

Recommendation: **GRANT TPO CONSENT**

Councillor Joanne Thomas

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: 5

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 18

Comment	Officer Comment
I strongly object and have supplied a formal letter to Council representatives for inclusion in the consultation period.	
I am writing with strong opposition to the application submitted by Mr. Clements of 18 Warren Close that seeks to roll back protections afforded by TPO 2112. Thank you for this opportunity to comment on the negative impact this proposed work would have on the surrounding environment. This application provides a perfect example for why Tree Preservation Orders are beneficial, even necessary, in our community and why I personally sought to protect this specific, significant oak tree nearly one year ago. It is my understanding that in order to alter a tree that is protected by a TPO a private citizen must provide evidence that it is dead, dying, or dangerous and that changes will not adversely affect the amenity value afforded by it. I am writing to assure the Council that none of these are true (or suggested in good faith) with regard to the oak along Havant Footpath 95 and that approving the self-serving desires of this applicant will be detrimental to the tree itself, widespread environmental health, and the appreciation of homeowners and visitors in the surrounding community.	Noted

I live on a property that immediately borders this tree. I have lived here for three years and have firsthand knowledge of the aesthetic merit, seasonal changes, wildlife habits, adjacent public trail activity, and storm resilience of this specific tree. I also have firsthand knowledge of activities of the bordering previous and new owners at 18 Warren Close that illustrate some of the fallacious and overstepping claims submitted by the applicant. Below, I will address pertinent details acquired through observations, research, and conversations that will demonstrate the faultiness of this application. Additionally, as a photographer, I have built a substantial record of imagery to document this specific tree over the last year, to illustrate and defend its strength and the value in maintaining its protection. Upon request, I can supply the Council officers with numerous images of the tree, the path surrounding the tree, neighbouring property perspectives, and relevant considerations for the current and previous property conditions of 18 Warren Close.

Relevant Environmental Details-

Location- This Quercus Robur Oak Tree located on the opposite side of the public footpath from 18 Warren Close does not impede the safe passage of travellers through the area. The trunk of this tree does not touch or encroach on any property border, wall, or any existing structure in the area. The branches of this tree- at their furthest extent- come nowhere near hanging over, touching, imposing upon, or impacting any structure within the property boundaries of 18 Warren Close. In actuality, the absolute farthest reach of the tips of the crown- including twigs and leaves- falls short more than 3 full metres away from any portion of the conservatory building and/or patio area at the rear of the housing structure.

As such, no building or premises on the property is at risk of damage or any real threats from this tree.

Health- This is a healthy tree. The branches that cross over the property border at 18 Warren Close from this protected tree are healthy. All of the limbs being flagged for removal by Mr. Clements currently exhibit easy-observable signs of strong and healthy leaf and acorn growth. Photographs throughout previous seasons of the year exhibit the same. This is a healthy, natural-growing tree with no dead, dying, or dangerous limbs, as Mr. Clements claims. This tree certainly does not display widespread death, decay, or danger that would warrant the vaguely proposed, widespread, 3-metre removal of all limbs crossing the threshold of his property line.

Previous activity- Mr. Clements recently engaged a tree cutter to remove a significant number of large, healthy limbs from the tree just adjacent to this protected oak. These limbs were removed nearly flush to the property line. As with this protected oak, that tree's crown reach also posed no threat of danger or destruction to property and was, for all intents and purposes, alive and thriving. As this adjacent tree did not have a TPO in place, no neighbours were afforded the ability to oppose the negative effects that this sweeping environmental change would have on the universal enjoyment of the surrounding area. To allow a similar fate to befall this neighbouring tree would significantly spoil the enjoyment of all properties in the surround.

(Continued on additional post)

Among other lacking household maintenance, for at least two full years, the gutters were never cleaned or even inspected. The grass in the rear of the garden was all but gone due to a large, active dog, and the pet droppings and seasonally shed foliage were never raked or removed. As such, I can confirm that any observable damage to housing structures (gutters) or grounds were from long term homeowner neglect and unrelated to a "dead," "dying," or "dangerous" tree.

