



Appeal Decision

Site visit made on 8 July 2026

by Simon Cox MSc PgDip FArborA CEnv

an Inspector appointed by the Secretary of State

Decision date: 20 July 2026

Appeal Ref: APP/TPO/W1715/11032

61 Ullswater Avenue, West End, Hampshire, SO18 3QS

- 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 fell a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Ian Wright against the decision of Eastleigh Borough Council.
 - The application, Ref: T/25/100036, dated 5 September 2025, was refused on 29 October 2025.
 - The work proposed is to fell a birch tree.
 - The relevant TPO is Tree Preservation Order No. 682 Ullswater Avenue, West End. 2010, which was confirmed on 6 January 2011.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application and decision notice also relate to felling a conifer tree, which was permitted. As no reference is made to that tree in the appeal form, I only consider the birch tree in this decision.

Main Issues

1. I consider the main issues to be:
 - i. The impact of the proposed tree removal on the character and appearance of the area.
 - ii. Whether sufficient justification has been demonstrated for the proposed felling.

Reasons

The effect of the proposed tree removal on the character and appearance of the area

2. 61 Ullswater Avenue is a detached residential property in a well-developed area of West End. Ullswater Avenue is a connecting route through the estate.
3. The birch tree is tall with a broad crown. As the tree is positioned towards the frontage of the property, it is clearly visible to passers-by. It will also be visible from many other surrounding residential properties.
4. Thus, the tree makes a positive contribution to the character and appearance of the area and its removal would lead to unacceptable harm. Consequently, any reasons given to justify felling it need to be convincing. I now turn to those reasons.

Whether sufficient justification has been demonstrated for the proposed tree removal

5. During my site visit I found areas of deformation in the surface of a block paving driveway, both sunken and raised areas. Some of this deformation is near the tree, but other sections are some distance away from it. The affected area near the tree is limited to a small section of the surface; areas closer to the tree, such as the edging, are not deformed.
6. I associate such deformation with various causes including continued use, workmanship on installation, and possible tree root growth/contact. Based on my site visit and my review of the pictures submitted in the application, I have not seen sufficient evidence – such as obvious surface rooting, or evidence of roots under the surface at the points of deformation – to implicate the birch tree as the cause of all, or some, of the deformation.
7. No evidence of other driveways being affected has been submitted for consideration.
8. In turn, I have not seen sufficient information to justify felling the tree rather than carrying out targeted root pruning if roots were found or resetting the surface.
9. Whilst it is not clear to me from the application how the size of the tree for its location links to the requested work, I do not consider felling to be an appropriate initial response to management of common issues such as overhanging branches, leaf fall, light and shade.
10. Therefore, on the evidence currently before me, I find adequate justification for the felling of the tree has not been demonstrated.

Conclusion

11. With any application to fell a protected tree, a balancing exercise needs to be undertaken. The need for the work applied for must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would result in unacceptable harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for the proposed felling.

Simon Cox

INSPECTOR