

Recommendation: **REFUSE TPO CONSENT**

Fell 1No. Copper Beech and 2No. Lime Trees, subject to TPO 1363.

4 Policy Considerations

National Planning Policy Framework

Havant Borough Local Plan (Core Strategy) March 2011

DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

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: 6

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 17

Comment	Officer Comment
The 3 trees in question are set between Crest House (belonging to the people who want to fell them) and 16 Khandala Gardens (where I live with my family). In fact, two of the trees are closer to my house than to Crest House. The trees were there long before we moved in nearly 30 years ago. They are very healthy, stable trees and pose no threat of falling down. If they did fall over, they would more than likely fall on my house than Crest house. These trees form the heart and soul of Khandala Gardens and must not be chopped down. They are the first thing that you see as you enter the cul-de-sac and the eye is drawn to them whatever the time of the year. In spring they have lovely green buds, in autumn they have many beautiful	

shades, in winter they look majestic against the grey sky and in summer they are just beautiful to look at with the contrast between the dark copper beech and the Lime green.

When I open my curtains in the morning the first thing I see is these trees. They are normally full of wildlife. The trees provide roosts for many birds all year round. This year, we saw jays in them for the first time. There is always a large family of goldfinches in them and quite often a flock of a dozen or so long tailed tits can be seen in them. In fact, we get over 40 species of bird in our garden (including green woodpeckers, greater spotted woodpeckers, nuthatches, tree creepers and gold crests) and believe it is due to these trees. They sit there and wait for it to be clear before they fly the short distance to our bird feeders. Our quality of life would be much poorer without the joy of watching the birds in the trees or on the feeders. If the trees were gone, all I would have is a view of the Astroturf in Crest House. Anyone who puts Astroturf down surely has no respect for nature.

I'm not sure why the people want the trees to be felled but it cannot be due to light. Crest house is set in the middle of a large plot and there are always parts of the garden that are in the sun. The rest of the houses in Khandala gardens don't have that luxury. We all lose the sun behind houses but we knew that would be the case before we moved in. The people in Crest house also knew before they moved in recently that parts of their garden would lose the sun for short periods because of the trees. They didn't have to buy this house. They could have moved somewhere without trees. The trees were there first and do not deserve to die.

We have spoken with our neighbours in Khandala Gardens and they all feel the same as us. The trees are important to us all and we object to the proposal to have them felled.

I can't see a valid reason why the trees should be felled. No disease or damage to property is reported.	
No reason to fell these trees appears to have been recorded. We also have a tree which is subject to the same TPO and maintain it at considerable expense and inconvenience for the benefit of the community. The trees subject to the application are a great amenity offering shade, habitat and are very attractive. They were clearly a fixture when any adjacent property was purchased and need to be maintained for all to enjoy.	
The trees are attractive and the limes in particular have a good shape when viewed from a distance. All three appear to be healthy. They are clearly visible from Stakes Road, Stakes Hill Road, Crookhorn Lane and Purbrook Way as well as Khandala Gardens. Removing them would have a noticeable and detrimental impact on the street scene. Although not stated, it appears from the photographs submitted that the reason for the application is the trees shade part of the garden. That could be considered an advantage, particularly during the current prolonged hot weather. Felling seems drastic and unnecessary. Terry Smith Tree Warden	
I am a regular visitor to Crest House and as such i have seen the trouble that these trees are causing Ms Quick and her partner. Firstly the copper beech completely towers over the house so that the leaves, seeds, sap and more fall all over the house and garden relentlessly during all seasons except the dead of winter. The gutters are always blocked up and filled with debris of some kind from the tree, and worse still it's causing damage to the house by extracting	

moisture from the ground causing cracks in the south facing wall, this has been verified professionally and the report given to the council previously. With regards to the 2 lime trees ,they are enormous trees when in leaf and again drop leaves seeds and sap all the time.

The garden cannot be kept clear of this even for a few minutes and the pigeons which are the only birds i'm aware of living in the trees make an horrendous mess totally ruining the garden not to mention the health hazards, my children are unable to play in the garden due to the extensive pigeon droppings and the fact that there feet get stuck to the sap that covers the lawn.

