



Appeal Decision

Site visit made on 9 June 2025

by Margaret Wright BSc (Hons) MSc MArborA

an Inspector appointed by the Secretary of State

Decision date: 4TH July 2025

Appeal Ref: APP/TPO/W1715/9958

133 Park Road, Chandler's Ford, Eastleigh SO53 1HT

- 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 Tom Mursell against the decision of Eastleigh Borough Council.
 - The application Ref: T/23/96120, dated 3 October 2023, was refused by notice dated 17 November 2023.
 - The work proposed is T1 Acacia - Remove.
 - The relevant TPO is Tree Preservation Order No. 286 119-147, 94-150 Park Road, 2-22, 1-21 Linden Grove, Paulston Close, The Maples, 20-28 Common Road, which was confirmed on 25 July 1994.
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Decision

1. The appeal is allowed and consent is granted to fell the tree subject to the following conditions:
 - (1) The works hereby permitted shall be implemented within two years from the date of this decision.
 - (2) A replacement tree shall be planted in the first planting season immediately following the removal of the tree unless otherwise agreed in writing by the Council. The replacement tree shall be of heavy standard in size with a girth no less than 14cm. The tree shall be planted in accordance with the recommendations in BS 8545:2014 Trees – from nursery to independence in the landscape. Details of replacement planting (including quantity, species, position, size and a timeframe for completion) must be submitted and approved by the Council.
 - (3) If within five years from the date of planting of that tree, or any tree planted in replacement, it is removed, uprooted, destroyed, dies or becomes, in the opinion of the Council, seriously damaged or defective, another tree of the same species and size shall be planted at the same place unless the Council gives its written approval to any variation.

Main Issues

2. The main issues in this case are the effect of the felling of the tree on the character and appearance of the area and whether sufficient justification has been demonstrated for its proposed felling.

Reasons

3. The appeal tree is an over-mature acacia growing within the rear garden of 133 Park Road. It is one of a group of three acacias located at the rear of the property. Public views of these trees are restricted to one point on the public highway outside

135, and then only in direct views towards the rear garden. The trees are otherwise screened by development and are not visible from Forest Close or other local vantage points.

4. While the tree contributes collectively to the local canopy cover, its visual impact is limited and cannot be described as prominent. The remainder of the group will continue to provide filtered views of trees from the street and will help maintain the sylvan character of the area. In this context, I find that the felling of T1 would result in no significant harm to the character and appearance of the locality. It follows that reasons to justify the felling of the tree need not be convincing or compelling. It is to those reasons, the second main issue, to which I now turn.
5. I appreciate that no supporting evidence was submitted by the appellant. However, during my site visit I observed signs of advanced decline and decay typical of over-mature acacia. The large, declining limbs contain several cavities and other structural defects within the crown, and this tree contains a high portion of deadwood.
6. Advanced decay in over-mature acacia is common, and is sufficient to attribute significant weight to the appellant's duty of care. Having viewed the tree in its setting I am satisfied that the structure of the tree is compromised, and the extent of dieback and observed decay presents a foreseeable risk of failure.
7. In the normal course of events, there would be a strong presumption against the felling of a protected tree and the Council has set out valid reasons to justify why their refusal of the application was justified, given the lack of supporting evidence. However, I am satisfied that the condition of the tree, combined with its species characteristics, justifies its removal on grounds of safety. I consider that felling of this particular tree is appropriate in the circumstances and proportionate to its limited contribution to local amenity. Furthermore, a replacement tree secured by conditions would ensure environmental benefit and no net tree loss.

Conclusion

8. With any application to remove a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss of amenity of the area. In this case, the tree is not so instrumental to the character and appearance of the area that the quality of this area would be so diminished to outweigh the risks presented by retention of the tree. Moreover, the remaining tree belt would compensate for the loss of the tree and long-term views of the site would be unaffected.

Margaret Wright

INSPECTOR