



Appeal Decision

Site visit made on 26 July 2016

by Jonathan Fulcher

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

Decision date: 31 August 2016

Appeal Ref: APP/TPO/X1735/5245

37 Far Meadow Way, Emsworth, Hampshire PO10 7PA

- 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 (TPO).
- The appeal is made by Mr Michael Reed of All Tree Solutions as agent for Mrs Tredray against Havant Borough Council.
- The application dated 29 January 2016 ref: APP/16/00102 was refused by notice dated 14 March 2016.
- The proposed work is the felling of a beech tree.
- The relevant TPO is the Council of the Borough of Havant Tree Preservation Order No. 1076 Brook Farm, 12a Barn Close and 147 Brook Gardens, Emsworth which was confirmed on 31 October 1981.

Decision

1. I allow the appeal and grant consent for the felling of the beech tree subject to the following condition: -
 - (1) This consent is valid for two years from the date of this decision after which the consent lapses.

Main Issues

1. In my view the main issues in this case are: -
 - i) The effect of the proposed felling on the local landscape and on the visual amenities of the locality; and
 - ii) Whether or not there are sufficient grounds for the works as proposed.

Reasons

Effects of proposed works on amenity

2. The appeal tree is a maturing copper beech tree of about 12m in height standing in the rear garden of 37 Far Meadow Way. The crown has been reduced overall, giving the initial impression of a ball of purple foliage on a grey trunk. The tree appears to be in normal health and condition for the species. The tree is visible from the quiet residential cul-de-sac of Far Meadow Way and from the similarly quiet residential cul-de-sac of Brook Gardens to the south west. From views from the street it is generally the upper parts of the crown that are visible, with occasional glimpses between

building of the whole crown and part of the trunk. As a tree in a back garden with dwellings and gardens in most directions the appeal tree is not particularly prominent and has moderate and very local amenity value in terms of its visibility as an individual specimen. Its contribution to the pleasant character of the local landscape is diminished by its form, which has taken away its originally natural character and given instead a large purple bush on a stick. I find that the appeal tree has moderate amenity value in terms of its visibility and that its removal would have a small adverse effect on the local landscape and on the visual amenities of the locality.

Grounds for the proposed works

3. The application refers to the appeal tree having outgrown its position. To judge by the age of the tree and the age of the dwelling, it seems likely that the tree predates the dwelling by many years. I have not seen evidence to show the surroundings of the tree prior to development, but putting the dwelling at 37 Far Meadow Way appears to have significantly constrained the prospects for the sustainable natural form and habit of the appeal tree. This is apparent by the crown reduction management to date and by the reference in the Council's decision to management of the tree's size and impact through a scheme of approved surgery.
4. I agree that the appeal tree dominates the garden. The rear garden of 37 Far Meadow Way is of the modest proportions typical of reasonably recent medium density residential development. The tree is clearly the dominant feature in the garden, with mounding of the lawn up to the small cleared area around the base of the tree.
5. In amenity terms the tree is neither one thing nor another. On the one hand its pruning history has taken away the natural form and character that would have enhanced its contribution to the local landscape. On the other it is not a small ornamental species suitable for a modest garden. The literal cost of keeping the tree is regular pruning which continues to reinforce the comparatively unnatural form of the tree and to compromise its amenity contribution to the local landscape.
6. I conclude that the reasons for felling outweigh the amenity value of the appeal tree and that I should allow this appeal.
7. I note that the Council and the appellant's agent have set out proposals for replacement planting in the event that the appeal is allowed. The agent's suggested replacements are small oriental species typically of upright habit. I can see no value in planting a replacement tree at or near the same place as the appeal tree. If the intention was that such a tree should come to replicate any lost amenity, it would need to grow to a size that would be highly likely to replicate the circumstances that have led to this appeal. If the replacement were of a species as suggested by the agent, it would be unlikely to develop sufficient amenity value to warrant protection by a TPO. In consideration of the circumstances I will not add a condition to this decision requiring replacement planting.

Conclusions

8. The appeal copper beech tree makes a modest contribution to the local landscape and the proposed felling is likely to have a modest adverse effect on the local landscape and on the visual amenities of the locality.
9. On the basis of the evidence I have seen I find that the reasons for felling outweigh the amenity value of the tree and warrant the proposed works.
10. I conclude that the proposed felling of the appeal copper beech tree is warranted on the evidence and I therefore allow the appeal subject to a condition.

Jonathan Fulcher

Arboricultural Inspector