

HAVANT BOROUGH COUNCIL

Development Management Committee

10 October 2019

TREE PRESERVATION ORDER 2091/2019 – 64B Stakes Road, Waterlooville PO7 5NU

Report by the Head of Neighbourhood Support

FOR DECISION

Cabinet Lead: Councillor Narinder Bains

Key Decision: No

(Please note that the procedure for dealing with the item is attached at Appendix G)

1.0 PURPOSE OF REPORT

- 1.1 To consider a representation received in response to the making of a provisional Tree Preservation Order (TPO) in respect of two Beech trees (*Fagus sylvatica*) at 64B Stakes Road, Waterlooville, PO7 5NU.

2.0 RECOMMENDATION

- 2.1 That Tree Preservation Order 2091/2019 be confirmed without modification.

3.0 SUMMARY

- 3.1 A provisional Tree Preservation Order (TPO) was made on the 21st May 2019 following a request received from a member of the public to protect two Beech trees at 64B Stakes Road, Waterlooville which were at risk of felling.
- 3.2 By virtue of their size and position, the trees offer a high degree of public amenity to the local area and contribute positively to the street scene. The trees meet with the Tree Preservation Method for Preservation Orders

(TEMPO) guidelines for the TPO to be defensible. Both scored a total of 17 points.

- 3.3 The Beech tree identified as T1 within the TPO is in the front garden of the property, and contained within a brick built wall. The stem is partially ivy covered, but on inspection, as far as it was reasonable to see the tree is healthy and structurally sound. There is a very minimal amount of tip dieback, however this is not an indication that the tree has reached the later stages of its life cycle, this could be due to a range of factors including the dry summer or its position within the garden. (See appendix B for a photograph of the tree).
- 3.4 The Beech tree identified as T2 in the TPO is located at the rear of the property and adjacent to Fir Copse Road. As far as it was reasonable to see the tree is healthy and structurally sound. It stands adjacent to the driveway entrance. (See appendix B for a photograph of the tree)

4.0 FURTHER INFORMATION

- 4.1 On the 29th May 2019 an objection to the TPO was received from Mr Nigel Boulding, the executor of his father's estate which includes 64B Stakes Road, Waterlooville, PO7 5NU. (See appendix C). Further information was also received by email on the 18th July and 28th August 2019 which was agreed would also be included as part of the formal objection (Appendix D, E, F).

There are several areas raised by the appellant; those matters which are relevant to the consideration of whether the tree warrants protection in the public interest are set out below.

- 4.2 *Our family has owned the property since 1969 and the trees were of little concern to us 50 years ago but clearly they have now matured into significant specimens – worthy I would agree of retention if possible.*

Response: Noted and agreed.

- 4.3 *The main driveway to the property is to the rear from Fir Copse Road but there is also a hardstanding at the front of the property on Stakes Road.... access is somewhat limited from Stakes Road – the access acceptable if approaching from the west but unusable on this busy road if approaching from the east without swinging out into the oncoming lane. The entrance needs to be widened but this cannot be done without damaging the roots of this substantial tree. (See appendix C for annotated photographs submitted by the appellant).*

Response: The issue regarding access is outside my professional remit however I agree that the roots would be damaged if the access was to be widened.

Advice has been sought from Stuart Wood, Civil Engineering & Landscape Manager. His comments are as follows:

"I can confirm that both front and rear access appear to have been constructed in accordance with Hampshire County Council (Highway Authority) standards. From Google Maps both driveways front and rear appear to be tight but have been in use since 2009 in a similar state".

- 4.4 *There are some indications that the root structure is beginning to affect the property itself... the tree (T1) stands about 6m from the front of the property. The house has recently been redecorated but when I was doing this I noticed consistent cracks (present in each room – ground and first floor) in the corner closest to the tree. The hardstanding itself is also showing significant signs of movement.*

Response: No written technical information from an appropriate expert has been submitted to support this statement. The appellant has confirmed he does not wish to pursue this element of the objection. Without a subsidence report, this cannot be taken into consideration as part of the objection.

The hardstanding does appear to be lifting in places, but it could be repaired without requiring the removing of the tree.

- 4.5 *The tree (T1) obscures a very high proportion of the natural light from all rooms at the front of the house. This would be improved by significant thinning of the tree.*

Response: There is no inherent 'right to light' in law; it is agreed that the tree could be managed by pruning, which would allow more light into the property. If the TPO is confirmed a formal application would be required to be submitted.

- 4.6 *The tree at the rear of the property (T2) is even more of a concern over access. Gates and gateposts were removed long ago – the gates were narrow, constrained somewhat by the presence of the tree. However even without the gates the tree is encroaching on the drive. It is extremely difficult to get into the drive when approaching from the Stakes end. (See appendix D for annotated photographs submitted by the appellant)*

Response: Noted. This issue is outside my professional remit. Advice has been sought from Stuart Wood, Civil Engineering & Landscape Manager. His comments are as follows:

"I can confirm that both front and rear access appear to have been constructed in accordance with Hampshire County Council (Highway Authority) standards. From Google Maps both driveways front and rear appear to be tight but have been in use since 2009 in a similar state".

- 4.7 Additional information and photographs regarding Beech T1 were submitted by the appellant on the 28th August 2019 The points raised are listed below:

- Loss of leaves in the crown and some early yellowing in comparison to other Beech trees.
- fairly typical response of an older tree under stress but not suggesting that it is at a state where it is unsafe.
- Will probably continue to decline year by year
- it might have been further adversely affected by the new hardstanding at the front of 64A but obviously severely constrained in its current location

(See appendix E & F)

Response: Noted. Within the tree canopy of T1 there is a degree of minor tip die back and yellowing in comparison to T2 however this could be due to a range of factors including the dry summer or its position within the raised garden and small retaining wall.

5 IMPLICATIONS

Financial

- 5.2.1 There would be costs involved if an appeal is made to the High Court under 288 of the Town and Country Planning Act 1990 (see legal implications)

Legal

- 5.2 Under Section 288 of the Town and Country Planning Act 1990 any person aggrieved by the Order who wishes to question the validity of the Order on the grounds:

- (a) that the Order is not within the powers of the Act
- Or
- (b) that any of the relevant requirements have not been complied with in relation to the Order may apply to the High Court within six weeks from the date on which the Order was confirmed.

Strategy (Community and Corporate)

- 5.3 The adopted Havant Borough Local Plan (Core Strategy) 2011 is of relevance – in particular policy DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Equalities/Customers

- 5.4 None

Risk

- 5.5 None

Communications/Public Relations

- 5.6 None

Appendices:

- (A) TPO Plan
- (B) Arboricultural Officer's photographs
- (C) Letter of objection
- (D) Annotated photographs from appellant (E and F) Email and photographs from appellant with further comments on the trees
- (G) Procedure

Contact Officer: Maria Stewart

Arboriculture

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