

**P/15/0137/TO**

**HILL HEAD**

MR NEIL LIMBURN

AGENT: MR NEIL LIMBURN

GROUP OF OAKS PROTECTED BY TPO 173: TIP REDUCE SELECTED OVER EXTENDED BRANCHES ON WEST SIDE OF TREES BY 3 METRES TO NATURAL TARGET PRUNING POINTS.

LAND TO THE REAR OF 26A SOLENT ROAD FAREHAM HAMPSHIRE PO14 3LD

***Report By***

Paul Johnston - Direct dial 824451

***Site Description***

This application relates to trees situated on land to the rear of a detached property on the east side of Solent Road and west of Osborne View Road.

***Description of Proposal***

Consent is sought to tip reduce selected over extended lateral branches on the west side of the oak trees on the eastern boundary by 2 - 3 metres back to natural target pruning points & reshape into the remaining crown shape. Maximum diameter of live pruning wounds <75mm.

The oaks are protected by Tree Preservation Order 173.

***Policies***

The following policies apply to this application:

**Approved Fareham Borough Core Strategy**

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

**Fareham Borough Local Plan Review**

DG4 - Site Characteristics

***Relevant Planning History***

The following planning history is relevant:

<b><u>P/12/0438/FP</u></b>	<b>ERECTION OF SINGLE STOREY REAR EXTENSION</b>
	APPROVE                      19/07/2012
<b><u>P/09/0277/RM</u></b>	<b>ERECTION OF TWO DETACHED BUNGALOWS WITH GARAGES (RESERVED MATTERS APPLICATION TO OUTLINE CONSENT P/07/1636/OA)</b>
	APPROVE                      19/05/2009
<b><u>P/07/1636/OA</u></b>	<b>ERECTION OF TWO DETACHED BUNGALOWS, GARAGING AND NEW ACCESS (OUTLINE APPLICATION)</b>
	REFUSE                        28/01/2008

***Representations***

Five representations have been received objecting to the works on the following grounds:

- 1) The original application to build the property placed it too close to the trees and concern at the time was made;
- 2) The works are only being carried out because the property is for sale and not because it is in the interest of the trees;
- 3) Unsupervised works may result in unsympathetic works which exceed the permission;
- 4) Minimal works were permitted to the adjacent trees;
- 5) The trees have been in situ for many years and should not be touched because of a whim, the trees are in good health and works are not required;
- 6) The trees are not clearly identified;
- 7) The Council's tree officer and members of the Planning Committee have previously identified that the trees have been reduced too much and pose no impact upon the properties;
- 8) An independent tree surgeon has advised that no works are required.

### ***Planning Considerations - Key Issues***

Government guidance suggests that in considering applications the Local Planning Authority are 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.

Local Planning Authority's 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 then the impact of the application in amenity terms is likely to be negligible.

This application proposes the tip reduction of selected over extended lateral branches on the west side of four oak trees by 2 - 3 metres back to natural target pruning points and reshape into the remaining crown shape - maximum diameter of live pruning wounds <75mm.

The proposed tree works will not be harmful to the health and condition of the four oaks and will not adversely affect their amenity value and contribution to the character of the area. Consent has been granted for similar works to the east side of this row of trees for several properties in Osborne View Road in the past few years.

Any consent granted to work on protected trees must be undertaken in accordance with the British Standard 3998: Tree work - recommendations. Works to protected trees cannot simply be undertaken on a whim as an application must be made to the Council as is the

case here.

Notwithstanding the proximity of the development allowed on appeal in 2008, and the previous removal of several large branches during the construction of the scheme, this application must be viewed on its merits and the proposed works, whilst not in the interests of the health of the trees, are not considered to be harmful and therefore consent cannot be unreasonably withheld.

In the event any works undertaken to a protected tree do not accord with that to which consent has been granted or the works are not undertaken in accordance with the required standard then the Council can take enforcement action as a result.

To conclude, notwithstanding the objections received, officers are of the view that the application is acceptable and complies with the Fareham Borough Council Local Plan Review and Fareham Borough Council Core Strategy.

### ***Recommendation***

CONSENT: subject to conditions:

1) The works hereby approved shall be undertaken within two years from the date of this consent.

REASON: In order to avoid the accumulation of consents pertaining to these trees and in the interests of the trees' health and amenity value; in accordance with Policy DG4 of the Fareham Borough Local Plan Review and Policy CS4 of the Fareham Borough Core Strategy.

2) The work shall be carried out in accordance with BS3998:2010 Tree Work - Recommendations

REASON: In order to ensure the works are carried out to an appropriate standard; in the interests of the health and appearance of the trees in accordance with Policy DG4 of the Fareham Borough Local Plan Review and Policy CS4 of the Fareham Borough Core Strategy.

3) The works hereby permitted are as detailed below:

Oaks on eastern boundary - tip reduce selected overextended lateral branches on west side of trees by 2 - 3 metres back to natural target pruning points & reshape into the remaining crown shape. Maximum diameter of live pruning wounds <75mm.

