
Site Address:	25 Summerhill Road, Waterloooville, PO8 8XD		
Proposal:	Crown reduce by 2m and remove deadwood 1No. Oak (T1) subject to TPO 1724.		
Application No:	APP/14/00459	Expiry Date:	24/06/2014
Applicant:	Mr Bloor	Team:	Team 2
Agent:		Case Officer:	Jamie Gargett
Ward:	Cowplain		

Recommendation: **GRANT TPO CONSENT**

1 Site Description

Rear garden of a two story residential dwelling.

2 Planning History

05/52131/005. - Crown reduction. Approved but unimplemented.

3 Proposal

Crown reduce by 2m and remove deadwood 1No. Oak (T1) subject to TPO 1767.

4 Policy Considerations

Core Strategies 2011 forming part of the HBLDF
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

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: 8

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 3

Summary: I support this application- the tree has become too big for the surroundings and, year on year, has a greater negative impact on the enjoyment of our own garden due it's size.

Comment: Noted

Summary: I think it's a good idea for this application to go through because as I have lived next door for 25 years and the tree has had no attention in that time.

Comment: Noted

Summary: The site of the proposed work is 24 Durley Avenue (not as indicated in the application 25, Summerhill Road, or the map drawn in the application). The TPO clearly states this. As owners of 24 Durley Avenue, and by definition therefore, owners of the tree in question, we do not require any reduction in the size of this tree, and will not permit any work of this nature to be undertaken on any part of our property. Indeed, we will actively seek prosecution for trespass and criminal damage of anyone entering upon our property in order to carry out any work on this tree, not authorised by ourselves. The applicants have not sought permission from ourselves in order for this work to be undertaken (incorrectly stated in the planning application); none would be granted.

Comment: The matter of tree ownership is not something that the Council will become involved in - this is firmly the responsibility of the applicant to establish prior to undertaking any work. The Town & Country Planning Act 1990, as amended, - provides that an application can be made by a person other than the owner of the tree. It is possible that an informative can be attached to any notice of consent, alerting the applicant to the need to obtain the separate consent of the owner if they intend to undertake these works.

Summary: The tree in question is a magnificent healthy oak of a wonderful shape. Crown reduction of this tree is unnecessary as the tree, including canopy, does not impinge upon any building. Crown reduction would also change the character of the tree, and impact upon its aesthetic appeal.

Comment: Trees in the urban environment will at some stage of their lives require maintenance to allow for harmony between tree and residents. In this instance a crown reduction of 2m has been applied for, these works if granted should not detriment negatively on the visual amenity of the tree. Tree management in the urban environment is a balance between people and trees. In this case the tree is large in proportion to its setting, which is a modest sized suburban garden.

Summary: We believe that a population of bats roost in the tree. This has been verified with a bat detector. If work is carried out in contravention of the Wildlife and Countryside Act 1981, we will press for prosecution.

Comment: Should permission be granted for this application it is for the applicant and their contractor to comply with the Wildlife and Countryside Act in relation to protected species, including bats. An informative can be attached to alert them to this separate legal requirement.

Summary: A previous application was made for crown reduction of this tree - Application No. 05/52131/005. During that application process the Council Tree Officer, attended our property on the 4th April 2005. He made the following points which were, and remain, pertinent:

a) The weight of the tree is clearly on our property and given our refusal (as is our right) to permit work on any part of the tree on our property, any reduction work taking place on other parts of the tree would lead to the tree becoming unstable.

b) Taking into account our refusal to allow any reduction on any part of the tree on our property, then a partial reduction would make the tree unsightly.

c) The fact that the application, being made on grounds of access to light, would not succeed in achieving its aim, in that rapid growth would follow in any areas where reduction work was undertaken, and that this rapid growth would lead, in fact, to a denser canopy. He also noted that the tree was not interfering with any building

Comment: The application was made nine years ago and as such with trees being a living dynamic organism subject to change the comments made at that time may or may not have relevance in 2012.

a) The Oak now has some nine years worth of growing seasons and as such the dynamics of the tree will have changed over time. It is unlikely now that a reduction of 2m to one aspect of the tree will unbalance it to the extent whereby the would become unstable.

b) Agreed, a part reduction of the tree would diminish the amenity value of the tree and as such if approved it is highly desirable that the entire canopy should be reduced, rather than part.

c) Agreed, The reduction will indeed cause the tree to put on a greater amount of reactionary new growth if it is pruned, however this can be managed in a cyclical pruning regime - common practice for urban trees. Agreed the tree is not in contact with a built structure.

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:

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.

The tree subject of this application is a large mature Oak displaying what appears to be normal vigor and vitality. The base of the tree is ivy clad and as such not visible for inspection. The tree contributes well to the area and offers restricted public amenity in the street scene.

The works applied for are considered to be reasonable management for the tree in this location and will reduce some of the overhanging bulk of the canopy in the garden without detriment to the public amenity offered, or impacting negatively on its health. Trees in the urban environment will normally at some point in their life cycle require management, this allows for harmony between, people, trees, living space and the built environment. It is considered reasonable for a tree owner to manage their trees sympathetically and with care in these circumstances.

Ideally trees would be allowed to grow naturally, without having their natural form altered by pruning work. Within the urban environment it is often necessary to find a compromise between the natural growth form of a large tree, and the reasonable needs of residents.

The ownership of the tree is a matter outside the control of the planning authority. The applicant has been advised on site to legally confirm this prior to undertaking any works should permission be granted and an informative can be added to any permission to this effect.

8 Conclusion

Recommend permission.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **GRANT TPO CONSENT** for application APP/14/00459

(A)

(B) for the following reasons/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 pruning/surgery for which consent is hereby granted shall not exceed the following: Crown reduce by 2m and remove deadwood 1No. Oak (T1) subject to TPO 1767. Furthermore, if the crown reduction works hereby approved are undertaken, they shall be carried out in full and not by selective or partial reduction of the crown area..
Reason: To safeguard the amenity value, health and well being of the tree and its importance in the local landscape.
- 3 The tree works for which consent is hereby granted shall be carried out and completed no later than 24th June 2015
Reason: In the interests of clarity and to safeguard the health and well being of the tree.