*Photographic evidence of the external house state of disrepair can be provided from the original Estate Agent listing for the property.

Vacancy period- After the former property owners exited their dwelling (in 2019), for one full year the property at 18 Warren Close sat vacant [unsuccessfully sold]. Small sections of the grass were mown a handful of times during that period, but absolutely no additional repair, maintenance, or cleaning was conducted on the exterior grounds. What existed on the property upon ownership transfer to Mr. Clements was indicative of more than 12 months of accumulated garden debris (due to vacancy) and more than 2 years of owner neglect. I can confirm that the garden was in a miserable state upon ownership transfer, however, it all would be reasonably expected when taking over a neglected property situated amongst healthy, deciduous trees.

*Photographic evidence can be provided to show the state of disrepair during the months the property was vacant.

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No damage from tree- Over the course of that entire year of vacancy, it is worth nothing that there were absolutely no branches, limbs, or damaged tree structures that fell or destroyed any part of the property at 18 Warren Close, the surrounding properties, or the public footpath. In fact, while other smaller and weaker trees and shrubs didn't survive the multiple threats by high windstorms throughout the year, this oak tree remained unaffected. Most recently, during the significant windstorm of May 3-4, 2021, this tree shed absolutely no limbs, branches, or any debris of significant size. *Photographic evidence can be provided to depict the condition of the surrounding area immediately following the storm.

Knowledge of TPO- This Tree Preservation Order was in place prior to the purchase of 18 Warren Close by Mr. Clements. Care was taken by multiple neighbours to ensure that the Estate Agent was made aware of this status, documentation was supplied to the physical residence, and the tree was labeled directly on site. As such, due to considerable efforts made by surrounding neighbours (in support of preserving the tree), Mr. Clements was clearly informed that he was purchasing a property adjacent to a tree with protected status.

Lack of concern for tree- Mr. Clements has recently taken considerable liberties in removing a significant number of healthy limbs from the large tree immediately adjacent to this oak and also along the footpath. It is blatantly obvious that the multitude of healthy limbs were *all* desired to just be removed flush to the property line [and, in actuality, inspection reveals they were severed at points quite a distance beyond the legal property border]. What Mr. Clements has done to this adjacent tree provides a strong indication (through precedent) for his true intentions with these proposed

changes to the protected oak. It does not take a far stretch of the imagination to surmise that the described "need" to dramatically change the oak in the exact same way he did the adjacent tree is simply based on a desire to clear vegetation as much as possible, for any reason other than the unsupported claims of poor tree condition or unsubstantiated threat. How intriguing that Mr. Clements seems to find every single large overhanging tree limb (from trees not growing on his property) are *all* apparently "dangerous" and requiring immediate clearance- all the way to (and only as far as) the property line...

Stated values- Within casual discussions with both Mr. and Mrs. Clements, it has been mentioned that in buying 18 Warren Close they wished to reduce their garden upkeep requirements. Mrs. Clements has mentioned specifically she has no experience or interest in gardening. Mr. Clements shared that they elected to buy a house with a reduced garden size, as he was tired of performing and being consumed by maintenance. One can only assume that picking up the seasonal leaves and acorn droppings from a large, healthy oak tree doesn't closely align with the desire to lessen responsibilities and might prompt one to attempt to simply try to remove the "problematic" limbs altogether.

Future building intentions- As has been resoundingly shared to their neighbours and guests, the owners at 18 Warren Close have intentions to reduce their garden size significantly by placing a room extension on the rear of the house and to replace a portion of the existing garden with decking that would extend further to the rear of their property. One could deduce that removing a significant amount of this oak's healthy limbs would dramatically suit the desires to reduce upkeep to future building structures- that are planned to extend out under the tree's current shadow.

