



Appeal Decision

Site visit made on 24 September 2024

by S D Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/TPO/W1715/9647

Land to the rear of 3 Portchester Rise (owned by Cranbury Estates Limited), Eastleigh, Hampshire SO50 4QS

- 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.
 - The appeal is made by Cranbury Estates Limited against the decision of Eastleigh Borough Council.
 - The application is Ref: T/23/94663.
 - The work proposed is remedial works to reduce branches to an even horizontal canopy spread of nine metres.
 - The relevant Tree Preservation Order (TPO) is Eastleigh Borough Council Tree Preservation Order No. 5 (Byatt Lane), which was confirmed on 26 June 1970 and Eastleigh Tree Preservation Order No. 313 confirmed on 6 February 1995.
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Decision

1. The appeal is allowed and consent is granted to undertake work to a tree protected by Eastleigh Borough Council Tree Preservation Order No. 5 (Byatt Lane) confirmed on 26 June 1970 and Eastleigh Tree Preservation Order No. 313 confirmed on 6 February 1995, on land to the rear of 3 Portchester Rise (owned by Cranbury Estates Limited), Eastleigh, Hampshire SO50 4QS in accordance with the terms of the application Ref: T/23/94663 and subject to the following conditions:
 - 1) The tree work for which consent is hereby granted shall be implemented within two years from the date of this decision.
 - 2) All tree work operations agreed to under this consent shall be carried out in accordance with BS 3998:2010 'Tree Work Recommendations'.

Preliminary Matters

2. The Council in effect issued two Decisions. Reduction works to 9m were refused but consent was granted for reduction works of up to 3m. I have taken this into account in my Decision.

Main Issues

3. The main issues are the effect of the reduction works on the character and appearance of the area; and whether the reasons given justify those works.

Reasons

4. Number 3 Portchester Rise is a house and garden in a relatively modern estate of houses set in reasonable sized gardens. The appeal tree is part of a long

relatively narrow belt of woodland protected within an Area TPO under TPO No. 5 and as an individual tree under TPO No. 313. Following residential development this woodland winds between houses and public footpaths run through some parts of it.

5. Part of the woodland runs between the gardens of properties on Portchester Rise and Oakfields. It contains a narrow, unsurfaced path which winds between trees and stumps of felled trees. The appeal oak stands beside the path on the side closest to the garden of No 1a Oakfields and just beyond the rear garden boundary of No 3 Portchester Rise. The oak is mature and appears in fair health although there is some dead wood in the canopy which could be removed without consent. Together with the many other trees in the area it provides an attractive verdant environment in which to live and work.
6. Some of its branches have over extended southwards over the garden of No 3 in competition for light with nearby trees. On the Oakfields side a number of large branches of the oak have been heavily pruned leaving large limb stubs some up to 2m long. Consequently the oak has a very uneven, asymmetrical canopy, and as an individual tree, its contribution to the character and appearance of the area is reduced. Pruning the branches over the garden as proposed would result in modest harm to the character and appearance of the area. Nevertheless, the need for the works applied for must be weighed against the resultant loss to the amenity of the area.
7. There is relatively sparse foliage on the parts of the branches over the footpath with most of the foliage at the ends over the garden. The appellant measures the branches with a laser as some 16m long from the centre of the tree to the tip of the foliage. No detailed survey of the condition of the branches was provided. However, over-long branches can be subject to extra stresses and consequent failure. The occupier of No 3 has already experienced the fall of fairly large diameter branches. This risk is exacerbated by the uneven, asymmetrical form of the canopy and is a particular concern given the age of the occupiers of No 3. Reduction of the branches would help to balance the canopy, improving its overall shape and appearance and would mitigate this risk.
8. Reduction works should be kept to the minimum necessary. In this case the narrowness of the footpath and the disposition of tree stumps means that the use of a mobile elevating work platform is not feasible. The Council has given consent for the reduction of the branches by up to 3m but this would require a tree contractor to traverse the branches to a point where the diameter would be relatively small and, due to the asymmetrical canopy, it would be difficult to identify suitable anchor points. For these reasons a condition limiting pruning to up to 3m would not be reasonable.
9. I acknowledge that the reduction of branches to a 9m horizontal canopy would be likely to result in substantial pruning wounds. However, the tree has appeared to recover from substantial pruning on the other side and I see no obvious reason to suppose that this should not again be the case. Moreover, in the Officer Report the Council states that the lowest lateral branch is approximately 12m long. On this basis the consented 3m reduction to the canopy would leave branches some 9m which is what was initially sought.
10. Reduction works are often followed by the growth of a greater density of twigs and foliage. In my judgement a better overall appearance of the tree would be

achieved if such re-growth were to be closer to the stem of the tree rather than further along the branches.

Conclusion

11. With any application to undertake works to protected trees, a balancing exercise needs to be undertaken. Any essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. Taking the above matters together I conclude that sufficient justification has been demonstrated for the work proposed to outweigh the modest harm that would be caused to the character and appearance of the area. For the reasons given above the appeal should be allowed.
12. In the interests of certainty it is necessary that the works are carried out within a period of two years. In the interests of the health of the tree the works should be carried out in accordance with the appropriate British Standard.

S Harley

INSPECTOR