

Mr L G Campbell
12 Rheda Close
Frizington, Cumbria

Appeal against Copeland Borough Council's refusal to allow work on Sycamore trees at the Rear of
10 & 12 Rheda Close Frizington

Dear Sir/Madam I am appealing against the decision to refuse pruning work to three Sycamore trees to the rear of numbers 10 & 12 Rheda Close Frizington Cumbria. My original request was to remove all overhanging branches and height reduce the trees due to 5 years of growth since work was last carried out on them.

Since moving into the property over 15 years ago, there have been a number of applications to Copeland borough council to have work carried out on the sycamore trees to the rear of two properties above.

The trees occupy land NOT owned by the residents of Rheda Close, they are on a strip of land which is unadopted by either the council, the highways, or the building developers who originally built the bungalows, (one of which I reside in). The trees were planted/grown before the buildings were built approximately 32 years ago, and we have over the past 15 years complied with the laws relating to trees which have tree preservation orders applied to them and had to pay a considerable sum of money out to try and control the trees, which year on year shade the Garden to a point where plants have died and the lawn has been halved in size.

Copeland Borough Council have advised me that I need professional advice on how to manage the trees, but I am left in no man's land regarding what I can ask for as they offer no advice.

Yet again I am being penalised for simply asking to prune the trees.

Copeland Council continually quote in their report(s) that the trees have Amenity value, but have failed to explain what this is, although there is a table in the CAPITA report (attached) in addition Copeland have allowed two trees, to the rear of a new house on the Genesis homes beckstones estate, to be Pollarded, **not pruned** as the branches were overhanging the garden of one house which is less than 1 year old. In addition The work was carried out during September when, in the past we were told we could not carry out any work on our trees unless it was between November and March, which we complied with.

Genesis homes were also allowed to Remove completely 3 trees which were under the same tree preservation order, to provide an access to the new beckstones estate, [REDACTED] while the residents of an older estate are brushed off!!!

The trees to the rear of 10 & 12 Rheda close are causing Stress and anxiety during the Autumn and Winter period, simply due to the proximity of the trees during windy periods, and the occupants of the bungalows are getting to an age where this is not acceptable.

We need to be allowed to manage the trees, but we are being prevented from doing so, by Copeland Council's inability to be consistent in their approach to the management of the trees.

It should also be noted that the trees border the B5294 Meadowcroft road and is now heavily used by large goods vehicles, farm traffic and construction lorries, which has increased in volume over the past 10 years.

Yours
Mr LG Campbell
(e mail

12 Rheda Close
Frizington
Cumbria
CA26 3TB

Please Contact: Chloe Unsworth
Officer Tel No: 01946 598537
My Ref: 4/22/2333/TPO
Date: 27 September 2022

Dear Sir/Madam

REDUCE HEIGHT OF THREE SYCAMORE TREES PROTECTED BY A TREE PRESERVATION ORDER
12 RHEDA CLOSE, FRIZINGTON

I refer to your application of 11/08/2022 under the above Tree Preservation Order for consent to carry out the following work:-

REDUCE HEIGHT OF THREE SYCAMORE TREES PROTECTED BY A TREE PRESERVATION ORDER

I would confirm that the following works are considered to be unacceptable to the Local Planning Authority and consequently this application has been **REFUSED** for the following reasons:-

Application Tree No.	Species	Proposed Works	Reason for Refusal
Tree 98, 99 and 100	3x Sycamore trees	Reduce height of three sycamore trees protected by a tree preservation order. Remove all overhanging branches into the property's boundary	The trees are in the mature age class with signs of normal vitality and no significant defects. It is expected the trees can last for more than 40 years. The TEMPO assessment shows the tree 'definitely merits' protected with a TPO due to their size, health, life expectancy and visual amenity. The works specified in the application does not follow current best practice guidance and the British Standard – BD 3998 (2010) Tree Work – Recommendations.

			<p>Removing all branches overhanging the properties and reducing their height will have a significant effect on the health of the trees.</p> <p>It is recommended the applicant seeks professional advice for managing these trees.</p>
--	--	--	---

For your information a copy of the Council's Consultant Arboriculturalist's report is enclosed.

Your Right of Appeal

If you disagree with our decision you can appeal to The Planning Inspectorate, Environment and Transport Team, 3/A Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN within 28 days from the date you received this decision.

Compensation

If you suffer any loss or damage as a result of a condition attached to this consent, you might be entitled to recover compensation from the Council. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of this decision). Claims should be made in writing to the Development Control Manager, Copeland Borough Council, The Copeland Centre, Catherine Street, Whitehaven, Cumbria, CA28 7SJ.

