

Appeal Decision

Site visit made on 26 April 2016

by **Keith Rushforth**

BSc(For), FICFor, FArborA, MCIHort

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

Decision date: 17 May 2016

Appeal Ref: APP/TPO/B9506/5006

14 Badgers Copse, New Milton, BH25 5PE

- 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 seven trees protected by a Tree Preservation Order (TPO).
- The appeal is made by Mr Michael Bailey against the decision of the New Forest National Park Authority.
- The application Ref: TPO/15/0930, dated 9 September 2015, was refused by notice dated 16 October 2015.
- The proposed work is to reduce seven oaks by 20% (trees T24 to T30).
- The relevant TPO is the District Council of the New Forest (Land of Badgers Copse, New Milton in Hampshire) Tree Preservation Order 1999, which was confirmed on 15 October 1999.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Authority's decision notice has the work described as "Prune 7 x Oak trees" but then states "Refuse consent to carry out the works listed below: Refuse consent to reduce 8 oaks by 20%." I consider that this typographical error has no bearing on my determination of the appeal.

Main Issues

3. The main issues are the effect of the proposed work on the appearance and setting of the area and whether the reasons presented provide support for the proposed work.

Reasons

The effect of the proposed work on the appearance and setting of the area

4. The trees, together with the eighth oak T23, are prominent on the corner between Badgers Copse and Hollands Wood Drive and are located towards the boundary of number 14 with number 12 and a property off Hollands Wood Drive. The proposed work will remove much of the foliage bearing crown. Whilst as English oak they are likely to reform their crowns from epicormic buds some of the regrowth is likely to be from points below the cuts leading to

dead snags. The proposed reduction will remove foliage and is likely to have an effect upon the on-going appearance of the trees.

5. Therefore I consider that compelling reasons need to be demonstrated to outweigh any effect upon the contribution the trees make to the appearance and setting of the area.

Whether the reasons presented provide support for the proposed work

6. A reduction in dimensions will lead to a decrease in the wind resistance of the trees. However, there is no evidence that the current crowns carry any extra risk of failure, either due to their structure or height, and therefore I do not find this issue to provide compelling justification for the work.
7. The trees cause some loss of light and when in full leaf will shade the areas directly beneath them. However, they are set within a large garden and I do not find compelling evidence that the seven trees cause any excessive or unreasonable shading. Furthermore, regrowth following the proposed reduction will cover the same area, so apart from oblique shading when the sun is low on the horizon either in winter or at the ends of the day, the proposed work will not significantly alter the level of shading once there is regrowth.
8. The trees contain some deadwood which is likely to fall to ground sooner or later. However, such deadwood can be removed without need to fell the trees. The representations do not draw attention to any potentially defective branches in the crown but if such branches are identified the appropriate action to make them safe can be discussed with the National Park Authority.

Other Matters

9. A third party letter from number 12 has registered support for the work but not added any additional points to be considered.

Conclusions

10. The trees contribute to the appearance and setting of the area and the proposed work is likely to have a detrimental impact upon this contribution.
11. There is no evidence to justify reducing the trees' height as a means of making them safer.
12. The trees shade a limited area of the garden and a small area of the adjacent gardens but not to an unreasonable or excessive extent. The proposed reduction in height will have little impact upon the shade cast.
13. There is no evidence presented to show that the trees, other than the small quantity of deadwood present in the crowns, pose a threat to nearby roofs.
14. Accordingly I do not find the reasons presented in support of the proposal sufficiently compelling to outweigh the potential impact of the proposal and therefore I dismiss the appeal.

Keith Rushforth

Arboricultural Inspector

