Council Copy

HAVANT BOROUGH COUNCIL
26 OCT 2018
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The Planning Inspectorate

https://www.gov.uk/government/organisations/planning-inspectorate

For official use only
Date Received
Appeal Ref

TREE PRESERVATION ORDER (TPO) APPEAL FORM
The Town and Country Planning (Tree Preservation) (England) Regulations 2012 – SI No. 605, Regulation 19

Before completing this form please read "Guide for Appellants (Tree Preservation Orders – consents for works)"

WARNING **Your appeal must reach the Planning Inspectorate within 28 days from receipt of the decision against which you are appealing.**

Appeals received after the deadline will only be accepted in exceptional circumstances.

If you need this document in large print, on audio tape, in another language or in Braille, please call 0303 444 5584.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name MS ANGELA BARHAM

Address 10 SPRUCE AVENUE
WATERLOOVILLE

Postcode PO7 8HA

Daytime Tel [redacted]

Email [redacted]

I prefer to be contacted by: Email ☑ Post ☐

B. AGENT: If acting on behalf of the appellant, you will be our main contact on all matters relating to this appeal and we will direct all queries and correspondence to you. It will be your responsibility to keep the appellant informed.

Name

Organisation

Address

Postcode

Daytime Tel

Email

I prefer to be contacted by: Email ☐ Post ☐

C. APPEAL SITE

Address where the appeal tree is (trees are) located: 10 SPRUCE AVENUE
WATERLOOVILLE PO7 8HA.

Do you own the site: Yes ☑ No ☐

If no

1) give details of your interest in the site (eg tenant, neighbour):

2) give the name and address (if different from the above) of the owner and/or occupier of the site. We will need to contact them to make arrangements for our Inspector to gain access to the site:

D. COUNCIL/DECISION

Council: HAVANT BOROUGH COUNCIL

Council Contact Name: NATALIE MEAGHER Telephone Number: 023 92446485
OR MS M. STEWART

Full title of tree preservation order (if known): TPO 1109

Date of Council's decision (if applicable): OCT - 4 - 2018

E. APPEAL

Please tick only the relevant boxes.

I am appealing against:

The Council's refusal of consent ☑

The Council's failure to issue a decision (deemed refusal of consent) ☐

Condition(s) attached to the consent ☐

The Council's refusal to agree a matter that required their agreement under the terms of a condition of consent. ☐

F. GROUNDS OF APPEAL

Please provide at least one reason for each of the boxes you have ticked in section E. You must explain fully why you disagree with the council's decision, where one has been issued. To do this, you need to go through the reasons for the decision, and explain why you disagree. Only the reasons within the council's decision and the reasons put forward by you at application stage should be included on your appeal form. You should not introduce any new reasons for the appeal.

Your appeal should relate to the same works as those specified in your application to the council. Exceptionally we may be able to accept your appeal even if you are seeking a variation to the works originally applied for. We will only be able to do so if the changes do not materially alter the nature of the application and, if no one who should have been consulted about the proposed works would be prejudiced by our doing so. For instance, you may have originally applied for consent to crown thin a tree by reducing the percentage of leaf area by 20%, whereas on appeal you may seek a lesser reduction of 10%. However if on appeal you appear to be seeking more works than originally applied for, it is recommended that you submit a new application to the council rather than seek to amend your original application at appeal stage because the Inspector will not consider any works above those which were put forward in your application form.

Similar limitations apply in respect of the reasons you give for seeking consent, especially under the fast-track procedure where the council has no opportunity to respond to your grounds of appeal. The Inspector will only consider the matters that were before your council when the decision on your application was made. This means that if the reason you submitted on your application form was that the tree was causing overshadowing, you should not, on appeal make a claim that tree roots are causing subsidence. If you want to make a different case for the work applied for you should make a fresh application to the council.

We will also look at the original application to check that it clearly specifies the proposed work. If we decide that the works you have applied for are so vague that we cannot be sure how much work is involved, we may decide that the appeal is invalid and reject it. For example it is not sufficient to specify that you want to remove some of the lower branches, or you wish to reduce the tree by 15%. This is too vague and fails to indicate the extent of the works.

If you choose the recommended Fast Track appeal procedure (see section G) the reasons you set out below will be treated as your statement of case. It is important that you set them out in full because you will not get an opportunity to add to them later.

The decision on your appeal will take into account the contribution that the tree(s) make to the character and appearance of the area and the reasons set in support of your application/appeal. Please bear in mind that the Planning Inspectorate has no jurisdiction to resolve allegations of maladministration or complaints about the time taken by the Council to issue a decision, since such matters are not relevant to the merits of the proposal.

If you are appealing to fell a tree or against a condition requiring replacement planting please indicate the species and size of any tree(s) you would be prepared to plant if the appeal were to be allowed:

Number of trees and Species:

ONE MAGNOLIA TREE

Size: 4 to 5 PLUS METERS. (ALLOWING FOR FUTURE ANNUAL GROWTH)

F. GROUNDS OF APPEAL (cont)

Our entire neighbourhood is surrounded by many trees, large and small, and the removal of our tree would not make a significant amount of difference to the local landscape, especially as we will be replanting a smaller tree (which will continue to grow annually) in its place. This would continue to feature in the local landscape, and therefore NOT be detrimental to the visual amenity of the area. I believe the oak tree creates far more detriment to the area by falling branches, leafs and acorns, which in high winds and adverse weather conditions are then strewn all over the neighbouring houses, street and drains.

This tree has now outgrown the area in which it sits within our garden, and proximity to our house, garage and neighbouring houses. The TPO was put in place over 35 years ago when the estate was first built, and it was a much smaller tree in 1980. We will be replacing the tree with a smaller one which will continue to feature in the local landscape.

Our garden has many other trees and over 80 other plants and small bushes, which also add to the local landscape. We look after our garden, and have not dug it up like our neighbours who have removed all of their trees and bushes in their front gardens to make paving for their additional cars and vans.

The tree causes great anxiety to me and my family, due to its size and proximity to our house. It also causes concern to our neighbours who are directly affected by the size of the tree. Our neighbour at #8 has supported our request. Their bungalow is overshadowed by the size of the tree and causes loss of lighting in their kitchen and side bedroom. Our neighbour at #12 also supports our request; their flat and parking area are affected by small branches falling in windy and wet weather. We have a very busy pathway which runs alongside the tree on two sides and could cause personal damage to walkers and or their dogs.

The Oak tree is now lopsided, it is significantly larger (Approx 40-50%) on the left hand side with it growing over our garage.

We get very anxious and stressed, and with the extreme change in weather conditions we now have compared to 35+ years ago. I feel that as we continue to have more severe storms and lightning, this tree is now so large and close to 3-7 homes that if it should fall or be struck by lightning it would cause immense damage to any property close by and even potentially loss to life.

Please continue at section K or on a separate sheet if necessary

G. PROCEDURE – (See Section 9 of the Guide for Appellants before making your choice)

Appeals dealt with by the Fast Track procedure are usually decided more quickly than those which proceed through a hearing or a more formal local inquiry and because of this we recommend the Fast Track procedure.

However, if you or the Council ask to be heard by the Inspector we will organise a hearing which will take the form of a round table discussion. In very exceptional cases, where complex legal matters are at issue, a substantial number of third parties are involved and/or formal cross examination is warranted, we may decide to hold an inquiry.

Please tick one box only.

I wish my appeal to be decided through the Fast Track procedure ☑

I wish to appear and be heard by an Inspector ☐

H. SITE VISIT – Please note: no discussion about the merits of the case will take place during the site visit.

Are you willing for an Inspector to enter the site and conduct the visit unaccompanied?

Yes ☑ No ☐

If Yes, please give details below of anything the Inspector needs to know with regard to how to access the site:

If No, please outline below why this is not possible, why you need to be there or why you need to be represented during the Inspector's visit:

Are there any Health and Safety concerns that the Inspector will need to be aware of prior to the site visit?

Yes ☐ No ☑

If Yes, please detail the concerns below:

I. SUPPORTING DOCUMENTS

In support of your appeal form please send a copy of your application for consent and a copy of the Council's decision (where one has been issued).

Please tick the boxes to show which documents you are enclosing and list any other documents you are submitting in the space below. If you cannot send a copy of the tree preservation order – we will ask the Council to send a copy together with the relevant background papers.

I enclose:

1. A copy of my application for consent 1 ☑

   If you do not have a copy of your application please state the council's application reference number here (it should be stated on your decision if one was made):

   _____

2. A copy of the Council's decision (if one was issued) 2 ☑

J. CONFIRMATION

DECLARATION

1. I understand that:

a) the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my appeal.
b) details from this form, including my name, the site description and reasons for making this appeal may appear on the Appeals Casework Portal.

