

P/17/0996/TO

TITCHFIELD

MR KEITH BROOKS

AGENT: MR KEITH BROOKS

HORSE CHESTNUT PROTECTED BY TPO 23: FELL
27A CATISFIELD ROAD FAREHAM PO15 5LT

Report By

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Introduction

In July 2015 the owner of 27A Catisfield Road submitted an application to fell a mature horse chestnut protected by TPO 23 on the grounds that it was dangerous due to its lean and was too large for its position.

The application was refused by the Planning Committee in August 2015 and a subsequent appeal by the applicant was dismissed by the Planning Inspectorate in December 2015.

In August 2017 the owner of 27A Catisfield Road submitted this application to fell the same mature horse chestnut on the grounds that it is dangerous and causing structural damage to the front boundary wall and the driveway forecourt of the property.

Site Description

The application relates to a mature horse chestnut tree situated in the front garden of 27A Catisfield Road Fareham.

Relevant Planning History

P/15/0625/TO - Fell one horse chestnut tree. REFUSED 21st August 2015. Subsequent appeal DISMISSED 22nd December 2015

Representations

Four representations have been received supporting the application on the following grounds:

- 1) The tree is suffering from a disease causing the leaves to turn brown
- 2) The tree constantly sheds debris onto the road and pavement blocking drains
- 3) The branches obstruct the street light
- 4) The tree is too large for a residential front garden
- 5) There is too much shade and ground heave from the roots
- 6) Falling conkers are a hazard to pedestrians, moving vehicles and parked cars
- 7) The tree is causing structural damage and may cause subsidence

Three representations have been received objecting to the application on the following grounds:

- 1) The application is a repeat of the one in 2015
- 2) The supporting report is not from a professional structural engineer
- 3) The ground heave around the base of the tree is normal
- 4) The tree provides conservation and character to the area
- 5) This application is yet another attempt to undermine tree preservation orders
- 6) The positive impact of trees upon the urban environment should not be underestimated
- 7) The risk of slipping on tree debris may be less than the risk from particulate pollution
- 8) The tree makes a positive contribution to the wellbeing of the area

Planning Considerations - Key Issues

Government guidance suggests that when considering tree work applications the Local Planning Authority is advised:

- (1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

They are advised also to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

In general terms, it follows that the higher the amenity value of the tree or woodland and the greater the impact of the application on the amenity of the area, the stronger the reasons needed before consent is granted. On the other hand, if the amenity value of the tree or woodland is low, the impact of the application in amenity terms is likely to be negligible.

Tree preservation orders seek to protect trees in the interest of public amenity; therefore it follows that the removal of a protected tree should only be sanctioned where its public amenity value is outweighed by other considerations.

HEALTH OF THE TREE

The horse chestnut was visually inspected from ground level on 28 September 2017. The tree is a mature specimen situated in the front garden of 27a Catisfield Road approximately 1.5 metres from the front boundary with the public highway (photos at Appendix A). The trunk has a circa 10% lean to the north/ northeast and the crown is weighted over the highway to the northeast.

Damage to the foliage caused by Horse Chestnut Leaf Miner (*Cameraria ohridella*) is evident, particularly within the lower crown. There was evidence of minor symptoms of Bleeding Canker (*Pseudomonas syringae* pv *aesculi*) with several small patches < 25mm of stem bleeding visible on the main trunk and some historic stem lesions, which have occluded completely with healthy wound wood response. Notwithstanding neither are uncommon on this species of tree and are not in themselves a cause of concern for the health and condition of the tree.

Numerous old pruning wounds are visible on the main stem between 3.5 and 5 metres above ground level, the majority of which appear to be the result of the removal of epicormic branches (photos at Appendix B). However, there is one larger diameter wound (approximately 300mm) with a cavity at 5 metres above ground level on the south southwest side of the trunk. The wound is an uneven shape and the thickness of the callus tissue around the edge of the wound varies in quality and structure. It is recommended that the tree owner arranges a more detailed inspection of this wound to assess the extent of any decay at this point and any coalescing of decay between this and the other smaller wounds on the stem beneath.

