
Site Address:	105 Havant Road, Emsworth		
Proposal:	Fell T1 Lime (Tilia x europaea).		
Application Type:	Works to TPO Tree		
Application No:	APP/23/00387	Expiry Date:	23/06/2023
Applicant:	Mr Haynes		
Agent:	Mr Gifford	Case Officer:	Peter Slegg
	Gifford Tree Service		
Ward:	Emsworth		

Recommendation: **REFUSE TPO CONSENT**

1 Site Description

105 Havant Road, Emsworth

2 Planning History

01/54314/012 - Felling of a Lime tree (T1) at 105 Havant Road subject to TPO 1575., REF,04/03/2002

99/54314/007 - Reduce crown by 25%, crown thin by 25%, remove any deadwood or damaged branches

and crown lift canopy on roadside up to 4 metres of 2 Horse Chestnut trees (T1 & T2) subject to TPO 1653, PERM,24/02/2000

99/54314/008 - Crown reduce by 40%, crown raise and remove any deadwood or damaged branches of a Lime tree (T1) subject to TPO 1575

, REF,24/02/2000

99/54314/009 - Crown reduce by 20%, crown thin by 25%, crown lift and remove any deadwood or damaged branches of a Lime tree (T2) subject to TPO 1575

, REF,24/02/2000

98/54314/006 - Conversion and extension of existing dwellinghouse into 1 no. 2 bedroom apartment (age restricted) and 1 no. 3 bedroom apartment and construction of 2 garage block to rear of plot. Provision of new access and driveway to serve 103 and 105 Havant Road. Revised parking layout for 103 Havant Road. Associated works to TPO trees . (second readvertisement), PERM,27/05/1999

05/54314/013 - Application to crown reduce by a maximum of 20% a Lime tree T2 of TPO 1575. (Readvertisement/ amended description), PERM,16/12/2005

07/54314/015 - Crown reduction and rebalance by 20%; crown raise to 4 metres; crown clean and root prune to southern aspect a Common Oak tree (T1) subject to TPO 1764., PERM,19/10/2007

09/54314/018 - Crown lift a Lime tree (T1) subject to TPO 1575 to clear roof of 105 Havant Road., PERM,10/06/2009

APP/10/00245 - Removal of Condition 12 of Planning Permission 98/54314/006 to remove the age restriction of occupants. Addition of 2No. new parking spaces., PERM,06/09/2010

APP/10/00354 - Application for written approval that the development has been carried out in accordance with approved details., REF,05/10/2010

APP/12/00089 - Crown reduce by 2m and crown lift to 4m (Max branch dia 8cm) 1No.

Lime tree (T1) subject to TPO 1575. , PERM,23/03/2012
 APP/14/01127 - Crown reduce by 4m, crown lift by 4m and deadwood 2No. Horse Chestnut trees (T1 and T2) subject to TPO 1652. Crown reduce height by 6m, and sides by 3m 1No. Lime tree (T2); pollard 1No. Lime tree (T1) to previous pruning points, both Limes subject to TPO 1575.
 , REF,15/12/2014
 APP/15/00099 - Crown reduce by 1m and lift by 5m and deadwood 2No. Horse Chestnut trees (T1 and T2) subject to TPO 1653; crown reduce height by 2m, side branches by 2m 1No Lime tree (T2); Crown reduce height by 3m and side branches by 2m 1No. Lime tree (T1) and deadwood both trees subject to TPO 1575.,
 PERM,18/03/2015
 APP/20/01046 - Crown lift 1No. Lime (T1 on plan) to crown break by removal of 75mm branch work only (epicormic growth) and removal of 1no. eastern branch (approx 100mm diameter) to allow 3m clearance of property; reduce laterals of 1No. Lime (T2 on plan) back to previous reduction points to provide 3m clearance from dwelling; crown reduce height of 1No. Chestnut (T3 on plan) by 3m and laterals by 2m leaving a crown height of 19m and crown radial spread of 8m and crown lift to 6m (over road); crown reduce height of 1No. Chestnut (T4 on plan) by 1m and reduce northern and southern laterals by 3m leaving a crown height of 15m and crown radial spread of 7m, and crown lift to 6m (over road). Chestnuts subject to TPO 1653. Limes subject to TPO 1653.
 , PERM,11/01/2021
 APP/21/00417 - Following demolition of the existing garage block construction of 2 bedroom detached chalet bungalow with parking, refuse and cycle storage and landscaping with access from Chester Close., WD,25/06/2021
 GEN/21/00550 - TPO Request, UNK,26/05/2021
 GEN/21/01137 - Tree works for 1No.Lime, NFA,08/11/2021
 GEN/21/01236 - Copy docs: TPO 1575 and 1653., ,15/02/2022
 APP/21/01340 - 1No Lime (T1) reduce crown (laterals only) by 3 metres on west section and 2.5 metres North west section to regain shape, leaving an overall crown size of 7 metres width and 15 metres height. Tree subject to TPO 1575.,
 PERM,22/03/2022
 APP/22/00037 - T1 - Lime. To crown reduce Eastern sector by 3M up to 35ft, and crown reduce North-Eastern sector by 2.5M up to 35ft. To rebalance the tree,
 INV,21/09/2022

3 Proposal

Fell T1 Lime (*Tilia x europaea*).

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Grainne Rason

Councillor Lulu Bowerman

Councillor R Kennett

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 22

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Comment	Officer Comment
The lime tree dominates the sky above both flats, severely reducing light levels even during the sunniest part of the day and year with clear blue skies, the ground floor garden is permanently in shade as is the complete north side of the building on all three levels. This is severely affecting our right to light. The size and location of the tree acts as a huge barrier to light and stops us from enjoying the ground floor garden as well as requiring us to rely on additional lighting and energy to light the rooms affected throughout the day. We have not been able to use the ground floor flat garden throughout the entire summer months as the tree is not only permanently blocking all light, but also affecting the health and wellbeing of anyone stepping into the garden with the considerable constant	The comments received are welcomed and considered within the planning considerations.

pigeon droppings. Also causing damage to the building, woodwork, stonework and glazing. The guttering's are permanently full of dead branches and tree debris which also constantly falls into the garden and on the ground floor conservatory roof. This causes risk that one day a larger branch will smash the roof causing us to be anxious of personal injury.	
Whilst we are supportive of the arboreal attraction of Emsworth, the lime tree adjacent to our rear party wall is continuing to cause problems. Our coastal properties have been subjected to extremely strong winds over the winter months of 2022/2023. Branches have on each occasion broken off from from the lime tree immediately adjacent to our boundary. In particular, during the strong winds of 10/11/12 April 2023, a significant number of substantial branches broke off and in falling, a couple narrowly missed (Redacted and our dog. Our grand children also play in that area. We are deeply concerned that any further, falling branches may cause personal injury to ourselves, our grandchildren and our dog. Our kitchen roof is also at risk from the falling branches. The gutters of our kitchen are regularly filled with tree detritus and pigeon droppings. The latter is a particular nuisance to us and an attraction for our spaniel She has had to be taken to the vets twice for action to remedy the ill-effects of ingesting the droppings. The tree is somewhat distorted in its restricted position with an unattractive, skewed canopy form. In seeking light, the canopy is currently reaching a further 3 metres over our party wall affecting both light and quiet enjoyment due to copious bird droppings.	The comments received are welcomed and considered within the planning considerations.

On the subject of blockages, our sewage pipe runs beside the party wall between our two properties. When we moved in in 2016/2017, the builders found that the sewage pipe had been breached by two large roots of the lime tree which had spread under the wall and had split open the sewage pipe. They had to cut through the roots to repair the sewage pipe at considerable cost. We have over the last two years noticed a problem with our downstairs cloakroom toilet and are concerned that the roots have once again breached the sewage pipe The party wall between us is built of extremely rare hand made Victorian bricks. They are of a unique size and design and of architectural interest. The integrity of this wall nearest our two properties is increasingly being undermined by the network of tree roots beneath and by the increasing girth of the tree trunk. Unless the Lime is prevented from capsizing the party wall, yet another piece of Emsworth history will be irretrievably lost. We are sorry to trouble you but wanted to let you know our concerns in the hope that appropriate action can be taken.	

