



Appeal Decision

Site visit made on 19 October 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 31 October 2023

Appeal Ref: APP/TPO/X1735/8898

41A & 41B Bedhampton Hill, Havant, Hampshire PO9 3JN

- 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.
 - The appeal is made by Mr Roy Osborne against the decision of Havant Borough Council.
 - The application Ref: APP/21/00971, received by the Council on 17 August 2021, was refused by notice dated 29 October 2021.
 - The work proposed is the removal of two sycamore trees.
 - The relevant Tree Preservation Order (TPO) is the Havant Borough Council TPO No 1779, which was confirmed on 25 June 2002.
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Decision

1. The appeal is allowed, and consent is granted to fell two sycamore trees protected by Tree Preservation Order No 1779, in accordance with the application Ref APP/21/00971, subject to the following conditions:
 - 1) The works hereby permitted shall be carried out within 2 years from the date of this decision.
 - 2) The trees to be removed shall be replaced by two silver birches, or by two trees of such other species as may be approved in writing by the local planning authority. The replacement planting shall be carried out within the curtilages of Nos 41A and/or 41B Bedhampton Hill, and shall take place within the next available planting season, after the carrying out of the works which are the subject of this consent.
 - 3) If, within a period of 5 years from the date of planting, any tree planted pursuant to Condition 2 above is removed, uprooted, destroyed or dies, or becomes damaged, diseased or defective, then another tree shall be planted as a replacement, within the curtilages of Nos 41A or 41B Bedhampton Hill. In that case, the replacement tree shall be of the same species as that originally planted, or such other species as may be approved in writing by the local planning authority.

Reasons

2. Nos 41A and 41B Bedhampton Hill are part of a recently built infill development, set well back behind the main street frontage. The two sycamore trees which are the subject of this appeal are located close together, in the two properties' respective rear gardens. The trees are both medium-sized, mature specimens. Both have been subject to regular management by way of cyclical pruning. I note that a further application for pruning was

approved by the Council in 2021, although at the time of my visit those works had not been implemented.

3. Seen from Bedhampton Hill, views of the appeal trees are heavily restricted by buildings and vegetation. Between Nos 37A and 43 there is a short gap, but inward views are partially blocked by No 41, which lies between these properties and the appeal site. Consequently, views of the appeal trees are limited to a brief glimpse of the upper crowns. From Lodge Road, to the rear, there are two equally fleeting glimpses, between Nos 13 and 15, and Nos 17 and 19. In neither case do the appeal trees make any significant contribution to the street scene.
4. I appreciate that the trees are seen more clearly from some of the surrounding properties, but those views from private properties are not seen by the general public, and thus carry limited weight.
5. Overall therefore, the two sycamores in question make only a limited contribution to the area's character and visual amenity. As such, they do not warrant the level of protection provided by the TPO. In these circumstances, it is not necessary for me to consider the trees' physical condition, or the reasons advanced by the appellant for wishing to remove them. Rather, it follows that the Council's refusal of consent is not justified, and that such consent should now be granted.

Reasons for conditions

6. The conditions on which consent is to be granted are set out at paragraph 1 above. If the trees are to be felled, I agree that they should be replaced, in order to maintain a degree of tree cover in the locality, and I have therefore imposed a condition to this effect. However, as the two gardens are well away from public view, it is not necessary to be unduly prescriptive as to the species, or for the Council to control the precise location. Furthermore, a requirement for the new trees to be of heavy standard size would be excessively onerous in this location. I have therefore modified the Council's suggested condition accordingly.
7. I agree that it is desirable that the new trees be planted and cared for in a competent manner, but the Council's suggested requirement for adherence to three separate British Standards documents is in my view too broad to be either reasonable or effective, and I have therefore omitted that condition. To my mind, the same purpose can be served by requiring further replacements in the event that any of the new planting fails; the suggested condition to this effect is therefore reasonable and necessary.
8. In addition, I have imposed a condition specifying the timescale within which the consented work must be carried out, in order to accord with the relevant Regulations.

Conclusion

9. Subject to these conditions, consent for felling is hereby granted.

J Felgate

INSPECTOR