



Appeal Decision

Site visit made on 4 February 2026

by R M Nicholson MArb MICFor FArborA

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal Ref: APP/TPO/W1715/10423

21 Jasmine Road, Hedge End, Southampton, SO30 4SX

- 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 (TPO).
 - The appeal is made by Howard Marks against the decision of Eastleigh Borough Council.
 - The application Ref: T/24/98400, dated 24 October 2024, was refused by notice dated 2 December 2024.
 - The work proposed is T001 Oak selectively reduce crown on north side by 2-3m, and east and west side by 3-4m, max 75mm prune wound diameter (dia.). Prune to previous prune points where appropriate. Retained dimensions 7.5N 6E 8S 7W
 - The relevant TPO is Tree Preservation Order No. 93 Land at Wildern, Hedge End, which was confirmed on 30 July 1985.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed works on the character and appearance of the area; and whether the reasons given for the proposed works justifies that course of action.

Reasons

3. Turning to the first main issue, 21 Jasmine Road is a two storey semi-detached property in a residential development just to the south of the retail park in Hedge End. The area is characterised by a mix of housing types, all of a similar age with off-street parking at the front and compact rear gardens. There is a linear belt of oak, holly and ash woodland on public open space to the rear of Jasmine Road, with pedestrian footpaths linking other areas of the estate. Few of the gardens contain trees of any size but there are other areas of woodland containing early mature broadleaf trees throughout the development.
4. The rear garden of No 21 has hard surfacing, flower and rose beds, a covered patio and an area of artificial grass. Two broadleaf trees that have been reduced in height grow on the rear boundary. The oak, a single stemmed early mature tree stands immediately behind No 21 in the woodland on the open space. Its

canopy extends across a footpath and just over the rear boundary fence of the property.

5. The tree is an important component of the wooded belt and is visible above the roofs of the properties in Jasmine Way, Dowds Close and Turnpike Way to the south and from Fowlers Way to the west. Because of its size, dominance and appearance, it is an important landscape element which makes a valuable contribution to the character and appearance of the area.
6. In the light of this, the proposed branch reduction on three sides of the canopy would adversely affect its appearance causing harm to the contribution the tree makes to the character and appearance of the area. The works would therefore need clear and convincing justifications and it is to those reasons, the second main issue, to which I now turn.
7. At the time of my site visit the garden was not shaded by the tree, nor overhung by the canopy to any significant extent. The patio area was in full sun and the light levels were reasonable allowing the planting to flourish.
8. The historic branch reduction to the canopy on the south side of the tree where it overhangs Dowds Close has resulted in bundles of epicormic shoots arising from the pruning points which are at odds with the natural appearance of the rest of the canopy. This regrowth is not very visible from public viewpoints as it is screened from the west by the buildings and from the path by other vegetation. However, there is insufficient justification to subject the remainder of the canopy of the oak to this type of pruning regime, especially on the highly visible east and west sides where the tree does not overhang properties.
9. The results of the tree condition assessment in the report accompanying the application indicates that the tree presents a reasonable level of risk. There is nothing before me, or that I saw on site to lead me to a different view. The appellant has referred to several matters on the appeal form objecting to the decision and amplifying the reasons given on the application form. However, given the nature of the chosen appeal procedure I am unable to take any new evidence, save for what was submitted at the application stage, into account. Those matters have not therefore formed part of my deliberations.
10. I note the objection to the works from the Parish Council and the support for the application from interested parties, some of whom support a height reduction of the tree which was not part of the application. With any application for works to a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant impact on the contribution the tree makes to the amenity of the area. In this case the proposed works to the tree would cause harm to its appearance and its contribution to the character and appearance of the area and, in my judgement, insufficient

compelling justification has been demonstrated for the proposed works.

11. Accordingly, for the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

RM Nicholson

INSPECTOR