- 7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:
- Whether the degree of pruning works requested would undermine the amenity value of these trees and whether this could also be harmful to their ongoing health and vitality.
- 7.2 The report relates specifically to assessing the proposed works drawing upon the information submitted with the application.
- 7.3 When considering the application the local authority is guided by the national guidance 'Tree Preservation Orders and trees in conservation areas'.
- 7.4 The national guidance advises authorities when determining an application to protected trees to consider a range of criteria, which include the amenity value of the tree and the likely impact of the proposal on the amenity of the area; whether the proposal is justified, having regard to the reasons and information put forward in support of the application and potential loss or damage likely to arise if consent is refused
- 7.5 The tree is a mature lime tree in the rear garden of 105 Havant Road and clearly visible from the surrounding public areas. The size and contribution of the tree to the surrounding landscape results in the tree having a significant impact on the amenity of the area. Whilst there are other mature trees within the vicinity of the tree in question, the removal of the tree would have a detrimental impact on the amenity of the area and therefore, in accordance with national guidance the higher the amenity value of the tree the stronger the reasons needed to remove the tree.
- 7.6 The supporting information include a Picus test at points on the trunk that were considered most appropriate. The conclusions show predominantly sound test results that do not provide a sound arboricultural reason to remove the tree.
- 7.7 The issue of light is not a sound arboricultural reason to remove a tree. The tree has been previously pruned and further alternative works to prune the tree, as highlighted in the supporting information, could assist in allowing further light into the property and garden.
- 7.8 Bird faeces is another issue highlighted, which is having an adverse impact on the enjoyment of the garden area of both the owner and neighbours property, with the neighbour reporting the negative health implication for their pet. Whilst the mess created by the birds and resulting impact on pets can be distressing, they are not considered sound reasons to remove a tree.
- 7.9 Another issue is the inconvenience caused from leaf fall and dead branches falling. This is a natural and seasonal inconvenience, which can be troublesome, but not a nuisance that would necessitate the removal of the tree.
- 7.10 Living near trees does bring with it additional risks such as unexplained falling branches and the potential risk of damage to buildings. As trees grow, it is natural for them to drop branches. This can be addressed through management and regular inspections as part of a sensible risk management approach, which has been adopted for this tree based on previous applications and this can reduce the likelihood of problems in the future. The information submitted provides no sound arboricultural reason to remove the tree based on concerns of safety that could not be alleviated by

ongoing active management of the tree.

- 7.11 The comments supporting the application highlights a previous issue of roots and a sewer pipe that runs along the party wall. The comments state how repairs have been undertaken to the sewer pipe and there is no indication the repairs have failed and no evidence the tree is currently causing an issue with drainage. Tree roots cannot enter an intact drain and many drains can have a variety of defects such as displaced joints, circumferential and longitudinal cracking regardless of the proximity of trees and the existence of roots within the drain does not indicate that a tree has caused the defect even if a root has grown through the crack. Provided the drains are maintained there is little capacity for damage to occur and tree removal would not normally be considered for this reason.
- 7.12 A further issue highlighted in the supporting comments was the impact of the tree on the party wall. The wall has no recognition as a heritage asset but it is claimed to be of architectural interest due to the rarity of the bricks used in its construction. There is no supporting information to justify the removal of the tree based on its impact to the wall. Additional information would need to be provided by a relevant engineer or appropriate expert to consider alternative options to preserve both the wall and tree. There is insufficient information to determine that the impact of the tree on the wall would justify the removal of the tree.
- 7.13 A final point for consideration would be the impact if permission were granted for the removal of the tree. The arborist highlights in the supporting information that should the adjacent buildings be on clay soils the removal of the lime may change the normal amplitude movement of the ground surrounding, this could influence indirectly or directly buildings adjacent. Information from a structural engineer should be submitted in support of an application to remove the tree to provide assurance of the implications of removing the tree.
- 7.14 In conclusion the health of the tree is not a concern that justifies its removal. The supporting reasons for the proposed works are not sound arboricultural reasons to justify the removal of the tree and alternative pruning works are recommend as part of the ongoing management of the tree.
- 7.15 The proposed works would have a detrimental impact on the amenity value of the area and wildlife and would not be in accordance with Policy CS11, CS16 and DM8 of the Core Strategy (2011).

8 **Conclusion**

Refuse

9 **RECOMMENDATION:**

That the Executive Head of Place be authorised to **REFUSE TPO CONSENT** for application APP/23/00387

(A)

(B) for the following reasons/subject to the following conditions

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Its proposed felling would result in undue loss and detriment to the visual amenities of the locality. [A more appropriate course of action would be through management of the tree's size and impact through a scheme of approved surgery.] It is therefore contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.