The Planning Inspectorate

Appeal Decision

Site visit made on 23 June 2016

by Keith Rushforth

BSc(For), FICFor, FArborA, MCIHort

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

Decision date: 21 July 2016

Appeal Ref: APP/TPO/W1715/5137
13 Grosvenor Road, Chandlers Ford, SO33 5BU

- 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 work to a tree protected by a Tree Preservation Order (TPO).
- The appeal is made by Mr Nigel Apps against the decision of Eastleigh Borough Council.
- The application Ref: T/15/77691, dated 29 November 2015, was refused by notice dated 15 January 2016.
- The proposed work is to fell one birch (T52).
- The relevant TPO is the Eastleigh Borough Council (Grosvenor Road, 2—15 Western Road, 127—149, 130—136 Kingsway, Chandlers Ford) Tree Preservation Order No. 257 1993, which was confirmed on 10 January 1994.

Decision

1. The appeal is allowed and consent granted to fell one birch subject to conditions.

2. The conditions are that:

- the work is carried out within two years of the date of this decision; and

- a replacement tree is planted in the front garden. The new tree shall be a Wild service tree (*Sorbus torminalis*), whitebeam (*Sorbus aria*) or a Field maple (*Acer campestre*) of a minimum size of heavy standard (12—14cm girth at 1m and 3.5m plus in overall height), or of other species and size of tree as may be agreed in writing with the Local Planning Authority. The new tree shall be planted within eight months of the date of implementation of this consent and maintained until established. Should it be removed, uprooted, destroyed or die within 5 years of being planted, it shall be replaced by a similar tree within 8 months unless otherwise agreed in writing with the Local Planning Authority.

Main Issues

3. The main issues are the effect of the proposed work on the appearance and setting of the area and whether the reason presented provides justification for the work.

Reasons

The effect of the proposed work on the appearance and setting of the area

4. The tree is located in the front garden but half way back from the front boundary. It is visible looking both ways along the lightly treed road. I conclude that it contributes to the appearance and setting of the area and accordingly that compelling reasons need to be demonstrated to justify the impact of the proposed felling.

Whether the reason presented provides justification for the work

5. The sole reason for the work is Mr Apps' allergy to birch pollen, which is supported by a medical letter.

6. Birch is one of the trees whose pollen can cause allergic responses. At one level, some ten or so other birches are visible from the front of number 13, both in front gardens and in rear gardens. However, the major difference is that the tree at number 13 is directly in front of the dwelling, with foliage within touching distance, whereas the other visible birches are 50m to a hundred or more metres distant. It is this very close proximity which I find provides reasonable support for the replacement of the tree.

7. The appellant has suggested whitebeam, rowan, field maple and various cherry as possible replacement trees, as a 'mature' specimen. The Council have suggested a "*Sorbus*" and a size of heavy standard, viz 12—14cm girth at 1m (which usually equates to a tree 3.5—4m or so in height). I consider that a whitebeam, including perhaps *Sorbus torminalis*, or a field maple as suitable and in keeping with the scale of the setting, and also agree the Council's tree size.

Conclusions

8. The tree contributes to the appearance and setting of the area.

9. Birch pollen is a possible cause of allergic reactions in part of the population.

10. The close proximity of the tree to the dwelling is likely to exacerbate any reaction in a way in which the other but more distant birches are less likely to do.

11. Accordingly and on balance I find the reason presented sufficient to outweigh the impact of the proposal on the appearance and setting of the area if accompanied by suitable replacement planting and therefore allow the appeal subject to conditions.

Keith Rushforth
Arboricultural Inspector