If you have any queries please do not hesitate to contact the case officer Chloe Unsworth on 01946 598537.

Yours faithfully

PP Pat Graham
Chief Executive

CAPITA

ARBORICULTURAL REPORT

Summary Report for Copeland Borough Council

Prepared by Alistair Hearn

Reference: 4/22/2333/TPO

Location: 12 RHEDA CLOSE, FRIZINGTON

Officer: Chloe Unsworth

Date: 14 September 2022

CONSULTANTS REPORT

DESCRIPTION OF PROPOSAL

APPLICATION TREE NO.	SPECIES	PROPOSED WORKS	APPLICANT'S REASON
Tree 98, 99 & 100	3x Sycamore trees	Reduce height of three sycamore trees protected by a tree preservation order.	'Height reduced to remove all growth from previous pruning work carried out 2017/2018. Remove all overhanging branches into the property's boundaries. The application to height reduce the trees to the rear of 10 & 12 Rheda Close is required as the trees are affecting plant and lawns in the properties. In addition moss growth to the properties roof/s is excessive due to the overhanging branches & height of the trees restricting light to the properties. Spores from the trees are encouraging moss on roof/s to level which cannot be controlled & which regularly block gutters.'

DISCUSSION

The three Sycamore trees are in the mature age class, with signs of normal vitality and no significant defects. All three trees are growing within the roadside verge, outside the property curtilage. We expect these trees can last for more than 40 years.

These trees are on the schedule of Tree Preservation Order (TPO) 23 (1952), so have statutory protection.

Our TEMPO assessment below (same result for all three trees) indicates these trees definitely merit a TPO due to their size, health, life expectancy and visual amenity.

CAPITA

ARBORICULTURAL REPORT

Summary Report for Copeland Borough Council

Prepared by Alistair Hearn

The work specification detailed in the application does not follow current best practice guidance and the British Standard – BS 3998 (2010) *Tree Work – Recommendations*.

Removing all branches overhanging the properties and reducing their height will have a significant effect on the health of the trees. Removing a substantial area of a tree's crown reduces its ability to photosynthesise and create carbohydrate. This will affect the tree's health and allow decay fungi to exploit dysfunctional wood.

RECOMMENDATIONS

We recommend refusing this application as the work specification is ambiguous and open to interpretation. We recommend the applicant seeks professional advice for managing these trees, if they are responsible for them.

Inform the applicant Cumbria County Council Highways Department possibly own/manage this highway verge and the trees. Therefore, they should clarify the ownership of the trees prior to carrying out any work.

CAPITA

ARBORICULTURAL REPORT

Summary Report for Copeland Borough Council

Prepared by Alistair Hearn

TEMPO Assessment					
Part 1: Amenity Assessment					
a) Condition & Suitability:	5-Good = <i>Highly Suitable</i> 3-Fair/Satisfactory = <i>Suitable</i> 1-Poor = Unlikely to be <i>suitable</i> 0-Dead/dying/dangerous = <i>Unsuitable</i>	3	b) Retention span (in years) & suitability for TPO:	5-100+ = <i>Highly Suitable</i> 4-40-100 = <i>Very suitable</i> 2-20-40 = <i>Suitable</i> 1-10-20 = <i>Just suitable</i> 0-<10 = <i>Unsuitable</i>	4
c) Relative public visibility & suitability for TPO:	5-Very large with some visibility, or prominent large trees = <i>Highly Suitable</i> 4-Large trees, or medium trees clearly visible to the public = <i>Suitable</i> 3-Medium trees, or large trees with limited view only = <i>Suitable</i> 2-Young, small, or medium/large trees visible only with difficulty = <i>Barely suitable</i> 1-Trees not visible to the public, regardless of size = <i>Unsuitable</i>	4	d) Other factors – trees must have accrued 7 or more points (with no zero score) to qualify:	5-Principal components of formal arboricultural features, or veteran trees 4-Tree groups, or principal members of groups important for their cohesion 3-Trees with identifiable historic, commemorative or habitat importance 2-Trees of particularly good form, especially if rare or unusual 1-Trees with none of the above additional redeeming features (inc. those of indifferent form) -1-Trees with poor form or which are generally unsuitable for their location	4
Part 2: Expediency Assessment trees must have accrued 10 or more points to qualify:			Part 3: Decision guide		
5-Immediate threat to tree inc. s.211 Notice 3-Foreseeable threat to tree 2- Perceived threat to tree 1-Precautionary only	2		Any 0 = <i>Do not apply TPO</i> 1-6 = <i>TPO indefensible</i> 7-11 = <i>Does not merit TPO</i> 12-15 = <i>TPO defensible</i> 16+ = <i>Definitely merits TPO</i>		17