



Appeal Decision

Site visit made on 11 June 2025

by Jonathan Fulcher DipArb FARborA

an Inspector appointed by the Secretary of State

Decision date: **03 September 2025**

Appeal Ref: APP/TPO/W1715/9809

32 Nichol Road, Chandlers Ford, Eastleigh SO53 5AS

- 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 trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Pauline Leggett against the decision of Eastleigh Borough Council.
 - The application Ref: T/23/95211, dated 12 May 2023, was refused by notice dated 29 June 2023.
 - The work proposed is the pruning of one Scots pine and two oaks and the felling of one oak.
 - The relevant TPO is the Eastleigh Borough Council Tree Preservation Order No. 245 1-36 Nichol Road, Chandlers Ford, which was confirmed on 13 October 1993.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed works on the character and appearance of the area; and whether sufficient justification has been demonstrated for the proposed works.

Reasons

3. The appeal relates to four trees in the rear garden of 32 Nichol Road, which is a chalet bungalow set back from the road in the residential suburbs of Chandlers Ford. Properties in the vicinity are typically detached dwellings in their own grounds, with open plan frontages and reasonably spacious plots, with back gardens on this side of Nichol Road characterised by belts of trees or narrow woodland towards the rear of the rear gardens. Trees are much in evidence, with individual trees, some large, frequent in front gardens and many trees to the rear of properties on both sides of the road. Trees generally form the horizons and limits of view in most directions.
4. The trees to the rear of No.42, including the appeal trees, are perceived from the road as part of the semi-wooded backdrop to the properties on this east side of the road, with few trees of particular individual specimen quality, with species and

sizes variable and with oak predominating. These rear garden trees, with the appeal trees, together make a significant contribution to the landscape character of the area and have substantial local amenity value.

5. The appeal trees are three oak trees and one Scots pine. The upper parts of the crowns of these trees are visible from the road and more of the crowns are visible between adjacent properties and from Woodlands Close to the north. The trees are visible as individuals and also as part of the woodland belt along the rear of properties on this east side of the road and have amenity value as close individuals and as part of the larger group. I am satisfied that the proposed pruning of one Scots pine and two oaks and the removal of one oak is likely to harm the character and appearance of the area. Given that, any reasons given to justify the proposed works need to be convincing. It is to those reasons, the second main issue, that I now turn.
6. The application refers to pruning to manage the size of the canopies and to allow more light into the garden and neighbouring properties. In respect of managing the size of the canopies, it is clear that the pruning as proposed would do that, but not clear from the application why that is necessary. As a general principle trees do not normally need management intervention unless there are pressing reasons, and the application does not say what those reasons are. I do not find that this reason carries sufficient weight to warrant the proposed works.
7. Turning to the matter of light to the garden, the area below the canopy of the trees is laid to lawn, with shrubs towards the rear of the property. I saw no indication that the vegetation here was not thriving because of a lack of light and with the crowns generally carried at a reasonable height above the ground, the area did not appear unusually shaded and dominated by the trees. On the evidence this does not seem to be a pressing reason for the proposed works.
8. The crown reduction pruning as proposed would diminish the form and size of the tree's crowns and give them a managed appearance not in character with the generally natural form of the trees here and in adjacent properties. This would be likely to set up health and management problems for the trees in the longer term and I conclude that this pruning would be likely to have an adverse effect on the visual amenity of the surrounding area in the short and medium term.
9. In respect of the proposed felling of the oak T3, its removal would not be likely to make a significant difference to the growth of adjacent trees, given their size and age. It is not clear to me from the evidence I have seen how making the garden less busy at ground level is a matter sufficiently pressing as to warrant the proposed felling.

10. With any application to carry out works to protected trees, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the proposed tree works would result in significant harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for the proposed works.

11. Thus, having considered all matters raised, I conclude that the appeal should be dismissed.

Jonathan Fulcher

INSPECTOR