



Appeal Decision

Site visit made on 3 March 2026

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2026

Appeal Ref: APP/TPO/P1045/10830

Pittville Court, Albert Road, Cheltenham, Gloucestershire GL52 3JA

- 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 Ms Christine White against the decision of Cheltenham Borough Council.
 - The application Ref is 25/00983/TPO.
 - The work proposed is T1 – Leyland Cypress. Remove to ground level and grind out stump.
 - The relevant Tree Preservation Order is Cheltenham Borough Council, Pittville Court, Albert Road, Tree Preservation Order 2003, which was confirmed on 4 September 2003.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Tree Preservation Order (TPO) identifies the tree as a Lawson Cypress, although both the appellant and the Council refer to the tree as a Leyland Cypress. There is a cypress growing in the grounds of Pittville Court in the exact position as shown on the TPO location plan, and it shows several species traits of a mature Leyland Cypress. Consequently, the appeal will be considered on the basis that this cypress tree is protected.
3. The tree is within the Cheltenham Central Conservation Area. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Main Issue

4. The main issue is the effect of the proposed felling of a protected tree upon the character and appearance of the area, and whether sufficient justification has been demonstrated for the works.

Reasons

5. The cypress is growing within the communal gardens of Pittville Court, near to the boundary of these flats with Pittville Park. These gardens are mostly laid to lawns within which there are a few individual trees of both deciduous and evergreen species. There are other tall trees in the gardens of nearby residential properties, some of which are of a large size.
6. The area has a deliberately planned appearance, with numerous grand and imposing high status historic houses surrounding Pittville Park and Pittville Pump Room. The extensive nature of the public park which comprises landscaped grounds, lakes, and formal recreational facilities, is a visual and community focus in the area. Within the park and

around it there are a variety of trees, many of which are substantial in size. The impressive heights and sizes of many of these trees, both those in private gardens and within the park, reflects the historic nature of the area, and they make individual focal points as well as leafy skylines and backdrops to the buildings. There is a diverse range of deciduous and evergreen species present, and this rich diversity along with the impressive sizes and shapes of the trees creates a mature, verdant tapestry that is a distinct element of the significance of the conservation area.

7. The cypress is a large, tall tree, and it forms part of a group of three cypress, with the other two being much smaller and growing within the park. It is the cypress in Pittville Court that draws the eye as it is one of the tallest trees in the area, and due to its height, size, and evergreen nature, it is a distinctive tree. It can be seen from long distances away, including throughout the park and from the Pittville Pump Room, and it forms part of the leafy skylines and settings to the buildings that are a distinct feature of the area. In addition, it is one of several mature cypress specimens growing in and around the park, and it thereby contributes to the diversity of species present. As such the tree is an important one, including because it makes a positive contribution to the character and appearance of the conservation area. Consequently, the reasons for its felling need to be conclusive and convincing.
8. The cypress has a multi-stemmed form with one stem being dominant. The tree has a broad conical shaped crown, part of which spreads out beyond the property boundaries into the garden of the neighbouring flats and into the park. Partial crown raising has occurred, including to provide clearance above the fences and walls, and a failed limb has been removed. There is deadwood and dieback evident in the crown, albeit much of it appears to be of a normal colour, with cones developing. As is often the case with cypress, tight forks are present, and there are multiple crossing and entangled limbs, with some that have fused. Within the crown there is extensive congestion from numerous dead twigs and limbs some of which are of a wide diameter, and from a ground level inspection it is apparent that some of the dead foliage coincides with these limbs.
9. Although the appellant considers the tree to be deteriorating and reaching the end of its useful lifespan, even with the presence of deadwood and dieback, its imposing evergreen crown makes a positive contribution to the area. Apart from the stated loss of vigour and vitality and tight forks, the appellant has not identified any disease or structural issues with the tree. Much of the crown has a foliage colour, size and distribution that appears normal for a mature specimen, with the leader appearing healthy. The densely congested nature of the crown when combined with several tight forks would result in deadwood and this in turn could result in a patchy canopy, particularly so in this case given the excessive level of internal congestion.
10. What has not been provided is any monitoring of the tree over time to ascertain whether it is deteriorating, and if it is, for how long. Cypress can experience dieback for several reasons, including for those cited above and because of prolonged periods of dry weather. Whether any management works would be suitable has not been explored in any detail. Cypress have live foliage only at the ends of limbs, and as identified by the appellant, these trees poorly tolerate extensive pruning because they cannot regenerate from bare wood. Nevertheless, what has not been established in this instance is whether other works rather than felling would be appropriate, including the removal of deadwood and congestion management.
11. Felling the cypress would result in the loss of one of the tallest trees within the locality, and the impact of such a loss would erode the character and appearance of the area and the verdant maturity of the conservation area. Whilst the appellant would be willing to plant a replacement tree of a species more suitable for the location and in keeping with the character of the conservation area, what this species would be has not been provided.

Given the impact of the cypress, even a similar species would take many years, if ever to have a comparable impact.

12. The Planning Practice Guidance (the Guidance) advises that where relevant, development plan policies are material considerations in the assessment of works to protected trees. In this case, the main parties have referred to Policy G12 of the Cheltenham Plan (2020) (CP), which seeks amongst other things, to resist the unnecessary felling of trees. Having regard to the findings above, the works would conflict with this policy.

Other Matters

13. The appellant has raised concerns regarding the Council's consideration of the original application. Apart from the information provided in the decision notice, the Council has not assessed the reasons for the works nor the amenity value of the tree, as is advised in the Guidance. Notwithstanding this, the appeal has been considered upon the basis of the evidence provided by the main parties. Whilst the Council's handling of the original application would be frustrating for the appellant, such matters fall to be pursued by other means and have no bearing on the consideration of the merits of the appeal.

Conclusion

14. With any proposal to fell a protected tree, the effect of the felling needs to be weighed against the resultant loss of amenity to an area and any potential harm to property and people. In this instance the cypress makes an important contribution to the character and appearance of the area and also to that of the conservation area and its significance, but there is insufficient technical evidence and insufficient conclusive justification for felling the tree. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR