The Planning Inspectorate

Appeal Decision

Site visit made on 8 September 2015

by Jonathan Fulcher

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

Decision date: 21 October 2015

Appeal Ref: APP/TPO/W1715/4753
235 Winchester Road, Chandlers Ford, Eastleigh SO53 2DX

- 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 works to a tree protected by a Tree Preservation Order (TPO).
- The appeal is made by Mr John Shutler of John Shutler Tree Services as agent for Mr D. Pruden against Eastleigh Borough Council.
- The application dated 6 May 2015 Ref: T/15/76465 was refused by notice dated 26 June 2015.
- The proposed work is the felling of a sweet chestnut tree.
- The relevant TPO is the Eastleigh Borough Council TPO No. 258 which was confirmed on 12 January 1994.

Decision

1. I dismiss the appeal.

Main Issues

2. In my view the main issues in this case are:-

   i) The impact of the proposed felling on the health and appearance of the tree;

   ii) The impact of the proposed felling on visual amenity, ecology and wildlife, shelter and screening of the surrounding area; and

   iii) Whether or not there are sufficient grounds for the works as proposed.

Reasons

Effects of proposed works on amenity

3. The appeal tree is a maturing sweet chestnut appearing to be about 14m in height, to judge by nearby height references such as lamp-posts, telegraph poles and dwellings. The tree has two stems from ground level, the stems abutting to about 1.2m. There are the remains of two old stumps at the base of the tree. These stumps are in the process of being occluded by callus growth and secondary thickening of the live stems. The stems lean slightly, by about 5^0. There are well-formed root buttresses at the base of the tree, and there is minor dead wood (less than 25mm in dimeter) in the crown. Otherwise the appeal tree appears to be in normal health and condition for the species.

4. The tree stands in the wooded front garden of 235 Winchester Road, close to the gravelled drive along the north east site boundary. Surrounding vegetation in the garden includes a shrubby understorey of rhododendron and holly with

occasional larger trees including birch, oak, pine and sweet chestnut. Some of these larger trees standing between the appeal tree and Winchester Road obscure direct views of the appeal tree from the highway, and there are no public views from which the whole tree is visible. However, the appeal tree is part of the local tree population in this area which contributes to the attractive landscape character. Its loss would diminish the density and variety of the local tree canopy. I am satisfied that the appeal tree has amenity value, and that its loss would have an adverse effect on visual amenity.

Grounds for the proposed works

5. The case for felling is supported by a 'tree hazard evaluation form', the 2nd edition of a form produced by the International Society of Arboriculture (ISA). This form provides a 'Hazard Rating' section, where selected criteria are graded and totalled to give a hazard rating. What the form does not provide is a scale for the assessment of the number ascribed to the hazard rating. To take the 'Failure Potential' range of 1 - low to 4 – severe, and changing none of the other criteria scores in the form in support of the application, the potential hazard rating ranges from 8 to 11. On that basis, the form's score for the appeal tree of 9 puts it in the lower 50% of rated hazard.

6. The form has 'Size of part' and 'Target rating' criteria. These are of most significance when related to a failure potential that is high or severe. I am satisfied that the ratings on the form given to these two criteria are reasonable in the circumstances. However, I note that reducing the rating for 'Failure Potential' to 1 and raising the 'Size of part' to 4 gives the same hazard rating score of 9. I am not satisfied that the Hazard Rating figure on its own is useful in assessing hazard; or, in the case of the current appeal, that the Hazard Rating of 9 is sufficiently pressing as to warrant felling.

7. Turning to the conclusions of the arboricultural report submitted in support of the application (and which included the completed tree hazard evaluation form) I note the references to decay between buttress roots. I have seen no evidence to help in the assessment of the extent of decay into structural wood, or the nature and consequences of the decay. Although the report suggests that decay extends in some places into the base of the tree by at least 30cm, there is no clear and conclusive link in the report between the extent of decay and hazard. The form notes no soil heaving, no roots broken and no soil cracking. The reference to the tree appearing to grow on the remains of an oak stump adduces no supporting evidence that the stump is actually of oak; the two-stemmed nature of the appeal tree suggests an old unmanaged coppice, when the stump might just as well be from a lost sweet chestnut stem. I am not satisfied from the evidence that I have seen that the appeal tree has a failure potential of medium as set out in the form; or that the evidence supports the felling proposal.

8. The Council's first reason for refusal in their decision seems to be a self-evident matter of fact that felling will be detrimental to the health and appearance of the tree. The matter to be considered is what the contribution of the tree is to amenity and therefore what the potential adverse amenity effects from felling might be. I am satisfied that the tree has amenity value, and that its removal would diminish amenity locally.

9. The Council's decision refers to an adverse impact on ecology and wildlife, on shelter a screening of the surrounding area. I have seen no substantive evidence one way or another on those matters, and I am satisfied that it is

reasonable for me to make my decision on the matters of amenity and the evidence I have seen relating to tree hazard.

10. Conclusions

11. The appeal tree makes a contribution to the local landscape and the proposed felling has the potential to have an adverse effect on visual amenity.

12. On the basis of the evidence I have seen I find that the reasons for felling do not outweigh the amenity value of the tree and do not warrant the proposed felling.

13. I conclude that the proposed felling of the appeal tree is not warranted on the evidence and I therefore dismiss the appeal.

Jonathan Fulcher

Arboricultural Inspector