

Recommendation: **REFUSE TPO CONSENT**

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor David Jenner

Councillor E Shimbart - Hart Plain

Councillor P Bains - Hart Plain Ward

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: 2

Comment	Officer Comment
I would like to support the application to cut back the tree in 31 Chaplains Ave. It has grown so much and the branches are so heavy that I am very concerned that the tree is becoming a safety issue. I often have young children in my garden and if one of the heavy branches were to fall it could cause a serious injury to members of my family. It could also damage my property. I believe it is reasonable for the tree to be reduced and have regular maintenance carried out on it.	Comments noted. The tree does not excessively overhang neighbouring gardens either side. The majority of the canopy is on its southern side.
We have no objection to neighbours requesting the removal of 2 metres from very low hanging branches over their property, but the request to have 2 metres, seemingly taken from all the branches on the North, West and East sides of the tree is excessive. We also see no need to reduce the crown.	Comments noted

These actions requested would leave the tree unbalanced, and would badly affect the design and appearance of this mature Oak, which is currently a healthy well balanced tree supporting a natural habitat for various wildlife. With regard to allowing more light into the garden of 31 Chaplains Ave, this would be more easily and better achieved by the trimming, to the allowable 2 metre height, or removal of the several leylandii, that are growing underneath the north side of the Oak tree in the garden of the applicants. It should be noted that the plan submitted with this application is inaccurate, please refer to the plan, when the Tree Preservation order was granted. With regard to the tree being mostly in our garden and not in the garden of the applicants. If the applicant wishes to challenge this, we can provide photographic proof and can if necessary obtain witness statements that the tree had the fence attached to the North side of it.	
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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 My inspection related specifically to assessing the proposed works rather than generally inspecting the tree's health and condition in any great detail. I visually inspected the tree from ground level and the following report deals with the relevant issues that have been raised on site, in the application form and from my site observations.

7.3 This application to undertake work to a tree protected by a Tree Preservation Order relates to the proposed pruning of one Oak tree at the rear of the property and on or close to the boundary line with 51 Kingscote Road. The ownership of the tree appears to be in discussion.

The tree appeared to have good vigour and vitality for its age and species and no information has been submitted with the application to suggest its condition is poor. The work proposed is to reduce the north east and west aspects by 2m to keep the tree in balance, reduce overhang and increase light.

The reduction proposed would unbalance the tree and it would be more appropriate to consider an all round crown reduction (a fresh application would be required). An amended specification to allow a minor crown lift to deal with a low hanging branch over the shed was offered, however this amendment was not agreed.

The most significant portion of the canopy in terms of overhang is on its southern sector. The tree does not overhang the applicants garden excessively and there is still usable garden space which is not under the canopy of the tree.

8 Conclusion

The work proposed will leave the canopy unbalanced and therefore this work is not considered to be appropriate or proportionate, it is recommended that the application be refused.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **REFUSE TPO CONSENT** for application APP/20/00499 for the following reason

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the deposited application would result in an unbalanced crown. It is therefore contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.