
Site Address: 21 Cavendish Drive, Waterloooville, PO7 7PJ
Proposal: Fell twin stemmed Oak (T1). Subject to TPO 1639.
Application Type: Works to TPO Tree
Application No: APP/23/00429 Expiry Date: 10/07/2023
Applicant: Mr Wakeford
Agent: Mr Adam Kaye Case Officer: Peter Slegg
Blendworth Tree Surgeons
Ward: Waterloo

Recommendation: **REFUSE TPO CONSENT**

1 Site Description

21 Cavendish Drive, Waterloooville, PO7 7PJ

2 Planning History

02/65500/003 - Application to crown reduce an oak (within G1) and to crown raise 5 oaks (within G1) subject to TPO 1639., PERM,17/01/2003

02/65500/002 - Crown reduce by 30% re-shape, remove dead canopy over garden and diseased wood on an Oak tree within Group G1 subject to TPO 1639., PERM,11/03/2002

01/65500/001 - Replacement conservatory to rear, PERM,01/05/2001

00/65500/000 - Thin canopy by 15% and remove a branch of an Oak tree, overhanging 4 Hermitage Gardens. Removal of one branch and crown raise up to 7m of another Oak tree. Another two Oak trees need crown raising by 6/7m. All 4 Oak trees are within 21 Cavendish Drive and apart of Group G1 subject to TPO 1639., PERM,13/09/2000

06/65500/004 - Application for crown reduction of 25%; crown thin by 10%. Remove epicormic growth to a common Oak and for height reduction of apical shoot by 2.5m. Remove dead and diseased wood to a common Oak both within G1 of TPO 1639., PERM,13/06/2006

GEN/12/00188 - Request for information on TPOs/Conservation Area status., ,28/02/2012 12:10:24

APP/12/00229 - Fell 1No. Oak tree within Group Order 1 of TPO 1639, to the rear of No. 4 Hermitage Gardens. , PERM,26/04/2012

APP/12/00438 - Fell 1No. Oak within Group Order 1 of TPO 1639., WD,19/06/2012

APP/12/01160 - Fell 3No. Oaks within Group Order 1 of TPO 1639, to the rear of No. 4 Hermitage Gardens. , PERM,07/12/2012

APP/12/01161 - Fell 1No. Oak within Group Order 1 of TPO 1639, PERM,07/12/2012

APP/15/01096 - Tree works., UNK,

APP/18/00372 - Fell 4No. Oaks. Subject to TPO 1639., REF,29/05/2018

GEN/19/00485 - Deadwood trees., UNK,

3 Proposal

Fell twin stemmed Oak (T1). Subject to TPO 1639.

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 Gwen Robinson

Councillor Mike Sceal

Councillor Peter Wade

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: 12

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

[illegible]

I am writing to express my support for the proposed removal of a T1 - Twin stemmed Oak ref: APP/23/00429. As an affected resident, I believe it is important to provide input on matters that directly impact our properties and well-being. I support the tree removal application based on the following reasons, which directly affect my property and living conditions: Sunlight and Plant Growth: The large size and dense canopy of the tree significantly limits the amount of sunlight reaching my garden. As a result, the growth and vitality of plants and vegetation in my own garden are severely restricted. Removing the tree would restore proper sunlight exposure and create more favourable conditions for my garden to thrive. Potential Safety Concerns: While the tree may not currently exhibit noticeable structural issues, its size and proximity to my property raise concerns about the potential risk it poses. Large trees can become unstable over time, especially during storms or high winds, which may lead to falling branches or uprooting. By proactively removing the tree, we can mitigate the risk of future safety hazards and minimize the potential for property damage or personal injury. General Maintenance: As the tree continues to grow, its extensive root system could potentially or has already invade my garden beds and disrupt the stability of surrounding structures. Addressing these maintenance challenges pre-emptively is essential to avoid costly repairs and ensure the proper maintenance and integrity of my property. I kindly request that you consider my concerns as part of the application process and take them into account when making a decision. The removal	The comments received are welcomed and considered within the planning considerations.
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of this tree would not only improve sunlight exposure and enhance safety conditions but also alleviate potential future maintenance issues that could arise due to its size and growth.

Thank you for your attention to this matter. I trust that you will assess the application diligently, considering the potential impact on affected residents, before making a final determination.

Should you require any additional information or clarification, please do not hesitate to contact me at the details provided above.

7 Planning Considerations

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 an oak tree in the rear garden of 21 Cavendish Drive and visible from the surrounding public areas. The tree is part of a group and contributes positively to the amenity of the area. Whilst there are other mature trees within the vicinity, the removal of the tree would have a detrimental impact on the amenity of the area.

7.6 The reasons for the removal of the tree, provided by the applicant, is to allow additional light into the garden of 23 Cavendish Avenue. Comments submitted by the owner of 23 Cavendish Avenue also highlight the impact the lack of light is having on the growth and vitality of plants within their garden. The neighbour also highlights safety concerns of such a large tree in close proximity to the property and the potential for ground stability issues in the future. The neighbour supports the removal of the tree to alleviate these issues.

- 7.7 The issue of light is not a sound arboricultural reason to remove a tree and whilst the application states that a crown reduction would not resolve the problem, alternative pruning works could potentially increase the light levels into the neighbours' garden, and retain the tree. The vitality and growth of plants and vegetation in the neighbours' garden are not reasons to justify the removal of the tree.
- 7.8 Living near trees does bring with it additional risks, but there is no evidence the tree is in poor health and the neighbour states in their comments that the tree is not exhibiting any structural issues. It is recommended that the owner regular monitors and maintains the tree so any future issues can be quickly acted upon as part of a sensible risk management approach. The information submitted provides no sound reason to remove the tree based on concerns of safety.
- 7.9 The neighbour also highlights general maintenance issues, such as root damage. There is no evidence of disruption to surrounding structures or evidence that the tree in question is the cause of structural damage to surrounding properties. There is insufficient information to justify the removal of the tree on the basis of alleviating potential future maintenance issues due to its size and growth.
- 7.10 In conclusion, the reasons for the removal of the tree presented by the owner and neighbour (number 23 Cavendish Drive) are not reasons that justify its removal. Insufficient information has been provided to justify the removal of the tree.
- 7.11 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/23/00429

(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.