



Appeal Decision

Site visit made on 13 November 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/TPO/B4215/9931

Church Court, Clayton Avenue, Didsbury, Manchester M20 6BN

- 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 (TPO).
 - The appeal is made by Church Court Management Ltd against the decision of Manchester City Council.
 - The application Ref: 137543/TPO/2023, dated 7 July 2023, was refused by notice dated 27 October 2023.
 - The work proposed is the felling of a lime tree (T1) and reduce crown of 5 beech trees (T2, T3, T4, T5, T7) by 2-3 metres and a sycamore tree (T6) by 1-2 metres.
 - The relevant TPO is The Manchester City Council (Land at the Junction of Clothorn Road and Clayton Avenue, Didsbury) Tree Preservation Order 2016, which was confirmed on 22 November 2016.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council issued a split decision. It approved the felling of the lime tree identified as T1. However, it refused the proposed crown reduction works to 5 beech trees identified as T2, T3, T4, T5 and T7 and the sycamore tree identified as T6. It is the refused works that the appeal relates to, and I have considered it on this basis. My decision does therefore not affect the carrying out of those works which were approved.

Main Issues

3. The main issues are: the impact of the proposed works on the character and appearance of the area, and whether sufficient justification has been demonstrated for the works.

Reasons

4. Turning to the first main issue, the appeal trees are tall and mature specimens, that are growing on land to the front and side of Church Court, which is situated on a corner location next to the junction of Clayton Avenue and Clothorn Road. The immediate surroundings are predominantly residential, characterised by generous planting and tree lined highways.
5. The appeal trees are clearly visible from several public vantage points along Clayton Avenue and Clothorn Road. There are numerous other trees growing in the locality, including within front residential gardens. These, along with the

trees the subject of this appeal, make a positive contribution to the mature and leafy landscaped character and appearance of the locality. The appeal trees are therefore prominent features of the area and provide a high level of visual amenity.

6. The extent of the works originally proposed, to reduce the crowns of the beech trees by 2-3 metres (m), would create an unnatural form to the canopies and give the trees an overly managed appearance. These works would also significantly reduce the size of the canopies, diminishing their visual contribution to the surrounding area, thereby resulting in considerable harm to the amenity value of the trees.
7. Even the smaller level of reduction to the sycamore tree, and those put forward for the beech trees in the appeal, would truncate the limbs and have a noticeable and harmful impact on the form of the crowns. Consequently, any reasons given to justify the proposed works need to be compelling. It is to those reasons, the second main issue, to which I now turn.
8. Whilst some of the appeal trees' branches do overhang the roofs of nearby buildings, there is a sufficient clearance between the trees and these to ensure that the branches do not interfere with the buildings' structures. The proposed works would also reduce the amount of branches that overhang nearby gardens. However, these are simply consequences of living close to trees and do not themselves justify the pruning works proposed in this case.
9. There can be no doubt, given their proximity to the block of flats at Church Court, that a few of the trees would cast a degree of shade to some of the habitable windows within this building. However, issues with impacts on light levels to property are not uncommon. Such matters are an unavoidable consequence of owning a property adjacent to mature trees. In any case, I am unable to conclude that the originally proposed works or the suggested 1-2m reductions would not, over time, result in the formation of denser crowns thereby offering little long-term mitigation in respect of overshadowing.
10. I am also mindful of the suggested alternative crown thinning works that have been referred to by both main parties. I have no substantive reason to find that the removal of a proportion of small, live branches throughout the crowns would not have a more beneficial effect in terms of light levels afforded to the residents of Church Court.
11. Moreover, with any application to carry out works to 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, the works on the important trees would result in considerable harm to the character and appearance of the area, and, in my judgement, insufficient information has been provided to justify the level of works proposed.
12. Accordingly, having considered all matters, the appeal should therefore be dismissed.

Mark Caine

INSPECTOR