



Appeal Decision

Site visit made on 18 August 2015

by **Jonathan Fulcher**

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

Decision date: 29 September 2015



Appeal Ref: APP/TPO/X1735/4573

5a Mill Lane, Langstone, Havant, Hampshire PO9 1RX

- 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 works to a tree protected by a Tree Preservation Order (TPO).
- The appeal is made by Mr Kevin Cloud of Technical Arboriculture Limited as agent for Mr Brian Holton against Havant Borough Council.
- The application dated 9 February 2015 Ref: APP/15/00159 was refused by notice dated 2 April 2015.
- The proposed work is the felling of a walnut tree.
- The relevant TPO is the Borough of Havant TPO No 1284 5 Mill Lane Langstone which was confirmed on 1 August 1986.
- The site of the appeal tree is within the Mill Lane (Langstone) Conservation Area.

Decision

1. I allow the appeal and grant consent for the felling of the walnut tree subject to the following conditions:
 - (1) A replacement tree shall be planted in the rear garden at or near the same place as the appeal tree. The replacement tree shall be of a size and species to be agreed in writing with the local planning authority and shall be planted within 12 months of the date of the removal of the walnut tree hereby permitted.
 - (2) This consent is valid for two years from the date of this decision after which the consent lapses.

Main Issues

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

Reasons

Effects of proposed works on amenity

3. The appeal tree is a walnut in early maturity, of about 10-11m in height, standing in a brick-edged raised bed close to the rear south elevation of the dwelling at 5a Mill Lane. The trunk of the tree divides at about 1.5m to give a

moderately broad crown. There is evidence of die-back and dead wood throughout the crown, with weeping lesions in places on trunks and branches, and minor damage in the upper crown. The crown looks slightly thin compared with the norm for the species. The appeal tree is visible from a short section of the pedestrian and cycle way (the Hayling Billy Trail) running along the east side of the curtilage of 5a Mill Lane. This route has trees and vegetation along both sides which limit views from the trail, and restrict views of the appeal tree to a short section of the trail. Otherwise the appeal tree is not particularly perceptible or significant from public views; and there are no significant views of the appeal tree from nearby private properties. The appeal tree makes a small contribution to the local landscape and its loss would have a small adverse effect on the visual amenities of the locality and on the character of the Conservation Area.

Grounds for the proposed works

4. The application submissions aver that the appeal tree is in decline, and the symptoms visible at the time of my site visit suggest that this is a reasonable assessment. The report by Technical Arboriculture in support of the application refers to bark damage, peeling bark, weeping lesions, minor localised decay, dead wood and die-back, with a sparse crown at various points and a lessening of crown density. I agree with the report's conclusions that the evidence points to decline, with a limited useful retention span.
5. I also agree that remedial pruning is unlikely to be successful. For a tree in decline, foliage is key to vitality. Pruning that removes foliage is likely to reduce vitality, usually in proportion to the degree of pruning. For a tree already in chronic decline, 'remedial' pruning has the potential to tip the tree into acute decline. That risk seems to me to apply to the appeal walnut tree.
6. The Council's officer report asserts that the appeal tree can be seen clearly from the trail and from surrounding gardens. I accept that the tree can be seen clearly from the trail, but from a very short section of the trail, from where the tree is not particularly remarkable. Visibility from surrounding properties is very limited, by the intervening dense vegetation and by the distances and orientations of dwellings on the east side of the trail and the west side of Mill Lane. I am satisfied that the comment in the Technical Arboriculture report about the limited degree of public visibility of the appeal tree is a reasonable assessment. The Council's conclusion that the appeal tree is a significant feature in the local landscape does not appear to be supported by the evidence I have seen.
7. On balance and on the evidence from my site visit and the application submissions that I have seen I find that the reasons for felling outweigh the amenity value of the appeal tree.
8. The application suggested a replacement tree, and the TPO appeal questionnaire from the Council set out an appropriate condition that they would find acceptable in the event that the appeal is allowed. A replacement tree has the potential to continue the amenity contribution of the appeal walnut in the longer term and conserve and enhance the character of the Conservation Area. I therefore propose to apply a replacement planting condition to this decision.

9. Conclusions

10. The appeal tree makes a small contribution to the local landscape and to the character of the Conservation Area. The proposed felling has the potential to

have a small adverse effect on the local landscape, on the visual amenities of the locality and on the Conservation Area.

11. 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 felling.
12. I conclude that the proposed felling of the appeal tree is warranted on the evidence and I therefore allow the appeal, subject to conditions.

Jonathan Fulcher

Arboricultural Inspector