

Havant Borough Council,
Planning Development Department,
Public Service Plaza,
Havant,
PO9 2AX

Your ref: REF: APP/22/00511

FAO Mr. T. Gregory

10th August, 2022

Dear Sirs,

RE: The Town and Country Planning Act 1990

The Town and Country Planning (Tree Preservation Order) Regs. 2012

**Site Address: Entrance to Car park of 1, Oaklands Road, Havant PO9 2RD
but situate in Connaught Road, Havant**

**Proposal: 1 No Cupressus (cypress) (T7) Reduce crown by 1m and spread
by 0.5 metres leaving crown height of 9 meters and crown spread of 4-4.5
metres subject to TPO 1122**

I write with reference to a letter dated 19th July 2022 (but received some days later) from Havant Borough Council ("HBC"). During holiday season, might I suggest that this is an inordinately small amount of time to provide notice for those wishing to object. Many go away on their family holiday as this is just when the schools break up.

The Tree and the amenity it provides

The Tree, a *Chamaecyparis lawsoniana* (Lawson's cypress), (the "Tree") is a beautiful, mature, double-stemmed specimen: it provides a great deal of interest and amenity to Connaught Road and surrounding roads for both residents and visitors. It is both aesthetically pleasing and an attractive landmark in spite of it having lost its beautiful tear shape owing to recent, excessively severe pruning which occurred on Monday 4th February, 2019.

That being said, it is still an attractive specimen. It is also a species renowned for acting as a magnet to small birds, such as finches and tits, which find the dense, evergreen foliage a safe place to both roost and nest year round. Regularly I see small bird flying into and from the Tree, which birds visit my garden and those of my neighbours.

Further, whilst the species *Chamaecyparis lawsoniana* is found in England, in arboreta and parks, in Havant and the surrounding area, a mature, beautiful specimen such as this, is most certainly a rarity. This species is a long-lived,

very slow-growing, generally healthy species, so all round is a wonderful asset to the area.

The Tree is the largest and most attention grabbing tree in Connaught Road, in spite of the loss of its beautiful tear-drop shape. Indeed, it has barely recovered from that severe pruning which caused it to lose at least 20ft/ 6m + of its height (top and bottom): it was both crown lifted and had its entire tear drop- shaped top removed, and the sides all round were severely shorn. The Tree came to resemble a mere lollipop on sticks. Those limbs cut will never grow back as this species does not regenerate from old wood as does say does *Taxus baccata* (Yew). However, it is still a beautiful specimen and if left alone to recover should live for many more years providing all the benefits set out above.

Repeated and severe pruning

- There is no good reason and certainly no legal reason for the Tree to be repeatedly hard pruned in the manner sought:
- all this does is materially destroy its shape and size, thus reduce its attractiveness, amenity and benefit to the surrounding area. And potentially this may weaken the Tree's immune system: cuts permit the ingress of disease.
- Also, repeated severe pruning materially reduces the Tree's function as an important nesting / roosting site for many small garden birds. On Connaught Road it is in a marvellous position to provide shelter for all birds year round, espically little birds such as finches and tits. During winter of course, when all the deciduous trees in the area are leafless, it is even more valuable to the birds as a shelter.
- Repeated severe pruning of the Tree reduces the attractiveness of Connaught Road and consequently, the value of each house in the road. I note that the Applicant, the owner of Norfolk House, is a company, does not live in Connaught Road or any surrounding roads, thus is not impacted by any works to the Tree.

On its website, HBC has the following language:

Protected trees

Havant's trees and woodlands are an important feature of our landscape and townscape, making our borough a greener, healthier and more prosperous place to live and work. Local Planning Authorities such as Havant Borough Council - have statutory planning powers allowing a degree of protection of trees which are of high amenity value.

As already stated, the Tree is an important feature in the landscape: it most particularly contributes to making Connaught Road and surrounding roads a greener, healthier and more pleasant place to live: it deserves to benefit fully from the protection it should be afforded under its TPO. If repeated severe pruning to a tree the subject of a TPO is permitted in Connaught Road, then I submit that no other such tree, the subject of a TPO is safe in this area. TPOs are supposed to afford selected trees from such abuse.

Alleged “shade issues” and the position of Tree vis-à-vis Norfolk House

A small, exceptionally rough, sketch map setting out the approximate site of the Tree is provided in support of the application. Said sketch is next to useless in that it fails

properly to evidence the site of the tree **relative** to the site of the block of flats in question on the eastern side of Norfolk House. Nowhere in the application is the size, height or shape of the Tree provided or even described.

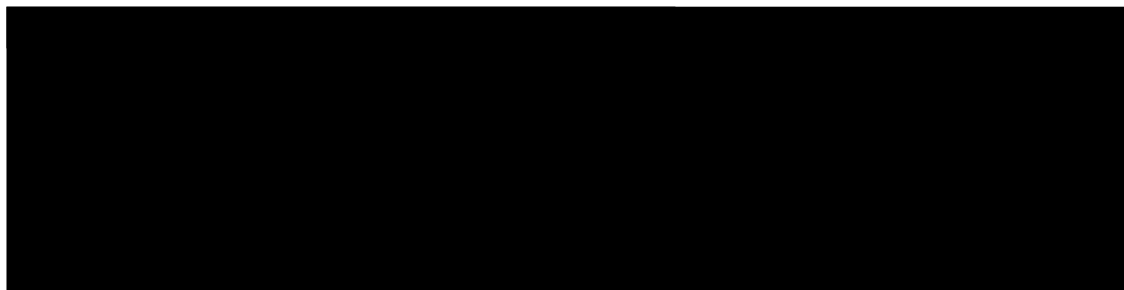
For the sake of clarity, Norfolk House is constructed in the shape of a capital 'H'. The central bar of the 'H' is aligned on an east / west axis and the right hand side of the 'H', i.e. that portion of Norfolk House that might possibly be affected by light issues, is aligned on a roughly north / south axis. The Tree is growing immediately north of the top end of the eastern end of Norfolk House which positioning is critical.

In the morning, when the sun rises in the east, in mid-summer, its light is first blocked by properties on the opposite side of the road (houses and a two story block of flats). I live in the road on the same side as Norfolk House and my study faces due east. I am thus acutely aware when the sun rises, and where and when the light falls. Daily it impacts me.

By the time the sun has cleared those properties on the other side of the road and begun its daily trajectory from east to west, it has moved south east and thus causes the Tree to cast little shade, if any on the eastern façade of Norfolk House. The sun then moves round, south east, due south, south west and finally sets due west of Norfolk House: when the sun is in those position it is unable to cast any shade on the façade of Norfolk House.

By midsummer, virtually no light at all is lost to and no shade is cast on the façade of Norfolk House by the position of the Tree as the sun is high and shadows are shorter. At other times of the year (spring, autumn and winter) the issue of light /shade on the façade of Norfolk House is equally small as by the time the sun rises and moves round, the position of the Tree means that it casts virtually no shade on the actual façade and then only for a very short period. And since the whole of the top of the tree was removed in 2019, the length of shadow cast by the Tree has been truncated accordingly.

Thus, as above-mentioned, the creation of shade owing to the Tree's position is not a live issue, especially since the last time it was cut **the whole of the top of the Tree was severely reduced**, materially shortening the height of the Tree by well over 2m/7ft.



This is the **third application** to have the Tree severely pruned since late 2016: so in a little over five years there have been three applications to have the Tree severely pruned. The 2016 application failed. On that occasion I was notified of the proposal, put in my objections and HBC held firm.

A short while later, sometime in late 2018, identical – indeed even more severe – proposals for the pruning of the Tree succeeded. However, on that occasion HBC failed to notify me of the proposed works, thus I had no opportunity to object. I do not think that any of my neighbours were notified either. The first I knew of it was when I heard chain saws slicing through wood.

I raised this issue with HBC and Mr Jaimie Gargett came to my house in person to apologise. He agreed that I should have been notified. As no facts had changed in the time between the failed 2016 application and the second application a mere two years later, (and please remember that this is a very slow growing species) I cannot fathom how that application succeeded. I suspect that it was because no objections were received. But then of course no one was notified of the proposed works. Be that as it may, I cannot turn the clock back.

However, now, a mere three years later from the last severe cut back, yet another application for a severe pruning has been made following on from a second failed application to have it felled made earlier this year.

More severe pruning will materially damage the shape and amenity value of the Tree. Every tree is important and those the subject of a TPO should gain the benefit of the protection a TPO is meant to afford. At the risk of repeating myself, *Chamaecyparis lawsoniana* is a slow growing species and does not regenerate from cuts to old wood. There has been absolutely no regrowth to the understory of the Tree since it was severely crown lifted and the current application does not seek the ability further to crown lift – as there is nothing left to cut. And there has been no material regrowth to the crown of the Tree for the same reason.



Please see this stock picture of a *Chamaecyparis lawsoniana* : please note the shape. The one on Connaught Road, has lost that tell tale tear drop shape. Its crown and understory should have been left alone – but in extremis, (and I submit that such conditions did not pertain and still do not pertain in respect of the Tree), if some form of gentle pruning was required in 2019, the Tree should have been carefully and gently thinned thus preserving its shape and character. It should not have been butchered.

