

# Planning Services

## COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** TP/3/2011/0007

**FULL APPLICATION DESCRIPTION:** FELL NO. 1 NORWEGIAN SPRUCE TREE (T1)

**NAME OF APPLICANT:**

**MR JAMES THOMPSON**

**ADDRESS:**

**CHERRY TREE HOUSE, 68 WEST END,  
WOLSINGHAM, BISHOP AUCKLAND, DL13 3AP**

**ELECTORAL DIVISION:** WEARDALE

**CASE OFFICER:** Paul Martinson  
paul.martinson@durham.gov.uk  
01388 761987

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### 1.0 DESCRIPTION OF THE SITE AND PROPOSALS

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- 1.1 The tree that is the subject of this application is a Norwegian Spruce growing in the front garden area of no. 68 West End, Wolsingham. The tree is a semi mature specimen and the applicant states that it is 26 years old. It is in good health and there are no visible signs of any disease. The garden in which the tree is located is intersected by an access road serving the properties on West End. The A688 and main road through Wolsingham is located immediately to the south of the site. The tree is highly prominent from this road and within the streetscene in general which forms part of part of the Wolsingham Conservation Area.
- 1.2 This application seeks consent to fell a tree covered by a Tree Preservation Order. The Order was imposed on 23/06/2008 and was confirmed at Committee on 21/10/2008. The reasons for making the order were:
- The tree is a healthy semi mature tree of high aesthetic and amenity value.
  - The tree is not causing an actionable nuisance with the wall and therefore should be retained and protected.
- 1.3 The application states that the tree's removal is sought as it has outgrown its usefulness and amenity, the roots are destroying the lawn, it is tilting to the left, is causing a loss of light into the rooms of the dwelling, reduces quality of views from the house and the retaining wall is collapsing.
- 1.4 This application has been referred to Committee by Councillor Anita Savory on the
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grounds that the applicant planted the tree but it is now creating a dangerous problem which the public see as a danger.

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## **2.0 PLANNING HISTORY**

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- 2.1 TCA/2008/0013 – Notification of intent to fell a fir tree in the Conservation Area. Tree Preservation Order Imposed. Served on 23/06/2011.

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## **3.0 PLANNING POLICY**

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### **3.1 NATIONAL POLICY:**

- **Tree Preservation Orders: A Guide to the Law and Good Practice (2006)**

### **3.2 LOCAL PLAN POLICY:**

- Policy BE5 (Conservation Areas): The character of each Conservation Area as designated in the Local Plan Proposals Maps will be protected from inappropriate development.

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*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.planningportal.gov.uk/england/government/en/1020432881271.html> for national policies; <http://www2.sedgefield.gov.uk/planning/WVCindex.htm> for Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007.*

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## **4.0 CONSULTATION AND PUBLICITY RESPONSES**

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### **4.1 STATUTORY RESPONSES:**

- 4.2 None.

### **4.3 INTERNAL CONSULTEE RESPONSES:**

- 4.4 Tree Officer – Objects to the felling of this tree as the tree is not causing an actionable nuisance, is in good health and makes an important contribution to the visual amenity of the area.

### **4.5 PUBLIC RESPONSES:**

- 4.6 Occupiers of the surrounding properties were notified in writing about the proposal and a site notice was also posted. The application was also advertised in the local press. 2 letters of support for the application has been received, the contents of which are summarised below:

1. The tree has now become overgrown and it is of no benefit to the locality;
  2. This may influence a sale and the occupier has lost their view;
  3. The garden is spoilt.
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## **5.0 APPLICANTS STATEMENT**

- 5.1 I wish to appeal to have the above order cancelled and be allowed to remove the tree for the following reasons:
1. Obviously since the order was made the size of the tree has become an intrusive nuisance, considering the dimensions of the plot in which it is situated, and has outgrown its usefulness as an amenity.
  2. The roots are spreading and destroying the quality of the lawn.
  3. The longer it is allowed to grow in the restricted area the greater will be the task when it inevitably has to be removed.
  4. It has developed a slight tilting to the left as seen from the house aspect and due to prevailing winds this will only get more marked, and could be a risk to power lines if and when it does come down.
  5. It is now causing loss of light into the rooms of the house and also reduces the quality of the views from the windows and thus could affect the appeal of what is a very attractive listed house of the village, together with it overshadowing the listed coach house situated in the garden.
  6. The retaining wall continues to deteriorate due to cracking and will no doubt eventually collapse.
  7. It is not without regret that I make this request but at the time that I planted it on the event of our daughter's first Christmas; she is now 26 years old. I feel that it has unfortunately outlived its usefulness and with age is becoming a greater nuisance the longer it is allowed to grow in its restricted environment.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at Crook Area Office.*

