



## Appeal Decision

Site visit made on 21 November 2017

by **Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM**

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

Decision date: 04 December 2017

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### Appeal Ref: **APP/TPO/B9506/6281**

### **Big Sky, Manchester Road, Sway, SO41 6AS**

- 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.
  - The appeal is made by Mr C Stocker against the decision of the New Forest National Park Authority.
  - The application ref. TPO/17/0363, dated 25 April 2017, was refused by notice dated 12 June 2017.
  - The work proposed is to fell two Oak trees (T153 and T155).
  - The relevant Tree Preservation Order (TPO) is TPO no. NFNPA 0008/08 - Land at High Forest and Forest Corner, Manchester Road, Sway in Hampshire, which was confirmed on 12 May 2008.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The National Park Authority (NPA) issued a split decision, refusing consent for the felling of Oaks nos. T153 and T155, but granting consent for works to several trees within the appeal property. This included consent for works to the two trees that are the subject of this appeal, namely: Oak T153 – reduce and reshape crown by up to 2 metres; Oak T155 – reduce the lateral crown spread growing over the garden of 16 Buldowne Walk by 2 metres. For the avoidance of doubt, my decision relates to the original proposal for the felling of trees T153 and T155.

### Main Issues

3. In respect of each of the disputed trees, the main issues in this appeal are:
  - (a) the effect of the proposed felling on the amenity of the area; and
  - (b) whether the reasons given for the works are sufficient to justify that course of action.

### Reasons

4. Big Sky occupies a well-wooded plot within the village of Sway. The two Oaks lie near the site's eastern boundary with adjoining residential properties. It is accepted that neither Oak is as tall as some of the other trees within the plot – notably some Scots Pines nearby. However, as a result of their proximity to the site boundary, both Oaks are visible to passers-by on Buldowne Walk and Manchester Road – tree T153 appearing particularly prominent from Buldowne

Walk. In these views both trees provide an attractive contrast to the larger conifers behind – an effect that was clearly apparent during my autumn site visit. Although the growth form of the canopies of both trees, most notably that of tree T155, has been affected by their proximity to larger trees, there is no evidence that either Oak has significant structural or physiological defects.

5. For these reasons the two Oaks have a positive amenity value that would be lost if the trees were to be felled. The amenity of the area would be unacceptably harmed. Replacement trees are not proposed.
6. National planning practice guidance states<sup>1</sup> that in general terms the higher the amenity value of the tree and the greater any negative impact of proposed works on amenity, the stronger the reasons that are needed before consent is granted. Bearing in mind the harm that would result from the trees' removal, strong reasons are needed to justify the proposed felling.
7. Tree T153 is located close to the neighbouring dwelling (16 Buldowne Walk). Its canopy partly overhangs the roof of this house. I accept that this is not an ideal relationship. However, as already noted, a 2 metre crown reduction has been approved by the NPA. I am satisfied that this work will be sufficient to reduce adverse effects, such as shading and leaf loss, arising from the existing relationship between the tree and the dwelling, while retaining the tree in place. Although further pruning may well be required in the future this is a matter for the NPA to consider at the appropriate time.
8. Oak T155 is a somewhat smaller tree than T153. Although also located near the property boundary, it is well separated from neighbouring dwellings. As such, it seems to me that its effects on neighbouring properties are limited. Furthermore, consent has been granted by the NPA for the reduction of the tree's lateral crown spread. While the appellant raises concern that this Oak may begin to impact upon the larger adjacent trees, this does not amount to a pressing reason to justify its removal at the present stage.
9. I therefore conclude that the reasons given for the works are not sufficient to justify the proposed felling and replacement. For the reasons given above and having regard to all other matters raised, my overall conclusion is that the appeal should not succeed.

*M J Hetherington*

INSPECTOR

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<sup>1</sup> Planning Practice Guidance Ref ID: 36-091-20140306.