

Recommendation: **REFUSE TPO CONSENT**

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Councillor A Briggs - Cowplain

Councillor D Keast - Cowplain

Councillor Narinder Bains - Cowplain

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: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
The application has been proposed by (REDACTED) no.23. This tree is so tall and has such a wide span, if it were to fall, it would crush my property and probably no. 23. A large Oak at no. 5 Summerhill Road fell into the garden of the house in Durley Avenue last month, destroying outbuildings and missed the house by a few feet. I am terrified that this tree at no. 25 Summerhill Road will also fall, with the possibility of loss of life and severe structural damage to my property. If it fell into Durley Avenue it would totally destroy the property and occupants. I therefore fully endorse the application. Three years ago we were granted permission to do some works, (REDACTED) stopped the tree surgeons from completing the works. There was absolutely no height	Comments noted. No arboricultural justification has been provided to suggest that the tree is in poor health.

reduction. Jamie Gargett is fully aware of this, as he was sat in my garden at the time. I fear there could be blood on the hands of Havant Borough Council if we cannot be allowed to maintain this Oak.	
I have no problem with my neighbour's Oak tree having the crown reduction and the dead wood removal. It has been a long time since any work has been done on the tree and I think it would benefit from it. The tree would look better and be healthier. Before the new leaves came out this spring you could see the dead wood in the tree and with all the strong stormy weather we have had recently, it would be safer.	Comments noted
See representation in Documents.	

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 subject to a tree preservation order relates to the proposed crown reduction by 2-3 metres of one mature Oak tree which is situated on the boundary line between two adjoining rear gardens, one of which is on Summerhill Road and one on Durley Avenue, Waterloooville.

The applicant had applied to crown reduce the tree because of fears the tree may break or fall, however no written arboricultural advice or other diagnostic information from an appropriate expert had been provided. This was queried at the validation

stage and again during the application process and the applicant then confirmed by email that he was not applying because of the trees condition but because the tree is too large for the residential setting.

The Arboricultural Officer viewed the tree from the applicant's garden only. The crown of the tree extends over the boundary lines and gardens of neighbouring properties, including the applicant's. The tree has been managed previously by way of a limited reduction of the laterals over the applicant's garden and there is the presence of a small amount deadwood. As far as it was reasonable to see the tree appeared in good health and displaying normal vigour and vitality for its age and species.

Given the position and size of the tree it has prominence in the street scene and between the neighbouring dwellings, it contributes to the tree cover in the area and it is therefore considered to have significant amenity value.

The tree is situated at the end of the garden and whilst it does overhang the boundary there is still sufficient usable garden space outside of the trees canopy. No arboricultural justification has been provided to support the crown reduction.

Two objections to the application have been received and two letters of support.

The ownership of the tree is disputed between 24 Durley Avenue and 25 Summerhill Road as outlined with the application form and within the two objections which have been received. Given this, if permission was granted for a whole crown reduction, the work would be unlikely to be able to take place while this dispute still stands and if access to the whole tree is denied. While this reason alone is not sufficient justification to refuse permission, it is a consideration because if permission was to be granted and work undertaken on the part of the tree overhanging the boundary, the Oak could be left unbalanced and its public amenity value reduced. It should also be noted that although the tree is protected by a Tree Preservation Order, the safe upkeep of the tree remains with the tree owner.

The applicant has been offered a reduced specification of work to reduce the laterals over the garden back to the previous pruning points however this was not accepted and he wishes to appeal the decision.

8 Conclusion

No arboricultural reason or justification has been provided to support a crown reduction of this tree which offers significant amenity value in the street scene. There is still sufficient usable garden space and it does not encroach on the fabric of the building, the application should therefore be refused.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **REFUSE TPO CONSENT** for application APP/20/00385

(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 healthy condition. The tree surgery proposed in the deposited application would result in excessive reduction of the tree's landscape impact. No arboricultural need or justification has been provided support this work. It is therefore contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.