



Appeal Decision

Site visit made on 16 July 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/TPO/B4215/9010

8 Park Brow Close, Manchester M21 8UL

- 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 Mr Christopher Sutcliffe against the decision of Manchester City Council.
 - The application Ref: 132277/TPO/2021, dated 19 November 2021, was refused by notice dated 8 February 2022.
 - The work proposed is to fell a Scots Pine tree.
 - The relevant TPO is The Manchester City Council (2,4 and 8 Park Brow Close, Chorlton) Tree Preservation Order 2004 which was confirmed on 21 September 2004.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposed felling of the tree on the character and appearance of the area; and whether sufficient justification has been demonstrated for its removal.

Reasons

3. Turning to the first main issue, the Scots Pine tree is a tall and mature specimen that is growing within the front garden area of 8 Park Brow Close. No 8 is a 2-storey end terrace house, which is situated on a residential cul-de-sac.
4. The tree is an important part of a small group of protected mature trees that are located to the front of Nos 2, 4 and 8 Park Brow Close. This group of trees are clearly visible from several vantage points along Park Brow Close and Sandy Lane and are prominent features in the street scene. There are also numerous other trees in the area, many of which are mature.
5. Whilst some crown reduction has clearly taken place in the past, and the natural form of the appeal tree has been altered, its height, size and foliage still make a positive contribution to the group. It also appeared to be in good health and vigour on my site visit and there is nothing before me to suggest it has a limited life expectancy. Along with other trees in the locality, the tree therefore makes a positive contribution to the mature and landscaped character and appearance of the area.

6. Consequently, the loss of the tree would erode the visual amenity of the area and would give rise to considerable harm to its landscaped character and appearance. Any reasons given to justify the removal of the tree therefore need to be convincing. It is to those reasons, the second main issue, to which I now turn.
7. The crack in the front boundary wall, which is referred to in the Lally Tree Management Report (LTMR), had been repaired at the time of my site visit. Although there is some cracking damage to the paving around No 8, which is also slightly raised and uneven, the LTMR appears to have been based on a visual ground inspection rather than any intrusive form of investigation.
8. The evidence which suggests that the roots of the tree the subject of this appeal are to blame for this damage is therefore inconclusive. No intrusive form of investigation has taken place on the site. No trial pits have been dug, no roots have been identified and no on-site soil analysis has been carried out. In the absence of any substantive evidence to the contrary I am therefore unable to conclude that the nearby paved areas could not be re-laid or resurfaced in such a way, if necessary, to take any roots into account and remedy any potential hazards.
9. Furthermore, issues with bird droppings, and impacts on light levels to property and garden areas are not uncommon for tree owners. Such matters are an unavoidable consequence of owning a property adjacent to trees and in this instance do not justify the removal of a healthy protected specimen. In any event, I have no substantive reason to conclude that the tree could not tolerate the suggested alternative pruning works suggested by the Council without causing unacceptable harm to visual amenity and the character and appearance of the area. This would have a beneficial effect in terms of the matters above, therefore minimising any risk to people or property.
10. I also recognise the willingness to replace the tree with a new one. However, any replacements would take many years to reach the same stature as the appeal tree and provide a similar level of visual amenity. As such, replacement planting would not be sufficient to mitigate the harm that would arise to the character and appearance of the area.
11. Moreover, with any application to fell 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 there is insufficient evidence put forward to justify the removal of the protected tree.
12. Accordingly, I therefore find that the loss of the Scots Pine tree would result in unacceptable harm to the character and appearance of the area. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR