
Site Address:	12 Kempton Park, Waterlooville, PO7 8NN		
Proposal:	Fell 1No. Oak tree subject to TPO 1102.		
Application No:	APP/14/01156	Expiry Date:	26/12/2014
Applicant:	Mr P Silvester	Team:	Team 2
Agent:	Mr L Cunningham	Case Officer:	Jamie Gargett
Ward:	Cowplain		

Recommendation: **REFUSE TPO CONSENT**

1 Site Description

12 Kempton Park, Waterlooville, PO7 8NN
TPO Oak tree in rear garden of a residential dwelling.

2 Planning History

None

3 Proposal

Fell 1No. Oak tree subject to TPO 1102.

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

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: 1

Summary: This tree is one of a line of oaks that were protected when the housing development was constructed. There is mention of heave to the floor of the workshop/garage but no mention is made of damage to the foundations which is surprising. Even more surprising is that the structure is sited within 1.5m of the oak tree. This would lead me to conclude that the workshop has been built some time after the construction of the house and does not have traditional foundations or a reinforced floor slab or has been designed taking account of the immediate proximity of the tree.

As I do not have sight of the letters mentioned as submitted by the owners of 12 and 14 Kempton Park (*these letters do not appear to have been submitted with the original application*) I'm not aware of their reasons as to why the tree should be felled. As no further documents or comments have been made about structural damage then possible their reasons are more to do with the size of the tree and the impact of the tree on their property. If this is the case then several of the neighbouring houses could sat the same thing, therefore the felling of this tree could give rise to a dangerous precedent.

In summary given the questionable siting and construction of the workshop and the non specific objections from neighbours I consider felling would be detrimental to the visual appearance and environment of the area.

Comment: Addressed in Section 7.

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 this tree and whether this could also be harmful to its ongoing health and vitality.

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.

This is a maturing Oak tree which is showing reasonable vigour and vitality for its age and location, and is clearly visible in the landscape even given its rear garden location.

(i) Impact upon the streetscene

The removal of this tree would have a significant impact in the landscape and set a precedent for the removal of others in the line on a similar basis.

8 **Conclusion**

There has been insufficient information provided by the applicant in order to make a considered judgement on the future of this important tree. The application form procedure is quite clear and requires that an applicant seeking tree removal based on alleged structural damage MUST provide a written technical report from an appropriate expert (in this case a Structural Engineer) which describes the level of damage and possible solutions.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE TPO CONSENT** for application APP/14/01156

(A) **Recommend Refusal**

(B) for the following reason:

- 1 The applicant has not provided sufficient technical evidence to support the removal of a tree of high amenity value in the landscape.