

Eastleigh Borough Council Tree Preservation Order and Conservation Area Assessment Form

Application Number	T/25/99990
Surveyor	AM
Address	5 BRUNEL CLOSE, HEDGE END, SOUTHAMPTON, SO30 2TA
Proposed work	2no. Oak - Remove both trees & to replant with wildlife-friendly native tree. Trees regularly drop large branches, creating a risk of serious injury, acorns cause a slipping hazard. Trees have grown to a size that block a significant amount of light to the house & garden. Shading has contributed to dampness inside the property, Trees have clearly outgrown the available space in the garden. Their size & spread pose an ongoing risk to the property, neighbouring boundaries & safe use of the outdoor space.
Assessment Date	13 th October 2025 (viewed from open space to back/side of property)
Officer comments	Trees at this property are within an area TPO under ref: 114-E, confirmed 4th February 1986. The trees are old enough that they would have been present at the time that order was made, and thus we consider both trees to be protected under the TPO. The application concerns two oaks located in the rear garden of 5 Brunel Close. These trees are of similar size and maturity, measuring approx. 60-80cm dbh and approx. 18m tall. Both have verdant, visually healthy crowns of reasonable form. As such, they provide good levels of amenity. Both have had raised pits filled with soil built around them and it is unclear where the true ground level lies. Both pits are surrounded by Astroturf and growing conditions for both trees are now sub-optimum because of it. It is unclear whether a sub-base was used beneath the Astroturf but if it has been used, it will cause poor growing conditions and compromise the health of both trees. This may already be becoming apparent in the southern tree as there appears to be a black bleed on the lower stem on its south side. This is a sign of vascular dysfunction, potentially caused by root damage and/or soil compaction. The proposal to fell both trees has been made on the basis that both regularly drop large branches. Indeed, there was a shed branch on the ground that we were advised had fallen in the last few weeks. The leaves had browned off, as per the images sent to us on 6th October, and this will likely have been noticeable from a basic ground-based safety inspection. Despite not being able to inspect this branch, I suspect that this branch had been detached from the tree for a while before falling to the ground

	in a storm <i>or</i> that it had a weak point of attachment, potential squirrel damage, that had led to it becoming weakened and shed during a subsequent strong wind. There's nothing to imply that other branches in the crowns of either tree are similarly compromised, although I did note a scattering of dead branches in both. However, it is normal for mature trees to have some dead branches and they do not justify felling. Dead branches can be removed at any time, without application. The branch tips grow within a metre or so of the nearest corner of the building. These could, subject to application, be pruned back without requiring the felling of either tree. Such pruning will also increase ambient light levels to the property/garden, although it will not be possible for the property to bathe in sunlight with the trees remaining as they are ultimately large trees located immediately south of the house. Falling acorns have also been cited as reason to fell the trees. Felling mature amenity trees on this basis is generally considered a disproportionate reaction to an annual, natural occurrence. Oaks are native, long-lived species which are typical of the area. Whilst there are some minor conflicts between the trees and use of the property, the application has not suitably justified complete removal of the trees, and the significant loss of benefits that these provide. Further, it does not seem to have been informed by arboricultural expertise, rather a reaction to natural characteristics of mature trees. The situation of mature oaks in gardens is by no means a rare situation. If this application were to be permitted, it would make it difficult to defend the countless others in similar situations. Replacement planting, as proposed, will not mitigate the loss of two, large, mature, native trees. The installation of AstroTurf would also draw into question the likelihood of replacement trees establishing. As such, the application should be refused.					
Decision	Consent	Refuse	Part consent/ Part refuse	Withdrawn / Invalid	Conservation Area	
					Raise no objection	TPO
		X				
Decision notice	REFUSE PERMISSION: 2no. Oak - Remove both trees & to replant with wildlife-friendly native tree. REASONS FOR REFUSAL: 1. The application oaks are large, mature, native specimens capable of providing long-term benefit in terms of public, visual amenity. For this reason, justification for felling should be suitably					

