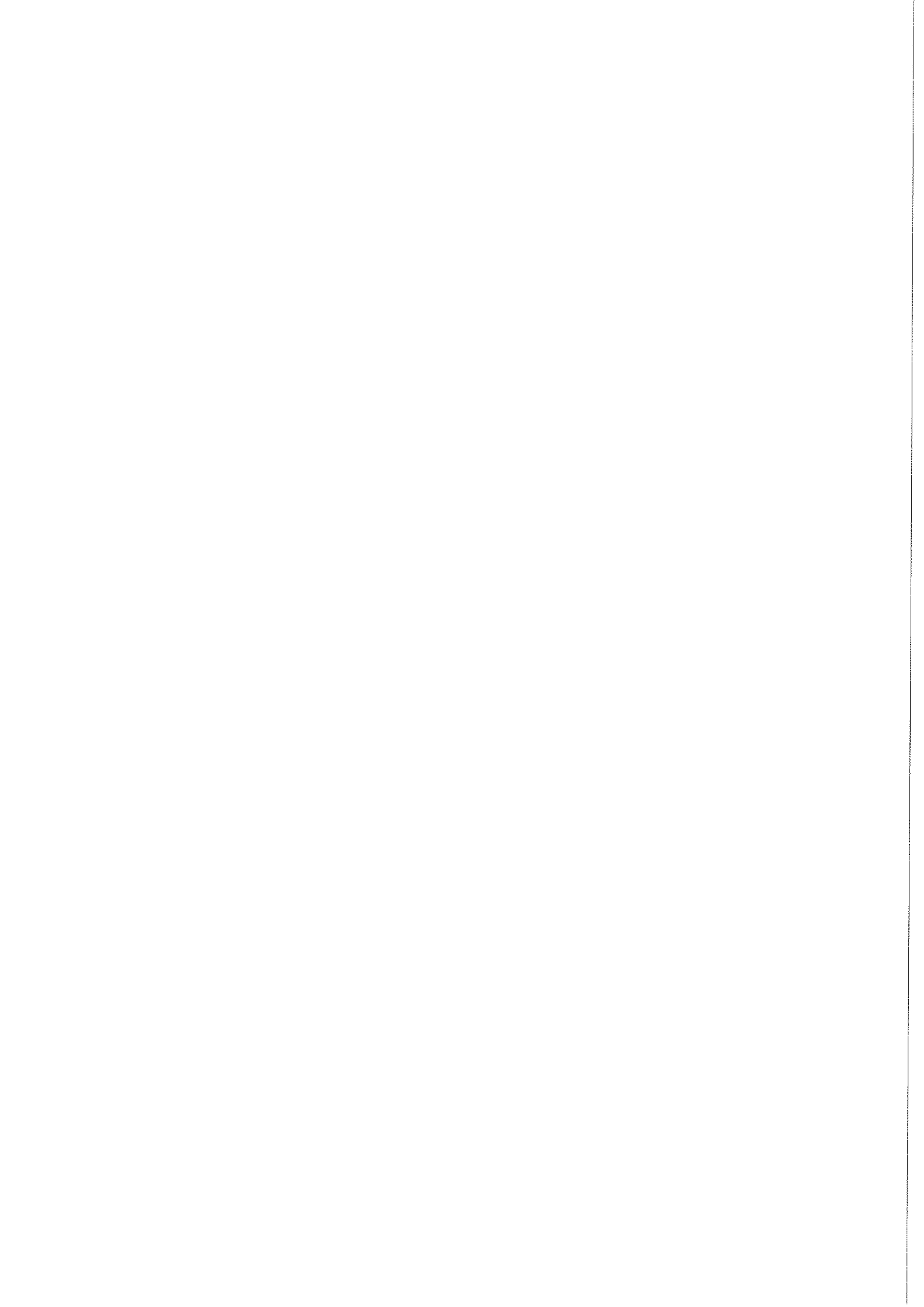
12. The relationship between tree roots, house foundations and subsequent subsidence damage is not a simple one, and mere proximity is no predictor of future damage. No evidence has been presented to the appeal that subsoil underlying No.110 contains shrinkable clay, although Mr A. Dudgon of No.2 Reynauld's Close thinks the subsoil does contain clay. No evidence of any distress in the house has been provided, and I saw no evidence of cracking or movement from external view at the site visit. These are the initial factors which could trigger further subsidence investigation, usually by a householder's insurer. Therefore, on the lack of evidence provided it is hard to justify removing a healthy tree providing high landscape value such as the appeal oak.
13. I note here the comments by Mr Steve Delve of No.1 Reynauld's Close and Mr Geoffrey Harris of No.108, whose concerns for foundation damage presumably relates to No.110, not their own properties which are some distances from the oak.

