The Planning Inspectorate

EST 1909

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For official use only	
Date Received	1 DEC 2011
Appeal Ref	APP/TPO/W1715/2264

TREE PRESERVATION ORDER (TPO) APPEAL FORM
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) SECTION 78

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 0117 372 8192.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name CHRIS BUCHANON

Address 6 PARDOE CHASE.

HEDGE END

Postcode SO30 ONE.

Daytime Tel

Fax

Email

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.

Name LOGAN DAVID MADDEN.

Organisation ALAN BRIND TREE SERVICE.

Address DROVE LEA FARM, MILL LANE TITCHFIELD FAREHAM HAMPSHIRE.

Postcode PO15 5DX.

Daytime Tel 01329 847114.

Fax

Email ABRINDTREES@Yahoo.Co.UK.

I prefer to be contacted by: Email ☑ Post ☐

C. APPEAL SITE

Address where the appeal tree is (trees are) located:

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: EASTLEIGH

Council Contact Name: GARY CLAYDON-BONE Telephone Number: 023 8068 8422

Full title of tree preservation order (if known): N/A.

Date of Council's decision (if applicable): 1ST November 2011.

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)	☐
The direction issued by the local authority requiring the replanting of woodland	☐
Condition(s) attached to the consent	☐
An article 5 certificate issued by the Council, eg that the appeal tree has an outstanding or special amenity value, or that the Council's decision is in the interests of good forestry	☐
The Council's refusal to agree a matter that required their agreement under the terms of a condition of consent (TPOs made on or after 2 August 1999)	☐

F. GROUNDS OF APPEAL

If you choose the recommended Fast Track appeal procedure 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.

You should provide at least one reason for each of the boxes you have ticked in section E. Explain why you think the Council's decision is wrong and should be overturned. The decision on your appeal will take into account the contribution that the tree(s) make to the amenity of the area and the reasons set in support of your application/appeal. Please bear in mind that allegations of maladministration or complaints about the time taken by the Council to issue a decision on the application are unlikely to affect the outcome of the appeal, since such matters are not relevant to the merits of the proposal. If appealing against a refusal of consent to fell a tree or against a condition or direction requiring replacement planting you should indicate the species and size of any tree/s you would be prepared to plant if the appeal were to be allowed.

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

ATTACHED SHEET.

G. PROCEDURE

Appeals dealt with by written representations (Fast Track) procedures 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. 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. Don't worry 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 ☑

I. C FIRMATION

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 Planning 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 [redacted]

Date 28 November.

Name (in capitals) LOGAN DAVID MADDEN

On behalf of (if applicable)

The gathering and subsequent processing of the personal data you give on this form accords with the terms of the Planning Inspectorate's registration under the Data Protection Act 1998. More about the Planning Inspectorate's data protection policy can be found on the Planning Portal at http://www.planningportal.gov.uk/planning/appeals/online/about/privacystatement

Please send the completed form and supporting documents to:

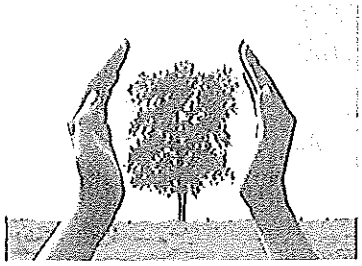
The Environment Appeals Team
Trees and Hedges
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0117 372 8192
or e-mail it to: environment.appeals@pins.gsi.gov.uk

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.

J. SUPPLEMENTARY SHEET

ALAN BRIND TREE SERVICE LTD



PROVE LEA FARM
MILL LANE
TITCHFIELD
HAMPSHIRE
PO15 5DX

EMAIL: abrindtrees@yahoo.co.uk

PHONE: 01329 847114

15/08/11

To whom it may concern

The reason for this letter is to support the application of the felling of one Oak tree at the rear of 6 Pardoe Close.

The Oak tree is of good health and of good amenity value and would be of an asset to the property but unfortunately due to the development of the property in 1996 it's position is too close to the property.
I feel that it is too large for this area, the reasons are as follows.

Already, damage has occurred to the property itself when a branch dropped and broke several of the glazing panes of the conservatory and the rear underground drainage services have been broken due to root growth, the roots have had to be pruned back and drainage repaired.
Because of the spread of the canopy over the property there is a large problem of pigeon faeces on the property, patio and also other areas of the garden, this has made the garden un-usable, not just for the owner but also his children.
As we know there are great concerns with the pigeon faeces fouling the property because of the dangers of diseases that the faeces carry, not only in its presence but also its removal during the cleaning process.
As the Oak tree is only 2-3 metres from the rear of the property there is a greater chance of affects to the properties foundations of at least 25% as stated in Cutler and Richardsons Tree roots and Buildings.

I feel that any remedial Tree work carried out on the Oak tree would not totally alleviate any of my concerns of the reasons that I have stated

in this letter, and i feel that any work that would have to be carried out would be so great that the tree would not benefit and would suffer as a result, the work would have to be carried out on a very regular basis, this would not benefit the Oak tree at all.

Finally i would like to say that the Oak tree is of great benefit, but has outgrown its environment.
The owner has stated that he will re-plant with a replacement Tree of the same species of a significant maturity approximately 16-18 dbh, semi mature re-plant on his property.

Yours Sincerely
Logan Madden

