
Appeal Decision

Site visit made on 28 February 2017

by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 March 2017

Appeal Ref: ENV/3164380

Plough and Barleycorn, Tempest Avenue, Waterloo, PO7 8NU

- 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 Marston's plc against the decision of Havant Borough Council.
 - The application ref APP/16/00981, dated 21 September 2016, was refused by notice dated 9 November 2016.
 - The work proposed is to fell an Austrian Pine (T2) and plant a replacement.
 - The relevant Tree Preservation Order (TPO) is Tree Preservation Order No. 1263 (Westbrook Farm House, Park Lane, Cowplain), which was confirmed on 28 February 1986.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although the disputed tree is referred to as tree T1 on the application form, I have adopted the numbering on the appellant's supporting letter, dated 15 September 2016, and accompanying plan, for reasons of clarity.

Main Issues

3. The main issues in this appeal are:
 - (a) the effect on the amenity of the area if the disputed tree was to be felled and replaced; and
 - (b) whether the reasons given for the works are sufficient to justify that course of action.

Reasons

4. The appeal relates to a mature Austrian Pine in the grounds of the Plough and Barleycorn public house. The site lies in an area containing a mix of uses including shops, community buildings, open spaces and housing. The tree is a mature specimen and I agree with the Council that it appears to exhibit normal vigour and vitality. No significant defects were visible from ground level at the time of my visit.
5. The tree is one of a group of mature specimens in front of the public house. Although it is located behind a somewhat smaller Willow, which provides some screening when in leaf, this does not prevent the Austrian Pine from being seen from a number of nearby public vantage points. These include the footway of

Tempest Avenue outside the hall lying to the north-west of the site and the Westbrook Farm Play Area which is located within the larger open space to the north of the site. At the time of my visit, the lack of leaves on the Willow meant that the Austrian Pine was also a conspicuous feature when seen from the car park to the west of the public house.

6. In these views, the Austrian Pine is an important component of the above-noted group of trees, which provides a verdant and distinctive setting to the public house and nearby buildings and car park, as well as creating a pleasing contrast with the more open character of Tempest Avenue. Taking the above factors together, I share the Council's view that the Austrian Pine is of high amenity value. Bearing in mind that there are only a small number of mature trees in this group, the Austrian Pine's removal would have a materially damaging effect. Although the appellant proposes to plant a replacement tree, this would take a significant amount of time to achieve an appropriate size and stature. It would not therefore overcome the adverse effects that would result from the felling now proposed.
7. National planning practice guidance states¹ that in general terms the higher the amenity value of the tree and the greater any negative impact of proposed works on amenity, the stronger the reasons that are needed before consent is granted. In the present case, the tree has high amenity value. As such, strong reasons are needed to justify its removal.
8. The appellant cites several factors in justification of the proposed felling. It is accepted that the Austrian Pine lies close to the public house building and that some of its lower branches overhang part of the roof and projecting veranda. At the time of my visit, there was a significant build-up of needles and other debris from the tree on the nearest roof slopes. However, it seems to me that this is a management issue which could be resolved by clearance of the roof area and gutters when necessary. Although such work clearly has a cost implication, it does not amount to a sufficient reason to remove a tree of high amenity value. I do not disagree with the Council's suggestion that an appropriate course of action would be management of the tree's size and impact through a scheme of approved surgery. However, that is not the proposal that is before me in this appeal.
9. I observed on my visit that the block-paved footway running next to the tree has been subject to some lifting. However, as is also apparent from the submitted photographs, this does not amount to a significant level of damage. I share the Council's assessment that the footway could be relaid with an additional root barrier to minimise the danger of trip hazards. Furthermore, while it appears that the damage has been caused by root action, it is by no means clear that all of the lifting has been caused by the Austrian Pine's roots: the footway also runs close to the stem of the Willow.
10. The appellant also raises concern about the effects of the Austrian Pine on the use of the beer garden at the front of the public house. However, the tree's canopy only extends over part of this area, which also partly lies under the canopies of the above-noted Willow and a second Austrian Pine which is located towards the corner of the site (numbered T1 in the appellant's evidence). Shading and falling material arising from tree T2 therefore only affects a

¹ Planning Practice Guidance Ref ID: 36-091-20140306.

limited area of the beer garden. To my mind, the tree's presence does not therefore materially diminish the function of this outdoor area.

11. Concern is also raised about previous damage to the public house building as a result of flooding within the roof. Limited evidence has been provided to demonstrate that this was a direct result of the presence of the disputed tree. Nevertheless, if this was indeed the case, I consider that clearing of fallen tree debris, as described above, would reduce the potential for gutters to be blocked in the future.
12. Taking these matters together, I conclude that the above factors are not sufficient to justify the felling of the disputed Austrian Pine.
13. For the reasons given above, and having regard to all other matters raised, my overall conclusion is that the appeal should not succeed.

M J Hetherington

INSPECTOR