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## Appeal Decision

Site visit made on 5 May 2023

**by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC**

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

**Decision date: 15 June 2023**

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### **Appeal Ref: APP/TPO/H4505/8735**

#### **42 Woodlands Park Drive, Axwell Park, Blaydon NE21 5PQ**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the Regulations) against a failure to give notice within the prescribed period of a decision on an application for consent to undertake work to trees protected by a Tree Preservation Order (TPO).
  - The appeal is made by Mrs Helen Whitfield against Gateshead Council.
  - The application Ref: DC/21/00595/TPO, is dated 3 May 2021.
  - The work proposed is described as: T1 Oak - Reduce lateral branches up to 2m to bring outlying branches into the current canopies shape. Remove epicormic growth. 5-10% thin; T2 Sycamore - 5 - 10% thin; T3 Sycamore - Prune lateral branches up to 1m to bring outlying branches to the current canopies shape. 5 - 10% thin; T4 Oak - Reduce lateral branches up to 1.5m bringing outlying branches to current canopies shape. 5 - 10% thin; and T5 Sycamore - Reduce lateral branches up to 1.5m bringing outlying branches to current canopies shape. 5 - 10% thin.
  - The relevant TPO is the Blaydon Urban District Council 'The Parklands, Blaydon' TPO 1971, which was confirmed on 6 May 1971.
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### **Decision**

1. The appeal is allowed, and consent is granted to undertake work to trees protected by the Blaydon Urban District Council 'The Parklands, Blaydon' TPO 1971, in accordance with the terms of the application, Ref DC/21/00595/TPO, dated 3 May 2021, as amended, and subject to the following conditions:
  - 1) The work for which consent is hereby granted shall be implemented within two years of the date of this decision.
  - 2) All tree work shall be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations (or an equivalent British Standard if replaced).

### **Procedural Matters**

2. Although the Appeal Form cited that the appeal was against conditions attached to a consent, there had in fact not been any consent, as sections D and I of the Form made clear. The appeal has consequently been made against the failure of the Council to determine the application. I have determined the appeal on that basis. Nevertheless, the Council subsequently issued a 'decision' notice granting consent. As the appeal had already been made by that time, jurisdiction for making a decision had been transferred away from the Council.
3. The proposal had been amended from that originally applied for before this appeal was made. The appellant's grounds of appeal indicate that they were unhappy with making those amendments and that they wish to pursue their

original proposal. I can appreciate that the appellant retains a desire for more extensive works, however it is clear that the application was amended with a revised description of proposed works and that this had been accepted by the Council by the time the appeal was made. Furthermore, it was on this basis that the Council made its recommendation to support the proposal. In the interests of fairness to all parties, I have determined the appeal on that basis also, and this is reflected in the description of work proposed in the banner heading above.

### **Main Issues**

4. The main issues raised in this appeal are: the effect of the proposed works on the character and appearance of the area; and whether sufficient justification has been demonstrated for the proposed works.

### **Reasons**

5. The trees, which are all large and mature specimens, are located in the side and rear garden of 42 Woodlands Park Drive, a detached property situated on gently sloping land.
6. Together, the trees display an attractive shape and form. They are visible from a number of public vantage points, both nearby from Woodlands Park Drive, and farther afield including from along Shibdon Road due to their elevated situation. They form a distinct group in themselves but along with other mature trees in the vicinity form part of an attractive wooded hillside rising up to the west. Although the crown of T2, a sycamore, has a more limited spread than its neighbours either side, it nevertheless has amenity value by itself and particularly as part of the group by virtue of its height and appearance. All of the trees consequently make a positive and important contribution to the mature and verdant landscape of the area.
7. The canopies are largely well formed with few if any prominent outlying branches. The proposal to reduce outlying branches is caveated by bringing them into the canopy's shape. In such circumstances the proposal to reduce any other outlying branches would help to maintain their form whilst not drastically altering the trees' present extent or shape. At the time of my visit the crowns of those trees adjacent to the gables of Nos 40 and 42 did not appear overly close to either building. However, crown reduction of the extent proposed would ensure this relationship could be maintained allowing for regrowth. Crown thinning of the extent proposed would similarly be of a scale that would help to maintain an even density of foliage and would ensure that the outstanding amenity value of the trees would be maintained.
8. T1 shows signs that epicormic growth has been removed from the trunk beneath the crown in the past but at the time of my visit none was apparent. However, taking into account the potential for regrowth this aspect of the works would also be acceptable should it become necessary within the time frame of any consent.
9. There is therefore sufficient justification for all of the proposed works and the character and appearance of the area would be maintained as a result.
10. The appellant's case effectively relates to support for the more extensive work originally applied for, as does the support from interested parties. If the

appellant wishes to pursue those works, a fresh application should be made to the Council for its consideration.

11. Requiring the work to accord with the appropriate British Standard will help safeguard the health of the trees. It is necessary to specify that any consent is valid for two years from the date of consent in line with the Regulations<sup>1</sup>. As it is clear from the banner heading that the proposal relates to the amended proposal which clearly specifies the extent of work to each tree, it is not necessary to attach a condition specifying the proposed works.
12. The appeal is therefore allowed, and consent for the works granted in the terms set out above.

*Geoff Underwood*

INSPECTOR

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<sup>1</sup> Regulation 17(4).