



## Appeal Decision

Site visit made on 19 July 2022

**by William Cooper BA (Hons) MA CMLI**

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

**Decision date: 12 August 2022**

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**Appeal Ref: APP/TPO/M0655/8678**

**18A Higher Lane, Lymm, Warrington WA13 0AZ**

- 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 Dick Howard against the decision of Warrington Borough Council.
  - The application Ref: 2021/39316, dated 3 May 2021, was refused by notice dated 28 June 2021.
  - The work proposed is to fell Sycamore T10.
  - The relevant TPO is Warrington Borough Council TPO Higher Lane Lymm No.1, 2001 which was confirmed on 10 January 2002.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant's appeal correspondence refers to tree works in other locations, the full detail and rationale for which are not before me. The nature of a fast track appeal is such that only the information submitted at application stage falls to be considered. As such, these other works have not formed part of my deliberations.

### Main Issue

3. The main issue in this case is a) the effect of the proposed works on the character and appearance of the area, and b) whether sufficient justification has been demonstrated for these works.

### Reasons

4. The tall sycamore tree in this appeal is located in the front garden of a detached house, off the A56 Higher Lane. The tree is situated between the front of the house and a substation building.
5. Trees among residences are a distinctive characteristic of this residential suburban area. Within this context, the appeal tree forms part of a sequence of substantial trees seen from Higher Lane, west of the junction with Crouchley Lane. The upper part of the appeal tree's crown is noticeable from various viewpoints in the locality. These include the eastern approach towards the appeal property, on Higher Lane, and from Crouchley Lane near the entrance to the Lymm Dam Carpark. The canopy top is also noticeable on the approach to the appeal property from the north-west, travelling uphill along Higher Lane.

Much of the tree's canopy and trunk are visible looking up the appeal property's driveway from the A56.

6. Judging by its form and pruning cuts, the tree appears to have been pruned and crown lifted over the years. Within this context, it is an established tree with a managed crown that, over decades, has co-existed with housing in the locality, within its leafy suburban context. Given the established, managed nature of the tree, and the relatively spacious nature of gardens of houses in its vicinity, the tree does not appear overdominant in relation to neighbouring residential property. As such, the appeal tree is suitable for its setting.
7. Thus, the sycamore contributes positively to the mature framework of trees that provides a leafy setting for various houses on Higher Lane and Crouchley Lane. The tree provides a good level of amenity value, and contributes positively to the distinctive character of the neighbourhood.
8. The proposed felling of the tree would remove its mature, characterful form and substantial leafy presence from the neighbourhood. This would deplete the stature and charisma of the local tree stock, and erode the distinctive sylvan framework of the residential area. These adverse character impacts would be noticeable from various viewpoints on the A56 Higher Lane, and Crouchley Lane. Thus, the proposed work would harm the character and appearance of the area.
9. Notwithstanding the appellant's assertion that tree has 'usual fungal and insect problems common to all sycamores', I saw during my site visit that the appeal sycamore is an established tree with a verdant canopy, and visibly has vitality. Furthermore, no substantive arboriculturist's or building surveys are before me to indicate that parts of the trees are at significant risk of failure, or damage to neighbouring property, including the substation.
10. In the light of the above combination of factors, I find that there is not a demonstrably significant safety or property damage risk that necessitates the felling of the sycamore tree. While I appreciate the appellant's stated caring approach towards the tree over several decades, this does not alter my above findings.
11. In conclusion, the proposed felling of the protected tree would harm the character and appearance of the area, and sufficient justification has not been demonstrated for the proposed works.

### **Conclusion**

12. For the reasons given above I conclude that, on balance, the appeal should be dismissed.

*William Cooper*

INSPECTOR