Unsuitable positioning- Mr. and Mrs. Clements have both mentioned their displeasure with the lack of healthy grass in their rear garden. With years of neglect, pet traffic, multiple trees in the area, recent flooding due to heavy rainfall, and a clay-like soil base, it is unreasonable to expect that successfully growing grass will instantly occur without significant effort. Knowing this frustration with the state of the groundcover, one might suspect that this proposal to remove significant limbs above the property is being made in an attempt to gain more light. It is worth noting that these homeowners previously lived in a west-facing property. The property at 18 Warren Close faces south and does not enjoy a significant amount of direct light in the late afternoons or evenings, due to the design of neighbouring structures and healthy vegetation in the surrounds. No amount of oak branch removal will alter the fact that this new property they purchased does not allow for full afternoon and/or evening sun. If a suspected true intent for altering this protected oak tree is to secure better light for the rear of 18 Warren Close, the law does not support this request and it must be denied.

(Continued on additional post)

(Continued)

Concerns-

No expert collaboration- Mr. Clements has not provided any formal written statement from a qualified tree surgeon to confirm, explain, or support the claims he has casually submitted that "there are quite a lot of dead branches."

Too general a request- Mr. Clements has not provided a specific photograph or diagram depicting the exact limbs he considers to be dead, dying, or dangerous and the exact point at which

he intends to make the removal. Simply stating a plan "to reduce back the overhanging of the oak tree by 3 meters or to the boundary line on the north sector" is too general in scope, suspicious in intent, and open to abuse.

No supporting impact report- Mr. Clements has not provided any analysis or evidence that would reference the impact such substantial removals would have on the continued health of the tree. Again, the request he makes to remove such significant amounts of the limbs, branches, and crown will most definitely impact the strength, growth, and continued success of this (currently healthy) tree. A trained specialist should have been engaged to proactively and carefully consider any requested changes of this magnitude. Not engaging this kind of professional or providing written evidence demonstrates a lack of care for the health and potential damage that could result from overambitious trimming.

No supplied proof of damage- Mr. Clements states that "over this last winter we have had lots of branches and tree debris come off the tree and come into the property," however, he does not supply any evidence of such. I believe his claims are exaggerated if not completely fabricated. This tree is a deciduous oak tree. Oak trees characteristically shed leaves, acorns, and small twigs. This is all reasonably anticipated debris that one would expect when choosing to purchase a property that is surrounded by nature and deciduous trees, specifically. Simply not enjoying the need to clean up one's own property from the seasonal cycle of a healthy oak tree does not provide a valid reason to just remove or destroy the tree altogether. Again, if performing garden maintenance due to proximity to a tree was undesirable, Mr. Clements could have chosen to purchase a property with less surrounding vegetation or

opted for a property located somewhere other than next to a healthy deciduous oak with a TPO in place.

Summary-

Mr. Clements has fallen short in his proving his claims that this tree is dead, dying, dangerous, or threatening any structure, person, or property. No evidence has been provided for any of the above. There is plenty of evidence, however, that approval of this application would be to the detriment of the surrounding environment, wildlife, neighbours, and community.

As such, I am submitting this strong opposition to what seems to be simply the private, self-serving interests of an opportunistic new property owner. I urge the Council to refuse this broad, sweeping plan to single-handedly destroy what is- frankly- one of the most redeeming features surrounding the property at 18 Warren Close and those others immediately bordering.

Again, I am more than happy to provide any and all of the previously referenced photographic evidence to the Council if it would be beneficial in upholding protection of this beautiful tree. Prior to applying for this tree's TPO last year, I spoke with multiple Woodland Trust and environmental/tree experts in the country. While this tree is not currently qualified for protection under the umbrella of ancient woodlands or veteran growth, all of the experts encouraged me to secure a TPO for this specific tree, due to its age, size, health, and location. A TPO was described to me as the only way to prevent the reckless, overzealous actions of private landowners that can cause irreversible damage to non-ancient trees located outside wildlife protection areas. Clearly, their advice and concerns were wholly appropriate.