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## **6.0 PLANNING CONSIDERATIONS AND ASSESSMENT**

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- 6.1 The Tree Preservation Order was made in 2008 in response to a notice to fell a tree in the Conservation Area. The reasons for imposing the TPO were that it was a healthy semi mature tree of high aesthetic and amenity value that was not causing an actionable nuisance with the wall and therefore should be retained and protected.
- 6.2 The tree remains in good health and stands adjacent to the A688, a busy road which is the main arterial road through the village and indeed through Weardale. The tree is an attractive specimen and given its prominence, its amenity value is very high. It also significantly contributes to the character and appearance of the Conservation Area.
- 6.3 The tree stands in a front garden that is physically detached from the dwelling (no. 68) and is some 10m away from the front elevation. The tree has been planted very close to the retaining wall and the Tree Officer considers that some very minor cracks in the wall may be attributable to root expansion although this could relate to frost damage. Nevertheless the wall is in good condition and structurally sound. There is no physical evidence to indicate that it is about to fall down as argued by the applicant and no structural survey has been submitted to support this statement.
- 6.4 The Tree Officer considers that as the tree has not attained the stature one would expect over its lifetime this points to a moderate growth rate. The root mass might therefore only slowly increase and there are many examples of mature trees coexisting with walls in close proximity. It is therefore not considered appropriate to remove a tree with such a high amenity value due to a minor impact on a wall which could equally be attributed to frost damage.
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- 6.5 The applicant considers that the tree is an 'intrusive nuisance' and has out grown its amenity. However little has changed in this respect since the tree's amenity value was recognized. This was less than 3 years ago and the tree still makes a significant contribution to the visual amenity of the area and the character and appearance of the Conservation Area.
- 6.6 Any impact on the enclosed lawn and cost of removing the trees are private matters Any lean on the tree is negligible and the Tree Officer is satisfied that this does not have any consequence on stability.
- 6.7 The tree is situated to the south of the applicant's property and it is considered that the distance between the dwelling and the tree is sufficient so as not to result in a significant reduction in light levels. Like all other historic properties on this part of the street the house has smaller window openings which will affect the amount of light entering the dwelling at certain times. However this is not sufficiently compromised by the presence of the tree. As such the tree is not considered to have a harmful impact on the amenity of the occupiers of no. 68 West End.

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## **7.0 CONCLUSION**

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- 7.1 The tree has significant amenity value and makes an important contribution to the character and appearance of the Conservation Area. This was recognised when the TPO was imposed and the situation has not changed.
- 7.2 The applicant's reasons for removal predominantly relate to minor nuisances which are significantly outweighed by the amenity value of the tree and its contribution to the character and appearance of the Conservation Area.
- 7.3 The tree is in good health and is not causing a danger to public safety.

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## **RECOMMENDATION**

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**That the application be REFUSED for the following reasons:**

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## **REASONS FOR THE DECISION**

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1. The tree has not grown significantly since the 2008 TPO and its amenity value has not altered during that time
  1. The deterioration of the lawn is significantly outweighed by the amenity value of the tree;
  2. The cost of removal is not a sufficient reason to remove a tree with significant amenity value such as this;
  3. The tilt of the tree is negligible and does not have an impact on its stability;
  4. The tree does not have a significant impact on light levels of the adjacent dwelling;
  5. The tree is not causing significant harm to the retaining wall;
  6. The tree has not outlived its useful life and still has significant amenity value and makes an important contribution to the character and appearance of the Conservation Area.
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## **BACKGROUND PAPERS**

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- Submitted Application Forms and Plans
- Reasons for Removal Letter
- Wear Valley District Local Plan as amended by Saved and Expired Policies September 2007
- Tree Preservation Orders: A Guide to the Law and Good Practice (2006)
- Consultation Responses
- Public Consultation Responses



**TP/3/2011/0007 – FELL NO. 1 NORWEGIAN SPRICE TREE (T1) AT CHERRY TREE HOUSE, 68 WEST END, WOLSINGHAM FOR MR. JAMES THOMPSON**

