

Eastleigh Borough Council Tree Preservation Order and Conservation Area Assessment Form

Application Number	T/25/99655
Surveyor	AM
Address	5 CLAUSENTUM CLOSE, CHANDLER'S FORD
Proposed work	1no. Oak (T1, originates from No. 5) - Fell to ground level and treat stump to inhibit regrowth. 1no. Oak (T2, originates from No. 4) - Fell to ground level and treat stump to inhibit regrowth. Reason: Due to subsidence, reports supplied within application.
Assessment Date	18 th July 2025 (app subject to several EOT's)
Officer comments	Trees at this site are protected with G1 of TPO ref: 379-E. The proposal is to fell two oaks, one in No.5 and one in No.4 Clausentum Close. This is on the basis that both are contributing to subsidence damage at No.5. These trees and the wider group are sited in rear gardens of Clausentum Close properties but they are clearly visible from the public highway. As oaks, they are capable of providing long-term benefit in terms of public, visual amenity. The loss of these trees would be noticeable to the public and detrimental to amenity therefore the justification to fell these must be compelling. The application has been supported by a package of evidence which aligns with the requirements of the 1app form and TPO application guidance. The evidential threshold is that the evidence must prove, on the balance of probabilities, that the trees are a contributory factor. They do not need to be the only factor nor the most significant factor. Applications of this type must consider Regulation 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under this regulation, compensation is payable for any loss or damage that was reasonably foreseeable at the time consent was refused, based on the application and its supporting documents. Please note that the Council does not hold insurance to cover such claims. T1 is a mature oak located in the rear garden of No.5. It has been measured at 23m from the nearest corner of the property. Vitality is reduced as shown by the low density of its foliage.



View of T1 from garden of No.5. Note the reduced crown density, particularly to the left/south-east side (18.7.25)

There are extensive black bleeds from the lower stem. These had not previously been noticed or described in the Arb Report. The cause is unknown. Bleeds of this nature are often attributed to infection by *Armillaria* sp. (honey fungus), *Phytophthora*, bacteria, Buprestid beetles, with symptoms exacerbated by drought.



Base of T1, showing black bleeds through bark at/above root collar (18.7.25)

T2 is a mature oak located in the rear garden of the neighbour (No.4). It has been measured at 17m distance from the property. Vitality slightly reduced. Tree otherwise as described in Arb report.



T2, as viewed from rear garden of No.5 (18.7.25)

The trees are alleged to be causing/contributing to subsidence damage at No.5.

The property stands on a clay subsoil of high plasticity. Despite tests being carried out in April 2023, the soil was found to be moderately desiccated at 1.0m depth (below foundation depth).

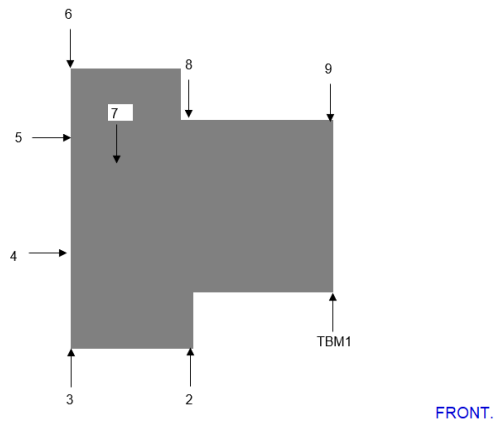
Cracks are present in various places through the property, focused in the part of the property nearest the trees. Cracks have previously been categorised in accordance with BRE guidance as *moderate* (>5 but <15mm crack widths). Having seen inside the property, it is possible between the kitchen and living room. Other cracks have been evidenced within the supporting information.



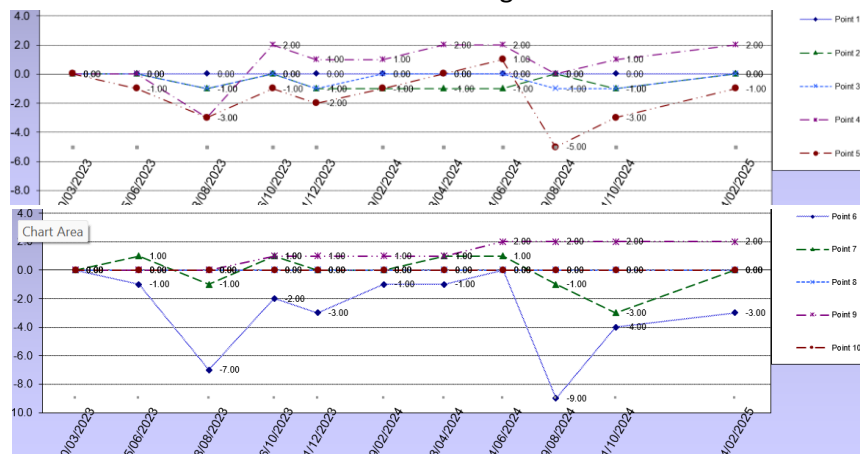
Crack between kitchen and living room (18.7.25)

