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## Appeal Decision

Site visit made on 19 February 2016.

**by Alan Engley** MARb (RFS) FARborA MIHort MICFor AARC

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

Decision date: 10 March 2016

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### **Appeal Ref: APP/TPO/B9506/4987.**

### **Land at Forest Park Hotel, Rhinefield Road, Brockenhurst SO42 7ZG.**

- 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 a tree protected by a Tree Preservation Order (TPO).
  - The appeal is made by Shawn Perry against the decision of New Forest National Park Authority.
  - The application Ref: TPO/15/1131 dated 26 October 2015, was refused by notice dated 27 November 2015.
  - The proposed work is the felling of 1 Oak tree.
  - The relevant TPO is the New Forest National Park Authority, Tree Preservation Order TPO/0028/14 - Land at Forest Park Hotel and former Park Stables, Rhinefield Road, Brockenhurst, SO42 7ZG, which was confirmed on 4 December 2014.
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. I consider that the 2 main issues in this appeal are:
  - The effect on the character and appearance of the locality, the wider landscape and street scene if the proposed work is carried out; and
  - Whether the reasons given for the proposals are sufficient to justify that course of action.

### **Reasons**

***The first issue – the effect on the character and appearance of the locality, the street scene and the wider landscape if the proposals are carried out***

#### *Character of the locality*

3. Rhinefield Road is a busy main road around the northerly outskirts of Brockenhurst. Forest Park Hotel is set back on the southerly side of the road in a wooded residential area. The properties locally are characterised by large detached houses set in good sized plots within woodland. Forest Park Hotel lies within a designated conservation area. The topography is fairly level ground.

4. Along the hotel frontage is a drive leading to the car parking area, beyond the drive is a grassed verge that slopes down to the wide public footpath to the road. The appeal tree grows circa 6m from the edge of the public footpath and 8m from a brick wall at the entrance to the car park.

*Local tree cover and the amenity value of the appeal tree*

5. The hotel grounds and surrounding area are extensively wooded and contain a good mix of mostly mature trees including many veteran and ancient Oak and Beech that characterise this part of the New Forest National Park. The appeal tree is a large, near veteran specimen with a hefty trunk. It has a truncated form with dense re-sprouting foliage and an attractive dome shaped canopy. It grows above a young recently planted Beech.
6. The Council consider the tree to be a prominent feature and very characteristic of the locality and a feature of ancient woodlands and villages and settlements. Therefore, its removal would have a detrimental impact on the public visual amenity of the area.
7. As set out by the Council, it is a key landscape feature when approaching from the east along Rhinefield Road where it is a fringe component of the more dense woodland and where the road funnels through the woodland. It is entirely in keeping with the local wooded character.
8. The agent for the appellant wishes to fell the tree and replant. In my view the loss of the tree would result in deleting a prominent and important landscape feature that typifies the historic woodland character and replanting nearby would take many years to replace the amenity lost due to its removal.
9. Based on the above, I consider that the proposals would have a seriously negative impact on the visual amenity of the character and appearance of the locality and wider landscape.

***The second issue – whether the reasons given for the proposed works are sufficient to justify that course of action***

*Third party representations*

10. There are 2 third party representations that are against the proposals.
11. The agent for the appellant claims that the Oak has basal decay of significance to safety and it will collapse and investigations of the structural and supporting roots using an air spade revealed little or no roots on the southerly side of the lower stem and buttressing and the target area, should the tree fail, is high. The Council argue that the tree was previously crown reduced which has lessened the risk of its failure and its felling now is premature and unreasonable.
12. The tree is very large and heavy and grows within falling range of the busy road and footpath, the car parking area of the hotel and the main building. Should it fail, I have no doubt it could cause very serious harm.
13. From my observations and the pictures provided by the agent I could see the old north-easterly facing basal trunk scar and cavity and the fungal sporophores arising from the exposed heartwood, indicating the trunk wood and upper root and buttress decay is ongoing. I saw a broad band of wound wood development around the right side rim of the cavity, which provides



some pillar like support for the trunk. The buttress development facing the drive to the car park area appears well developed. Generally, I have no doubt the trunk decay is serious and increases its risk of collapse. I accept the view of the Council that the earlier crown reduction has significantly reduced the risk of its failure.

14. The Council assert that old trees stunted and dwarfed by harsh pruning are acceptable models for wildlife habitat and are desirable as markers of ancient woodlands.
15. Despite its earlier crown reduction, it has wide spreading sub-leaders with dense bushy stunted ends that present a large wind sail area, which increases the risk of lower trunk failure due to the wind loading transferring the stress to the diseased trunk area.
16. However, there are forms of severe surgery available suitable for high value trees, such as extensive planned crown reduction that could significantly further reduce the crown size and the risk of failure, to acceptable levels without the necessity of its removal. It grows with good vitality and has numerous internal shoots and potential cut positions. It will have vast growth resources and is the sort of tree species that readily withstands heavy surgery by rapidly re-sprouting new shoots.
17. It is the type of surgery that is commonly carried out on important historic trees without unacceptably reducing their amenity values and may be the subject of further discussions with the Council.
18. I place great weight in my decision on the issues of tree safety and the type of surgery that could be carried out which would significantly reduce its risk of failure.
19. In light of the foregoing, I have decided on the second issue that the reasons given for the proposals are insufficient to justify that course of action.

### **Conclusions**

20. My conclusions on the 2 main issues have led me to the view that the appeal tree makes an important contribution to the amenity of the locality, the street scene and the wider landscape and the proposed work would cause demonstrable harm. In reaching my decision I have taken into account all other matters raised by the parties.
21. I consider the Oak is not so ill-suited to its location sufficient to override the amenity benefits that it provides. The appeal is dismissed.

*Alan Engley*

**Arboricultural Inspector**

