

SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2019/5006 **Planning Ref:** P2019/5303

PINS Ref: 3241583

Appellant: Amy Miles

Proposal: Felling of 1 No. Copper Beech Tree protected by Tree Preservation No. T229/T1

Site Address: 17 Brynawel Pontardawe Swansea Neath Port Talbot SA8 4JP

Appeal Method: Written Representations

Decision Date: 31 January 2020

Decision: Appeal Dismissed

Tree Preservation Order (TPO) T229/T1 confers protection on one Copper Beech tree (T1), and it was this tree that is the subject of the appeal.

The main issues concerned the amenity value of the tree and the effect of the proposed works on the character and appearance of the area and whether there are sufficient grounds to justify the works.

Amenity value and the effect of the proposed works on the character and appearance of the area.

The Inspector found that whilst the area has an attractive and wooded character, the appeal tree is one of few mature or semi-mature trees located on the northern, residential side of the street, and is highly visible from long stretches of the street and from the recreation ground and public path.

The appellant's tree consultant stated that the tree has a limited rooting area and has developed girdling roots which will limit the take up of water and nutrients; and that failure can occur at such roots due to the increase of stress from wind movement concentrated at these points. Nonetheless, he did not identify any immediate safety concerns with the tree and described the crown and stem as being in good condition with previous pruning wounds having occluded well.

From her own observations on site, the tree had no obvious other defects and appeared to be healthy, making an important contribution to the wooded and verdant character of the area. Its loss would therefore be harmful to the character and appearance of the area and its visual amenities.

Justification for the works

The tree is located adjacent to the pavement and next to the driveway and a paved area within the appellant's garden. The garden is situated at a slightly higher level than the pavement and is bordered by two low retaining walls adjacent to the tree.

The appellant's tree consultant states that the tree has a rooting area which appears to be significantly smaller than the recommended root protection area advocated by BS 5837:2012 "Trees in relation to Design, Development and Construction" (BS 5837). It is stated that the area adjacent to the tree is heavily compacted and it is unlikely that the roots are growing into the compacted ground which has resulted in the girdling described above. Notwithstanding, he acknowledges that the roots may extend into the adjoining garden and across the driveway given the cracking that is evident.

He also stated that the retaining walls have been displaced, with both the appellant's tree consultant and her appointed building surveyor attributing the damage to the tree. The building surveyor states that the walls should be rebuilt to a similar design to prevent further damage and the ability to rebuild the walls is constrained by the position of the tree and would require severance of the roots which would de-stabilise the tree.

The appellant contended that felling is required to enable the hazard to the public footpath from the damaged wall to be

rectified. The Inspector acknowledged that rebuilding of the entire wall on its current alignment would not be possible without substantial damage to the buttress of the tree or its removal, and that repair is necessary to address the potential hazard to the public arising from its current condition.

Notwithstanding, given the position of the tree, the limited changes in levels around it, and even taking account of the comments regarding the likely limited rooting area, the Inspector concurred with the Council's view that it is highly likely that the tree itself is acting as a retaining feature. As such, she had no reason to believe that the wall could not be rebuilt with a gap to accommodate the tree and its future growth with the rest of the wall retaining the remaining length of garden.

Furthermore, she was not persuaded that the compacted ground and paving could not be altered to accommodate a greater rooting area for the tree that would enable the roots to develop further and reduce the current girdling root growth. Whilst the distances advocated in BS 5837 may not be achievable due to the site constraints, these standards are largely directed at distances in relation to new construction. In respect of this tree's proximity to existing development, any greater available rooting area would be of benefit in increasing the longevity of the tree's life through a wider area to obtain nutrients and water.

Notwithstanding the issues that have been raised, a balance needs to be struck between the problems associated with the tree and the wider public interest arising from its amenity value. Much of the character of the area is derived from its wooded character and appearance. The problems associated with trees close to residential properties are not uncommon in areas where trees create an attractive place to live. The essential need for a tree to be removed must therefore be weighed against the resultant loss to visual amenity to the wider area. In this case, the Inspector was not satisfied that there is sufficient evidence to justify the removal of the protected tree and its resultant associated harm to the public interest. She thus concluded that the appeal should be dismissed.