



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/08/19

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 14/08/2019

Appeal Decision

Site visit made on 05/08/19

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 14/08/2019

Appeal Ref: ENV/3228786

Site address: 11 Chapel Mead, Penperlleni, Goytre, Monmouthshire NP4 0BR

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 trees protected by a Tree Preservation Order.
 - The appeal is made by Mr Terence Hapgood against the decision of Monmouthshire County Council.
 - The application Ref DM/2019/00461, dated 15 March 2019, was refused by notice dated 24 April 2019.
 - The work proposed is the felling of 1no. Alder tree in the area marked A3 on the plan. The relevant Tree Preservation Order (TPO) is TPO NO.10, relating to Maes-y-Beryn and Capel-Ed Fields, Penperlleni, which was confirmed on 27 October 1987.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Area A3 on the TPO plan is described as comprising Alder and Ash trees and is shown as a group which ran along and adjacent to field boundaries present at the time the TPO was made. Since this time, the housing estate has been constructed and 2no. protected Alder trees lie within the front garden of 11 Chapel Mead, separated and surrounded by low circular brick walls. The Council considered the felling of both Alder trees in the TPO application. However, the appellant has confirmed on the appeal form that the application relates only to one of the trees, this being the southernmost tree in the front garden. As the Council refers to works to 'a tree' rather than multiple trees in its appeal submissions, I am satisfied that the Council are now of the same understanding. I have therefore amended the description of the works to refer to the felling of 1no. Alder tree only, and it is on this basis that I have determined the appeal.

Main Issues

3. The main issues are:
 - The impact of the works on the character and appearance of the surrounding area.
 - Whether the reasons for the works are sufficient to justify that course of action.
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Reasons

4. The TPO confers protection on trees specified by reference to individual trees, areas and woodlands. The appeal tree is an Alder specified by reference to area A3, which is positioned adjacent to another Alder in the front garden of 11 Chapel Mead.
5. Given the tree's position in the front garden of No 11 and at the end of a small cul-de-sac, it is directly and highly visible from public vantage points. The top of the canopy is also visible from the highway to the east. It is seen in the context of other trees in the surrounding area, which together, soften the close-range views of the built form and provide a pleasant, verdant setting to the dwellings. That is, the trees are immediately recognisable as important features in the locality.
6. In respect of the appeal tree specifically, a mature species such as this forms part of the characteristics of this location and thus contributes to the group value of the trees in visual amenity terms. The loss of the trees, whether individually or cumulatively, would be significant in terms of the effect on the verdant character and appearance of their surroundings.
7. I note the comments of both parties in respect of other trees that have been felled, which were in the vicinity of the appeal site and subject to the TPO. I do not know the full details of the trees that were removed or the circumstances in which consent was given for their removal. Nevertheless, this matter does not alter the contribution that the appeal tree makes to the group that remains and to the character and appearance of the area.
8. The Alder is of a significant size, with a well-shaped canopy. My attention has been drawn to what is described as an area of decay at the base of the tree, which the Council declines to comment on despite the appellant's assertion that it was the Council's Tree Officer who first identified this issue at his site visit. The appellant has stated that a tree surgeon has subsequently advised that the damage probably occurred as a result of a bough falling away from the tree leaving a scar, and that there is some evidence of re-growth. Be that as it may, I have not been provided with any arboricultural evidence of this damage affecting the health of the tree such that its structural integrity has been, or will be, seriously compromised. On the basis of the evidence before me, therefore, I do not consider the tree to be of poor quality or health overall.
9. Consequently, and in the absence of any evidence to the contrary, the loss of an otherwise healthy tree adds to my concern regarding the effect on the contribution it makes to public amenity.
10. The basis of the appellant's case is that the spread of the Alder and its root system has recently shown itself to be causing structural damage to the brick wall and driveway. Concern has also been raised regarding future damage that could occur to the sewerage / drainage system which lies in close proximity and serves other properties on the estate.
11. I have not been provided with any expert technical evidence which corroborates the appellant's view that the appeal tree is the cause of the identified damage or that its roots are likely to affect the drainage system. The appellant also acknowledges that, as things stand, action can be taken to mitigate the minor structural damage identified to the wall and driveway.

12. In this context, insufficient evidence has been provided to demonstrate that the Alder is causing structural damage, or is at serious risk of causing damage, to the extent that its felling is justified.
13. I do not dispute the appellant's willingness to plant a replacement tree. However, such works would not replicate the contribution to local amenity provided by the existing large, mature tree, which can be expected to continue for a considerable number of years to come.
14. In light of the foregoing, I conclude that the harm to public amenity that would be caused by the proposed works is significant and is not outweighed by the arguments put forward in support of felling. The loss of this tree would inevitably fail to preserve the verdant character and appearance of its surroundings.

Conclusion

15. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.
16. In conclusion, therefore, and having regard to all matters raised, I consider that insufficient evidence has been presented to demonstrate that the negative impacts of the Alder tree are sufficient to outweigh the public amenity value it affords and therefore warrant its removal. The appeal is dismissed.

Melissa Hall

Inspector