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## Appeal Decision

Site visit made on 18 December 2025

by **Jon Heuch BSc(For.) PhD MICFor MArborA**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

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### Appeal Ref: APP/TPO/X1925/10554

### 5 Pirton Close, Hitchin, Hertfordshire SG5 2BU

- 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 Richard Mills against the decision of North Hertfordshire District Council.
  - The application Ref: 25/00239/TPO, dated 22 January 2025, was refused by notice dated 31 March 2025.
  - The work proposed is the removal of T1, walnut and the pruning of T2, purple beech.
  - The relevant TPO is Land adjacent to Number 49 Grays Lane Hitchin, which was confirmed on 30 March 1983.
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### Decision

1. The appeal is dismissed.

### Preliminary matter

2. The appeal raises the issue of the installation of solar panels on the property. As the appeal has been made under the written representation procedure, I am unable to consider additional reasons for the proposed works that were not brought up as part of the application. Furthermore, no information has been provided to relate the proposed works to any effect the trees may have on such an installation.

### Main Issues

3. The main issues in respect of this appeal are the effect of the tree works on the character and appearance of the area and whether sufficient justification has been demonstrated for the proposed works.

### Reasons

4. The two trees are visible along the length of Pirton Close, being located at the end of the cul-de-sac in a residential area with properties and established gardens of varying sizes. They are the largest trees visible along Pirton Close.

5. Both trees are located to the South of No 5. Inevitably, both trees shade the property and the ends of the branches of the copper beech grow close to the neighbour's house at No 4.
6. As a result, the trees – individually and together - make a positive contribution to the established landscape of the area and to its character and appearance.
7. The removal of the walnut tree in particular and the pruning of the beech tree would erode the mature and verdant landscape of the area and would give rise to considerable harm to its character and appearance. Given that, any reasons given to justify the works need to be convincing. It is to those reasons, the second main issue, to which I now turn.
8. The application refers to a pre-purchase arboricultural report dated September 2024 which states that no tree works are recommended. I therefore give little weight to this report as a justification for the proposed tree works. However, I refer to key findings of that report that are relevant to my decision.
9. I have no information in front of me that clarifies if the trees are having any effect on the drains or services to the property. In the same way, I have no information in front of me that supports the notion that either or both trees contribute to an increased security risk, so I give these matters little weight in my assessment.
10. I acknowledge that the trees cause shade over the property. Whilst pruning the beech tree may reduce the scale of shading to a modest degree it would not eliminate it. The tree has been pruned before giving it the appearance of a pollard to some extent. The appeal form introduces a 20% pruning specification and the Council states that pruning is likely to be supported but without a clearer pruning specification it is not possible to gauge the likely effect of what is proposed. For this reason, I consider the application has insufficient information to allow the appeal with regards to the pruning of the beech tree.
11. Clearly, removal of the walnut tree would eliminate the shade it bears. However, the concerns over this tree are more focused on its structural condition and associated risks and its potential size if the tree were allowed to grow.
12. The arboricultural report qualified its description of the walnut tree as being structurally compromised with the word 'minorly' and stated that the tree is not likely to fail. From all that I saw on site, I concur with this assessment. I therefore acknowledge that the pruning wounds are present, are easily accessed and occasional monitoring of them should identify if they develop to be of greater concern. Their current condition in my view does not justify the removal of the tree.
13. With regards to the size and condition of the walnut tree, I note that the arboricultural report suggests its likely ultimate height is significantly greater than its present height but this is simply a possibility. My assessment concerns the effects of the current height and size of the tree. The report also described the

tree as being stressed and in poor condition, and if this is so the tree is unlikely to be vigorous. Thus, any future height growth is likely to be slow. However, the application is to fell the tree, not to manage its size through pruning. If the tree does grow significantly in size this can be considered in any future application to prune.

14. Whilst I was at the property, I examined a small branch on the ground at the base of the walnut. The end of the branch appeared clean but slightly off-coloured consistent with cladoptosis – the natural dropping of typically small twigs, rather than a breakage through excess force. This is not sufficient justification to fell the tree as minor tree surgery may be able to significantly reduce the chances of future unsecure twigs falling.
15. As a result, I do not consider the reasons given justify the removal of the walnut tree.
16. I acknowledge that an offer has been made to fund the planting of two saplings elsewhere but this does not address the issue of the proposed works on the amenity in the immediate vicinity of Pirton Close. I therefore give this offer little weight in my considerations.

### **Conclusion**

17. With any application to undertake works to protected trees, a balancing exercise needs to be undertaken. The essential need for the work applied for must be weighed against the resultant loss to the amenity of the area. In this case, the proposed removal of a walnut tree would result in considerable harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for its proposed removal.
18. The merits of pruning the beech tree especially away from the neighbour's house are clear to see; the absence of a precise specification to an appropriate standard such as BS3998:2010 for the pruning is therefore the sole reason why the appeal fails in this aspect.
19. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

*Jon Heuch*

INSPECTOR