	evidenced. Branch shedding in mature trees is a natural process, one that can often be pre-empted by observing changes in the tree e.g. premature browning off of leaves or obviously dead branches (of which several were noted at the time of our inspection). The removal of dead branches is exempt from application and may be carried out at any time. Should you consider that the tree presents an unacceptable risk to people or property, you are strongly recommended to seek independent arboricultural advice e.g. from the Institute of Chartered Foresters (https://icf.datawareonline.co.uk/Directory-of-Consultants) or the Arboricultural Association (https://www.trees.org.uk/Registered-Consultant-Directory). 2. Seed-fall is not generally considered to be sufficient justification to fell significant amenity trees. It is an annual, natural occurrence which is part of life living amongst established trees. 3. It is accepted that the position of these large trees to the south of the building will cause large amounts of shade. It is also noted that the branch tips are close to the property. This situation can be improved by selective pruning to increase separation from the building and by crownlifting over the gardens. This will not provide complete relief but will improve the current situation, without requiring either tree be felled. An acceptable specification for this will be stated below and but you will need to make a further application before carrying out this work. The following work will be acceptable, subject to a further application being made: 2no. Oak – Selectively prune both trees to provide 3m separation from the house. Crownlift both trees to 5m above ground level.		
Conditions	N/A		
Notes to applicant			
Parish comments	<u>HETC</u>: Object as insufficient evidence to support felling of these important trees. The property changed hands in 2023; the presence of two mature oaks would have been a consideration at the time. AM response: Noted. Residents are entitled to make TPO applications at any point. The burden of tree management is often not fully understood until after people have moved in.		
Public objection/ support	Support	Objection	Observation
	1	0	0

Objection/ support consideration	<u>Public comment:</u> Please note the applicant's address is 5 Brunel Close, not 10 Bluestar (this was our previous address). AM response: Noted. This has been amended on the application. <u>Applicant response to HETC 1:</u> In response to the Hedge End Town Council. At the time of our purchase we knew there were plenty of leaves dropping, but now there are quite large branches falling all over the garden, making the outside space unusable. This is now a safety hazard for our two young children and the vulnerable people living at the property. We have submitted photo and video evidence so I'm surprised by you saying there is "insufficient evidence." We understand the trees are important and that is why we are more than happy to replace them with something more suitable to a garden (which this Summer as been unusable due to the heavy falling of large shelled acorns -which are dangerous as they are a big slipping hazard-and branches). If you feel there is insufficient then you are welcome to come and have a look at the trees. We love the fact that there are trees all around the property but this year has highlighted that the two trees in the garden are totally unsuitable for a residential area as they are now a danger to our family and our neighbours, should we have bad storms. The fact they are also leaning towards both ours and the neighbouring property is another cause for concern. AM response: Noted and taken into consideration. <u>Applicant response to HETC 2:</u> While the objector states there is "insufficient evidence" to support felling, photos and video evidence have already been provided showing large branches falling and the significant slip hazard caused by acorns on the ground. These risks are not theoretical but present and ongoing, particularly for vulnerable residents and children who use the property daily. Although the trees pre-date the current ownership, the change of hands in 2023 does not negate the present duty of care to ensure the property remains safe. The fact remains that these trees are creating hazards that cannot be reasonably managed through minor maintenance alone. Regular clearance of acorns and fallen branches has proven impractical and ineffective given the volume produced each year. Whilst their amenity and environmental value is acknowledged, safety must take precedence. Where trees pose a demonstrable risk to health and safety, responsible management including removal where necessary is justified. To balance both concerns, we confirm that suitable replacement trees will be planted to preserve the character and
--	---

	environmental contribution of the site while ensuring it remains safe for all users. AM response: Noted and considered. <u>Neighbour comment:</u> 100% support request to fell trees indicated. AM response: Noted and considered.
--	--