
Appeal Decision

Site visits made on 21 and 29 April 2021

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 12th May 2021

Appeal Ref: APP/TPO/X1735/7982

25 Summerhill Road, Waterloo, PO8 8XD

- 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 Mr Andrew Bloor against the decision of Havant Borough Council.
 - The application Ref: APP/20/00385, dated 14 May 2020, was refused by notice dated 16 July 2020.
 - The work proposed is (T1 oak) crown reduction to the height and spread of 2-3 metres. This will leave a crown height of 32-33 metres and a crown spread of 27-28 metres.
 - The relevant Tree Preservation Order (TPO) is TPO No. 1724 24 Durley Avenue Cowplain, which was confirmed on 23 March 1999.
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Preliminary matters

1. The above description is that provided by the appellant. I have considered the appeal on the basis of a proposed reduction in the crown height and spread of 2-3 metres.
2. The application and appeal are made by the occupier of No. 23. The tree lies on the rear boundary between No. 25 Summerhill Road and 24 Durley Avenue and part of the crown overshadows the rear garden of No. 23. At the site visits, it was not necessary to visit 24 Durley Avenue.

Decision

3. The appeal is dismissed.

Reasons

4. The main issues are the amenity value of the tree, the effect of the proposed works on the character and appearance of the area and whether it would be justified in the circumstances of the case. The oak tree in question is well proportioned and mature and is a conspicuous feature of the area of gardens between Summerhill Road and Durley Avenue. It is on higher ground in the area and easily visible over the roofs of houses in those roads and seen from further afield. Other large trees in the locality have been substantially reduced or trimmed and the appeal tree is a significant oak that remains relatively untouched. As such it contributes significantly to the character and appearance of the area.
5. The appellant's main concerns relate to the amount of shade cast by the tree and the likelihood of falling branches causing physical harm. The tree undoubtedly casts a significant shadow, varying according to the time of day,

which would affect the patio area at No. 23. However a reasonable amount of garden would remain unshaded for recreational purposes, including much of the terrace, which extends the whole width of the property. The tree appeared to be in good health with no more than the usual amount of broken twigs and dead wood than would be expected. Reducing the crown to the extent desired would substantially reduce its amenity value. Moreover, the work is likely to lead to more concentrated new growth emerging from the cut points, which would unbalance the appearance of the tree and increase the density of shade, if not the extent, over part of the garden. Moreover, the work is resisted by the owners of the tree at No. 25 Summerhill Road and No. 24 Durley Avenue. In such circumstances, it would be unrealistic to expect the work to take place to most of the crown, with the result that the tree would appear unbalanced with limited overall effect on shade in the appellant's garden.

6. With regard to structural safety, all trees shed debris and occasionally, larger twigs, dead wood and perhaps larger branches, and this is normal. There are no guarantees, but there is nothing to indicate that this oak is posing an unacceptable risk. No specialist survey has been provided by the appellant nor any attention drawn to any particular point of weakness. There is nothing to indicate that at the present time, continuing inspection, risk assessment and appropriate action when necessary would not be sufficient to protect the interests of local occupiers.
7. Work to other trees has been carried out locally but the details of those cases have not been provided and they do not provide justification for work to the appeal tree: indeed, the present condition of other large trees in the neighbourhood illustrates the harm to amenity that can occur by extensive pruning.
8. Dead wood in the crown can be removed without consent. I have taken account of all the points raised but find no circumstances in favour of the proposal that outweigh the considerable amenity benefit the oak tree provides. For all the above reasons the appeal must fail.

Paul Jackson

INSPECTOR