The garden really is a receptacle for everything that comes from these trees as the prevailing wind 99% of the time blows from the s/w.

The sap from the trees is awful covering everything even the washing on the line at times with a sticky residue which is impossible to remove. All 3 of these trees must be an absolute nuisance to live next too from Crest House point of view, the copper beech is causing real damage of the worst kind by undermining the house, i am sure the trees look lovely from Khandala Gardens but would you like them undermining your house and dropping debris all year round in huge volumes, I THINK NOT.

Regards
Paul & Stacie Quick.

I object to the application to fell the two lime and one copper beech trees on Khandala Gardens for the following reasons:

1. They are all beautiful and healthy trees, there are no reasons to kill them
2. The residents of Crest House were aware of the trees and their size prior to buying their property
3. The trees have been here for a very long time with no issues and they are home to a wide variety of birds and other wildlife
4. They provide a beautiful outlook to our cul de sac, the area would look

bare and lifeless without them 5. I moved into Khandala Gardens partially because of the look and sound of the beautiful trees, my house is located next to them and, although they do drop sap and leaves for a short time during the year, this is a small price to pay for the pleasure we get 6. I welcome the leaves that are blown into my garden as they provide a foraging area for ground feeding birds such as blackbirds and also allow me to top up my compost heap and recycle the natural resource	
I ask you to consider my objection The trees are causing no issues, and there is absolutely no reason to cut them down. I believe that the guys at Crest House are complaining that they are 'blocking the light for their lawn' - they have just laid AstroTurf!! (At a very detrimental cost to the green - it was left in a terrible state...) The leaves on the trees look beautiful every autumn, and the trees also provide refuge for many birds and other small animals and insects. It would be a real tragedy for everyone if these trees were to be felled just for the whim of one selfish household!!	
I wish to object to the above application. At the outset, I would add that the site address you have on your notice is incorrect, the trees in question are located in Khandala Gardens. Whilst they may be adjacent to the side fence of Crest House, I believe the application has been so described so as to be more likely to favour the application, which is unreasonable as well as factually incorrect and could lead to appeals, should permission be granted. I pass these trees multiple times every day and I can see a valid case for them to be pruned as I understand that they may affect the occupants of Crest House, but not removed. They are a valuable asset and greatly improve the	

outlook of the road and the whole area, as well as being well established prior to anyone who has a view on this application actually living in their vicinity. The conservation of trees is necessary, not only to provide a habitat for birds and animals - much of which has already been lost in this area, albeit for the much needed housing for locals. However the loss of these trees will have no effect on housing provision and I fail to see any valid reason for their removal. Their effect on absorbing noise and removing carbon cannot be underestimated in an area where we are surrounded by roads, one of them the busy A3(M); and the effect of established trees mitigating the increase in global warming has been demonstrated.

Since moving to my current property, which I chose for its peaceful ambience despite being in suburbia, many trees and bushes have been removed and should this permission be granted my outlook will be devoid of any green aspect: the previous owners of Crest House removed three trees before selling off the end of their garden as a building plot, Crookhorn School removed a number of trees from the northern boundary of Khandala Gardens and another from their land at the eastern boundary of my neighbours' property. Combine that with the house building on the former Purbook Park School Playing Fields opposite to the entrance of Khandala Gardens and I'm sure you will agree that the amount of green space lost in this vicinity has been extensive. Much of this has been necessary, and whilst it is regretted it has been for the benefit of society. I believe this application provides no such benefit and should be declined.

I am all for change, provided it is beneficial to the community/society in general, but I fail to see how the felling of these three trees provides any benefit whatsoever. However, as previously stated, I can see a valid

