



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 05/01/12

Site visit made on 05/01/12

gan **Alan Engley** MARb (RFS) FARborA MIHort
MICFor AARC

by **Alan Engley** MARb (RFS) FARborA MIHort MICFor
AARC

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 08/02/12

Date: 08/02/12

Appeal Ref: APP/B6855/T/11/515522

Site address: 1 Raleigh Close, Sketty, Swansea SA2 8LE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
- The appeal is made by Mr Paul Leggett against the decision of the City and County of Swansea.
- The application (Reference: 2011/0925), dated 27 June 2011, was refused by notice dated 20 September 2011.
- The work proposed is the removal of 1 Tulip tree.
- The relevant Tree Preservation Order (TPO) is the Swansea County Borough Council Tree Preservation Order, Trees and Groups of Trees at Gabalfa, Sketty Park Drive, Swansea, which was confirmed on 20 January 1965.

Decision

1. I allow the appeal and grant consent for the removal of a Tulip tree on land at 1 Raleigh Close, Sketty, Swansea in accordance with the terms of the application reference 2011/0925 dated 27 June 2011 subject to the following conditions:
 - A minimum of 2 working days notice in writing shall be given to the local planning authority prior to the commencement of the tree felling authorised by this consent.
 - All tree works agreed to under this consent should comply with BS 3998 "Tree Works Recommendations 2010".
 - The works to which this permission relates must be completed in its entirety no later than 2 years from the date of this consent, after which time the consent is no longer valid.
 - Following the felling of the tree authorised by this consent, it is a requirement to plant 1 deciduous tree, the exact species and planting position to be agreed in writing with the Council.
 - The tree to be container grown nursery stock with a minimum height of 2.5m, a standard tree with a 8-10cm girth.
 - The replacement tree must be planted during the first planting season (October-March) immediately following the felling of the tree authorised by this consent.

- The planting shall be carried out in accordance with the Code of Practice for General Landscape Operations BS 4428:1989 Section 7.
- Should the replacement tree be removed, die or become severely damaged or seriously diseased all within 5 years of planting, it shall be replaced by a tree of similar size and species to that originally planted.

Preliminary Matters

2. On the day of my site visit I met with the appellant and the representative for the Council. To avoid any misunderstanding regarding the dimensions of the appeal tree, I measured its height at 24m and its southerly crown radial spread at 14m. These dimensions were agreed by all parties.

Main Issues

3. I consider that the 2 main issues in this appeal are:
 - The effect on the character and appearance of the street scene and wider landscape if the tree is removed; and
 - Whether the reasons given for its removal are sufficient to justify that course of action.

Reasons

The first issue – the effect on the character and appearance of the street scene and wider landscape if the tree is removed

Character of the locality

4. Raleigh Close is a short cul-de-sac off Admirals Walk, located just south of its junction with Sketty Park Drive, a busy arterial route through the city. It lies on hilly land within a modern residential estate which has been developed within the former Sketty Park Estate. The houses are characterised by detached bungalows and 2 storey houses constructed in modest sized plots.
5. No 1, which has the appeal tree, is set back on the northerly side of the close within its 90 degree angle with Admirals Walk. It has a single storey projection to its left side against the front of which is a concrete path that approaches the front door, returning 90 degrees south to exit onto the road. The small front garden is laid to lawn. The appeal tree grows about 2.2m from the left corner of the single storey extension and 80cm from the footpath.

Local tree cover

6. Within the front garden of No 1 is a small Bay tree growing to the right side of the footpath leading to the front door. Within the verges throughout the estate and lining Sketty Park Drive and within some gardens locally are maturing, mostly ornamental trees. To the north-east of the property, along Sketty Park Drive, is a group of fully mature trees. To the north, on the up sloping land, are groups and individual mature, evergreen and deciduous trees.

Amenity value of the appeal tree

7. The appeal tree is a fully mature Tulip tree (*Liriodendron tulipifera*). It has a height of 24m and a trunk diameter of 1.2m. It is of very large stature; it grows as part of the local loose grouping of similarly large trees. The crown is a broad dome shape and is weighted to the southwest. Tulip trees have small but attractive inflorescence and unusually shaped good-looking leaves.
8. The appeal tree can be seen from the inside of the property and from some local properties. It is a large important landscape feature, and highly prominent when approaching from the south along Admirals Walk and when seen from Sketty Park Drive and because of its size, there are distant views of its crown.

