



Appeal Decision

Site visit made on 28 May 2025

by **R J Perrins MA ND Arbor Tech ArborA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th June 2025

Appeal Ref: APP/TPO/V2255/9843

Central Communal Garden, Sommerville Close, Faversham, Kent ME13 8HP

- 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.
 - The appeal is made by Miss Mande McCree against the decision of Swale Borough Council.
 - The application Ref: 23/500998/TPOA, dated 24 February 2023, was refused by notice dated 5 May 2023.
 - The work proposed is to fell three alder trees.
 - The relevant Tree Preservation Order (TPO) is TPO No. 2 2003, The Central Green, Sommerville Close, Faversham, which was confirmed on 13 February 2003.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect on the character and appearance of the area if the trees were removed and whether the reasons submitted justify the tree felling.

Reasons

3. The three trees grow together in the communal area of Sommerville Close. Next to footway access and green space, they have formed one large, spreading crown. The three trees are an imposing group and can be seen from many of the adjacent roads. They make an important contribution to the character and appearance of the area being some of the tallest, most noticeable trees, in the general locality.
4. Therefore, the felling of the trees would be a significant loss and lead to unacceptable harm to the character and appearance of the area. Given that, any reasons given to justify the removal of the trees need to be convincing. It is to those reasons, the second main issue, to which I now turn.
5. There is nothing before me or from what I saw on site to suggest the trees are anything but of good health and vigour, with a good useful life expectancy. That is reflected by the submitted arboricultural report.
6. I accept that the adjacent garages are showing signs of movement, and I was able to see the crack monitoring points that have been fixed to the garages. I also recognise that a number of roots have been found next to the garages and the geological data indicates that the underlying geology in the area is clay.

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7. In addition, disruption to tarmac footpaths is undisputed. I was able to see that the roots have lifted and cracked the tarmacadam's surface in a number of places and that is a potential trip hazard. However, with respect to the footpath, and as set out in the arboricultural report, that may be resolved by the installation of a more flexible solid surfacing.
8. With regards to the damage to the garages, the government's Planning Practice Guidance is clear. That sets out that where applications suggest tree-related subsidence then the application should be supported by appropriate information. That information can be found on the guidance notes for the standard application form which, in brief, refers to the following information being required:
 - A description of the property including damage, crack pattern, dates of previous underpinning or building work and geological strata information.
 - Details of existing vegetation and its management.
 - Measurements of the extent and distribution of vertical movement using level monitoring.
 - Profile of a trial borehole dug to identify foundation type and depth and soil characteristics.
 - Subsoil characteristics including soil type, liquid limit, plastic limit and plasticity index.
 - Location and identification of roots found.
 - Proposals and estimated costs of options to repair the damage.
9. I recognise that some of that can be found in the reports submitted and matters have moved on since the time the appeal had been made. However, on the information currently before me, it is not possible to make any reasoned finding that the only option would be to remove the trees. It may well be, given the time that has passed since the appeal was made, that such information is now available. However, given the nature of this appeal procedure it is not something that I am able to request, and I can only consider the information submitted with the application.
10. To that end, and given the significant impact these three trees have on the landscape, I must find the evidence submitted regarding the damage to the garages is not sufficient to justify felling the three trees.
11. Turning to the other matters, I recognise the trees will continue to grow and the canopy is close to the block of flats. In addition, I acknowledge concerns about the future influence of the trees on the foundations of the flats, shading of properties, falling twigs and branches, the trees swaying in the wind and risk of damage to overhead phone lines.
12. However, these matters go hand-in-hand when living next to mature trees that provide a positive impact on the character and appearance of the area and environment. There is nothing to corroborate the view that the trees pose a threat to the foundations of the flats or that shading is causing unacceptable harm to the living conditions of occupiers of nearby properties. Trees will sway in the wind that is the trees' natural method for dampening wind loading and is

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normal. Telephone lines do have some tolerance to movement and if necessary, the operators have rights to carry out certain works.

13. Overall, along with the Town Council not objecting to the application, these matters hold minimal weight in favour of tree removal.
14. With any application to fell 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. In this case, the proposed felling of the trees would result in considerable harm to the character and appearance of the area, and in my judgement insufficient justification has been demonstrated for the tree removal.

Conclusion

15. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

RJ Perrins

Inspector