



Appeal Decision

Site visit made on 17 July 2023

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/W1715/TPO/9273

25 Weavills Road, Bishopstone, Eastleigh, Hampshire SO50 8HQ

- 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 trees protected by a Tree Preservation Order.
 - The appeal is made by Mr David Begg against the decision of Eastleigh Borough Council.
 - The application Ref: T/22/93210, dated 9 June 2022, was refused by notice dated 21 July 2022.
 - The work proposed is 3 No Ash - group of 3 trees, remove 1 Ash either side and keep the middle tree but reduce it by 2 metres. Trees outgrown the available space.
 - The relevant Tree Preservation Order (TPO) is the Borough of Eastleigh Order No 456 – land at rear of 25 Weavills Road, Fair Oak 2002, which was confirmed on 12 February 2003.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity, I have used the description of works given on the Council's Decision Notice.

Main Issues

3. The main issues in this case are the effect of felling and works (the works) to a group of 3 Ash trees known as G1 under TPO No 456 on the character and appearance of the area, and whether justification has been demonstrated for the works.

Reasons

4. Turning to the first main issue, No 25 Weavills Road is located in a residential area of brick and tile dwellings. The property has a rear garden boundary with the dwellings found on Hartley Road that is lined by G1, which as a group are protected as a collective unit. G1 has a Hawthorn tree to either side.
5. G1 provides a high level of visual amenity when viewed above the rooflines and between the properties on Weavills Road and along Hartley Road. Therefore, in combination with the wooded areas seen in the distant views, the group makes a positive contribution to the surrounding area. Moreover, as many of the dwellings on Weavills Road and Hartley Road have numerous hard-standings or paved parking areas to the front, the group of trees helps to frame and soften the hard surfaces of the surrounding built form.

6. The proposal is to reduce the height of the central tree by 2 metres and to remove the Ash trees on either side. Therefore, I am in no doubt that the loss of the two trees and considerable works to the central tree would not only erode the mature and natural shape of the group but also their visual amenity as a whole. Consequently, the proposal would give rise to considerable harm to the character and appearance of the area. Given the above, any reasons to justify the proposal need to be convincing. It is to those reasons, the second main issue, to which I now turn.
7. At the time of my site visit the trees were in full leaf with dense green crowns. However, I am mindful of the prevalence of Ash dieback and the guidelines provided by the Woodland Trust and that interested parties have recorded their concerns related to creaking sounds made by the trees in windy conditions. However, I have no substantiated evidence before me that the trees are under stress or will come to an early demise. Moreover, even if the outer trees are not completely perpendicular, in my view, there is no material leaning of the trees. As such, I consider that the trees appear to have good vigour and vitality for their age and species.
8. G1 is located adjacent to a hardstanding and a store type building. I recognise that trees can, in some situations, cause structural damage. I noticed that there is some minor historic cracking to the hardstanding. However, without any substantiated evidence of damage to the hardstanding and/or store by the tree roots associated with G1, its proximity to those structures is not a valid reason for the removal of the protected trees. In this case, I have not been presented with any such evidence.
9. I note concerns raised by both the appellant and interested parties related to overhanging branches, the loss of small branches, moss, poor growing conditions near to the tree, pigeon droppings and other debris surrounding the tree. However, while this may create ongoing maintenance, inconvenience, or challenges to those living nearby, particularly for those with mobility issues or children wanting to play, much of the debris is likely to be seasonal and therefore is unlikely to occur to a significant degree all year round. Indeed, these concerns rarely justify the loss of protected trees as it should be accepted, when choosing to live nearby, that the group of trees is an integral part of the surroundings.
10. The appellant has also raised neighbour concerns related to shading associated with the trees. The trees are located to the eastern boundary of the host dwelling. Therefore, shading to neighbouring gardens is likely to be more noticeable at certain times of the day and year. While I attribute this matter some limited weight, the works would fail to permanently eliminate shading as the central tree continues to grow and therefore, in my view, does not justify the proposed works.

Other Matters

11. An interested party has brought to my attention the removal of Ash trees to facilitate a housing development nearby. However, even if these trees are protected, of which I cannot be certain, they are in another location altogether and therefore, in this case cannot be a justification for the proposed works to the appeal trees.

Conclusion

12. With any application to fell or carry out works to protected trees; a balancing exercise needs to be undertaken. The request to fell or carry out works to protected trees must be weighed against the resultant loss to the amenity of the area. In this case, the proposed works would result in considerable harm to the character and appearance of the area, and in my judgement, insufficient justification has been demonstrated for the proposed works.
13. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR