

Appeal Decision

Site visit made on 13 May 2014

by Jonathan Fulcher

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

Decision date: 25 June 2014

Appeal Ref: APP/TPO/X1735/3782

2 Gleneagles Drive, Waterlooville, Hampshire PO7 8RX

- 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 trees protected by a Tree Preservation Order.
- The appeal is made by Mr Stephen John Millett against the decision of Havant Borough Council.
- The application Ref: APP/14/00020 dated 1 January 2014 was refused by notice dated 18 February 2014.
- The proposed work is the felling of one oak tree.
- The relevant Tree Preservation Order is the Council of the Borough of Havant Tree Preservation Order No. 1206 Land to the south east of Idsworth Road, Cowplain which was confirmed on 1 March 1985.

Decision

1. I dismiss the appeal.

Main Issues

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

Reasons

The tree

3. The tree is a maturing oak of about 16m in height with two stems from about 1.2m, of 81 cm and 72cm in diameter. The stems branch from about 2.5m to give a generally upright crown. The radial crown spread is about 7m with a crown height above the ground from about 2m. The tree appears to be in normal health and condition for the species. The tree stands in the front garden of 2 Gleneagles Drive about 1m from the boundary fence of the rear garden of 1 Gleneagles Drive and about 13.5m from the rear elevation of the dwelling at 1 Gleneagles Drive.

The area and its character

4. Gleneagles Drive is a short quite level residential cul-de-sac towards the eastern edge of the eastern suburbs of Waterlooville. Properties in the street are generally detached houses in their own modest grounds, with open plan front gardens and small ornamental trees and conifers in some front gardens. There is a golf course with many trees to the north east from the rear of properties on the north east side of Gleneagles Drive and

Grasmere Way, and trees here appear above rooftops and, with houses, form the horizons and limits of view in this direction. In other directions there are large trees in lines along the rear gardens of properties in nearby streets and where these appear above houses they again form the horizons and limits of view. The generally level landform in this part of the street gives no long landscape views into or out of the site of the appeal tree.

The effects of the proposed felling on amenity

5. The appeal tree is visible from Gleneagles Drive, from Grasmere Way and above houses from parts of Park Lane and Idsworth Road. The tree is substantial and of good form and habit and these features with its proximity to the highway give it amenity value as a specimen tree in its own right. It is also a significant element in the line of similar trees that extends south west/north east along the rear of properties in Grasmere Way and Gleneagles Drive. This tree line is an important local landscape feature providing definition to and separation between the residential developments in the adjacent streets. I am satisfied that the appeal tree has substantial local amenity value in its own right and as a substantial part of the tree line feature in the local landscape. I find that the proposed felling would have a significant adverse effect on the visual amenities of the locality.

Grounds for pruning

6. I have not seen evidence to help me understand how the appeal tree represents a risk to the health and safety of the general public more than another tree of similar size and species so as to warrant felling on those grounds. I note the reference in the appeal submissions to the appeal tree swaying in recent storms. Most trees sway in the wind and it is a natural and normal mechanism for reducing the leverage effects of winds on tree crowns. I have seen no evidence to show that the appeal tree sways excessively and unusually so as to make felling the reasonable remedy. I have also seen reference to branches falling in high winds. No tree is free from the risk of branches falling if the winds are strong enough, but this is not usually sufficient justification for felling, in the absence of evidence about how such a risk might be unusual and unreasonable.
7. I have not seen evidence to show that the appeal tree is interfering with the highway to such an extent that felling is the reasonable remedy.
8. The appeal tree stands to the north north east of the rear elevation of 1 Gleneagles Drive. In this orientation the tree does not stand in the way of direct sunlight to the dwelling. I accept that the appeal tree occupies skylight when seen from the rear elevation of the dwelling at 1 Gleneagles Drive, and that this may provide conditions where the growth of grass might be inhibited and the growth of moss encouraged. However, I have not seen evidence to show that this is to such an excessive and unreasonable extent as to warrant the proposed felling.
9. I have considered the amenity value of the appeal tree at paragraphs 4 and 5 above and confirm that I find that the appeal tree has amenity value as a specimen in its own right and as part of the line of trees along the rear of properties in Grasmere Way. I do not agree that the appeal tree has such small amenity value that its felling is warranted on those grounds.

10. I have seen no evidence relating to subsidence or the role of the appeal tree in subsidence or related damage. Nor have I seen evidence to help me understand why simply the proximity of the appeal tree to the dwelling at 1 Grasmere Drive is sufficient grounds for felling.
11. I note references in the Council's decision and in the appeal submissions that suggest that the Council might be receptive to alternative management proposals for the appeal tree that might include crown reduction pruning. I accept that I have an opportunity to vary the works referred to in the appeal and grant consent for lesser works. However, I take the view that felling and pruning are different in kind, and that pruning is not a simple alternative to felling for the purposes of a tree work application. Nor would I be sufficiently certain that the parties were not disadvantaged by such a variation or that consultees had had sufficient opportunity to consider pruning. For these reasons I will determine the appeal only on the proposal to fell and make no resolution relating to pruning.
12. In consideration of the evidence that I have seen, I conclude that I should dismiss this appeal.

Conclusions

13. I find that the appeal tree has significant amenity value as a specimen tree in its own right and as part of the tree population in the local landscape. I am satisfied that the proposed felling would have a substantial adverse effect on the visual amenities of the locality.
14. I find that the grounds for felling are not supported by the evidence and do not warrant the proposed works.
15. I conclude that the proposed felling of the appeal tree is not warranted on the evidence and I therefore dismiss the appeal.

Jonathan Fulcher

Arboricultural Inspector