



Appeal Decision

Site visit made on 8 January 2026

by **A J Engley** MArb (RFS) F.Arbor.A M.I.Hort M.I.C.For AARC

an Inspector appointed by the Secretary of State

Decision date: 13 February 2026

Appeal Ref: APP/TPO/X0360/10644

13 Arbor Lane, Winnersh, Wokingham, Berks RG41 5HY.

- 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 Mrs Kathy Garcia against Wokingham Borough Council.
 - The application Ref: 250475 is dated 27 February 2025.
 - The work proposed is described as Partially felled oak tree in front driveway of 13 Arbor Lane - to complete the felling that was started in June 2024 and to carry out replacement planting of two trees (English oak and wild cherry) on the highway verge at junction of Arbor Lane and Bathurst Road.
 - The relevant TPO is The Wokingham Borough Council (Parish of Winnersh) Tree Preservation Order No. 1976/2024, which was confirmed without modifications on the 12 December 2024.
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Decision

1. The appeal is allowed and consent granted to fell to ground level x1 oak tree protected by The Wokingham Borough Council (Parish of Winnersh) Tree Preservation Order No. 1976/2024, at 13 Arbor Lane, Winnersh, Wokingham, Berks RG41 5HY, in accordance with the application Ref: 250475, dated 27 February 2025, subject to the following conditions:
 - 1) The work for which consent is hereby granted shall be implemented within two years from the date of this decision.
 - 2) All work shall be carried out in accordance with British Standard BS 3998: 2010 *Tree Work – Recommendations*.
 - 3) A replacement tree, of a species and location to be agreed with the Council, of standard nursery grown size (10-12cms), either container grown or bare root, shall be planted in the first available planting season after the works have been carried out (1 November to 31 March inclusive).
 - 4) If within a period of five years from the date of the planting of those trees, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

Main issues

2. The main issues in this case are the effect of the proposed removal of the tree on the character and appearance of the area and whether sufficient justification has been demonstrated for those works.

Reasons

3. Arbor Lane is a busy feeder route through an established residential part of Winnersh, linking the B3030 to the main Reading Road and the A329(M) to the northwest of Winnersh. Number 13 is set back on the easterly side of the road and to the south of its junction with Bathurst Road. It is the left side semidetached dwelling, with a gravelled garden frontage used for vehicle parking and turning purposes.
4. Turning to the first main issue, the tree is a large specimen, facing from the road, it grows to the front left side of the garden against the public footpath on the boundary between No 13 and No 15.
5. The tree has a near upright trunk with heavy buttress splays and exposed surface roots, it forks at about 5m supporting a large one-sided crown, the recently heavily reduced canopy is a result of partial felling work, which was paused, and followed by the Council imposing a TPO to prevent further amenity loss.
6. The outer truncated stems spread across the public footpath and the front gardens of the above dwellings.
7. Given the layout of Arbor Lane and the height of the tree, it's top can be seen from some local properties, when approaching along the road, and in views from the junction with Bathurst Road. It is one of a scattering of similar trees growing along the roadside that altogether reflects the character of the area.
8. To that end, I agree the tree is alive, contributes to the character and appearance of the area and has potential for restored amenity value through natural regeneration supplemented by controlled management.
9. However, as a prominent landscape feature, it currently has exceptionally poor amenity value because of the previous tree dismantling work, it is obvious it would take significant surgery carried out over very many years maintenance, to recapture any semblance of its original form.
10. Having said that, I have sympathy with the view it is a native oak tree that should respond well to surgery. The desire and policy objective to retain mature trees, is also a laudable aim and consistent with the objectives of creating and retaining attractive environments in which one can live and work.
11. Nevertheless, the remnant trunk and limbs have dense epicormic growth, masking views of safety features, such as potentially weak tree forks now exposed to unaccustomed winds, therefore increasing the potential for stem failures. Whilst I accept the view that further work could lessen failure risks, any necessary comprehensive pruning would reduce the visual amenity of the oak, for the long restoration period.

12. Drawing this together, the removal of the tree would inevitably reduce the overall tree numbers but given its poor form, it would erode the local sylvan landscape of the area only by a modest degree. There would therefore be moderate harm to the character and appearance of the area.
13. Consequently, any reasons given to justify its removal need to be convincing, it is to these reasons, the second main issue, to which I now turn.
14. The arguments in favour of the proposed felling, focus centrally on the personal circumstances of the appellant and her family. This type of argument would not often be persuasive in considering the removal of a tree with good amenity value; however, this is not the case here, as set out above, its existing amenity value is low. In addition, the circumstances in this case are unusual and compelling. The tree occupies an important part of the appellant's garden, given her personal circumstances, a ramp is needed leading up to the front door.
15. The gravel garden surface close to the trunk buttressing is uneven and a potential trip hazard, any associated surface levelling, by the use of a cellular confinement 'no-dig design' permeable surface, would be unviable, costly, and potentially harmful to the tree.
16. Furthermore, from the documented evidence before me, and as I could see on site, the sheer quantities of persistent tree detritus, such as leaves, deadwood, acorns and bird droppings affects all surfaces beneath its canopy. I appreciate the defects are year-round and can be easily walked through the house, spreading the problems indoors and over the floor coverings to an unacceptable degree. I acknowledge the adverse conditions caused by the tree has generated considerable consternation and anxiety for the house occupants.
17. In addition, I could see any proposed crown restoration would be exceptionally hard to control and would require long-term visits with the overbearing and unacceptable costs involved. This is a consideration to which I afford considerable weight. In addition to this, the removal of the tree would clearly facilitate an enormous improvement in the quality of the appellant and her family's lives. The reduction in stress for the parties should not be underestimated.
18. Turning to replacement tree planting this would go some way in compensating for the loss of the oak tree and weighs in favour of the tree removal. Although, in my view, given the small garden, one tree would be sufficient. The planting position should be as close as possible to the location of the removed tree. However, because of the restricted garden size, I consider the precise planting position should be subject to agreement between the Council and appellant and I will impose a condition to that effect. I recognise there is some disagreement as to the ownership of the tree but there is, in any event, space for a replacement tree within the garden of No 13 or within highway land which could be agreed between the parties.
19. Whilst all of these matters individually may not be sufficient to outweigh the harm that would occur, it seems to me that, the tree is now inappropriate here and as it continues to grow it would inevitably have further detrimental effects, on the quality of life enjoyed by occupants of the property.

20. With any application to remove 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, in the normal course of events there would be a strong presumption against the removal of a protected tree.
21. However, the tree has low amenity value, the personal circumstances here are compelling and on balance, given the particular circumstances of this case, I consider sufficient justification has been demonstrated for the proposed work.
22. I shall condition that the proposed tree works are carried out to the appropriate standards along with the replacement planting. I have amended the suggested conditions in line with the Planning Practice Guidance to ensure they are fit for purpose. Accordingly, for the reasons set out above and having considered all matters raised, on balance I conclude that the appeal should be allowed.

Alan Engley

INSPECTOR