

Eastleigh Borough Council Tree Preservation Order and Conservation Area Assessment Form

Application Number	T/26/101936
Surveyor	AM
Address	27 THE FOXGLOVES, HEDGE END, SOUTHAMPTON, SO30 0UG
Proposed work	2no. Oak (T1 & T2) - Remove, further details in the updated Arborist report. 1no. Ash (T4) - Remove, further details in the updated Arborist report. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability. Granting permission of works will limit costs of repair to the home. Further monitoring results may be submitted if these become available during the course of this application.
Assessment Date	5th October 2026
Officer comments	This application proposes to fell several trees subject to TPO which are alleged to have caused subsidence damage to a conservatory. Site investigations, an engineers report, arb report, level and crack monitoring have been supplied. BGS mapping indicates that the property stands on London Clay. This is particularly prone to seasonal movement. Borehole samples established that a firm, medium to high plastic soil exists below foundation depth. Unfortunately, the 60cm deep conservatory foundations do not meet NHBC guidance, falling short of Chapter 4.2, Table 3 of NHBC Standards – Building Near Trees. However, inadequate foundations do not by themselves absolve third parties of liability if their vegetation is found to be contributing to the damage, or in the case of a s24 compensation claim. A control borehole was not provided and no explanation given. However, omission of this is not deemed critical to determination either way. Damage was first noted to the property in September 2022. This was the joint-hottest summer on record in England. Such weather conditions are likely to result in a surge of subsidence claims. The timing of the damage is consistent with the influence of vegetation. Although I'm not a structural engineer, I was shown some of the damage which included separation of the conservatory from the main house, cracks in walls, sinking of the floor, particularly on the south-west side, a side wall which had rotated and a door that no longer closes.

	Level monitoring has been supplied covering the period June 2023 to October 2026. This shows a clear pattern of movement which can only be attributable to the influence of vegetation. This shows as downward movement during the growing season and upward movement, recovery during autumn/winter. There is a long period with no readings provided but the last cluster (November 2025 – October 2026) demonstrates this pattern of movement. T1 (T1 on TPO 234-E) is a large, mature oak. It is visually healthy and has an asymmetric crown owing to previous competition for space with T2. It's visible to the public from several roads and is considered to offer a high level of public amenity. Roots from <i>Quercus</i> were found in a borehole sunk adjacent to the conservatory, although this evidence is several years old now. Without DNA testing, it would not have been possible to attribute the retrieved roots either to T1 or T2. However, T2 has been felled to a high stump yet building movement continues. The pattern of movement shown on the level monitoring can only be attributed to the influence of trees. Only T1 remains as a substantial tree therefore on the balance of probabilities, this tree is contributing to the subsidence. T2 (T4 on TPO 234-E) was previously consented to be felled under application ref: T/23/96634. However, the tree was not fully felled. This tree remains only as a tall stump with only a few recently alive twigs remaining. This tree will not have been capable of removing significant amounts of water from the soil so can be discounted as a continued cause of building movement. It no longer provides benefit to public amenity. The removal of this tree is reasonable. T4 (T3 on TPO 234-E) is a 5-7m tall ash stump thriving on dense, visually healthy stem epicormics having been topped under T/24/96874. What remains is barely visible to the public, only able to be glimpsed from between a couple of houses at the end of a small cul-de-sac and over a fence at considerable distance from Cortina Way. Roots from <i>Fraxinus</i> (ash) were found in a bore hole sunk adjacent to the conservatory foundations. A small stump (S5) of a tree of the same species is recorded just beyond the boundary, although this is/was considerably smaller than T4. T4 is still capable of drawing water from the soil. The tree is of very low amenity value, is implicated as contributing to subsidence and no longer justifies TPO. The loss of T1 will be harmful to public amenity. However, the supplied evidence justifies its felling for the following key reasons: - The property stands on London clay and has been found in soil tests to be capable of moderate to high volumetric change; - Actual damage has occurred to the conservatory;
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	- The conservatory is within the zone of influence of T1/oak. Roots of this species were recovered from a borehole sunk beneath the conservatory foundations. - Seasonal movement consistent with the influence of vegetation has only increased since the near removal of T2 and T4. As such, this strongly implies that T1 is a significant cause of ongoing building movement. - It is only necessary to prove on the balance of probabilities that a tree is contributing to the damage. In my opinion, the supplied evidence meets this test. Should consent be refused, it is likely that the Applicant would pursue a claim under s24 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. Despite the harm to amenity, the application should be granted consent. Replacement planting would not be practical as the trees stand on unregistered land therefore there is no means of enforcing this.					
Decision	Consent	Refuse	Part consent/ Part refuse	Withdrawn / Invalid	Conservation Area	
					Raise no objection	TPO
	X					
Decision notice	GRANT CONSENT: 2no. Oak (T1 & T2) - Remove, 1no. Ash (T4) - Remove					
Conditions						
Notes to applicant	N/A					
Parish comments	HETC: The committee were not able to reach a decision as there is insufficient evidence provided. AM response: Noted.					
Public objection/ support	Support		Objection		Observation	
	0		0		0	
Objection/ support consideration	Public comment 1: Dear Sir/Madam, I wish to object to the proposed removal of T4 (Ash Tree) as part of the above application. Firstly, the report appears to incorrectly state that the oak trees are on our property. Having lived at our property for over 40 years, we can					

	confirm that when the Foxgloves development was built, a strip of land was left between our property and the Foxgloves site. The trees concerned are therefore not situated within our ownership as described. We would like to make clear that we did not object to the original proposal to fell the oak tree if it was genuinely causing issues for 27 Foxgloves. However, we strongly object to the proposed removal of T4 (Ash) from our boundary. The distance between T4 and 27 Foxgloves is considerable. By comparison, our conservatory is situated approximately four metres from T4 and has been for many years. During that time, we have experienced no concerns, structural issues or adverse impacts from the tree and are entirely comfortable with its proximity to our property. Given this, we struggle to understand why T4 is considered problematic in relation to a property that is significantly further away. T4 was previously pollarded by Jack Newcombe of J N Treecare under the relevant Tree Preservation Order (TPO). At that time, we were advised that the presence of ash dieback did not necessitate removal of the tree and that, with appropriate management, the tree should recover and continue to provide amenity value. We have therefore seen no evidence that felling the tree is necessary at this stage. Furthermore, T4 is protected by a Tree Preservation Order, reflecting the Council's previous recognition of its contribution to the visual amenity, character and environment of the area. We believe the removal of a protected tree should only be considered where there is clear and compelling evidence that retention is no longer a viable option, and we do not believe that threshold has been met in this case. In addition, the removal of T4 would have a significant and detrimental impact on the character and appearance of the area. T4 forms part of the original mature tree line that has existed for many years and long predates the Foxgloves development. It is an established feature of the landscape and contributes significantly to the natural setting and character of the locality. The loss of T4 would fundamentally alter the environment that has existed here for decades. Mature trees such as this provide an important habitat for birds, wildlife and insects and support local biodiversity. The tree also contributes significantly to the visual amenity of the area, creating an attractive green outlook from surrounding properties and helping to soften the built environment. As residents who have lived here for over forty years, we have seen first-hand the value that these mature trees bring to the area. They are an integral part of the landscape and have helped define the character of the locality for generations. The original tree line existed long before the Foxgloves development and remains an important feature of the area today. The removal of T4 would significantly change the views from our home, diminish the natural screening provided by the established tree line
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	and result in the loss of a valued environmental asset that contributes to the enjoyment of our property and the wider neighbourhood. Once a mature tree of this age and stature has been removed, the environmental, ecological and aesthetic benefits it provides cannot be replaced for many years. For these reasons, we respectfully request that the Council refuses consent for the removal of T4 and instead considers retention and ongoing management of the tree as a more proportionate and appropriate solution. AM response: noted and considered as part of the decision making process. Public comment 2: I would also add that on discussion with our arborist he would strongly suggest that 1 soil sample is not adequate enough to justify the felling of trees with TPOs. As soil samples are generally recognised to be unreliable, he suggests multiple soil samples taken and a tree root map be evidenced. Is there any evidence of direct damage from the trees ? Also has the report considered the resulting soil heave that may occur as this would most likely affect many more properties. Are you in receipt of the information above to make a truly informed and just decision? AM response: As soil samples are generally recognised to be unreliable, he suggests multiple soil samples taken and a tree root map be evidenced – The absence of a control borehole will be considered within this report. Is there any evidence of direct damage from the trees ? – The report relates to indirect damage, i.e. subsidence. Direct damage relates to contact damage e.g. root contact lifting a structure, or branches in contact with a building. Also has the report considered the resulting soil heave that may occur as this would most likely affect many more properties – Heave risk is a theoretical risk given that the trees pre-date the construction of the conservatory. Heave risk should be considered by the Insurer and does not factor into the TPO decision-making process.
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