

DEVELOPMENT CONTROL COMMITTEE

Date: 23rd March 2017

PART III

The Town and Country Planning (Tree Preservation) (England) Regulations
2012, SI No. 605
Appeal by Mr S Wilding

Tree application APP/2016/0318 – Coal Clough House, Coal Clough Lane,
Burnley (adjacent to 2 Netherby Street, Burnley).

The appeal was made against the refusal to grant consent to fell two trees protected by the (Coal Clough House, Coal Clough Lane No.2) Tree Preservation Order 2000.

The appeal was dealt with under the WRITTEN REPRESENTATIONS procedure and was **DISMISSED**.

Officer Recommendation – Refused under the Council's Scheme of Delegation.

Relevant Policy - Local Plan Second Review Policies: – E6–Trees, hedgerows and woodlands.

1. The Inspector considered the main issues to be (1) the effect of the proposed work upon the character and appearance of the locality (2) whether or not there is sufficient justification for the proposed work. He noted the following:
2. The mature tree cover and vegetation at Coal Clough House provides a welcome visual break and adds interest to the locality. The appeal trees are part of a protected group located between Coal Clough House and the adjacent property, no.2 Netherby Street. The Whitebeam is covered with ivy and there is indication of some pruning. Nonetheless, I concur that the trees appear healthy with no obvious sign of decay.
3. The appeal trees project above rooftops. They make a significant visual contribution to the group due to their shape and structure. They provide a soft landscape setting and accentuate the verdant quality of the plot. In short and medium-distant views from Netherby Street and Nairne Street, parts of the trees are clearly visible. They are likely to be noticeable in views from properties. While I do not afford such private views the same weight as those from public viewpoints, these views can contribute to the area's overall character and how people living within it perceive and enjoy their local environment.
4. Individually and as part of a group, the appeal trees provide a reasonable degree of public benefit. Felling them would open up a wide

gap in views from public vantages. Any replacements would take considerable time to mature. Removal has the potential to erode the verdant setting and appearance of Coal Clough House in this compact urban area. I therefore find that the work would seriously undermine the aesthetic value of this group of trees and cause significant visual harm to the character and appearance of the locality.

5. Mr Wilding claims that the trees should be felled because they are a nuisance. He suggests they adversely affect his property given the lack of tree maintenance. Leaves have caused drains to block resulting in water ingress into the building. Excessive honeydew and larvae droppings cause upset and angst because the driveway is full of residue and it affects its use. However, it should be borne in mind that leaves from the trees will be shed each year and to this extent they are no different from any other tree. The shedding of debris is a normal and natural process and is an unavoidable consequence of having trees close to one's property. I am afraid that the evidence presented does not sufficiently show shed foliage for the trees is so excessive a nuisance. I am not satisfied that the management of Mr Wilding's property is to such an unreasonable extent that the felling of the trees is warranted on these grounds.
6. Mr Wilding is concerned about perceived damage to a retaining boundary wall. There is no expert evidence, for example, a structural engineer or tree report, to indicate the trees are adversely affecting the wall by root penetration. I recognise that year on year as the trees' girths grow the pressure on the wall would also increase. However, given the age of the wall and its location, its structural failure could be down to general wear and tear or lack of maintenance and these factors have not been properly investigated.
7. On the available evidence, I am not persuaded that the impact of the trees on the wall is a strong enough reason to remove them. On the second main issue, I find the evidence presented does not sufficiently provide justification for the proposed work.
8. Having regard to all other matters, I conclude that the appeal should fail.

Conclusion

9. Having taken into account all matters raised, the inspector concluded that the appeal should be **DISMISSED**.

Background Papers

Tree Application file APP/2016/0318. The above papers are available for inspection from Housing and Development Control, Contact Burnley, 9, Parker Lane, Burnley, BB11 2DT (Telephone 01282 425011 Extension 3293).

