



TREE PRESERVATION ORDER (TPO) APPEAL FORM
The Town and Country Planning (Tree Preservation) (England)
Regulations 2012 – SI No. 605, Regulation 19

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 0303 444 5000.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name IAN WRIGHT

Address 61 ULLSWATER AVENUE
WEST END
SOUTHAMPTON
HAMPSHIRE

Postcode SO18 3QS

Daytime Tel [REDACTED]

Email [REDACTED]

I prefer to be contacted by: Email

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. It will be your responsibility to keep the appellant informed.

Name

Organisation

Address

Postcode

Daytime Tel

Email

C. APPEAL SITE

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

61 ULLSWATER AVENUE
WEST END
SOUTHAMPTON
HAMPSHIRE
SO18 3QS

Do you own the site: Yes

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 BOROUGH COUNCIL

Council Contact Name: NICHOLAS PARKER Telephone Number: 023 8068 8000

Full title of tree preservation order (if known):

Date of Council's decision (if applicable): 29 OCTOBER 2025

E. APPEAL

Please tick only the relevant boxes.

I am appealing against:

The Council's refusal of consent

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:

1 – JAPANESE MAPLE AS THIS WOULD BE IN KEEPING WITH OTHER PROPERTIES IN THE AREA THAT ALSO HAVE THESE VISIBLE TO THE FRONT OF THEIR PROPERTY

Size:

SMALL, ENABLING LONG TERM GROWTH

F. GROUNDS OF APPEAL (cont)

Application No.: T/25/100036

Tree: T1, Birch (on boundary with No. 63)

Location: 61 Ullswater Avenue, West End, Southampton, SO18 3QS

Local Planning Authority: Eastleigh Borough Council

Decision Date: Wednesday 29 October 2025

Introduction

We hereby lodge an appeal against the decision of Eastleigh Borough Council to REFUSE consent for the felling of one Birch tree (T1) under the above-referenced application. While we acknowledge the visual amenity afforded by the tree, we contend that the ongoing, demonstrable, and escalating physical damage to residential infrastructure, coupled with the impracticality and risk associated with the Council's suggested mitigation, constitutes a compelling justification for removal.

Rebuttal of Reasons for Refusal

Council's Reason 1 & 2: Amenity and Disproportionate Response

The Council argues that felling is a disproportionate response for a healthy tree and suggests selective pruning for clearance.

Grounds for Appeal:

- **Amenity is Subordinate to Safety/Structure:** While amenity is important, the primary justification for felling is not the tree's size above ground, but its aggressive nature at the root level, which is now directly impacting the property's function and safety. The damage is a clear indication that the tree has profoundly "outgrown its current position".
- **Pruning Ignores the Core Issue:** The suggestion of selective crown pruning (as clearance) is irrelevant to the verified problem, which is the root system actively raising driveways on properties either side. This root-level encroachment is the central issue, not crown obstruction.

Council's Reason 3: Damage to Driveways and Lack of Evidence

The Council acknowledges the deformed surfacing (driveways) but states that no evidence was supplied to confirm that root pruning is not a reasonable solution, requesting photographic evidence of exposed and measured roots.

Grounds for Appeal:

- **Visible Damage is sufficient evidence of actionable risk:** The significant lifting of the driveway is visually apparent and is sufficient common-sense evidence that the roots are now well-established and aggressively growing. The deformation is not static; the problem will only get worse as the tree further matures, escalating the damage.
- **Root Pruning is a "Sticking Plaster" and Maintenance Hazard:** We submit that root pruning is not a sustainable or reasonable solution.
- **Risk to Tree Stability:** Any root pruning of sufficient diameter to permanently halt the structural damage to the driveway would likely compromise the tree's anchoring structure, potentially rendering the tree unstable and a danger to property and persons. This outcome is highly undesirable and creates future liability.
- **Impracticality of Maintenance:** Even minor root pruning would only be a temporary "sticking plaster" solution. The roots will regenerate and re-infiltrate the area, necessitating repeated disruptive maintenance to the driveway and preventing us from carrying out long-term, permanent driveway repairs.
- **Disproportionate Burden of Evidence:** Requiring the applicant to undertake destructive investigation (exposing and measuring the roots) prior to consent places an undue and costly burden on us as the homeowner, especially when the visible lifting of the driveway surfaces already confirms the core complaint.

Conclusion

The Birch tree (T1) has demonstrably outgrown its confined, residential location at the root level, causing verifiable physical damage to adjacent driveways. The Council's proposed mitigation of root pruning is both inherently risky to the tree's stability and an unsustainable, ineffective solution to a chronic issue. The ongoing physical damage and the associated future risk to property and safety must outweigh the tree's amenity value.

We understand and actively support the importance of trees to our area. As such, we would be committed to planting a Japanese Maple tree as a replacement. We view this as reasonable as it would be in keeping with other Japanese Maples visible in the area while practical as their root system would be unlikely to cause future damage.

Based on the above, we respectfully request the Planning Inspectorate to overturn the refusal and grant consent for the felling of T1.

G. PROCEDURE – (See Section 9 of the Guide for Appellants before making your choice)

Appeals dealt with by the Fast Track procedure 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

H. SITE VISIT – Please note: no discussion about the merits of the case will take place during the site visit.

Are you willing for an Inspector to enter the site and conduct the visit unaccompanied?

Yes

If Yes, please give details below of anything the Inspector needs to know with regard to how to access the site:

N/A – our front driveway is fully accessible.

Are there any Health and Safety concerns that the Inspector will need to be aware of prior to the site visit?

No

I. 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. 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):

_____ T/25/100036 _____

- | | |
|---|---|
| 2. A copy of the Council's decision (if one was issued) | 2 |
|---|---|

J. CONFIRMATION

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 Appeals Casework 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 *Ian Wright*

Date 23 November 2025

Name (in capitals) IAN WRIGHT

On behalf of (if applicable) N/A

For more information about how we process your personal information please see "A Guide for Appellants (Tree Preservation Orders- consents for works)."

Please send the completed form and supporting documents to:

Trees and Hedges
Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0303 444 5000

or e-mail it to: treeandhedgappeals@planninginspectorate.gov.uk

What happens next:

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.

K. SUPPLEMENTARY SHEET