By signing this form I am agreeing to the above use of the information I have provided.

2. I have completed all sections of the appeal form and confirm that the details are correct to the best of my knowledge.

3. I have sent a copy of this appeal form and enclosures to the Council.

Signature Angela Barham

Date OCT 24th 2018

Name (in capitals) ANGELA BARHAM

On behalf of (if applicable)

For more information about how we process your personal information please see "A Guide for Appellants (Tree Preservation Orders- consents for works).

Please send the completed form and supporting documents to:

The Environment Appeals Team
Trees and Hedges
Room 3H Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0303 444 5584
or e-mail it to: environment.appeals@pins.gsi.gov.uk

What happens next:

1. You must send a copy of this completed form to the Council including copies of any supporting documents you send to us.
2. When we receive your appeal form we will check it against background documents supplied by the Council before telling you whether your appeal is valid.
3. At the end of the appeal process we will send you the Inspector's decision, including the reasoning in writing.

Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

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To:
Ms A Barham
10 Spruce Avenue
Waterlooville
PO7 8HA

THE TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 2012
Refusal of Consent

Application Number: APP/18/00838
Site Address: 10 Spruce Avenue, Waterlooville, PO7 8HA
Proposed Tree Works: Fell 1No. Oak (T9). Subject to TPO 1109.

Further to your application received on 20 August 2018, Havant Borough Council, as Local Planning Authority, **Refuses Consent** for the above works.

The reason for the Council's decision to refuse consent is:

1 The tree is a significant feature in the local landscape and as far as it is reasonable to see it is healthy and structurally sound. The removal of the tree would be detrimental to the visual amenity of the area.

In coming to its decision the Council considered the plans and other documents submitted with regards to your application.

Other Important Information:

(1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning (Trees) Regulations. It does not relate to any other application that may be required under the Town and Country Planning Acts, Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6015.

(2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs

(3) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

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Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
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www.havant.gov.uk

Ms A Barham
10 Spruce Avenue
Waterlooville
PO7 8HA

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Our Ref: APP/18/00838
Direct Line: (023)92 446485
Ask For: Ms M Stewart
Email:planning.development@havant.gov.uk
29 August 2018

Dear Ms Barham

The Town and Country Planning Act 1990
The Town and Country Planning (Tree Preservation Order) Regulations 2012
Site Address: 10 Spruce Avenue, Waterlooville, PO7 8HA
Proposed Development: Fell 1No. Oak (T9). Subject to TPO 1109.

Thank you for your application, which was received by the Council on 20 August 2018, and is being dealt with by Ms M Stewart who may be contacted on the above number.

Please note that the Council's Community Infrastructure Levy (CIL) Charging Schedule came into effect on 1st August 2013. Please see www.havant.gov.uk/planning-policy-design/community-infrastructure-levy for further details.

The Council will undertake publicity regarding your application. This publicity may include notifying neighbours, posting a notice on or near the site and an advertisement in the local press. Any objections and other correspondence received relating to the application are made available for public inspection via our website www.havant.gov.uk You can also view these online at the Customer Service Centre on the ground floor at the Public Service Plaza. between 9.00am and 5.00pm Monday to Friday.

Please note the description that we will be using in our publicity may be different from that stated on the application forms. If you feel that the description above does not accurately reflect the proposal then please contact the Case Officer by telephone on the above number.
The Council expects to reach a decision by 15 October 2018. However, if you do not receive notice of the decision or agree in writing that the period for reaching a decision may be extended, you are entitled to appeal to the Secretary of State in accordance with section 78 of the Act as amended by the above Regulations. Appeals must be made on a form obtainable from the Environment Team. Room 4/04, Kite Wing, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000).
The majority of planning applications are decided under delegated powers by the Executive Head of Planning and Built Environment. However, some planning applications are referred to the Council's Development Management Committee for a decision.

The Council operates a deputation scheme, which enables individuals, including applicants, to speak at the meeting of the Development Management Committee when the decision is to be taken on these applications. You can contact your Case Officer Ms M Stewart to confirm if your application is to be decided by the Committee. If you wish to make a deputation you must give notice to the Democratic Services Team no later than 5pm on the last Tuesday before the meeting. More information about deputations is available on the Council's website at www.havant.gov.uk/.