As I understand it, there is a general presumption by local planning authorities against pruning or felling of protected trees unless the works can be fully and properly justified under applicable law and regulation. No such works can be justified in relation to this Tree in 2022.

Further, according to current Government guidance on TPOs, (please see <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas#making-applications-tpo>) it states that :

*‘It is important that the information on the form makes clear what the proposed work is **and provides adequate information to support the case**’.*
(my bolding)

The application form submitted in respect of current proposed works to the Tree provides no meaningful, relevant or accurate information in support. There is simply an application for the works sought to be done and the following words:

*“Reduce height of tree by c1m in height to previously reduced points, Trim[sic] back sides by up to 0.5m so as to maintain this tree in its current compact form as previously undertaken **to mitigate against the tree causing shading issues and maintain it at a proportionate size within its surroundings**”.* (my bolding)

This begs numbers of questions including, but not limited to:

- Why the need further radically to cut back the Tree when similar radical works were only undertaken in 2019 and the Tree is a slow growing specimen and has not regrown.....?
- What is a “*proportionate size within in its surroundings*”? Proportionate according to whom?
- Proportionality is not a permitted exemption under applicable law and regulation for trees protected by a TPO.
- What “shading issues” exist? There are none and certainly none are set out in the application form as required. If “shading issues” are not set out in adequate detail or at all in the application, then they should not be permitted to form the basis of the application and that portion of the application should be dismissed.

Proper detail should be provided.

All trees cast shade, that is part of their beauty and their usefulness, especially in dry, hot summer conditions. As the sun moves round quickly, especially at this time of year when it is virtually overhead, the length of the shadow created is minimal and fleeting. In these hot, dry, virtually drought –like weather conditions, any shade is most welcome...

Also, if one examines the grass growing beneath the Tree, there is no evidence at all of any moss present – dead or alive. If moss were present that could perhaps be deemed to be an indicator of lengthy or permanent shade. No moss is present; the grass is bone dry and straw coloured as for hours and throughout the year it stands in full sunshine – on any reasonable, not fanciful grounds, shade caste by the Tree cannot be an issue for Norfolk House. For the sake of absolute clarity, the grass to which I refer stands between the Tree and the eastern facing façade of Norfolk House.

Further, in this same above-mentioned government guidance, under side heading 'How detailed should the plan be?' is stated

The applicant is not necessarily required to provide a formal scaled location or site plan. But the plan must identify clearly the tree or trees in question and, where appropriate, should identify main features of property affected by the application. Paragraph: 066 Reference ID: 36-066-20140306 Revision date: 06 03 2014

The application fails to do this. At the risk of repeating myself, the only language in support of the application is the portion I have bolded and underlined below.

*"Reduce height of tree by c1m in height to previously reduced points, Trim[sic] back sides by up to 0.5m so as to maintain this tree in its current compact form as previously undertaken **to mitigate against the tree causing shading issues and maintain it at a proportionate size within its surroundings**". (my bolding and underlining)*

There are no "shading issues": if there were, presumably the applicant would set them out in detail. The application sets none out. Additionally, no explanation is even attempted as to what is meant by "a proportionate size within its surroundings". This is not a legal or sensible rationale for the hard pruning of a beautiful specimen tree the subject of a TPO.

All the reading I have done on the subject states that decent Arboriculture (tree surgery) is:

- to leave a tree looking as natural as possible and little signs of human interference noticeable.
- That bad or unnecessary pruning can do more harm than good since each cut has the potential to change the growth of a tree, cause damage and decay, leave the tree unsightly, or allow the entry of wood decaying organisms. Therefore, no branch should be removed without a good reason. Some older trees do not tolerate pruning as well as younger trees and substantial pruning can have a life-limiting impact on the tree.

The last time the Tree was heavily pruned was 2019. Three areas of the tree were severely reduced turning it from a beautiful tear drop shaped specimen into a virtual lollypop. The volume of Tree growth / greenery and branches cut was not necessary. At least 20ft/ 6m + was pruned taking into the crown lifting and crown reduction and all the sides were severely shorn.

The Tree is not a hedge or a piece of ornamental topiary to be kept in a shape according to someone's whim. It is a species tree with its own natural shape and habit and is the subject of a TPO requiring protection from unnecessary hard pruning. From my reading of applicable law and regulation, the pruning of TPO'd trees for the whim of a single person / legal entity is not permitted. The proposed works do not constitute an exception to the Town and Country Planning (Tree Preservation) (England) Regs of 2012. The Tree is not dead and no nuisance has been set out in

the application so the proposed works are not necessary for the prevention or abatement of a nuisance.

Please would HBC allow this Tree be left well alone.

Yours sincerely,

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