
Appeal Decision

Site visit made on 9 December 2019

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 30/01/2020

Appeal Ref: APP/TPO/X1738/7046

10 Spruce Avenue, Waterlooville, Hampshire PO7 8HA

- 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 fell a tree protected by a Tree Preservation Order.
 - The appeal is made by Ms A Barham against the decision of Havant Borough Council.
 - The application Ref: APP/18/00838, dated 8 August 2018, was refused by notice dated 4 October 2018.
 - The work proposed is the felling of one oak.
 - The relevant Tree Preservation Order (TPO) is The Council of the Borough of Havant Tree Preservation Order No 1109 (Trefoil Close, Spruce Avenue, Robinia Close and Reedmace Close, Waterlooville) which was confirmed on 13 May 1983.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the amenity value of the tree and the likely effect of its removal; and,
 - whether sufficient justification has been provided for the proposed felling.

Reasons

Amenity value of the tree and the likely effect of its removal

3. Spruce Avenue forms part of a housing estate from the latter half of the twentieth century. The oak, which is the subject of the appeal, is a tall mature tree that predates the housing estate and is located within the open front garden of No 10. It is evident from its tall round shape and position close to the house on the site that over the years the shape of its canopy has been managed. The tree appears to be in good health and structurally sound with only occasional deadwood apparent. Set to the front of the house with the pavement wrapping around the garden on two sides, the tree is in a prominent location and is of high amenity value.
4. Notwithstanding the existing planting within the garden, the felling of the tree would cause material harm to the character and appearance of the area and a replacement tree would take many years to grow large enough to begin to compensate for the adverse effects that would be caused. As a result, any reasons to justify removal of the tree need to be compelling.

Whether sufficient justification has been provided for the proposed felling

5. The appellant states that the canopy of the tree is unbalanced and that it appears it is starting to lean. As a result, she is very anxious that in a storm the tree could fall damaging property and endangering life. The neighbours at No 8 are also concerned that the tree could damage their property due to its size. However, the tree does not have an obvious lean. Taking into account what I have seen of the tree, and without expert evidence to the contrary, I am not persuaded therefore that the tree is unsafe, unstable or that it is placing nearby buildings at risk of damage.
6. The tree drops small to medium sized branches in windy weather. I agree that falling branches are a safety hazard to people. In the absence though of a systematic tree survey, and on the basis of what I have seen of the tree, I am satisfied that the regular cleaning out of any defective branches by a tree surgeon would reduce the risk of such incidents to a safe level.
7. Leaves and acorns that fall from the tree are complained about by the appellant. The shedding of leaves and seeds, such as acorns, is a normal and expected feature of all trees. It seems to me though that people living in a pleasant and attractive area with large trees must accept that trees are an integral part of that environment – otherwise the result will be a gradual erosion of the quality of the street as trees that people object to are felled.
8. The tree is far enough away from the front elevation of No 10 for there to be satisfactory levels of daylight within the house and as the tree is on the western side of the dwelling the shade it casts only occurs later in the day. As the tree is located to the north of the neighbouring dwelling, No 8, the tree does not place this property in the shade.
9. In dealing with an application to fell a protected tree, a balancing exercise needs to be undertaken. The justification for the felling must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would have a demonstrably harmful effect on the character and appearance of the area and, in my judgement, the points put forward to justify its removal fall far short of outweighing the harm that would be caused. In reaching this decision, I have taken into account that the immediate neighbours do not oppose the felling of the tree.
10. Accordingly, for the reasons set out above, and having considered all matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector