

Site Address: White Gates, Edward Gardens, Havant, PO9 3JJ
 Proposal: Fell 1 No. Silver Birch tree subject to TPO 1831, within Conservation Area of Old Bedhampton.
 Application Type: Works to TPO Tree
 Application No: APP/23/00844 Expiry Date: 01/01/2024
 Applicant: Mr Copland
 Agent: Case Officer: Peter Slegg
 Ward: Bedhampton

Recommendation: **REFUSE TPO CONSENT**

1 Site Description

White Gates, Edward Gardens, Havant, PO9 3JJ

2 Planning History

99/61266/002 - Notification of intention to crown reduce by 25% two Silver Birch trees within the rear garden of White Gates, Edwards Gardens, Bedhampton. The trees are within Old Bedhampton Conservation Area., RNO,23/12/1999

97/61266/001 - Notification of intention to prune two Silver Birch trees in the rear garden within Old Bedhampton Conservation Area, RNO,03/12/1997

95/61266/000 - Removal of branches of two silver birches to clear building within Mill Lane Conservation Area., RNO,06/10/1995

04/61266/003 - Application to crown reduce by 20% 2x Birch subject of TPO 1526., PERM,10/11/2005

09/61266/004 - To cut overhanging branches of 1No. Birch tree back to the garage roof line, within Old Bedhampton Conservation Area., RNO,01/09/2009

APP/11/01451 - Crown reduce by 2.5m all round, 1No. Silver Birch tree (T1) subject to TPO 1831. , PERM,04/11/2011

APP/11/01465 - Crown reduce by 2.5m all round, 1No. Silver Birch tree within Old Bedhampton Conservation Area. , RNO,08/11/2011

GEN/15/00121 - Conservation Area restrictions for proposed works., ,04/02/2015 15:37:38

GEN/15/00642 - Side extension, 2 storey., ,24/06/2015 15:10:41

APP/15/00910 - Two storey side extension., PERM,27/11/2015

APP/15/01037 - Crown reduce height 1No. Silver Birch (T1) by 2m and lateral branches by 1m, subject to TPO 1831., PERM,06/11/2015

APP/15/01039 - Fell 1No. Silver Birch within Conservation Area of Old Bedhampton., RNO,06/11/2015

APP/15/01400 - Two storey side extension. Request to Discharge of Condition No. 3 of Planning Permission APP/15/00910 (27.11.15).. PERM,05/01/2016

3 Proposal

Fell 1 No. Silver Birch tree subject to TPO 1831, within Conservation Area of Old Bedhampton.

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

Councillor D Guest

Councillor Liz Fairhurst - Bedhampton

Councillor Phillipa Gray

Landscape Team, Havant Borough Council

Planning Application APP/23/00844 White Gates, Edward Gardens, Havant, PO9 3JJ

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No landscape objection.

Kind regards,

Harry Mitchell CMLI
Chartered Landscape Architect
Havant Borough Council

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: 4

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment

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 The report relates specifically to assessing the proposed works drawing upon the information submitted with the application.

7.3 When considering the application the local authority is guided by the national guidance 'Tree Preservation Orders and trees in conservation areas'.

7.4 The national guidance that advises authorities when determining an application to protected trees to consider a range of criteria, which include the amenity value of the tree and the likely impact of the proposal on the amenity of the area; whether the proposal is justified, having regard to the reasons and information put forward in support of the application and potential loss or damage likely to arise if consent is refused.

7.5 The application is for works to a mature birch tree subject to TPO 1831. The tree is visible from the surrounding public areas and makes a positive contribution to the amenity of the local area.

7.6 The government guidance advises that the higher the amenity value of a tree and the greater any negative impact of the proposed works on amenity, the stronger the reasons needed before consent is granted.

7.7 The reasons to remove the tree, are due to the perceived low amenity value of the tree to local area and it not being visible from public areas. The applicant comments that the tree is not rare, approaching the end of its lifespan and inappropriate for the garden, causing excessive shading, inconvenience with leaf and seed fall and the tree encourages pigeons to roost that result in pigeon faeces, which are a health risk to those enjoying the garden.

7.8 The Old Bedhampton Conservation Area Character Appraisal (2019) refers to the importance of protected trees as a feature of the conservation area. The loss of trees within the public domain and private garden setting is highlighted as an issue and trees along Edwardian Gardens are specifically referenced in the Character Appraisal as contributing to the character and appearance of the area.

7.9 The tree has been subject to previous applications to manage it to a suitable size considering the space available, which has enabled the tree to be retained and the owner/occupier to have a positive usage of the garden (APP/15/01037 and APP/11/01451).

7.10 A repeat of previous pruning works could be an alternative to the removal of the tree and would address some of the issues raised by the applicant such as low hanging branches and excessive shading into the garden area. The removal of a tree for the inconvenience of leaf and seed fall is not considered a justifiable reason to remove a tree, but a natural phenomenon that should be expected when living around trees.

7.11 The applicant also highlights the concerns with bird droppings in the rear garden and the impact this could have on the health of those using the garden. However, bird droppings are a natural process that occurs in urban environments, and it is not considered appropriate to remove a tree for this reason, although it might be troublesome.

7.12 The applicant queries if the tree is worthy of its TPO status with it being such a common species, having no cultural or historical significance and approaching the end of its lifespan. The local authorities Landscape Architect has also commented on the application stating that they have no objection to the removal of the tree. This supports the applicant view that the tree has a very low amenity value to the local area.

7.13 However, it is the officer opinion that the tree is showing no signs of ill health and the reasons to remove the tree are not of sufficient weight to justify its removal. The tree does contribute to the amenity value of the local area, and the issues highlighted by the applicant could, in some respects, be alleviated by undertaking appropriate pruning works, as have previously been agreed.

7.14 Whilst there are other mature trees within the vicinity, the proposed work would have a detrimental impact on the amenity value of the area and harm the character and appearance of the Conservation Area. The removal of the tree would not be in accordance with Policy CS11 and DM8 of the Core Strategy (2011).

8 Conclusion

It is recommended that the works to the tree should be refused consent.

9 RECOMMENDATION:

That the Executive Head of Place be authorised to **REFUSE TPO CONSENT** for application APP/23/00844 for the following reason:

- 1 The tree is an important feature in the local landscape and appears to be in adequately sound and healthy condition. The proposed works would have a detrimental impact to the visual amenity of the area and contradict the and harm the heritage asset of Old Bedhampton Conservation Area. It is therefore contrary to policy CS11 and DM8 of the Havant Borough Core Strategy 2011 and the National Planning Policy Framework.