

Eastleigh Borough Council Preservation Order and Conservation Area Application Assessment Form

Application Number	T/16/79291	
Case Officer	Matt Strand	
Site Visit Date	18/11/2016	
Address	1 Latelie Close Netley Abbey Southampton SO31 5AG	
Work notification/ request	Fell 1no. Lime	
Comments/ observations following site visit	Mature Lime tree in back garden location. The tree is highly visible from the public highway on Latelie Close and Netley Lodge Close. The tree is a large part of a group of trees adjacent to the property and the removal of the tree would significantly reduce the collective visual amenity for the local area. The trees form and structure is typical for this species and its age. The tree appears outwardly healthy with no obvious pests and disease, fungal fruiting bodies or significant structural issues. The application does not present enough arboricultural evidence to support the felling of this tree.	
Decision	Refusal	
Conditions	N/a	
Notes to applicant	N/a	
Parish comments	T/16/79291 – 1 Latelie Close, N/A At Monday's Planning Committee meeting HPC Members resolved to concur with the Tree Arboriculturalist at Eastleigh Borough Council for the above planning application.	
Public objection/ support	Support	Objection
	1	1
Objection consideration	Considered	

1. The tree is highly visible from the pub, highway on Latelie Close and Netley Lodge Close (see attached) It is a large part of a group of trees adjacent to your property and the removal of your tree would significantly reduce the collective visual amenity for the local area.
2. The tree is mature in age and I would suggest that this is not a sudden loss of light. The tree is adjacent to the north eastern boundary and has a reduced shadowing effect because of its location and aspect. An application to carry out tree works to potentially increase light levels can be made. There is no legal right to light in relation to trees.
3. Any part of the tree which is dead or dangerous can be removed without a formal application, although notice is required and a decision will be made whether or not this is followed up.
4. Now that the tree is protected under The Town and Country Planning Act (1980) it can only be removed with a formal application and decision notice allowing this.

I hope this answers some of your questions.

Kind regards

Matt Strand

Assistant Tree Officer

Eastleigh Borough Council

From: Gayton, Emma
Sent: 22 August 2016 12:19
To: Strand, Matthew
Subject: FW: 1 Laterlie Close, Netley Abbey. Your Ref: EGI5082016

Hi Matt

For you please see email below from Mr Dalby.

Kind regards

Emma

F. GROUNDS OF APPEAL (cont)

Eastleigh Borough Council state that:

"The proposed felling of 1no Lime is considered unjustified. The works would thus result in an adverse impact upon the visual amenity, ecology and wildlife, shelter and screening..."

With reference to the claim that there would be an "adverse impact upon visual amenity..." It is felt that the adverse effect upon visual amenity would not be significant, as per the TPO Assessment Report, presented with the original application.

Photographs are available to prove that there is minimal visibility of the Lime Tree in question from Netley Lodge Close. This results from the 'shielding effect' of the adjacent trees. During the time at which foliage is present, the visibility is virtually none existent due to this shielding. The tree is only significantly visible from a narrow angle, down the side of the bungalow, in Latelie Close - a small cul-de-sac with negligible traffic other than for the small number of residents - 6. From all other viewpoints, the visual amenity is negligible due to sight-lines being blocked by other trees. Even within Latelie Close, the tree is flanked and backed by further trees, reducing the adverse impact to visual amenity. If consent is granted any visibility from Latelie Close, now minimal, would be largely eliminated with the proposed extension, for which planning permission has just been received.

With reference to the proposed felling being "unjustified", Government guidance states that:

"...if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work."

Based on the first point, the requirement for justification is reduced in this instance.

With reference to ecology and wildlife, it is felt that the loss of a single tree, within the group, will not significantly adversely affect the habitat provided. The other trees within the immediate vicinity are of similar size and age, supporting similar habitat. If permission is granted, it is my intention, in the area surrounding the present Lime tree, to increase the diversity of facilities for additional wildlife by the creation of a large fresh water pond.

Similarly, with reference to shelter and screening, it is not felt that the loss of this single tree would be detrimental due to the location of the other trees in the immediate vicinity.

In conclusion, I disagree with Eastleigh Borough Council's decision to refuse the proposed works, primarily based on the argument of visual amenity, but also with reference to the stated affects to wildlife and ecology, and shelter and screening.

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:

Tree of Council's choice. I would also be prepared to monetarily support tree planting in the local area if consent to fell is granted.

Size:

Standard (8-10cm girth).