case for thinning out some of the branches.	
Richard Jackson.	
These trees are not ready to die - they are not old enough and are doing no harm. They give the area more character and were there first before the houses were built. Trees are essential to the planet and birds and wildlife enjoy them. They create shade.	
From 1991 until 2015 I lived at 14 Khandala Gardens. From 2015 until now I frequently visit Khandala Gardens to see the friends I made in the over 24 years I lived there. The trees in question have been in situ for many decades - I even remember them being there when I was a child in Waterlooville in the late 1950s. They have never caused any problems at all and are definitely not diseased or liable to fall or cause damage. Your Council would not have preserved them with a TPO in 1991 if it did not want to preserve them or if they were dangerous. Your Council did this to protect those specific trees from deliberate damage and destruction. In any event if a tree with a TPO on it is felled then it has to be replaced with a tree. Have Crest House put forward what three trees they are planting in their place if they are felled and is your Council going to enforce that if it agrees the felling. Probably not. I know they have been an irritation to the owners of Crest House ever since they moved in. Shortly after they moved in the owners of Crest House illegally moved their fence onto the land owned by Vendock Ltd on which the trees are planted to try and gain more land to build an extension to their property. I am a retired lawyer so at that time I had communication with the liquidators of Vendoak Ltd about it and as a result Crest House had to take down the illegal fence and put it back in its correct position. I believe that this application is only another way of Crest House trying in the future to extend their property because at the present time the trees stop them from doing	

this.

When the owners of Crest House moved in they were fully aware of the trees and perhaps should not have purchased the house if they dislike them that much. What is the point of putting a TPO on trees if you are going to allow them to be felled? Next door to 14 Khandala Gardens where I lived there was a sweet chestnut tree with a TPO on it. Every few years the owner of 12 Khandala Gardens applied for planning permission to have it lopped a little. Why cannot this happen here?

The trees are a great source of oxygen for all those living in Khandala Gardens, they are pretty with all the different colours throughout the year, are loved by both the squirrels, wildlife and a large variety of birds. With so much building going on in our green country they should be allowed to remain. They are doing no one any harm at all. Crest house is on a large plot and there are always parts of the garden that are in the sun. In fact for years they have wanted to knock down and develop the old workshop in their garden backing right up to the trees in question. This is why they thought they could illegally move their fence. In any event the old workshop has always cast a shadow over their garden anyway. Our house in Khandala Gardens did not have that luxury with us losing the sun behind our house as the day went on. We even had the shadow of the sweet chestnut next door to us but on hot days it was a blessing to have the shelter.

I submit that the Council should unanimously reject this application to fell the three trees or at least only permit the three trees to be slightly lopped.

Thank you.

Ok i Have listened patiently to all your criticism, the last comment today from a previous occupent of Khandala Gardens, firstly let me correct you when you say we tried to move the fence to claim the land, that was the previous occupants whom we purchased Crest house from,we have

painstakingly restored Crest house as when we purchased it 3 years ago it was in an appalling condition, that includes the back/front gardens, we had to contend with major issues with the house itself which included a massive plague of rats, which took months to eradicate, i dont know why i'm explaining myself to any one of you but the garden we spent over 20,000 on is being totally ruined by the trees, every day the lawn is covered completely in leaves and debris along with the pigeon dropping that are so extensive we cannot walk on the path or lawn, the sticky sap is completely covering the lawn and another reason why we cannot walk on it, you all say how much you enjoy your gardens , well we arn't afforded that luxury as every spare minute we have is spent shovelling up leaves and debris , it's heartbreaking and depressing , our dream garden would have included real grass but the debris from the trees ruined the original lawn hence the artificial lawn so please stop with the judgments, we owe you no explanations whatever for what we decide to do in our own home, if anyone of you would like to see for yourselves what we have to contend with then please come and speak with me personally and i'm happy to show you the problems we face, not only in the garden but with the cracks all over our house due to moisture extraction again due to the trees , damage to our roof blocked gutters and drains so again please make sure you are fully aware of all the facts before making your comments.	
We moved into Khandala Gardens 3 years ago and loved the tree lined entrance into our road. The trees are beautiful and healthy and provide a home to wildlife including the birds. They should be kept at all costs as there is so much building today and so many trees are removed.	
There is absolutely no need to cut these trees down, they have been here since we first moved into Khandala Gardens back in 2001.	

