



Appeal Decision

Site visit made on 3 December 2025

by Jon Heuch BSc(For.) PhD MICFor MArborA

an Inspector appointed by the Secretary of State

Decision date: 24 December 2025

Appeal Ref: APP/TPO/W1715/10504

116 Park Road, Chandler's Ford, Eastleigh, SO53 1HY

- 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 Romie Hamilton against the decision of Eastleigh Borough Council.
 - The application Ref: T/24/98630, dated 15 December 2024, was refused by notice dated 4 February 2025.
 - The work proposed is described as the felling of seven Douglas fir trees.
 - The relevant TPO is Tree Preservation Order No 286 119-147, 95-150 Park Road, 2-22, 1-21 Linden Grove, Paulson Close, The Maples, 20-28 Common Road which was confirmed following a committee meeting on 4 July 1994.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in respect of this appeal are the effect of the removal of the trees on the character and appearance of the area and whether sufficient justification has been demonstrated for their proposed removal.

Reasons

3. Park Road is in a residential area with frequent mature, large conifers scattered in domestic gardens and visible by both pedestrians and highway users.
4. The seven trees form a line parallel with the boundary between 116 and 118 Park Road. The trees are tall and their tops can be seen for some distance in several directions. They thus form the backdrop to various local landscapes and in so doing make a positive contribution to the character and appearance of the area.
5. The removal of the trees would erode the mature and verdant landscape of the area and would give rise to considerable harm to its character and appearance. Given that, any reasons given to justify their removal need to be convincing. It is to those reasons, the second main issue, to which I now turn.

6. Damage is reported both to the driveway and to the house at 118 Park Road.
7. I acknowledge that due to the size of the trees their roots are likely to have spread beneath the damaged driveway and as far as the foundations of 118 Park Road.
8. The pattern of disturbance to the block paving of the driveway is coincident with what are likely to be the locations of roots radiating from some of the seven trees – particularly the largest. The disturbance whilst visible does not appear to be severe or to hamper use of the driveway. No trip hazards were obvious. Removal of all seven protected trees for this reason alone seems unnecessary as a) removal could be restricted to one or two trees adjacent to the main areas of disturbance and b) repair works to the limited areas of drive affected may be possible without any tree removal.
9. The report concerning damage to the house is limited to a brief description of damage and a simple analysis of a single soil sample from above the level of reported foundation depth. The diagnosis of root induced damage may be true but the evidence provided falls well short of the mandatory list of evidence as required for TPO applications where property damage is alleged.
10. I acknowledge that there is potential for tree roots to influence the soil moisture content of clay soils leading to clay shrinkage. As a result differential property movement may occur resulting in property damage seen as cracks. However, there are many other causes of such property damage and thus the need to collect appropriate convincing evidence before allowing the removal of protected trees.
11. I have in front of me no evidence to confirm the roots of any of the trees have grown as far as the base of the building's foundation, nor that any clay soil is located beneath the foundation. As a result, it is not possible to examine any pattern of soil drying and relate that with the presence of tree roots. I also have no evidence arising from level monitoring nor confirmation as to whether the risk of heave has been considered. For these reasons, the justification to remove any trees as a result of property damage is incomplete and thus unconvincing.
12. I note that the application reports the presence of *Phytophthora* on the grounds of seepage found on the stem of one tree. I have in front of me no photographic evidence of such disease nor results of diagnostic tests which might have clarified what disease was present and what treatment is appropriate. The argument that one or more trees need to be removed as a result of disease is thus unconvincing.
13. I acknowledge that the appellant has offered to replant with small native broadleaf trees of the genera *Sorbus*, *Betula*, *Crataegus*. I give this little weight in considering whether the proposed work is justified in the first place.

14. Finally, it is not necessary for me to deal with the issue of whether selective tree removal necessitates the removal of all seven trees, as sufficient justification for the removal of any trees has not been given. I also recognise there was only one observation to the application but that does not outweigh the harm I have found.

Conclusion

15. With any application to remove protected trees, a balancing exercise needs to be undertaken. The essential need for the work applied for must be weighed against the resultant loss to the amenity of the area. In this case, the proposed removal of trees would result in considerable harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for their proposed removal.
16. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

Jon Heuch

INSPECTOR