

## DEVELOPMENT MANAGEMENT

### APPEALS LIST - 30TH JUNE 2025

| APPLICATION<br>NUMBER & SITE<br>ADDRESS   | APPEAL REFERENCE &<br>STATUS | OFFICER &<br>PROCEDURE                       |
|---|------------------------------|--|
| DM/1088/23/PAT<br><br>Thorpe Park Holiday Camp<br>Anthonys Bank Road<br>Humberston<br>North East Lincolnshire<br>DN35 0PW | AP/015/24<br><br>INPROG      | Bethany Loring<br><br>Written Representation |
| DM/0431/24/FUL<br><br>10-30 Robinson Street East<br>Grimsby<br>North East Lincolnshire<br>DN32 9AE                        | AP/001/25<br><br>INPROG      | Becca Soulsby<br><br>Written Representation  |
| DM/0304/24/FUL<br><br>Land Rear Of<br>205 - 207 Station Road<br>New Waltham<br>North East Lincolnshire                    | AP/002/25<br><br>INPROG      | Owen Toop<br><br>Written Representation      |
| DM/0245/24/FUL<br><br>166 Weelsby Road<br>Grimsby<br>North East Lincolnshire<br>DN32 8PJ                                  | AP/003/25<br><br>INPROG      | Bethany Loring<br><br>Written Representation |
| DM/0568/23/OUT<br><br>Land To The South Of<br>Church Lane<br>Humberston   | AP/004/25<br><br>INPROG      | Richard Limmer<br><br>Written Representation |
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|--|-----------|------------------|
| DM/0761/23/FUL   | AP/005/25 | Richard Limmer   |
| Land Off<br>Louth Road<br>New Waltham<br>North East Lincolnshire | INPROG    | Informal Hearing |

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|--|-----------|------------------------|
| DM/0740/24/CEU   | AP/006/25 | Bethany Loring         |
| 167 Hainton Avenue<br>Grimsby<br>North East Lincolnshire<br>DN32 9LF | INPROG    | Written Representation |

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|---|-----------|------------------------|
| DM/0943/23/FUL  | AP/009/25 | Owen Toop              |
| 22 The Curve<br>Welholme Avenue<br>Grimsby<br>North East Lincolnshire<br>DN32 0BE | INPROG    | Written Representation |

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|---|-----------|------------------------|
| DM/0781/24/FUL  | AP/011/25 | Bethany Loring         |
| 287 Wellington Street<br>Grimsby<br>North East Lincolnshire<br>DN32 7JU | INPROG    | Written Representation |

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|---|-----------|------------------------|
| DM/0097/25/FUL  | AP/010/25 | Bethany Loring         |
| 124 Humberston Fitties<br>Humberston<br>North East Lincolnshire<br>DN36 4EZ | INPROG    | Written Representation |

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## Appeal Decision

Site visit made on 25 July 2023

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

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

**Decision date: 1 September 2023**

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### **Appeal Ref: APP/TPO/B2002/9085**

### **24 Park Avenue, Grimsby, North East Lincolnshire DN32 0DQ**

- 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 (TPO).
- The appeal is made by Mr Christopher Wood against the decision of North East Lincolnshire Council.
- The application Ref: DM/0046/22/TPO, dated 12 January 2022, was refused by notice dated 11 March 2022.
- The work proposed is to fell a yew tree.
- The relevant TPO is North East Lincolnshire Borough Council Tree Preservation Order 1998 No.22 (24 Park Avenue, Grimsby), which was confirmed on 30 January 1998.

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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are: the effect of the proposed felling of the tree on the character and appearance of the area; and whether sufficient justification has been demonstrated for its removal.

### **Reasons**

3. Turning to the first main issue, the yew tree is a tall and mature specimen that is growing in between the driveways, and adjacent to the shared boundary of 24 and 26 Park Avenue. The immediate surroundings are residential, comprising semi-detached dwellings that are laid out in a linear pattern.
4. The tree is clearly visible from a number of vantage points along Park Avenue. There are numerous other trees growing in the locality, and within front residential gardens. These, along with the tree the subject of this appeal, make a positive contribution to the landscaped character of the surrounding area. The tree is therefore a prominent feature and provides a good level of visual amenity.
5. As such, the felling of the tree would erode the visual amenity of the area and give rise to considerable harm to its character and appearance. Any reasons given to justify the removal of the tree therefore need to be convincing. It is to those reasons, the second main issue, to which I now turn.
6. The tree has no obvious signs of defects, and whilst it leans to the north and overhangs the driveway of No 26, I saw nothing to suggest that it was unstable or dangerous at the time of my site visit. My site observations confirmed that

some small parts of the flagged surface of No 24 and 26's driveways are slightly raised and uneven. I have also had regard to the submitted photographs in respect of the small amount of standing water in No 26's manhole and saw this on my site visit.

7. However, the evidence which suggests that tree roots are to blame for this is inconclusive; no trial pits have been dug, no roots have been identified and no soil analysis has been carried out. Nor has it been demonstrated that root infestations are to blame for the standing water inside the manhole. On the basis of the evidence before me, I am also unable to conclude that parts of the driveways could not be re-laid or resurfaced in such a way, if necessary, to take any roots into account and remedy any potential trip hazard.
8. Furthermore, issues with falling leaves, berries and debris, along with impacts on outlook and light levels to property are not uncommon for tree owners. Whilst this may create inconvenience, require increased vigilance and result in added maintenance and costs (including the cleaning of cars, carpets and driveways more regularly) such matters are an unavoidable consequence of owning a property adjacent to trees and does not justify the removal of a healthy protected specimen.
9. In addition, given the good physiological condition of the tree, I have no substantive reason to conclude that it could not tolerate alternative pruning works, such as those suggested by the Council in the future. Whilst this would not totally overcome the appellant's concerns, it would help reduce the volume of berries and the area in which they land. In any event, falling leaves, berries and other debris is likely to be seasonal and therefore unlikely to occur to a significant degree all year round. Alternatively, the use of car covers could also be explored.
10. I therefore have no substantive reason to conclude that the tree poses any imminent health and safety risks that would cause me any particular concern. Accordingly, I must therefore give the reasons to remove the tree very little weight.
11. I acknowledge the willingness to replace the tree with a new one. However, any replacement would take many years to reach the same stature as the appeal tree and provide a similar level of visual amenity. As such, replacement planting would not be sufficient to mitigate the harm that would arise to the character and appearance of the area.
12. Moreover, 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 there is insufficient evidence put forward to justify the removal of the protected tree.
13. Accordingly, having considered all matters, I find that the loss of the yew tree would result in significant harm to the character and appearance of the area. The appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR