

Eastleigh Borough Council Tree Preservation Order and Conservation Area Assessment Form

Application Number	T/24/96804
Surveyor	SK
Address	17 WESTERN ROAD, WEST END, SOUTHAMPTON, SO30 3EN
Proposed work	1no. Scotch Pine - Removal due to wall giving way around root structure in an elevated position, significant movement in soil around roots, tree heavily weighted towards two properties, next to highways.
Assessment Date	14/02/24 site visited.
Officer comments	Tree is growing within 1m of the low boundary wall. There is another tree, a beech, closer to the wall that may well be contributing to the damage. Together the trees form a distinct landscape feature, one of several that contribute to the overall character of Western Road. The loss of the pine would result in an adverse and permanent impact on the landscape of this location. The tree probably is contributing to the damage to the boundary wall. However, both are assumed to be owned by the applicant, and as you cannot be a nuisance to yourself under law, there are no grounds for removing the tree due to the damage. The wall can be taken down and rebuilt with trees being retained. Allowing the pine to be removed will set a precedent that may well result in an application to remove the beech as well. The application states that the tree is diseased or that they have fears that it might break or fall. If the applicant does have concerns over the condition and likelihood of failure of the tree, Regulation 16(1) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 states that “<i>appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable</i>”, is to be supplied with the application. Therefore, written arboricultural advice or other diagnostic information from an appropriate expert should be submitted with the application where the applicant believes work is required on safety grounds. This has not been supplied at this time, so there is insufficient evidence provided to support this claim. The reasons for removal state there is ‘significant movement in soil around roots.’ Looking at Streetview records back to 2008 show that the pine has not start leaning further, and that the damage to the wall has been present at least as far back as this time. There is a verge between the wall and the footpath, so if the wall is to fail at some point in the future, it will most likely fail onto the verge and not cause harm or damage on the footpath. The owner is responsible for ensuring that the wall does not fail onto

	the footway, but this can be done without removal of the tree using suitable engineering solutions. At present, there is insufficient relevant evidence to support felling of an apparently healthy tree.					
Decision	Consent	Refuse	Part consent/ Part refuse	Withdrawn / Invalid	Conservation Area	
		X			Raise no objection	TPO
Decision notice	REFUSE: 1no. Scots Pine – Fell					
Conditions	NA					
Notes to applicant	None					
Parish comments	None					
Public objection/ support	Support		Objection		Observation	
	0		0		0	
Objection/ support consideration	n/a					