
Appeal Decision

Site visit made on 12 March 2019

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 28/03/2019

Appeal Ref: APP/TPO/X1735/6671

South Africa Lodge, Stakes Hill Road, Waterlooville, PO7 7LA

- 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 Ms Sharon Johns against the decision of Havant Borough Council.
 - The application Ref: APP/17/01276, dated 28 November 2017, was refused by notice dated 10 January 2018.
 - The work proposed is to reduce the crown of an oak tree (T4).
 - The relevant Tree Preservation Order (TPO) is The Council of the Borough of Havant TPO No. 977, which was confirmed on 3 May 1978.
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Clarification

1. The oak tree in question is referred to as T3 on the application form and in the Tree Risk Assessment Report of November 2017, but is noted as T4 on the map accompanying the Order. The location of the tree was agreed at the site visit and I have considered the appeal accordingly.

Decision

2. The appeal is dismissed.

Reasons

3. The main issue is the amenity value of the tree, the effect of the proposed crown reduction on the character and appearance of the area and whether it would be justified in the circumstances of the case.
4. South Africa Lodge provides care for people with complex needs. Attractive grounds surround the buildings and include several regularly spaced mature oaks on the south eastern boundary which are all protected. They contribute significantly to the overall level of visual amenity for those living there and for visitors. Having said that, the appeal tree is not easy to see from public viewpoints in nearby streets.
5. The oak in question overhangs a small corner part of the garden which includes 2 maintenance sheds used by staff working at the Lodge. It is mature with a relatively wide spread. It is well proportioned and comparable with other oaks along the boundary. The crown has been previously been reduced in accordance with a management regime and the appellant seeks to repeat that procedure back to the original pruning points. The reason given is that it now demonstrates symptoms of acute oak decline.

6. As far as can be ascertained, there is little dead wood in the crown, no more than might be expected for a healthy tree of its age and size. Growth from the previous pruning points has been healthy and vigorous. Whilst there are some dark stains on parts of the lower trunk, these were dry at the time of inspection. The tree's health may be compromised to a degree by an unknown fungal infection, but that does not appear to be seriously affecting the health of the tree at the present time. There are no stains of any significance above around 1 metre above ground level.
7. The proposed reduction works would leave the tree without much of its crown, leaving mainly scaffold limbs. The extent of surgery would reduce the weight of branches and the amount of the crown affected by wind, but the open wounds would also potentially leave it weakened and vulnerable to other pathogens. There would be a corresponding marked reduction in its contribution to the visual amenity of the gardens of the Lodge.
8. The appellant draws attention to the tree oversailing the 2 maintenance sheds and the rear of adjacent domestic gardens, but at the current time there is no indication of impending failure or weakness. There is no sign that growth during the 2018 season has been seriously affected by disease. The case is put that early management would be beneficial to avoid a more damaging intervention at a later date, but it is unclear why the earlier crown reduction necessarily requires a further cycle of such heavy pruning at the present time. I have considered a lesser scheme of crown reduction, to be agreed with the Council, but the shape and form of the tree would be noticeably compromised and the risk posed by fungal infection or branch fall does not justify such action.
9. There is no guarantee that any tree will remain 100% safe, but no evidence has been presented to suggest that there is a serious current or impending risk to this oak tree. I conclude that the appeal should not succeed.

Paul Jackson

INSPECTOR