The trees provide so much for the local birds and animals and is completely unnecessary to be removed because of someone whose laid ASTRO TURF! says it's blocking the light. They knew the trees were there when they first moved into the property and there was no harm then.	
I object to the application to fell the two lime and one copper beech trees on Khandala Gardens for the following reasons: 1. They are all beautiful and healthy trees, there are no reasons to kill them 2. The residents of Crest House were aware of the trees and their size prior to buying their property 3. The trees have been here for a very long time with no issues and they are home to a wide variety of birds and other wildlife 4. They provide a beautiful outlook to the cul de sac, the area would look bare and lifeless without them 5. We frequently visit and stay with friends who moved into Khandala Gardens partially because of the look and sound of the beautiful trees, their house is located next to them and, although they do drop sap and leaves for a short time during the year, this is a small price to pay for the pleasure our friends and ourselves get every time we visit. The area would look extremely bare without the trees. RSPB studies and research fully enforce preservation of trees in urban environments for very valid environmental reasons. We support the RSPB arguments. 6. Our friends welcome the leaves that are blown into their garden as they provide a foraging area for ground feeding birds such as blackbirds and also allow them to top up their compost heap and recycle the natural resource. I ask you to consider my objection	
I am objecting to the felling of these trees which sit next to my soon to be parent-in-laws home. The first time I went to their house I was really impressed at how striking they looked	

and how their location on that lovely strip of green just made the whole appearance of the road.

I think we should be conserving our green spaces and our trees. There is too much destruction of the wildlife. Where are the birds going to shelter and live? I have seen green woodpeckers and greater spotted woodpeckers in these trees. They love it there and these birds are so rarely seen! But they are not the only birds, there is often a lovely family of goldfinches, a Robin or two and several variety of tit. It would be terrible if they lost their homes and habitat.

I would like to submit my objections to the plan to knock down these beautiful trees. They are strong trees and not likely to fall down. My family home is number 16 Khandala Gardens and from my hall window I used to look out on those trees every day! I lived in that house for 28 years, me, my brother and the neighbours children used to play round the trees and make dens at the bottoms of them. As I got older I appreciated how beautiful they looked as I pulled into my road no matter what the season. They are also home to lots of different birds including jays, goldfinches and I have spotted two varieties of woodpecker in them as well as watched squirrels run up and down them. In an age when we are losing more and more of our green spaces I think it would be absolutely criminal to be felling these trees which provide shelter to so much wildlife. These trees really make this road, it was lovely to see the next generation of children playing round the trees as I used to when I was smaller.

I know that none of the neighbours would be in favour of such a criminal act! There has been lots of issues with the residents at crest house. I remember one year they tried to claim that whole strip of land as their own by putting up new fences by the curb. They have no respect for wildlife, nature around them and how much these trees are liked by the residents of Khandala Gardens. I hope my

objections will be taken seriously and this request to tell those trees will not be granted.	
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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 relates to the proposed removal of three protected trees, two mature Lime and one Copper Beech, situated on open space and adjacent to the southwestern boundary of Crest House, Stakes Hill Road, Waterloooville. The land on which the trees are situated is believed to be owned by developers for the housing development situated to the south of the trees. As far as it is reasonable to see the trees are healthy and structurally sound and are considered to be of significant amenity value in the local landscape. The owners of Crest House wish to remove these trees as stated in their application for the reasons of shading to their garden, leaf fall blocking gutters and requiring regular maintenance, leaf fall and branches falling causing damage and nuisance generally, pollen causing allergy symptoms and pigeon detritus. The owners have replaced the natural lawn with artificial grass now needing regular maintenance due to detritus from the trees. Additional information was sent by the applicant on the 10th July 2018 in the form of a letter dated 1st November 2007 describing damage to Crest House and the proximity of the Copper Beech, no other technical information has been received relating this or to allergy caused by the trees. The falling of leaves and other detritus from trees is considered to be a management issue and not sufficient cause to remove protected trees. Management of the trees would be acceptable and this has been an option put to the applicants on site and in writing. As it currently stands the application to remove the three mature protected trees is unacceptable as detrimental to the amenity value of the local landscape.

8 Conclusion

Refuse

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **REFUSE TPO CONSENT** for application APP/18/00621

(A)

(B) for the following reasons/subject to the following conditions

- 1 The trees are significant features in the local landscape and appear to be in adequately sound and healthy condition. Their proposed felling would result in undue loss and detriment to the visual amenities of the locality. [A more appropriate course of action would be through management of the trees' size and impact through a scheme of approved surgery.] It is therefore contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.