



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: 10TH July 2025

Appeal Ref: APP/TPO/W1715/10109

7 Hope Road, West End, Southampton SO30 3GE

- 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 works to a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Mr Luke Matley-Jones against the decision of Eastleigh Borough Council.
 - The application Ref: T/23/95946, dated 6 September 2023, was refused by notice dated 3 November 2023.
 - The work proposed is 1 No. Oak – Crown reduction by up to 4m, crown thinning by approx. 30% and crown lifting.
 - The relevant TPO is The Borough of Eastleigh Tree Preservation Order No. 873 Princess Close West End Southampton, which was confirmed on 10 May 2023.
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Decision

1. The appeal is dismissed insofar as it relates to the works originally applied for in accordance with the application ref: T/23/95946, dated 6 September 2023 and as set out in the fourth bullet point above. The appeal is allowed in part, and consent is granted for works to the oak tree protected by the Borough of Eastleigh Tree Preservation Order No. 873 Princess Close West End Southampton insofar as it relates to the revised specification as discussed below. Namely, a 2 metre (m) crown reduction submitted at appeal, subject to the following conditions:
 - (1) The work for which consent is hereby granted shall be implemented within two years from the date of this decision.
 - (2) The aforementioned work shall be carried out in accordance with British Standard BS3998:2010 *Tree Work: Recommendations*.

Preliminary Matters

2. The Council issued a split decision, approving a crown lift of up to 4m and refusing works to crown reduce and thin the tree. It is the refused works that the appeal relates to, and I have considered it on that basis. My decision does not affect the carrying out of those works which have already been approved.
3. In addition, the appellant has requested a lesser amount of works than originally applied for by way of a 2m crown reduction, 10% crown thin and crown lifting by 4/5m. The Regulations enable me to consider the revised specification as the work would be lesser than originally applied for. I am satisfied that doing so would not lead to prejudice to either party and I have considered the appeal on that basis.

Main Issues

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

Reasons

5. The tree forms part of a green corridor separating the gardens of Hope Road and Princess Close. Glimpsed views of the tree are available from the surrounding public highways of Princess Close, Chapel Road and Hope Road, where the tree can be seen above rooftops. In this context, and given the presence of other mature oaks along the stream edge, I am satisfied that the tree makes both an individual and collective contribution to the character and appearance of the area.
6. The revised specification for a 2m crown reduction is modest and would retain the tree's natural form. It would not, in my view, result in lasting or perceptible harm to the tree's contribution to the landscape or leave it noticeably out of character with other trees in the immediate area.
7. While a 10% crown thin might be acceptable in isolation, BS3998:2010 Tree Work – Recommendations advises against combining thinning with reduction due to the cumulative removal of photosynthetic area. Moreover, I am not persuaded that thinning would substantially improve conditions in the garden or address the concerns raised. In the same way extending the permitted 4m crown lift to 4/5m as requested would have little effect.
8. Given the conflict with best practice and the potential harm to the tree's health and appearance, I consider the combined works would result in harm to the character and appearance of the area. Accordingly, reasons in support of the proposed works should be convincing and compelling. It is to those reasons, the second main issue, to which I now turn.
9. I acknowledge the appellant's desire to improve light levels and ensure a safer, more usable garden environment for children, particularly given the modest scale of the garden. The tree is undeniably dominant in this setting and its proximity to nearby dwellings inevitably gives rise to a desire for control and management. However, the presence of the tree would have been evident at the time of purchase, and this weighs against the justification presented.
10. Whilst the reasons for application therefore carry limited weight, I am satisfied that views of the tree would not substantially alter if the revised specification for a 2m crown reduction were approved, subject to a condition that the work is in accordance with the British Standard. The tree is large enough to host a crown reduction without significant detriment to its long-term health or appearance and its presence in the wider landscape would be substantially unaltered.

Conclusion

11. Applications for works to protected trees require balanced judgement between the impact of the proposed works and the justification submitted in support of it. In this

case, the approved 2m crown reduction would have only a limited effect on the tree's health and appearance and would enable proportionate management in a constrained domestic setting.

12. For the reasons set out above, I conclude that the appeal should succeed only in part and I shall vary the original decision allowing the lesser works of a 2m crown reduction subject to conditions ensuring compliance with the relevant British Standard. The appeal is dismissed in respect of all other matters.

Margaret Wright

INSPECTOR