If your application involves a change of name or address you will need to contact the Address Management Team on 023 9244 6278.
Yours sincerely
Neighbourhood Support

Our Ref: APP/18/00838

Havant
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Civic Offices
Havant
Hampshire PO9 2AX
T 023 9244 6015
F 023 9248 0263

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Application for tree works: works to trees subject to a preservation order (TPO) and/or notification of proposed works to trees in conservation areas (CA).

Town and Country Planning Act 1990

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.
It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	MS
First name:	ANGELA
Last name:	BARHAM
Company (optional):	
Unit:	
House number:	10
House suffix:	
House name:	
Address 1:	SPRUCE AVENUE
Address 2:	
Address 3:	
Town:	WATERLOOVILLE
County:	HANTS
Country:	U.K.
Postcode:	PO7 8HA

2. Agent Name and Address

Title:	
First name:	
Last name:	
Company (optional):	
Unit:	
House number:	
House suffix:	
House name:	
Address 1:	
Address 2:	
Address 3:	
Town:	
County:	
Country:	
Postcode:	

REF APP/18/00838

(AUGUST 2018)

3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: | House number: 10 | House suffix:

House name:

Address 1: SPRUCE AVENUE

Address 2:

Address 3:

Town: WATERLOOVILLE

County: HANTS

Postcode (if known): PO7 8HA.

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

4. Trees Ownership

Is the applicant the owner of the tree(s): ☑ Yes ☐

If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: | First name:

Last name:

Company (optional):

Unit: | House number: | House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code: | National number: | Extension number:

Country code: | Mobile number (optional):

Country code: | Fax number (optional):

Email address (optional):

5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? ☑ Yes ☐ No

Are you wishing to carry out works to tree(s) in a conservation area? ☐ Yes ☐ No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

TPO - 1109

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

SEE DOCUMENT OVERLEAF.

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[redacted]

APPLICATION FOR TREE WORKS SECTION 7 DESCRIPTION OF WORKS

T9 OAK (QUERCUS ROBUR)

REQUEST TO FELL.

Anxiety caused due to proximity of house, tree has outgrown its size in proportion to its location in the garden, and has significantly grown in the last 35+ years since the TPO order.

Significant loss of light and excessive shading to our house and neighbours at # 8 Spruce Avenue.

The tree is approximately 50% fuller and larger on the left hand side, and looks like it is starting to lean.

Neighbours have expressed concern due to the proximity to their homes.

Medium to small branches fall in windy and adverse weather, which has potential of falling on people walking past and dog walkers. In the fall when the leaves and acorns fall the street and drains are covered in foliage.

The felling of the tree would not impact the area, but may prevent catastrophic damage to several houses should it fall or be struck by lightning. We have many other smaller trees, bushes and foliage in our front and back garden (compared to all our neighbours). Our neighbourhood has many surrounding trees around the estate.

This tree has outgrown the area in which it sits since the TPO was put on it in 1982, when the estate was first built and it was significantly smaller at that time. If needed we would be happy to plant another tree or shrubs in the area even though our garden is full of trees, shrubs and flowers.

I am including photos of the tree.