This tree needed (and continues to need) stringent TPO protection, and this particular application clearly demonstrates all of the reasons why.	
As previous commenters have taken the time to post about the condition of the footpath (overgrowth and fly tipping, etc.), it is worth nothing that the same person that secured the TPO for this tree has been diligently seeking Council assistance (for 6 months) to investigate and clear the fly-tipped household rubbish located in the immediate surrounds of this TPO tree. The same person who secured the TPO for this tree has personally filled nearly a dozen rubbish bags with waste (broken glass, rusty wire, asbestos pieces) that was fly-tipped directly in the way of safe footpath passage. The same person who secured this TPO has actively raked, trimmed, and removed hazardous low-hanging twigs, fallen sharp fencing, encroaching thorny vines, and rubbish from the only area of the footpath that can visibly be considered "cleaned" or "maintained," as is the responsibility of all bordering landowners. The same person who secured this TPO has personally rescued and transported a gravely-injured hedgehog whose leg was severed from recently fly-tipped waste along the path. (Sadly- this particular animal needed to be euthanized due to the extent of injuries.) The same person who secured this TPO has witnessed surrounding landowners sever branches along the footpath and not take responsibility to fully remove the debris. (Some are still currently visible on the path beneath the tree recently limbed by the applicant.)	

The same person who secured this TPO regularly cleans up rubbish washed up along the harbour shore and left behind by beachgoers at the seafront.

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Some people do work to improve the environment- cleaning up after and preventing the careless actions of others- for the betterment of all.

Others just destroy and dump their messes, responsibilities, and damage onto others- with no regard for the current or future enjoyment of anyone else.

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This TPO was not randomly put in place to just make sure **nothing** is ever changed. It was put in place because the actions of others in the area have demonstrated it **needs** to be.

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As there seems to suddenly be new widespread concern for the footpath and conditions resulting from action or inaction by landowners and users in the area, I encourage all commenters here to personally reach out to the relevant Havant Borough Council and Hampshire County Council departments who deal with path maintenance, fly-tipping, etc. It's important to raise your voice in a way that is heard by the appropriate ears, if you wish to affect real change.

Thank you for your letter of 23rd April re the above. I can confirm I have no objection to the request of the owner of 18 Warren Close in trimming the Oak tree on its northern side. It's very sensible as those trees are growing every year very fast without a control policy in place. With myself I would like a similar permission as I have lost two fruit trees due to, I am told, lack of water by the oak tree sheltering the apple tree.	Noted
Totally agree that the oak tree needs to be tidied up along with the rest of the public footpath. A lot of unmaintained trees and bushes, and flytipping behind properties.	Noted
I am writing in response to the application by Mr Clements of 18 Warren Close for permission to alter the Oak tree protected under TPO 2112 . In my opinion, it would be pure vandalism to allow any cutting of branches on this protected oak tree. The tree is not in a dead or dying or dangerous condition as Mr Clements has claimed in his application. Currently, every single branch has green buds (leaves and acorns) sprouting from it, and none of the limbs show any risks of breaking. The high winds over the recent May bank holiday weekend have served to prove this extremely well. We paid close attention to all the trees around us during this time (as we always do), and no branches, large or small, fell from this tree or any others in the immediate surrounding area. With regard to the stated concerns for potential damage from falling limbs/branches, I believe this would be extremely unlikely. In the 3 years I have lived next to this protected oak, the area has seen many bouts of storms and gales, several quite extreme, and no branches have even given a hint they might be likely to break.	Noted

As for leaves in guttering and in the garden, this complaint comes down to standard household maintenance and care. It falls under the same considerations as mowing the lawn, repairing walls and fences, and painting/cleaning the outside walls and fittings. Being annoyed by cleaning up fallen leaves and deciduous tree debris is NOT a reason to cut a large number of healthy branches. It is just pure laziness on the part of the homeowner. If Mr. Clements is unwilling to do garden work, or is unable to physically do the work, then employing a gardener/handyman to take care of the trickier parts would be a more appropriate course of action. As the new homeowners at 18 Warren Close have already had several sets of contractors working around the house since moving in (fencing, paving etc), I'm assuming they have the means and motivation to do this.

Make no mistake about it, even if they manage to remove half of this protected oak tree, the wind carries leaves long distances. The fact that none of this protected oak tree overhangs any part of their gutters and they have found leaves in them proves this. Plus, the other trees and bushes surrounding the property are just as capable of producing debris and a mess that continue to create continued attention to garden cleaning. Destroying parts of this protected tree will not change this.