Concrete garage hard standing behind No.95 Preston Street .

14. The concrete apron in front of No.95 Preston Street's garage has a central gully, leading to a drain which passes close to the appeal oak tree. This drain may be slow to dissipate stormwater, which Mr D. L. Roberts thinks may be due to root incursion by the appeal tree. No evidence of significant drain damage has been presented to this appeal to substantiate this concern. Further, as noted by the local authority, tree roots cannot enter a drain unless there are pre-existing weaknesses in joints, or the pipe is cracked. In rare instances in clay soils of high volume-change potential roots can cause sufficient soil movement to disturb drains and create openings which they exploit. Further, where roots do routinely enter drains, they can often be cleared of tree roots by routine cleaning, and can be lined to prevent future root incursion, without having to dig up the drain or remove the offending tree.
15. The concrete apron is not new, but is in generally good condition. At the site visit I noted only minor cracking and level changes. Any damage caused by underlying oak tree's root action is insufficient to justify tree removal.

Material falling from tree

16. Any tree sheds detritus throughout the year. The appeal oak will shed flower parts in spring, honeydew from aphids feeding on leaves in summer, leaves and acorns in early winter, and twigs in gusty conditions at any time of year. These can be a chore to clear away both for the householder of No.110 and for Mr Roberts whose concrete garage apron is partially under the canopy. Volume of debris may be justification for some lesser work such as pruning, but is not justification for tree removal.
17. Mr Harris suggests blown leaves from the oak are a hazard to road users. However, the road is open and exposed to winds which will dissipate leaves. The tree is relatively small and set well back, so only a proportion of leaves would ever reach the road or its footways. I place no weight on the potential hazard caused by leaves on the highway in this appeal.
18. Mr Roberts is concerned about safety of children playing under the oak tree. At the site visit I saw no evidence of structural weaknesses in the oak's crown. Most trees develop dead wood in the crown as new growth shades inner



branches. Dead wood can be removed periodically without requiring local authority permission.

Light

19. The oak is situated due south of the side wall of No.110. There is only one window facing the tree, so I do not consider direct shading of the house to be significant. When in leaf, shading by the oak is primarily to the front garden of No.110 from mid-day onwards, and to the rear garden until mid-day. I note here that the tree is not large, although it has the potential to grow larger. There is ample daylight reaching both gardens around and over the tree at all times of the day. Therefore I do not consider shading justifies tree removal.

Future growth

20. I note here, and agree with, the suggestion by Helen Ball that Shrewsbury Town Council could support some pruning: which would ameliorate light interception and over-bearing as the tree grows, but would not support tree removal. I am aware that the appeal tree has the potential to grow larger: also acknowledged by the local authority who are permitting 20% crown reduction which was last done 4-5 years ago. I also note the appellant's concern about cost of on-going tree maintenance. On balance, based on the tree's size and condition at this time, the amenity value provided by the oak tree to its locality does justify its retention; particularly as the local authority has permitted size-control pruning.

Other matters

Previous planning decisions

21. Mr Dudgon has sympathy for the appellant's current suffering resulting from a previous planning decision to allow building No.110 close to a tree. However, this appeal deals with the present situation, so I place no weight on historic decisions, particularly where few facts are presented.

Conclusions

22. The appeal oak is a medium-sized tree providing high amenity value to an open residential area, which does not contain many trees.
23. The oak does shade parts of two properties, does shed litter, and may have disturbed the concrete apron of No.95 Preston Street. None of these is significant.
24. There is no evidence of subsidence damage to No.110, nor evidence of significant drain interference by oak roots.
25. For these reasons I dismiss the appeal to remove oak T1, standing in the front garden of No.110 Portland Crescent, Shrewsbury.

Jim Unwin **Arboricultural Inspector.**