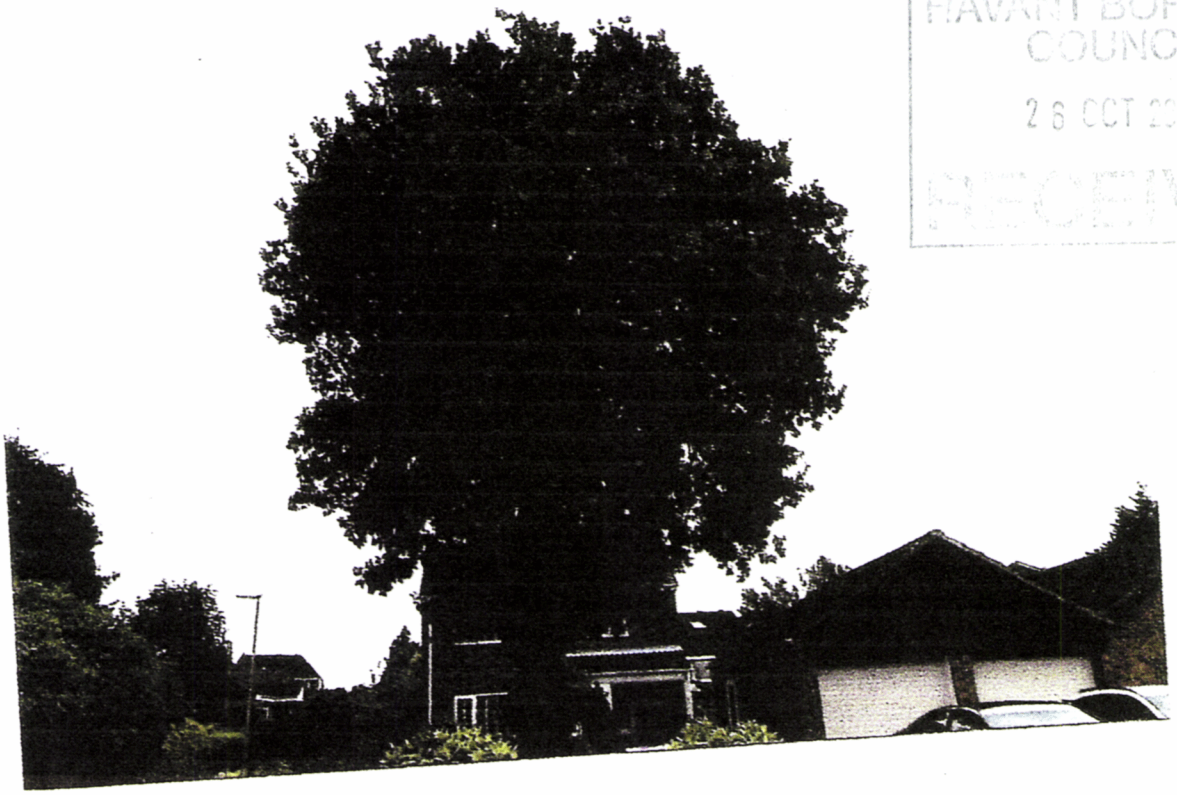


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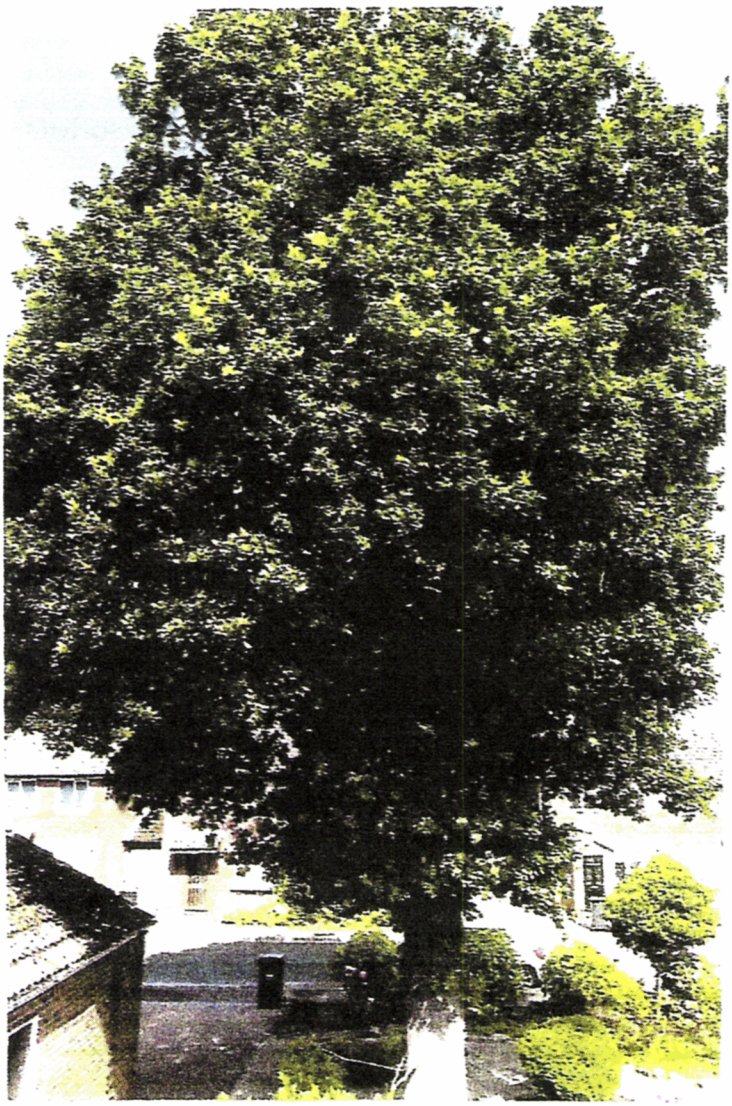




