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## Appeal Decision

Site visit made on 11 November 2024

**by Andrew Smith BA (Hons) MA MRTPI**

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

**Decision date: 03 December 2024**

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**Appeal Ref: APP/TPO/R5510/9916**

**30 Copse Wood Way, Northwood HA6 2UA**

- 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 trees protected by a Tree Preservation Order (TPO).
  - The appeal is made by Mr Lynden Greenley against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref: 13791/TRE/2023/222, dated 25 September 2023, was refused by notice dated 10 October 2023.
  - The work proposed is: T1 Oak – prune overhang over roof at side of house; T2 Oak – prune back to old cuts at back of house; T3 Hornbeam – pollard to old cuts.
  - The relevant TPO is London Borough of Hillingdon Tree Preservation Order No 400, which was confirmed on 16 September 1986.
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### Decision

1. The appeal is dismissed in so far as it relates to T3 Hornbeam – pollard to old cuts. The appeal is allowed in so far as it relates to T1 Oak – prune overhang over roof at side of house (limited to the pruning of branches situated no further from the roofline than two metres whilst maintaining the current shape of the tree as far as practical in the circumstances) and to T2 Oak – prune back to old cuts at back of house (limited to the part of the tree's crown that overhangs the roof and to the pruning of branches situated no further from the roofline than two metres whilst maintaining the current shape of the tree as far as practical in the circumstances), which are trees protected by London Borough of Hillingdon Tree Preservation Order No 400, in accordance with the terms of the application, Ref 13791/TRE/2023/222, dated 25 September 2023, subject to the following conditions:
  - 1) The work shall be carried out within 2 years from the date of this decision.
  - 2) The work shall be carried out in accordance with British Standard BS3998:2010 'Tree Work – Recommendations'.

### Preliminary Matter

2. In the interests of enforceability and avoiding ambiguity, it is important that required works, where consented, are clearly described. For example, consented reduction works should ideally be expressed by way of a clear measurement confirming either the extent of reduction or level of clearance to be provided. As such, in accordance with reasoning that is set out below, I have added (within the Decision paragraph above) bracketed text following

descriptions of works taken/adapted from the application form. This bracketed text confirms the scope of consented works.

## **Main Issues**

3. The main issues are: the effect of the proposed works on the character and appearance of the area; and whether the reasons given provide sufficient justification for the works.

## **Reasons**

### *Character and appearance*

4. The three appeal trees are growing in proximity to each other within the private garden of 30 Copse Wood Way (No 30). Each is an established mature specimen with an expansive crown that contributes positively to the arboreal character of the area in a location proximate to Ruislip Woods. This is especially so with respect to trees T1 and T3, which each stand adjacent to The Covert and are readily visible in the local streetscene. T1, I note, can be seen from various locations along Copse Wood Way.
5. The work proposed to T1 comprises the pruning of its crown where it overhangs No 30. Following inspection of the relationship that avails between T1 and the roof of No 30, it is evident that a relatively limited proportion of the tree's crown overhangs the roof. Moreover, if the clearance to be achieved were to be restricted to two metres, a distance that is referenced upon the submitted appeal form, pruning works of merely a minor extent would be necessitated to a part of the tree's crown that does not directly address the public realm. Subject to requisite care being taken to ensure the current shape of the tree is maintained as far as practical, such works would not materially unbalance the tree's crown or give rise to harm to the character or appearance of the area.
6. Turning to T2, the description of works given does not indicate that pruning be solely focussed to the particular part of the tree's crown that overhangs the roof of No 30. Whilst the extent of works involved in pruning back to old cuts has not been expressed in clear or precise terms, such works would hold the potential to considerably reduce the crown's size and the associated extent of foliage. Accordingly, even when factoring in T2's set back position relative to The Covert, moderate harm to the character and appearance of the area would be fairly anticipated to ensue.
7. As regards T3, it is intended that the tree be reduced to the points of old cuts across the entirety of its crown. The submission of an annotated photograph has assisted, to some degree, in clarifying the extent of pruning intended. Such works would result in a marked decrease in the extent of the tree's crown and would curtail the contribution made by T3 to the amenity of the area. This would give rise to moderate harm to the character and appearance of the area.
8. The harms that I have identified require commensurate justifications that need to be clear and convincing.

### *Whether or not sufficient justification*

9. Having inspected the immediacy of the relationship that prevails between T1 and the property's roof, a targeted reduction to achieve two metre clearance

and thus alleviate the realistic potential for direct conflict and possible associated roof damage to avail would seem reasonable. Such works, I note, would ensure access for roof maintenance in line with the appellant's stated requirement in this respect.

10. Consistent with my approach to T1, a targeted reduction of T2's crown to achieve two metre clearance (whilst maintaining the tree's shape as far as practical in the circumstances) would be reasonable and have no material ramifications for the balance and aesthetics of the tree considered as a whole. However, whilst less work than that applied for can be consented should I see fit, I have interpreted the proposed works to entail a crown-wide reduction that would go beyond works reasonably necessary to provide clearance for the purposes of either alleviating the potential for direct conflict with the property's roof or offering access for roof maintenance purposes. Indeed, no justification has been clearly substantiated on safety/arboricultural grounds with T2 appearing to be in good health with main structural elements free from any obvious defects.
11. Having a canopy of generous extent, T2 inevitably casts shade in varying directions at different times of the day, including across a portion of the appellant's sizeable garden within which various other large specimens stand. Nonetheless, no detailed/technical evidence has been submitted to clearly demonstrate the shading caused by T2 to be severe. Furthermore, as Oaks are deciduous, any shading effect would be lessened during winter months even though the sun would be lower in the sky. As such, based on the evidence before me, any loss of light caused by T2 to the appellant's garden is not at an excessive or unacceptable level that would merit a considerable crown reduction. It has not been robustly substantiated otherwise.
12. Turning to T3, this stands proximate to other established trees. Such an arrangement is not unusual, and trees are known for adapting dynamically to their surroundings. Moreover, it has not been clearly substantiated that T3 is having any undue adverse effect upon the health or wellbeing of any adjacent Oak, and no clear or precise arboricultural grounds for the proposed works have been offered. Furthermore, consistent with my findings upon T2, no detailed/technical evidence has been submitted to clearly demonstrate that severe or unacceptable shading is caused by T3 – a single deciduous Hornbeam.
13. With any application for works to protected trees, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. Whilst I do not doubt that previous applications for tree maintenance at the property have been successfully made, insufficient justification has been provided in this instance to undertake the proposed works to T2 (in their entirety) and to T3, which would cause moderate harms to the character and appearance of the area. However, as set out above, minor pruning to the crowns of T1 and T2 to achieve two metre clearance from No 30 would be acceptable.
14. The Council has suggested various potential conditions in the interests of specifying the standard to which works are to be carried out. However, I adjudge it sufficient in this instance to impose a condition simply requiring the works hereby consented to be carried out in accordance with the relevant British Standard.

15. For the reasons set out above, I conclude that the appeal should be allowed in part.

*Andrew Smith*

INSPECTOR