



Appeal Decision

Site visit made on 9 June 2016

by **Jonathan Fulcher**

an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 July 2016

Appeal Ref: APP/TPO/B9506/5171

18 Morant Road, Ringwood, Hampshire BH24 1SX

- 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 Mr Colin Cleverly against New Forest District Council.
- The application dated 6 January 2016 ref: TPO/16/0017 was refused by notice dated 9 February 2016.
- The proposed work is the felling of three pine trees.
- The relevant TPO is the Tree Preservation Order No. 54/06, Land of 20 Morant Road, Ringwood, Hampshire which was confirmed on 23 May 2007.

Decision

1. I dismiss the appeal.

Main Issues

2. In my view the main issues in this case are:-
 - i) The effect of the proposed felling on public visual amenity; and
 - ii) Whether or not there are sufficient grounds for the works as proposed.

Reasons

Effects of proposed works on amenity

3. The appeal trees are three maturing Scots pines of up to about 14m in height, standing in a short line along and towards the east end of the south boundary of the rear garden of 18 Morant Road. The upper parts of the crowns of the trees can be seen above and between properties in Morant Road and in part from some parts of the short cul-de-sac spurs of Kingfisher Way to the east. The appeal trees provide an element of vegetation to form a backdrop to dwellings on the east side of Morant Road and, because of the generally level local landscape, they form some part of the horizon and limits of view. There are other trees sporadically visible beyond houses, but the appeal trees are apart from other trees (save a silver birch at the west end of the line of appeal trees), which gives them a degree of individual specimen amenity value. I am satisfied that the appeal trees have amenity value and that their loss would have an adverse effect on public visual amenity.

Grounds for the proposed works

4. Scots pine trees shed needles and other debris from time to time, and this is generally normal for trees as a whole and for Scots pines as a species. I have not seen evidence to show that the amount of debris from the appeal trees is at a level that is so excessive and unreasonable as to warrant the proposed felling. At the time of my site visit, it was clear that the rear garden of 18 Morant Road was managed to a very high standard of maintenance indeed, and the presence of the appeal trees did not appear to be having an excessive and unreasonably adverse effect on that standard of maintenance.
5. Trees in the vicinity are present in a variety of species, including other pines. Pines generally and Scots pines particularly are reasonably frequent in the local landscape and contribute to the attractive variety of species. I am satisfied that the appeal trees are in keeping with trees in the surrounding area.
6. It is possible that the appeal tree nearest to the birch at the west end of the short tree line has had an effect on the birch, but the birch form and habit have been set, and the removal of the appeal pine trees is not likely to have a significant benefit to the birch so as to warrant the loss of the pines.
7. I have seen third party representations relating to the appeal Scots pine trees. I have addressed the matter of needles and debris above. I note the reference to the shallow roots of one of the trees. No tree is immune from the risk of being blown over if weather circumstances are sufficiently extreme. I have not seen evidence to show that the appeal trees are unduly susceptible to instability or insecure rooting so as to warrant the proposed felling.
8. I have sympathy with the matter of clearing fallen debris, and the potential adverse effects on health and well-being. The appeal trees are some 20m from the rear elevation of the dwelling, with well-tended level lawn between, and with smaller trees planted in the lawn. I have not seen evidence that the debris from the trees has a significant adverse effect on the management of the garden e.g. mowing the lawn so as to justify the removal of the trees, and in consideration of the evidence I am satisfied that felling the appeal trees is not a proportionate solution to the matter of debris.
9. I note the reference to replacement trees and I agree that in the event of the appeal being allowed I have the opportunity to require replacement planting. However, the proposal of replacement trees is not sufficient in its own right to make the loss of the appeal trees reasonable and justified.
10. I conclude that the reasons for felling do not outweigh the amenity value of the appeal trees and that I should dismiss this appeal.

Conclusions

11. The appeal Scots pine trees make a contribution to the local landscape and the proposed felling is likely to have an adverse effect on public visual amenity.

12. On the basis of the evidence I have seen I find that the reasons for felling do not outweigh the amenity value of the trees and do not warrant the proposed works.

13. I conclude that the proposed felling of the appeal Scots pine trees is not warranted on the evidence and I therefore dismiss the appeal.

Jonathan Fulcher

Arboricultural Inspector

