

**SCHEDULE B**

**Applications  
determined by other  
authorities.**

**SCHEDULE B**

**SCHEDULE B: Applications Determined by Other Authorities**

19/0006 TPO

---

**Item No: 07**

Between 19/12/2020 and 04/02/2021

**Appn Ref No:**  
19/0006 TPO**Applicant:**  
Mr P Carrol**Parish:**  
Carlisle**Date of Receipt:**  
05/03/2019**Agent:****Ward:**  
Stanwix Urban (Abolished  
07/05/2019)**Location:**  
3 Robins Wood, Stanwix, Carlisle, CA3 9FN**Grid Reference:**  
340275 557681**Proposal:** Reduction Of 3no. Lime Trees Subject To TPO 161

---

**REPORT****Case Officer:** Sue Stashkiw**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:** A copy of the Notice of the decision of the Determining Authority is printed following the report.**Appeal Decision:** Appeal Dismissed**Date:** 01/02/2021



---

## Appeal Decision

Site visit made on 14 June 2020

**by E Symmons BSc (Hons) MSc MA ArborA**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 February 2021**

---

### **Appeal Ref: APP/TPO/E0915/7428**

### **3 Robins Wood, Off Larch Drive, Stanwix, Carlisle CA3 9FN**

- 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 trees protected by a Tree Preservation Order.
  - The appeal is made by Mr Peter Carrol against the decision of Carlisle City Council.
  - The application Ref: SJS/DC/19/0006/TPO, dated 4 March 2019, was refused by notice dated 29 April 2019.
  - The work proposed is described as to reduce 3 lime trees.
  - The relevant Tree Preservation Order (TPO) is City of Carlisle (Knowefield) Tree Preservation Order, 2000 (No. 161), which was confirmed on 8 May 2001.
- 

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The appellant's plan accompanying the application form shows trees T10, T12, T13, T14, T15 and T16 but refers only to three lime. The Council's Risk Survey of Trees<sup>1</sup> (Capita report) expresses some uncertainty regarding which trees are part of the proposals and has identified four trees as potentially relevant, tree 3155, T14, T12 and T10. The report goes on to say that in their opinion the TPO plan is inaccurate. I concur with this view and as observed during my site visit, the inaccuracy is with respect to the relative position of the appeal dwelling and the trees. From my observations on site, and all the evidence submitted, I am satisfied that the trees subject of this appeal are lime T10, beech T11 and lime T12.

### **Main Issues**

3. The main issues are the effect of reducing the height of the three trees on the character and appearance of the area, and whether the reasons given for the work justify that course of action.

### **Reasons**

#### *Character and appearance*

4. The residential properties on Robins Wood are nestled against mature trees which edge the adjacent area of mixed deciduous and coniferous woodland containing a shrub understorey. There is a network of recreational paths throughout and around the woodland, one of which passes directly along the

---

<sup>1</sup> Robins Wood, Tree Risk Survey of Trees Adjacent 3 Robins Wood. Capita. 15 April 2019.

southern garden boundary. From within the surrounding streets the trees are visible above, surrounding and between the properties providing a mature and sylvan setting which adds considerably to the character and appearance of the area.

5. The appeal property is bounded by trees to the south and west with smaller species such as elder overhanging the garden. T12 (lime), which sits on the pathway to the south of the garden is relatively tall and spindly with a small crown and epicormic growth on the greater part of the stem. Its contribution to the area is limited however, a height reduction would remove most of the small crown leaving only a stem sprouting minor epicormic growth. This would create an incongruous feature at a prominent part of the woodland edge.
6. T11 (twin-stemmed beech tree) has been lopped in the past and although this will detract from its amenity value during the winter months, this is barely visible when the tree is in leaf when its canopy adds to the continuity of the woodland edge. T10 is the tallest of the three appeal trees and despite there being some evidence of previous branch reduction, it is an important feature of the woodland edge.
7. All three trees are clearly visible from public vantage points and have a natural appearance which is typical of the surrounding woodland trees. As the extent of the reduction has not been specified, and from the reasons given as described below, I must consider any reduction would be significant. This would harm the natural appearance of the trees and consequently the character and appearance of the area. Any arguments to reduce the trees must therefore be convincing. It is to this justification which I now turn.

#### *Justification*

8. The Capita report has assessed the condition of the trees as generally good and I saw nothing during my site visit that leads me to a different view. That included a Quantified Tree Risk Assessment which concluded that the risk from these trees is 'As Low As Reasonably Practical'. The report suggests removal of minor deadwood, removal of ivy to check for defects and re-inspection 18 months from the date of the survey.
9. The justification for this work in part relates to fears regarding the safety of the trees. Reference has been made to the trees significantly moving in the wind, being close to breaking and to removal of neighbouring trees making those at the appeal site more exposed. Movement of trees in the wind is a natural phenomenon which prevents them from snapping by dissipating the wind energy. Although removal of some trees within a dense group can increase the chance of windthrow for those remaining, no technical assessment of this has been undertaken for the appeal trees, nor has evidence of any root-plate movement been advanced. Photographs of trees at No 2 showing a large snapped out limb have been submitted. The structure of individual trees varies considerably as does any associated risk of limb failure. No evidence has been submitted to support the view that the appeal trees would suffer similar limb loss.
10. There is a lack of substantive arboricultural evidence supporting the view that the trees are unsafe. Therefore, insufficient justification has been provided for the proposed work on these grounds.

11. I have no doubt that the rear of the property and the garden are shaded due to the position and proximity of the trees, by the overhanging shrub layer, by extensive ivy on trees T10 and T11, and by shade cast over the garden by the house. I accept that reducing the height of the trees may allow some more light into the property. However, given its orientation, and as other adjacent trees also cast considerable shade, to have a significant effect this would require removal of the greater part of the tree canopies. This would potentially harm the long-term viability of the trees in addition to harming their character and appearance when compared with the natural form of the surrounding woodland trees. For these reasons I also give this justification little weight.
12. In addition, I accept that roof tiles on the garage have had to be replaced, although the reason for this has not been detailed. Nevertheless, removal of deadwood, for which a TPO application is not required, would alleviate the potential risk of roof damage.

### **Other matters**

13. I note that the appellant is dissatisfied with the way the Council has dealt with this application however, these matters are not related to the merits of this case and have not formed part of my considerations.

### **Conclusion**

14. With any application to prune 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 visual amenity of the area. In this case, removal of a significant part of the tree canopies would result in harm to the character and appearance of the area and insufficient justification for this course of action has been demonstrated.
15. In conclusion, for the reasons stated above, the appeal is dismissed.

*E Symmons*

INSPECTOR



RECEIVED  
 - 5 MAR 2019  
 19/0006/TPO