The tree was observed to be in good condition in terms of its vitality, exhibiting normal growth characteristics for a mature horse chestnut with normal foliage size, density, colour and good annual shoot extension growth for a tree of this age.

DAMAGE TO DRIVEWAY AND WALL

The ground around the stem base and root collar is raised within a 1 - 1.5 metre radius of the stem, which is to be expected for a mature tree of this size with good buttressing and trunk flare. No soil cracks or roots were visible on the surface and the driveway construction

was observed to rise with the ground to its nearest point to the tree approximately 300mm to the southwest of the stem base (See photos at Appendix C).

From the entrance to the driveway the kerb edging curves from the brick pier on the left hand side round towards the base of the tree approximately 300mm away and then turns at 90 degrees to the right back towards the dwelling (photos at Appendix C). The driveway runs gently upwards with the rise in the ground level and the surface is relatively even within the cross falls, with a small surface crack adjacent the kerb edging approximately 1 metre from the corner of the drive adjacent to the tree.

The front boundary wall is a double skin structure of tradition construction approximately 1.3 metres high adjacent the highway footway and built in 1978 - confirmed by the applicant (Photos at Appendix D). The wall has a very slight lean towards the road, but as can be seen from the photographs, is otherwise in good alignment with no significant distortion along its length. The wall is in good condition for its age with only one area of stepped cracking along the mortar joints approximately 1.5 metres to the east of the tree.

The wall is not considered unsafe relative to the highway and that some remedial repairs to chase out and repoint the areas of damage would be sufficient to maintain the wall in a good state of repair.

Distortion and damage to lightly loaded structures such as walls and driveways is not uncommon in close proximity to large mature trees and is not normally considered to be significant enough to justify the removal of important trees. In this case the driveway and wall are several decades old and the tree has had a relatively low impact on both given its size and proximity.

CONCLUSION

Trees are dynamic living organisms and their condition and vitality can alter quickly depending on environmental and physical factors. It is acknowledged that trees have a natural failure rate as part of their natural evolutionary process. Some species have adapted more effectively than others, and some are naturally more prone to failure than others. Therefore it is not possible to say no tree will ever fail and is completely safe.

The characteristics associated with different tree species can vary greatly with some more burdensome than others. A judgement often needs to be made in terms of balancing the many positive benefits trees provide with any negative characteristics associated with them.

Periodic clearing of debris, albeit an inconvenience, is part of routine household maintenance when living in close proximity to trees and does not provide a justification for removing this good quality tree in the opinion of Officers.

No evidence has been submitted with the application to suggest the application tree is unsafe or otherwise unhealthy. The tree is not currently in a dangerous condition and officers consider that the evidence does not demonstrate that it poses a hazard sufficient to outweigh its public amenity value and thereby justify its removal. Furthermore there does not appear to have been any material change in circumstances since the appeal was dismissed in December 2015.

The proposed removal of this large and prominent horse chestnut tree will have a significant negative impact on the public amenity and the character of the street scene and Officers therefore recommend that the application is refused.

Recommendation

REFUSE:

The Local Planning Authority considers the horse chestnut tree to be healthy, of good shape and appearance, and of high amenity value in this prominent road side location. The proposed felling of the horse chestnut tree would be harmful to the visual amenities and the character of the area.

Notes for Information

It is recommended that a further investigation of the old pruning wounds on the main stem is undertaken by an arboriculturist.