There are multiple reasons why cracks may occur in properties. However, the level monitoring shows a pattern of seasonal movement. This can only

be attributable to the influence of vegetation and is therefore the most reliable method for distinguishing damage from other causes. It's noted that the entire foundation is showing signs of movement. This is understandable as they are only 550mm deep. This is considerably shallower than current NHBC guidance recommends. However, the greatest movement is found at stations 5 and 6, i.e. those nearest the oaks. The following schematic shows the position of each station...



...and the below shows the level monitoring...



A 5m deep borehole was sunk in the corner of the property by Station 6. Oak roots were found at foundation level. This links the foundation movement with the trees, although does not differentiate between T1 or T2. However, the building/area of damage is within the zone of influence of both trees.

The key evidence which demonstrates that the trees are indeed a contributory factor is as follows:

- A highly plastic, clay subsoil exists beneath the property;
- Actual damage has occurred;
- Oak roots have been found at foundation depth;

	- The foundations are undergoing seasonal movement which can only be attributable to the influence of vegetation. Whilst the shallow foundations have left the property vulnerable to such movement, this is not cause to refuse permission. Alternative means of management have been explored. These include crown reduction, root pruning, the installation of a root barrier, underpinning. The Arboricultural Addendum explains provides reasonable explanation why these are not suitable for this particular set of circumstances. Should permission be refused, the Applicant would reserve the right to claim compensation from the Council. This would cover the cost of stabilising and repairing the building with the trees in situ. This would require that the property be underpinned. If the application is permitted, the cost to stabilise/repair the building is estimated to be £14,000. The cost of underpinning would is estimated to be £80,000. As such, a refusal of permission may expose the Council to a compensation claim in the region of £66,000. In light of the above, the proposal to fell both trees should be granted permission.					
Decision	Consent	Refuse	Part consent/ Part refuse	Withdrawn / Invalid	Conservation Area	
					Raise no objection	TPO
	X					
Decision notice	Grant consent: 1no. Oak (T1, originates from No. 5) - Fell to ground level and treat stump to inhibit regrowth. 1no. Oak (T2, originates from No. 4) - Fell to ground level and treat stump to inhibit regrowth.					
Conditions	2 x field maples (Acer campestre)					
Notes to applicant	Access to third party land					
Parish comments	Chandlers Ford PC: We have no view on whether trees T1 and T2 should be felled, however, there is no mention in the application of replacement planting. The trees are part of a small group in an immediate neighbourhood with relatively few established trees. If any tree were to be felled we ask that suitable replacements of appropriate native trees be required. AM response: Noted, should permission be granted, replacement planting can be required by condition.					
	Support		Objection		Observation	

Public objection/ support	1	2	0
Objection/ support consideration	1. Neighbour: <i>I fully support this application. I have seen the large cracks in the walls of no.5 and believe that these trees need to be dealt with as soon as possible.</i> AM response: Noted. 2. Neighbour: <i>I am concerned by this application as, having experienced subsidence in our own property and having an oak tree in our garden as well as in two neighbours' gardens, we had oil samples taken which revealed that the issue was unlikely to be caused by the oak trees, but rather due to the poor soil on which the houses were built. Part of the problem for these houses is not the oaks - they root deeply - but the root fibres left from when this area was a woodland and which create problems in dry weather. I would therefore ask if all tests have been undertaken before felling of oaks, so much a part of this area, is considered. It seems too easy to blame the oaks when other factors should also be considered.</i> AM response: The technical information supplied in support of the application proves, on the balance of probabilities, that the trees are a contributory factor. 3. Neighbour: <i>Please stop getting rid of our beautiful mature oak trees in. They are helping our planet especially now more than ever.</i> <i>They support all our wildlife. Bats are getting rarer due to the trees being cut down and they have nowhere to live.</i> <i>Our birds need the big trees for protection from the weather and predators.</i> <i>They have a lot of insect life.</i> <i>Please enjoy these beautiful magnificent trees.</i> <i>Stop destroying them.</i> AM response: Whilst we agree that the loss of mature oak trees is to the detriment of wildlife, we have to determine the application based on the evidence supplied. Those carrying out any tree work are responsible for compliance with wildlife protection legislation.		