



Penderfyniad ar yr Apêl

Appeal Decision

Ymweliad â safle a wnaed ar 7/03/13

Site visit made on 7/03/13

gan Iwan Lloyd BA BTP MRTPI

by Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

an Inspector appointed by the Welsh Ministers

Dyddiad: 02/04/13

Date: 02/04/13

Appeal Ref: APP/H6955/T/12/515750

Site address: Redwither Works, Redwither Road, Wrexham Industrial Estate, Wrexham LL13 9RD

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order.
- The appeal is made by Mr Len Ellison HTC Management Services Ltd against the decision of Wrexham County Borough Council.
- The application Ref: ABE P/2012/0588, dated 2 August 2012, was refused by notice dated 23 November 2012.
- The work proposed is fell all trees on the factory side of the stream T1 and T2 oaks, T3 group of small alder stems, T4 crack willow, T5 goat willow, T6 fell dead elm on the roadside of the stream, crown lift remaining trees to 6m clearance on the opposite side of the stream.
- The relevant Tree Preservation Order (TPO) is the Wrexham County Borough Council, Community of Abenbury (Land at Redwither Works, Redwither Road, Wrexham Industrial Estate, Wrexham) Tree Preservation Order No. 159, 2010 which was confirmed on 20 October 2010.

Decision

1. The appeal is dismissed.

Procedural matter

2. There is no dispute that the elm tree T6 is dead and that the felling of this tree is exempt from the TPO application and need not be considered in this appeal. This appeal therefore considers all other trees excluding the elm tree T6.

Main Issues

3. These are; the amenity value of the protected trees, the impact of the proposed felling and the work to the trees on the character and appearance of the area, and whether or not the felling and the work is justified having regard to the reasons put forward in support.

Reasons

4. The TPO refers to an area classification described as 'all trees of whatever species within the area' on land adjacent to Redwither Works. This area encompasses a rectangular piece to the front of the building and between Redwither Road. A small brook runs through the middle of the area of mixed woodland. The TPO is quite

recent and only protects the trees standing at the time the TPO was made. There is no dispute that the trees identified in the application are protected trees.

5. The Council indicate that the proposal would be detrimental to the amenity of the woodland because it functioned to screen the factory building from the public highway. Whilst amenity is not defined in the Act, a TPO maybe justified if it serves to screen a building with little visual merit or to screen future development. A group of trees and woodland may also be protected where there is collective value. The Council indicate that the intention behind retaining the group of trees and requiring further landscaping was to ensure that the factory building when it was granted planning permission in 1979 would integrate into the area. Planning conditions were imposed to ensure that this was achieved.
6. When viewed from the road the collective group of trees provide a substantial and effective screen to the industrial buildings. There is a mix of trees with established crowns and smaller specimens such as willow which provide low level screening. Individual specimens within the group such as the oak trees have a stature and maturity which make a significant contribution to the screening of the building and the area classification of trees as a whole. The proposed tree works would significantly erode the natural cover and screening effect of the outer perimeter of the protected trees. The 6m clearance from base to their upper canopy would significantly deplete the leaf cover and would adversely affect the trees' health and life expectancy and would increase the effects of wind blow. The combination of the proposed tree works and the felling would have a significant adverse impact on the local environment and its enjoyment by the public.
7. The Appellant's Arboricultural Assessment pre-dates the TPO and was submitted to assess the amenity value of the trees with the purpose to seek planning permission for a car parking area to serve the business. It does not therefore take into account the protection afforded to the trees through the TPO process, since this was confirmed after the report. The assessment does not weigh and balance the amenity value of the trees and their condition against the justification for their removal.
8. The Assessment does concede that the extensive removal of the trees and effects on the root system of other trees to allow for the car park to go ahead would have an impact on the landscape quality and habitat. I would also concur with the report that the trees are visually important since they highlight the linear nature of the watercourse and provide screening and a wildlife corridor. However, given the reason behind the TPO to effectively provide a screen to the industrial buildings, to significantly diminish its effect would undermine its amenity value. The fact that it is an industrial area does not lessen the importance of this group of trees, and whilst most would be travelling by car, some pedestrians would be using the pavement, and this group of trees would still be a feature enjoyed by the public.
9. I therefore conclude that the protected trees contribute to the amenity of their surroundings and the proposed felling and work to the trees would harm the character and appearance of the area.
10. The Appellant raises the concern that the trees have damaged the roof of the building and has reduced light in the offices that face onto the trees. There are also operational and safety issues because there is no space in the rear yard for equipment and testing and room for staff to park their vehicles. The business is therefore seeking additional space to accommodate staff parking in front of the building, in the area where the protected trees are situated.

11. The Appellant indicates that £40,000 has been spent on repairing the roof of the building. However, consent has been granted to prune the oak tree overhanging the building and to remove other saplings and therefore this work should prevent future damage. I consider that with appropriate arboricultural management the risk of future damage would be prevented, and the Council has indicated that lesser works may be acceptable.
12. The location of the woodland trees in relation to the offices located to the front of the building do diminish diffused light, but that situation existed when the building was acquired. Both constraints in relation the operational needs of the business and the issue of daylight are matters which might have been evident when the site was acquired. The trees were present at the time the Appellant purchased the site and it ought to have been a factor in the consideration, since trees in the area are an integral part of the industrial estate environment.
13. I note the Appellant's ecology report and that the Countryside Council for Wales does not object to the proposal on these grounds. I therefore conclude that on the basis of the evidence before me and my site visit, that the trees are healthy and that there are insufficient grounds to justify felling them or to undertake the work to the trees put forward in the application.
14. I have considered all other matters raised but none outweigh my conclusions on the main issues that this appeal should be dismissed.

Iwan Lloyd

INSPECTOR