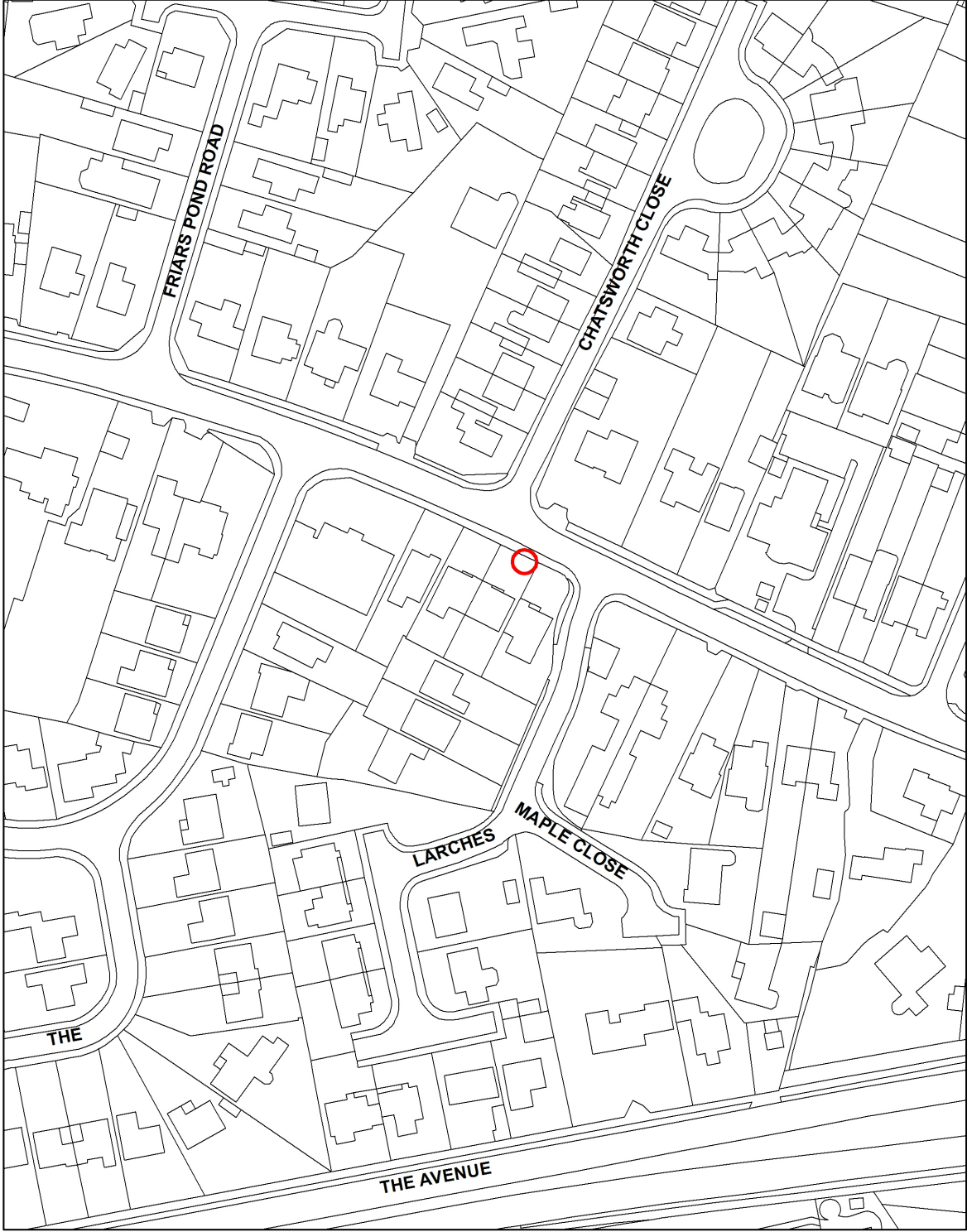
The applicant is advised to engage a consulting arboriculturist to undertake a tree condition survey and ongoing proactive tree safety inspections as recommended in any report.

Background Papers

Reference Papers: National Planning Policy Framework: Planning Practice Guidance - Tree Preservation Orders (2014) and The Law of Trees, Forests and Hedges (second edition) - Charles Mynors.

FAREHAM

BOROUGH COUNCIL



27a Catisfield Road
Scale 1:1250



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