Putting aside the false claims by Mr Clements, I must express how much pleasure this oak tree provides to us. It is visible from many neighbouring houses, and holds a strong focal point between 2 sets of gardens on either side of the public footpath at the rear of adjacent properties. We have mentioned this application to some of our neighbours who were not directly notified and all were shocked that someone would want to cut so much,

and ruin the look and health of the tree. In your consideration process, please recognize that this protected oak tree is also home to many birds and other local wildlife, with nests made in the branches... some of which have already been displaced by the previous cutting by Mr Clements of the clearly healthy and strong branches from an adjacent tree not protected by a TPO. These adjustments were done in an arbitrary "cut to the boundary line" manner as is mentioned in the application, with no real thought as to how this would look or affect anyone else's enjoyment. I feel this also highlights the attitude of the chosen "Tree Surgeon", with his willingness to simply cut where told to. If this is the same person that claims the tree is dead and dangerous, then I have no confidence that he should be trusted with undertaking work on any tree of this age and importance. The TPO was put on the tree to protect it. If it needed attention to save it from disease or damage, I would have no issues. But this application is not about the welfare of the tree. It is only about saving a homeowner from doing some basic garden work and to reduce the cleaning of his proposed extension once it is built.	
Re application for surgery on oak tree, Having moved to Warren Close from the countryside, I have had a great deal of pleasure from the trees I can see from my windows. The tree to which this application refers is a perfectly shaped tree in good health, and to carry out surgery as described, to suit the owners of No 18 seems like pure vandalism. We all know the value of trees these days and I am very much against this work being carried out. Yours REDACTED	Noted

Planning application APP/21/00280 TPO 2112 Mature Oak adjacent to footpath to rear of 18 Warren Close Dear Sirs The Oak tree, subject to this application is situated on an important bird migration route close to first landfall, it is also used by the local population of Great-Spotted Woodpeckers, for whom the presence of deadwood provides essential insect food. It is surprising that this tree, so recently granted a TPO, could be thought to be dangerous. The applicant provides no evidence of this and despite having consulted a tree surgeon, has not submitted their assessment . The letter supporting this application suggests that the intention is to cut the tree back to the applicant's boundary line removing live and dead wood indiscriminately. This is not in the interest of the tree, nor directly associated with public safety I would ask for this application to be refused.	Noted
I am in full support of this oak tree being professionally pruned and maintained. For oak trees to remain healthy they need to be pruned regularly to remove dead, diseased, or damaged branches and to thin out the canopy - this is just basic maintenance in favor of the tree's long term health. It requires work to keep an old oak tree in it's best health, safe and strong and I think that it a commendable that Mr Clements is investing in the long term health of this tree. Walking behind the houses on Warren Close I note that the tree in question does have dead branches that are situated over the garden of 18 Warren Close, a falling oak branch could be fatal to a family pet or person. I also noted that the oak tree directly behind 15 Warren Close has been trimmed back so that it does no protrude over the garden - I can only assume that	Noted

same can be done for number 18. Overall I think that it is in the best interest of the tree and for the safety of those that live near tree for it to be trimmed and maintained in the correct manner. The request is NOT to cut the tree down, as some of the less useful public comments have indicated, nor is it vandalism, it is requesting that basic tree maintenance be completed by a professional tree surgeon.	
I am in full support of this oak tree being professionally pruned and maintained. I completely understand why Mr Clements would not want this large tree hanging over his garden - if nothing else it is a safety issue. You should not wait for tree branches to die and fall on people - the tree needs regular preventative pruning. No birds nest is oak trees other than hawks and the area is too built up for them to nest. I have seen that other large oak trees in and around Warren Close have been pruned, I am not sure why this one shouldn't also be maintained.	Noted
I am in full support of this oak tree being professionally pruned and maintained. I completely understand why Mr Clements would not want this large tree hanging over his garden - if nothing else it is a safety issue. You should not wait for tree branches to die and fall on people - the tree needs regular preventative pruning. No birds nest is oak trees other than hawks and the area is too built up for them to nest. I have seen that other large oak trees in and around Warren Close have been pruned, I am not sure why this one shouldn't also be maintained.	Noted

