
Appeal Decision

Site visit made on 19 June 2017

by Richard Duggan BSc (Hons) DipTP MRTPI

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

Decision date: 18 July 2017

Appeal Ref: APP/TPO/6064

The Curlews, 2 St Peters Avenue, Northney, Hayling Island, Havant, Hampshire PO11 0SA

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a grant of consent to undertake work to trees protected by a Tree Preservation Order subject to conditions.
 - The appeal is made by Mr R Ball against the decision of Havant Borough Council.
 - The application Ref: APP/17/00023, dated 4 January 2017, was approved on 3 February 2017.
 - Consent was granted for the felling of 3No. Pine trees.
 - The condition in dispute is No 2 which states that: The trees to be felled shall be replaced by three trees – species to be discussed and agreed in writing between the applicant and the Council, and to be planted in a position within the grassed area of garden to the front of the property and at a height of at least 2 metres when such replacement planting is carried out. This tree planting must be carried out during the first planting season following the removal of the Pines.
 - The reason given for the condition is: To conserve and safeguard the visual amenities of the locality.
 - The relevant Tree Preservation Order (TPO) is Tree Preservation Order No. 1513 The Curlew, St Peter's Avenue, Hayling Island, which was confirmed on 11 December 1992.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The Appellant has submitted the incorrect appeal forms for an appeal against a condition attached to a planning consent. Nevertheless, based on the information provided within Section F of the appeal forms, I am clear that the appeal relates to the imposition of condition No 2 attached to planning permission APP/17/00023, and the requirement to plant three trees as replacements to the three Pines to be felled.
3. The main issue in relation to the appeal is whether the disputed condition is reasonable and necessary, having regard to the contribution that the existing trees makes to public amenity and the purpose of the TPO to maintain amenity.

Reasons

4. The area surrounding the appeal property is a quiet residential area. Properties in the vicinity are generally detached houses set within their own modest plots, typically with open plan front gardens containing the occasional tree. These trees are generally of small ornamental species, and with hedges

and shrubs they constitute the principle green landscape features. Trees with the stature of the Pine trees located within the appeal property are uncommon amid the houses in the area, although there are larger trees visible in the middle distance.

5. The row of ten Pine trees are a significant, albeit local landscape feature – significant because of their size, local because they are located within the extensive grounds of the house. There are few trees of similar stature nearby and this gives the row of Pine trees a degree of specimen amenity value in their own right. I am, therefore, satisfied that the Pine trees have local amenity value sufficient to make it reasonable for the Council to seek to maintain a similar tree presence within the garden.
6. The trees to be replaced have amenity value by virtue of their size, form and prominent position within the locality, and I consider that the planting of replacement trees in this location would go some way towards replicating the amenity value of the three Pines. I find that the Council's aim of safeguarding the visual amenities of the area to be reasonable in the circumstances and met by the application of the replanting condition.
7. I accept that there are already a number of other trees within the grounds of the property, some of which are relatively tall mature specimens, but in my view they do not have the same visual prominence and are not an adequate replacement for the trees to be felled in amenity terms.
8. Having regard to all the information before me, I conclude that the felling of the three Pine trees in question without the disputed condition would result in harm to the visual amenities of the area. In the circumstances of the case I conclude that the condition is necessary in order to maintain public amenity. The grounds for the application of the replacement planting condition meets the normal requirements for such conditions and is reasonable and relevant to the circumstances.
9. For the reasons given, I have dismissed this appeal and uphold the replanting condition.

Richard Duggan

INSPECTOR