



Appeal Decision

Site visit made on 15 October 2025

by Margaret Wright BSc (Hons) MSc MArborA

an Inspector appointed by the Secretary of State

Decision date: 12 November 2025

Appeal Ref: APP/TPO/W1715/10453

9 Waverley Court, Netley Abbey, Hampshire SO31 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 fell a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Mrs Vanessa Brabazon against the decision of Eastleigh Borough Council.
 - The application Ref: T/24/98509, dated 18 November 2024, was refused by notice dated 20 December 2024.
 - The work proposed is described as the felling of two large Monterey Pines at the front of our property – T1 and T2.
 - The relevant TPO is the Borough of Eastleigh Tree Preservation Order No 53 Land at Netley Lodge and Waverley Avenue, Netley, which was confirmed on 21 May 1979.
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Decision

1. The appeal is allowed and consent is granted to undertake work to T2, protected by the Borough of Eastleigh Tree Preservation Order No 53 Land at Netley Lodge and Waverley Avenue, Netley, in accordance with the terms of the application ref: T/24/98509, dated 18 November 2024, 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) A replacement tree shall be planted in the first growing season immediately following removal of the pine T2 unless otherwise agreed in writing by the Council. The replacement tree shall be of heavy standard size with a height no less than 2.5 metres. The species shall be Scots Pine (*pinus sylvestris*). Details of replacement tree planting (including position and a time frame for completion) must be submitted to the Council and approved in writing prior to commencement of tree works.
 - 3) If within a period of five years from the date of the planting of that tree or any tree planted in replacement for it is removed, uprooted or destroyed, dies or, in the opinion of the Council, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written approval to any variation.

Preliminary matter

2. The Council has issued a split decision, approving the felling of T1 and refusing works to T2. The appeal relates only to the element refused; the remainder of the consent stands and is unaffected by this decision.

Main issues

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

Reasons

4. The tree in question is an over-mature Monterey Pine; one of a pair growing at the front of Netley Court. The trees are prominent and clearly visible from the public highway, and are a characteristic feature of the local area.
5. Both trees show the scars of historic management, with high crown lifts and large pruning wounds. In spite of this, they make a notable and positive contribution to the local landscape, and harm to the character and appearance of the area would result from the removal of either tree. Removal of T1, as set out above, has already been approved, and it follows that arguments to remove the remaining specimen should be convincing and compelling. It is to those arguments, the second main issue, to which I now turn.
6. The stem of T2 leans towards the building, though there is no evidence that this has recently increased. The lean originates from an old, occluded pruning wound on the road side and is of concern given the tree's age and condition.
7. Having grown together, the two trees have historically provided mutual shelter. The removal of T1 will inevitably increase the exposure and wind loading of T2, a factor that carries moderate weight in light of its existing defects and form.
8. Past limb loss does not, in itself, demonstrate further failure is foreseeable. However, the tree's over-maturity, localised decay, dead bark at the base, and the loss of its sheltering pair heighten the risk of mechanical stress. Picus sonic data indicates sound timber at the test height, yet the lean over the property and the old wound on the tensile side give rise to legitimate concern over stability rather than decay.
9. The tree has exceeded the typical maturity for the species and has a limited life expectancy. In its original woodland context it might have been left to decline naturally, but its position over a dwelling makes that unrealistic. Replacing both trees as a pair would offer long-term continuity and, having developed together, the replacements would form a coherent landscape feature. In this context, removal and replacement appear proportionate and reasonable and sufficient justification has been provided.
10. I have had regard to the objections to the loss of the trees, but consider that replacement planting of suitable species would mitigate that harm to a meaningful degree.
11. The removal of T2 would inevitably cause some harm to the appearance of the local area, but within the context of the woodland order it would not materially diminish its overall contribution. The order, made in 1979 before the close was built, no longer reflects the present urban environment. The remaining trees are now so detached

from the main body of the woodland that they cannot reasonably be described as such.

12. In the absence of an identifiable woodland character at this location, suitable replacements would provide adequate mitigation. The Council may also wish to review the woodland order in line with Planning Practice Guidance, which advises that authorities reassess orders where development has significantly altered the woodland fabric.

Conclusion

13. As with any application for works to a protected tree, a balance must be struck between the justification for the works and the effect removal would have on the character and appearance of the area. The Monterey pines at Netley Court are prominent and contribute positively to local character, but the harm arising from the loss of T2 would be limited when set against its structural condition, over-maturity and the increased exposure following removal of its companion tree. In these circumstances, removal and replacement represent a proportionate and reasonable long-term solution.
14. Accordingly, the appeal is allowed subject to conditions requiring the removal to be carried out within two years, replacement planting in the next planting season, and maintenance of any replacement for five years to ensure successful establishment and continuity of tree cover. I recognise the Council ask for ten years; however, five years is sufficient to establish a new tree.

Margaret Wright

INSPECTOR