This appears to be a lovely old oak tree in a nice location on Hayling Island. I occasionally use the footpath upon which it is situated, and have also seen the extent of its crown. I am surprised by the amount, and volatility, of negative comments on the subject. It appears to be a simple case of a homeowner trimming/managing a tree that is overhanging their property, albeit with a TPO in place. I support this application, and hope that the trim is done professionally and courteously	Noted
I strongly support the tree being pruned and cut back. No birds nest in oak and it is a safety hazard to have old oak trees hanging into people's gardens. Trim the tree.	Noted
This is basic preventative pruning being requested by someone that doesn't want a tree hanging in their garden - which I completely understand. You don't wait for branches to completely die before trimming them. Trimming this tree back will have ZERO impact to the the community of Warren Close but it will stop leaves and dead branches dropping in the garden on 18 Warren Close. Some of the comments on here are pathetic and completely unreasonable - the shape of the tree being nice to look at is not a good enough reason, neither is someone moving from the countryside and liking the look of trees... I am bewildered. On the subject of wildlife, there are numerous large (trimmed) oak trees in and around Warren Close that wood peckers can feed from - trimming this one tree (that will still remain after it has been trimmed) will have no impact to the wildlife around Warren Close.	Noted

I fully support this application and looking at the pictures completely understand why Mr Clements wants to prune the tree.	
I support this application. I am concerned by the personal nature of some of these comments, making inferences about Mr. Clements' finances or ability to garden surely has nothing to do with a tree and seems more of a personal attack. One comment states that Mr. Clements is relatively new to the area, well I feel bad for him to have such toxic and volatile neighbors. If I lived in Warren Close I'd be more upset by the ugly pallet fence that has been recently erected. I am not sure if Mr. Clements has pets or children but I sympathise with his situation and not wanting this tree dropping debris into his garden - the photograph provided clearly demonstrates how far the tree hangs over. I think that the neighbours should take joy in looking at some of the other trees in the area and leave Mr. Clements and his family alone.	Noted
Havant Borough Council require the Applicant to provide written arboricultural advice or other diagnostic information from an appropriate expert to advise that the tree covered by a TPO is diseased or that there are branches which might break or fall. The Applicant has not provided this information with his Application. The Application is for works on a tree that is located by the side of a public footpath close to bungalows in Warren Close. As the tree is on public land it is Havant Borough Council's responsibility to ensure that the tree poses no risk of injury or death to pedestrians or cyclists using the public footpath or to residents in the gardens of neighbouring property and that the tree poses no risk of damage to	Noted

neighbouring property.	
The works on the tree are not the responsibility of Mr Clements.	
Can't see a problem with reducing the limbs on this tree Cannot see why it should harm birds and wildlife Think the tree will benefit	Noted
Don't have a problem all they won't is to cut back branches from there garden to give the sun to come in and keep garden and guttering clear and have no over hang on there garden not looking to take out and not have at all the oak tree does need trimming in it's life time to be kept under control from time to time this won't affect the oak at all there just wonting to clear from there garden thanks	Noted
Mr Clements should be able to trim the branches that hang over his garden. I am in complete support of this application. Sounds like the people objecting on here need to focus their comments - we don't care about you litter picking on beaches.	Noted
This is a very off personal attack on the applicant. As a barrister I would be happy to follow up on the subsequent harassment he seems to be reviewing. If the tree is encroaching on the property even with a preservation order, this tree can be cut reasonably regardless	Noted
This tree many years ago grew over my property. I'm appalled from reading the negative comments and outright slander from other occupants at warren close who objected the simple trimming of a tree. Having a doctorate in 2 area of Silvology and in Forest Dendrology.	Noted