Impact of removing the tree on the street scene and wider landscape

9. The appellant wishes to remove the tree. In my view its removal would result in the loss of a very large tree that has a considerable amenity value and some historical significance, because it grows within the former grounds of the Sketty Park Estate.
10. In my view the appeal tree enhances the visual amenity of its residential surroundings and its removal would cause significant harm to the character and appearance of the street scene and wider landscape. Therefore strong justification would be required for its removal.

The second issue – whether the reasons given for the proposed works are sufficient to justify that course of action*Tree safety, detritus and concerns expressed by neighbours*

11. The appellant claims that the appeal tree is large; it sheds branches and deadwood across the garden and creates significant quantities of debris across properties. This view is shared by his neighbours and there is a petition produced that supports the application. In addition he has a report from a tree surgeon that considers the tree is unsuitable in this position.
12. I was able to observe noteworthy quantities of tree detritus across the lawn and rear garden and I can appreciate it has a large canopy and therefore there would be significant amounts of tree debris produced across this and neighbouring properties year round. However in my view the clearing of tree related debris is part of routine household maintenance when living in proximity to a tree and in isolation it provides no justification for removing a high quality protected tree.
13. The appeal tree forks at about 2-3m and there is an old southerly facing weeping scar that is located on the top side of the fork. The scar has heavy wound wood edges around the westerly and easterly hemispheres but little wound wood across its top. In addition, I was able to observe a near vertical flaw line to the southwest of the top of the junction, which runs down to beneath the fork, where there is bark creasing. This fork supports a circa 1m diameter, upswept, out growing, southerly facing sub- leader of considerable weight. In my view the flaw line, old scar and bark creasing indicate an increased risk of fork failure.
14. The tree forks again at about 1m above the principal fork and there is a heavy northerly facing, sharply ascending sub-leader which spreads across the side and

rear gardens. The crown radial spread is across the ridge tiles of No 1 and the roof down slope and guttering on the far side of the house.

15. The Council argue that the tree is in good condition and the old scar has active callus growth, however they recognise that there is bark creasing beneath the southerly leader and they recommend that the tree could be the subject of carefully staged crown reduction to minimise future growth of the branches, stem and roots.
16. I accept the view of the Council that crown reduction can reduce the growth rate of a tree. However, in this case, to make any significant difference, the crown reduction would need to be very severe, which would entirely destroy its amenity value and in any event it is the type of species that would rapidly resprout from the cut ends and along the limbs as a result of the work, the anticipated dense regrowth would require frequent pruning. Therefore in my view staged surgery is undesirable in this case.
17. I place great weight in my decision on the issues of the exceptionally large size of the still rapidly growing tree and its severe negative impact on the dwelling, its occupants and neighbouring properties.

Root related damage

18. The appellant claims that its roots are causing structural damage to paths and to the garden walls and in places they are lifting the grass and the pavement around the front of the single storey extension, and roots have invaded drains. He asserts that there are heavy cost implications in obtaining a structural report regarding the drains and the building.
19. I accept the view of the Council that there is no evidence produced of significant root related structural damage and I agree the cracking is minor and could be repaired, without harm to the tree. However I concur with the appellant that the tree is still rapidly growing which will increase the risk of it causing damage to above and below ground building materials.

Policy EV30 of the adopted City and County of Swansea Unitary Development Plan 2008

20. The Council assert that the proposed work would be contrary to Policy EV30 which seeks to protect trees of high amenity value. However for the reasons I have given I am of the view that there are material considerations to indicate that an exception should be made in this particular case.
21. I have therefore decided on the second issue that the reasons given for the proposed works are sufficient to justify that course of action.

Conclusions

22. My conclusions on the 2 main issues have led me to the view that the appeal should be allowed and consent granted to remove the appeal tree. In reaching my decision I have taken into account all other matters raised relating to the tree.

23. I am satisfied that its removal can be justified on grounds that it creates totally unacceptable conditions for the occupants of No 1, and neighbouring properties. And the surgery that the Council may permit would ruin its high amenity value. In order to ensure continuity of tree cover and long term visual amenity, I have imposed a condition requiring the planting of a replacement tree. I therefore allow this appeal.

Alan Engley

Arboricultural Inspector