REASON: In order to safeguard the appearance, health and wellbeing of these trees which contribute to the amenity of the area; in accordance with Policy DG4 of the Fareham Borough Local Plan Review and Policy CS4 of the Fareham Borough Core Strategy.

### ***Notes for Information***

1) At least five day's prior notification of the commencement of tree work shall be given in writing to the local planning authority.

2) This consent does not grant the applicant the right to carry out work over property other than his/her own without the agreement of the owner; it is advisable to obtain this agreement in writing. All terms contained in this decision are as defined in the BS3998:2010 Tree Work - Recommendations and work should be carried out in

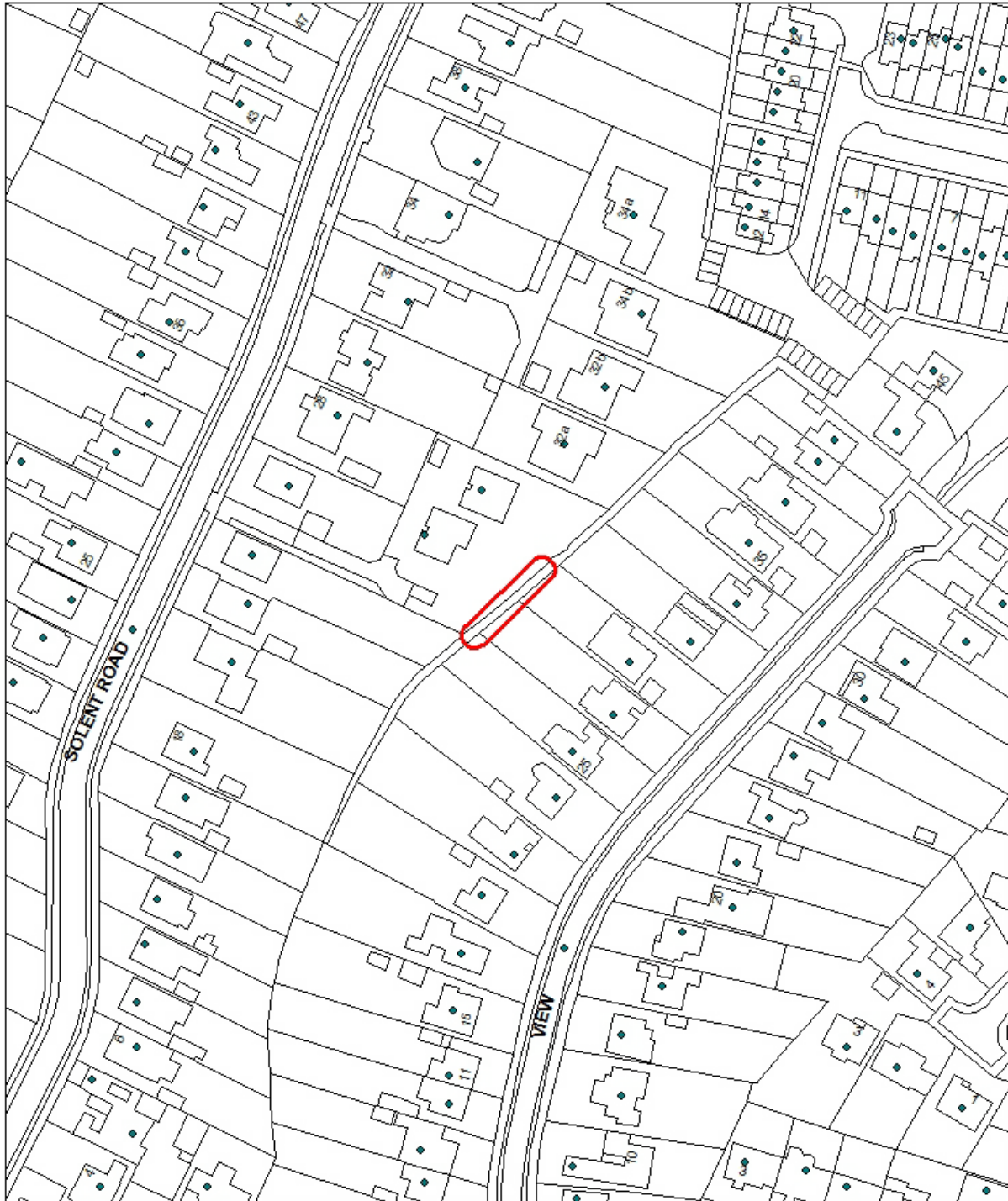
accordance with recent arboricultural research as recommended by the Arboricultural Association, Forestry Commission and the Health and Safety Executive.

3) Special care must be taken not to disturb wild animals and plants protected by the Wildlife and Countryside Act 1981 (as amended). This includes birds and bats that nest or roost in trees. Contact Natural England for further advice - 023 8028 6410 [www.naturalengland.org.uk](http://www.naturalengland.org.uk)

4) Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Trees should be inspected before any works commence and if the presence of bats is suspected advice will need to be sought from Natural England via the Bat Line on 0845 1300228. Further advice on bats is available from The Bat Conservation Trust (020 7627 2629).

# FAREHAM

## BOROUGH COUNCIL



Land to rear of 26a Solent Road  
Scale 1:1250

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