I cant stress the absolute trollop that has been written for reasons that this tree should be left alone. If anything it will encourage growth and deter unwanted diseased branches that could potentially cause an early death. nesting birds in this coastal area generally do not prefer Oak as a home. Im actually very surprised the council agreed to place a TPO on this tree in the first place considering its location. My main point that I wanted express was that I had this tree trimmed 15 years ago and its thrived. Trimming this tree poses no threat to any of the surrounding area, and would in turn benefit massively for future growth. Whoever apposes this is ignorant and should carry out thorough research before coming up with what I can only describe as a load of rubbish. This is coming from someone that has studied forestry for 67 years and has published work that has used for studies at Cambridge university. I have read all the Comments and I can only see this as a personal attack on the applicant. Such a shame as you would think that new neighbours who are trying yo get their home how they envision would be made to feel welcome. In this case it seems much the opposite. (disgraceful) If this is met with objection I would happily use my contacts within the local government to see his tree trimmed, Petty I know but its seems nowadays you have to fight fire with fire. Regards REDACTED

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 to undertake work to a tree protected by a Tree Preservation Order relates to the proposed pruning of one Oak tree located outside of the applicants property on the far side of a public footpath which runs along the rear of the property.

The applicant wishes to reduce the overhang over the garden to reduce debris and dead branches falling, and to manage the tree. It was noted once the application had been validated that the applicant had ticked yes that he had concerns about the health of the tree but had not provided written arboricultural advice from an appropriate expert. This has since been revised and the applicant has confirmed he does not have concerns about the overall condition of the tree, therefore written evidence from an appropriate expert is not required.

A number of letters of objection and support have been received. Not all comments relate purely to the tree and it should be noted that the Arboricultural Officer is only dealing with the application based on the tree work proposed and its overall impact that it may or may not have on the tree and its amenity value. No other comments will be considered.

When a Tree Preservation Order is in place it does not stop all work being undertaken for the lifetime of the tree. What it does mean is that should an individual wish to apply to prune or fell a tree they are required to submit a formal application to the Council for decision.

Every submitted application is based on its own merits and if needed a site visit is undertaken. The assessment made for applications to prune are based on whether the work will negatively affect the tree or not in terms of its health and amenity value, and if it is reasonable and appropriate to allow the work to be undertaken based on its surroundings and location.

Dead branches are exempt from the need for an application.

In this case the applicant's reasons given for the work are that he wishes to prune back overhanging branches to reduce debris and dead branches falling and that it needs managing. He has also supplied photos of gutters being damaged.

The Arboricultural Officer and Arboriculture Manager visited the property and assessed the works proposed. Upon inspection the tree appeared to be in a reasonable condition with good vigour and vitality. It extends significantly over the garden area making it a dominant presence in the garden. Whilst no significant dead wood was noted it would be unreasonable not to allow a limited reduction of the laterals over the garden area in order to reduce its dominance. It is agreed that leaf litter and debris will always occur, however a slight reduction of the lateral branches may ease this a little. Measures such as gutter guards could also assist with this moving forward.

The applicant had applied to reduce by up to 3m however with his agreement this has been amended to a 2.5m reduction and to suitable growth points. It is considered that this work will not have a negative impact on the health or amenity value of the tree. If anything, it will encourage more re-growth.

Some comments received related to birds using the tree, to nest or perch. This is not a material consideration when deciding an application for tree work however nesting birds are protected by the Wildlife and Countryside Act 1981. The responsibility for ensuring there are no nesting birds falls with the tree surgeon.

8 Conclusion

The work proposed is considered to be minor tree surgery and it will not have a negative impact on the health or the amenity value of the tree. The tree significantly overhangs a modest sized garden and the reduction will allow for a more harmonious relationship between the tree and the residents. For these reasons permission should be granted.

9 RECOMMENDATION:

That the Head of Neighbourhood Support be authorised to **GRANT TPO CONSENT** for application APP/21/00280 subject to the following conditions

- 1 The tree works for which consent is hereby granted shall not be carried out otherwise than in full accordance with all relevant content of BS 3998 (2010).

Reason: In the interests of tree health and safety.

- 2 The tree works for which consent is hereby granted shall be carried out and completed no later than one year from the date of this decision notice.

Reason: To control the timing of the works.