The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2012.

by Alan Engley MArb (RFS) FArborA MIHort MICFor AARC

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

Decision date: 16 JAN 2013

Appeal Ref: APP/TPO/W1715/2882.
Land at 19 Wilderness Heights, West End, Southampton SO18 3PS.

- 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.
- The appeal is made by Mr D Parker against the decision of Eastleigh Borough Council.
- The application Ref: T/12/71349 dated 15 August 2012, was refused by notice dated 9 October 2012.
- The proposed work is to fell 1 Oak tree.
- The relevant Tree Preservation Order (TPO) is the Rural District Council of Winchester Interim Tree Preservation Order No 2, which was confirmed on 1 March 1948.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the 2 main issues in this appeal are:

   - The effect on the character and appearance of the locality and wider landscape if the tree is removed; and
   - Whether the reasons given for its removal are sufficient to justify that course of action.

Reasons

The first issue – the effect on the character and appearance of the locality and wider landscape if the tree is removed

Character of the locality

3. Wilderness Heights is a curving cul-de-sac through an established residential area on undulating land, located to the west of the A27, a main arterial route through West End. The properties are characterised by modern 2 storey houses, built within medium sized plots.

4. No 19, which has the appeal tree, is fairly typical of the detached houses. It is located at the far end of the cul-de-sac. Against its rear elevation is a patio leading onto a lawn that rises up towards the mounded centre of the garden. The appeal tree grows towards the top of this mound, about 7.2m from the rear elevation of the house and 6.5m from the right side boundary fence.

5. Beyond the rear boundary the landform slopes down to the back gardens of neighbouring properties constructed around a cul-de-sac off Beechwood Rise.

Local tree cover

6. Within gardens locally are many small ornamental and Cypress trees. To the west of the turning head of the cul-de-sac, to the front left side of No 18, is a medium sized Beech Tree. The development has a light scattering of mature deciduous trees of large stature located to the northerly part of this development and there are a good number of similar trees growing both sides of the entrance to the cul-de-sac.

Amenity value of the appeal tree

7. The agent for the appellant considers the tree has been excessively pruned in the past and has little or no amenity value and it can be barely seen by the public.

8. The appeal tree is a mature Oak (*Quercus robur*). It has a height of about 14m and a trunk diameter of 76cm. It has a substantial, near upright trunk, which is topped at about two thirds of the overall tree height. The high crown has developed from this position; it has been reshaped and has developed into an attractive, compact, rounded shape.

9. Overall I consider the appeal tree provides good amenity value to its residential surroundings and the wider landscape.

Impact of its removal on the local and wider landscape

10. The tree can be seen in views from the rear of Nos 18, 19 and 20 and its top glimpsed from between Nos 19 and 20 and when approaching along the public footpath linking this development to the development to its north, and because the tree grows uphill, its top is visible in views from the north. It grows as part of the loose wider grouping of similar trees. Together, they lend the area a very pleasant lightly wooded character.

11. I find therefore that the appeal Oak enhances the visual amenity of the area and its elimination would cause harm to the character and appearance of the locality and wider landscape therefore strong justification would be required for its removal.

The second issue – whether the reasons given for the proposed works are sufficient to justify that course of action

Tree condition, health and safety, continuing tree maintenance

12. The agent considers the tree has had lightening strike damage resulting in a trunk scar and it will continue to decay causing health and safety issues in the future.

13. The Council argue that it has been heavily reduced in the past, possibly as a result of storm damage, and there are no structural issues supplied to support the application.

14. On the day of my visit and with the aid of binoculars I was able to observe the old topping point and the longitudinal scar that spirals from the top of the truncated upper stem, to ground level which averages about 35cm in

width. It exposes heartwood that has wound wood ribbed edges. I accept the view of the agent that this is lightening strike damage.

15. In my view the exposed decayed heartwood has obvious surface decay that would be expected to compartmentalise within the trunk, which limits any risk of the entry of serious wood decay pathogens. The crown is small and has been more recently pruned with circa 1m long resprouting shoots. Therefore it carries a small wind sail area and a low risk of failure.

16. I agree with the view of the agent that return maintenance visits would be necessary to manage the size of its crown, however in my view this type of tree pruning is part of routine household and garden maintenance when living in proximity to trees, and provides no justification for its removal. In any event the tree is mature and its growth rate is not excessive and therefore return visits could be over very long time interludes.

17. In light of the foregoing I have decided on the second issue that the reasons given for removing the appeal tree are insufficient to justify that course of action.

Conclusions

18. My conclusions on the 2 main issues have led me to the view that the appeal tree makes a good contribution to the character and appearance of the locality and wider landscape and the proposed work would cause demonstrable harm. In reaching my decision I have taken into account all other matters relating to the tree.

19. I accept it has an old lightening scar that has exposed a large area of heartwood. However there is no evidence provided of serious weakness or disease entry of significance to safety, sufficient to justify its removal at this time. I have therefore dismissed this appeal.

Alan Engley
Arboricultural Inspector