



## Appeal Decision

Site visit made on 27 January 2025

**by J E Jolly BA (Hons) MA MSc MCIH MRTPI**

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

**Decision date: 04 February 2025**

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### **Appeal Ref: APP/TPO/Z0116/10150**

#### **40 Guinea Street, Redcliffe, Bristol BS1 6SX**

- 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 Dr Hugh and Judith Pratt against the decision of Bristol City Council.
  - The application Ref is 24/00076/VP.
  - The work proposed is T1 - Ash - Fell.
  - The relevant Tree Preservation Order (TPO) is 2013 No 1246, land at Guinea Street carpark, Guinea Street, Bristol, which was confirmed on 29 November 2013.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. For the avoidance of doubt as to the appeal tree's location, I have used the address and postcode given in the appellant's arboricultural report, dated January 2024.

### **Main Issues**

3. The main issues in this case are the effect of the proposed works on the character and appearance of the area, and whether justification has been demonstrated for the felling.

### **Reasons**

4. Turning to the first main issue, the appeal tree is a mature Ash tree that is located in the Redcliffe Conservation Area (CA) behind a low wall on a triangular parcel of garden type land to the rear of 40 Guinea Street that is adjacent to a railway embankment and tunnel.
5. The Ash tree can be seen by those travelling in both directions along Guinea Street, as well as by those walking along the River Avon waterfront and from the Golden Guinea Public House, which is found directly opposite the appeal site.

6. In combination with the other mature trees nearby, the tree helps to soften the dense built form in this location, which includes the stepped elevation of Barossa Place. To fell the Ash tree would eliminate its positive contribution to the otherwise hard environment of the street scene in this specific location and give rise to significant harm to the character and appearance of the CA. Accordingly, any reasons given to justify the removal of the tree need to be convincing. It is to those reasons, the second main issue, to which I now turn.
7. The appellants argue that the tree is under stress as it has been infected by Ash 'die-back' (*Hymenoscyphus fraxineus*). Moreover, its diseased condition is evidenced by extensive epicormic growth, dead wood and leaf dieback. Therefore, in the appellants' view, given its proximity to the rail line and other public areas, it would be prudent to fell the tree in the interests of safety.
8. Whereas the Council rebut, any epicormic growth on the tree is likely to be as a consequence of drier weather in recent summers and that the tree is likely to need some time to recover. Furthermore, given its contribution to the street-scene, even if it were to be diseased this may not necessarily lead to the immediate need for its removal.
9. At the time of the winter site inspection some epidermal growth, minor wounds higher up the trunk of the tree and small areas of deadwood could readily be seen. There was also widespread twig litter and small branch fall at ground level. Nevertheless, tree debris is a commonplace occurrence for this species, particularly after a period of relatively strong winter winds.
10. Moreover, the tree had extensive early buds and the typical shape and structure of a mature Ash tree. Honey Fungus (*Armillaria*) was not seen on the tree. As such, I consider that the Ash tree appeared to accord with the expected vigour and vitality for its age and species.
11. The appellants have submitted an arboricultural report in support of their case. However, it is relatively limited in scope. For example, it does not include assessments of basal and rooting zones, testing for internal decay or soil excavation and sampling.
12. As such, even if there were to be photographic evidence of the tree in full leaf, there is no substantiated evidence before me to demonstrate that the tree would come to an early demise or that it would raise concerns for public safety in this location.

### **Other Matters**

13. The appellants' willingness to replace the appeal tree with a 3.5m European Lime (*Tilia x europea*) is noted. However, notwithstanding the submitted location plan, I cannot be certain if the proposed location is in the appellants' ownership or, given its proximity to existing dwellings, if it would be a suitable area for planting or not.
14. In any event, the proposed replacement planting would be insufficient to reinstate a similar level of visual amenity or to mitigate the significant harm that would arise to the character and appearance of the CA I have found above.

## **Conclusions**

15. With any application to fell protected trees, a balancing exercise needs to be undertaken. The justification for the works applied for must be weighed against the resultant loss to the amenity of the area.
16. In this case, the proposed felling of the Ash tree would result in significant harm to the character and appearance of the CA, and in my judgement, insufficient justification has been demonstrated for the proposed felling.
17. For the reasons above, I conclude that the appeal should be dismissed.

*J E Jolly*

INSPECTOR