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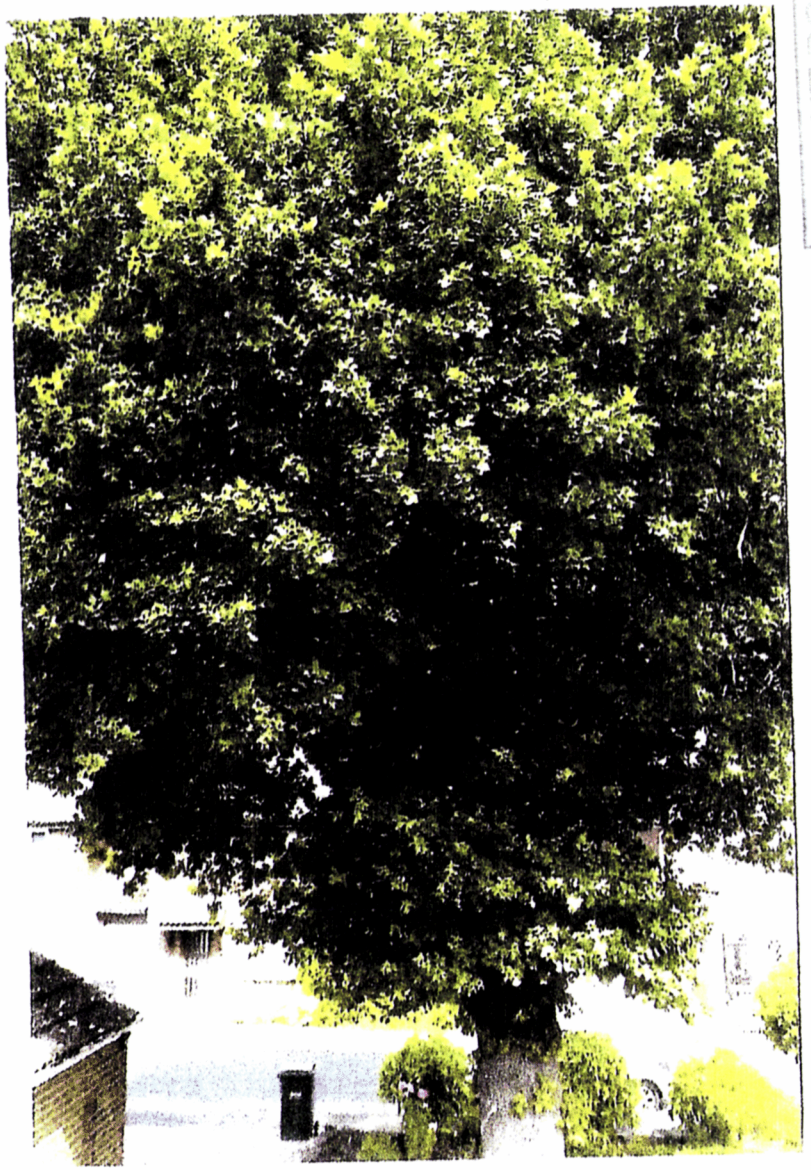


SURROUNDING AREA

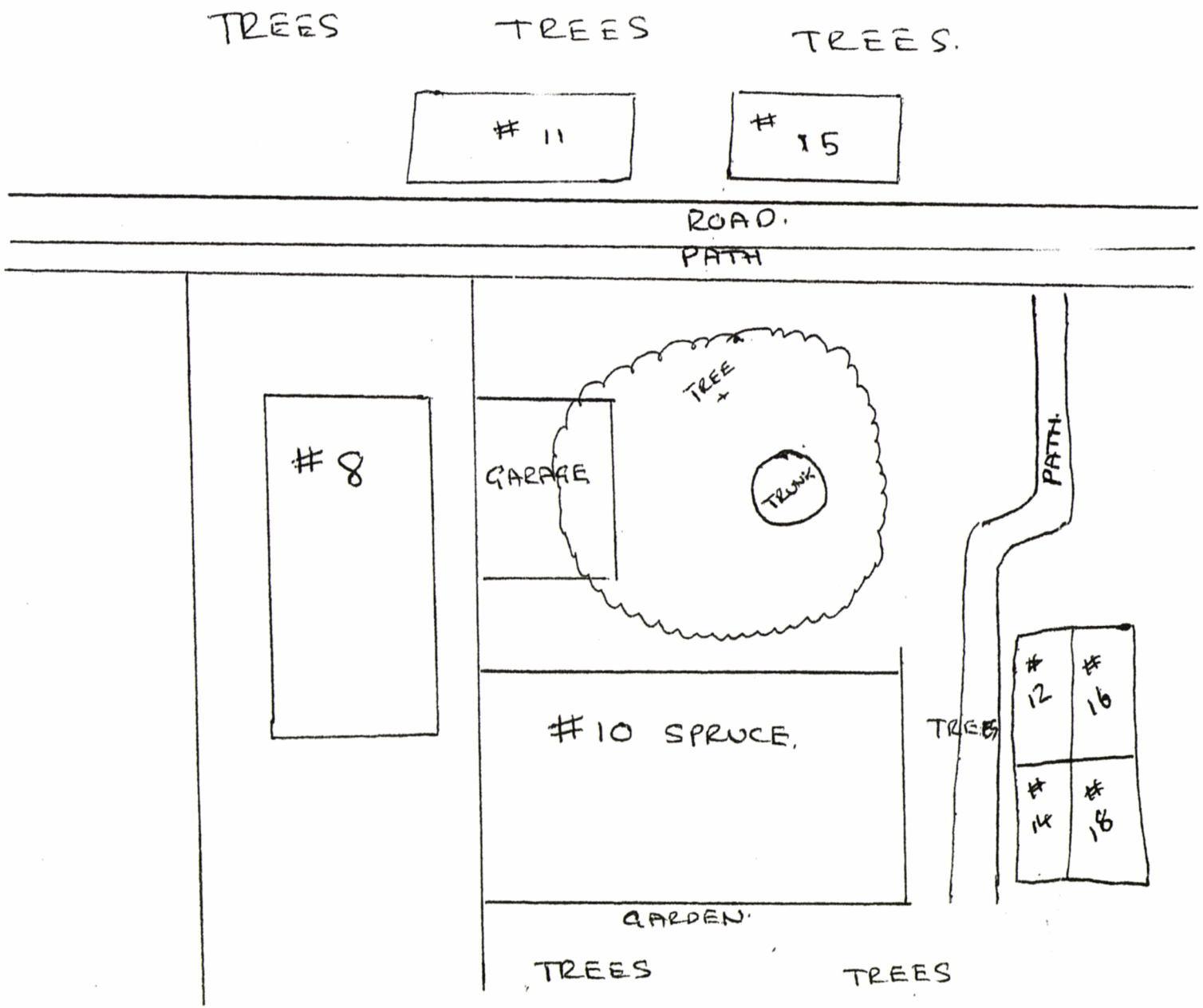
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10 SPRUCE AVE
VIEW FROM
WINDOW IN HOUSE

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Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8) ☐

For all trees
(see Question 7)

- Clear identification of the trees concerned ☐
- A full and clear specification of the works to be carried out ☐

For works to trees protected by a TPO
(see Question 8)

Have you:

- stated reasons for the proposed works? ☐
- provided evidence in support of the stated reasons? in particular:
  - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert ☐
  - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist. ☐
  - in respect of other structural damage - written technical evidence ☐
- included all other information listed in Question 8? ☐

10. Declaration - Trees

I/we hereby apply for consent/give notice for tree work as described in this form and the accompanying plans and additional information.

Signed - Applicant: [redacted]

Or signed - Agent:

08-08-2018 (This date must not be before the date of sending or hand-delivery of the form)

11. Applicant Contact Details

Telephone numbers

Country code: | National number: | Extension number:

Country code: | Mobile number (optional):

Country code: | Fax number (optional):

Email address (optional):

12. Agent Contact Details

Telephone numbers

Country code: | National number: | Extension number:

Country code: | Mobile number (optional):

Country code: | Fax number (optional):

Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner.

(Please see guidance notes)

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