

NOTIFICATION OF APPEAL DECISION

Appeal Ref: 18/APPEAL/16/NONDET

Site Address: 18 Ashleigh Court, Henllys, Cwmbran

Description of Development: Works to Oak tree

Appeal Type: Written representations

DECISION: DISMISSED

Report Submitted by: Richard Lewis, Head of Development and Planning

Report Written by: Rebecca McAndrew



1. Purpose of Report

1.1 To inform members of the decision on the above appeal.

2. Background

2.1 This appeal was against the non-determination of an application to undertake works to a protected mature oak tree which is located on the boundary of the rear garden of the appellant's property. The tree overhangs the public footpath to the rear boundary of the property, known as The Incline.

3. Issues and Findings

3.1 The Inspector's Decision report confirms that the tree appears to be in good health with no obvious signs of defects or decay and that it is visible within the wider public realm. The Inspector states 'the tree contributes positively to the wider character and appearance of the area, being one of a number of mature trees located to the rear of the appeal property. In my

opinion, the protected Oak tree along with the other trees in the locality play a significant part in softening public views of the built environment’.

The Local Authority argued that the proposed works were unnecessary and would have a detrimental impact upon the amenity value of the tree. However, the Appellant believed the works were justified on the basis of falling debris and the potential damage that this caused to his property and the risk of injury to the occupants of his property.

In considering the appellant’s justification for the works, the Inspector states *‘these are a natural and ordinary consequence of having trees within a residential environment. The clearing of tree related debris is part of routine household maintenance when living in proximity to a tree and in isolation it provides no justification for the proposed work to this protected tree’*. He also notes that there is no evidence that the tree is causing immediate safety issues.

In dismissing the appeal, the Inspector concludes, *‘the level of crown reduction being proposed would diminish the value of the tree within the public realm and would significantly reduce its positive contribution to the character and appearance of the area’*. On this basis, the appeal was dismissed.

4. Recommendation

4.1 For information only.

Appendices	None
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Background Papers	<p>Note: Members of the public are entitled, under the Local Government Act 1972, to inspect background papers to reports. The following is a list of the background papers used in the production of this report.</p> <p>https://planningonline.torfaen.gov.uk/online-applications/ Planning Appeal Ref: 18/APPEAL/16/NONDET Planning Application Ref: 18/P/0323/TPO</p>
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For a copy of the background papers or for further information about this report, please telephone: