
Site Address:	32 Belmont Grove, Havant, PO9 3PU		
Proposal:	Fell 1No. Common Yew (T1), subject to TPO 1814.		
Application No:	APP/14/00015	Expiry Date:	03/03/2014
Applicant:	Mr Traves	Team:	Team 1
Agent:		Case Officer:	Jamie Gargett
Ward:	Bedhampton		

Recommendation: **REFUSE TPO CONSENT**

1 Site Description

The tree is located within the front garden/side aspect to a residential dwelling.

2 Planning History

None relevant

3 Proposal

Fell 1No. Common Yew (T1), subject to TPO 1814.

4 Policy Considerations

National Planning Policy Framework

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

None

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: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 2

Summary:

We live at 39 Parkside and our garden adjoins that of 32 Belmont Grove. The yew tree which is proposed for felling currently offers some screening of our garden and the rear elevation of our house from a number of houses on Belmont Grove. If it were felled, it would change the outlook and privacy of our home and garden.

Comment: Noted

Summary:

I live at 30 Belmont Grove next door to Mr. Traves and the Yew tree is extremely close to our border, the trunk of the tree is approximately 21 feet from my house and almost in line with the back door. Almost half of the tree overhangs my garden and drops an endless amount of needles/leaves and berries over everything in this corner of the garden. Having been made aware of the toxic properties of the foliage and bark and the extremely poisonous seed inside the berries, I spoke with Mr. Traves to see if anything could be done.

Comment:

The tree canopy extends mainly over the garage and shed in the garden with a small portion into clear garden - at the time of visiting the property this area was used as storage and not an active use area for recreation.

Summary:

My main concern is to my children and our many friends who visit with babies/toddlers and young children, especially in the summer months when they all want to play in the garden. Because the droppings from the tree are endless they are then trodden through the back door in to the kitchen and then the rest of the house.

Comment:

The tree is located adjacent to the garden door at the side of number 30 and the majority of the overhanging canopy is above a garage and shed. This area in the main was used as a storage area for building materials and not a designated area for play. There is a large garden area at the back of the house that is considered to be usable play and recreation space.

Summary:

It has been suggested that, as the tree was obviously here before I moved to this house, that I should look at it as an acceptable risk and that maybe I was overplaying my concerns and instead should merely educate my children to the danger!. This however is not a view shared by all and a simple Google search brings up plenty to read on the subject. I would like to quote a couple of the articles that I read in The Arboricultural Journal.

Comment:

The tree is located within a private dwelling adjacent to a private dwelling. The information/articles referred to relate to trees that were located within the public domain. This brings the issues of control over access to the trees in question rather than the supervised environment of a private home.

Summary:

Having read this report I fail to see any difference to the circumstances or the risks involved with either case and would urge that the above named County Councils and Ofsted be contacted prior to any final decision being made.

Comment:

The report referred to relates to a tree growing in high use area of a childrens nursery school and not comparable to a side access route to the garden of a residential

dwelling. Ofstead and the county council are not a consultee for TPO applications in private dwelling where tree works to TPO trees are made.

7 Planning Considerations

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 mature Yew believed to be circa 100 + years old. The tree appears to be displaying normal vigour and vitality in terms of needle extension and growth. It is located adjacent to the highway with unrestricted views of the canopy from the public domain. The Yew contributes significantly to the street scene and offers high public amenity value to the local area.

The applicant of the tree sights his reasons for wanting the tree removed to be:

1. A health and safety hazard to neighbours as they have small children who use the garden and the tree sheds toxic berries and needles.
2. The neighbours garage roof is leaking because of the build up of dead foliage from the tree.
3. The children at number 30 can not leave their toys out in the garden due to the tree waste landing on them and causing rot.

The Havant Borough Council Arborist has made two site visits to the site, the first to view the tree and the second to discuss the reasons given for the felling of the tree with the applicant and his neighbour at number 30.

Both the applicant and his neighbour state they believe the tree is too close to the dwelling (number 30) and that the constant shed of needles and berries are a nuisance to clear up and also pose a threat if eaten by the children who live at number 30.

In arboricultural terms there is no justified reason for the removal of the Yew tree - there has been no report or indication of disease or structural weakness in the tree and it offers high public amenity to the street scene.

The tree is located adjacent to the garden door at the side of number 30 and the majority of the overhanging canopy is above a garage and shed. There is a large garden area at the back of the house that is considered to be usable play and recreation space.

The tree's size and bulk could be lessened by pruning operations such as a crown reduction, crown thin or crown raise. This would also significantly lessen the needle and fruit drop from the tree. It would also reduce the canopy overhang into number 30 and as such the problems listed for removal would greatly be lessened.

Plants toxic to humans and animals are a common feature of the natural environment and as such appropriate care should be exercised around them. We can not

eliminate risk entirely, however it is possible to take steps to manage a situation. Pruning the Yew tree would reduce any identified risk

8 **Conclusion**

There are no sound arboricultural reasons put forward for the removal of the Yew tree, however the health and safety concerns have been considered and it is felt that the risk can be lessened by undertaking reductive pruning works to the tree. An informative detailing this will be sent out to the applicant with the decision notice.

Recommend Refusal.

9 **RECOMMENDATION:**

That the Executive Head of Planning and Built Environment be authorised to **REFUSE TPO CONSENT** for application APP/14/00015 for the following reason:

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. Its proposed felling would result in undue loss and detriment to the visual amenities of the locality. (A more appropriate course of action would be through management of the tree's size and impact through a scheme of approved surgery). It is therefore contrary to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012. Guidelines have been provided on site and through an informative attached to the decision notice.