

PLANNING DEVELOPMENT CONTROL COMMITTEE

20 SEPTEMBER 2012

CONFIRMATION OF TREE PRESERVATION ORDER 2058 – 17 EVELYN CLOSE,
WALTHAM CHASE

REPORT OF THE HEAD OF LANDSCAPE AND OPEN SPACES

Contact Officer : Thomas Gregory (Tel 01962 848 317) tgregory@winchester.gov.uk

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider the confirmation of Tree Preservation Order 2058, to which one objection has been raised.

RECOMMENDATION:

That, having taken into consideration the representations received, Tree Preservation Order 2058 be confirmed.

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DETAIL:

1. TPO 2058 – 17 EVELYN CLOSE, WALTHAM CHASE
- 1.1 It was brought to the attention of the Tree Officer that the new owner of 17 Evelyn Close was enquiring about creating a new access and parking area off the main road through Waltham Chase and that this would have an impact on the four Horse Chestnut trees on site.
- 1.2 The Tree Officer attended the site to assess the trees and determined:
 - That the four Horse Chestnut trees onsite were highly visible from the public domain and provided significant visual amenity.
- 1.3 Thus, the criteria for a Tree Preservation Order were met and a TPO was issued and served on 03 April 2012.

The grounds for making the order were that these were: **“Significant trees that contribute to the visual amenity of the area.”**

Formal Objection

- 1.4 Two objections to the TPO have been received from the land owner and a neighbouring land owner
- 1.5 The objections stated:
 - The trees have not been pruned for many years to maintain their safety and suitability in the given space.
 - The root spread of T4 has badly disturbed and has cracked the tarmac along the public footpath, making it potentially hazardous underfoot for the general public. It has also broken up and knocked down the brick wall marking the boundary of 17 Evelyn Close.
 - The root spread of T1 has caused the footpath of ‘Ludville’ to break up and become dangerous for the elderly owner to use so she is forced to bear significant cost and inconvenience by replacing it with new. It has also caused problems with the drains on numerous occasions. A significant number of branches overhang the front garden, blocking out light and causing inconvenience.
 - Evelyn Close has no street lighting and the thinning of these trees would allow some light from the existing street lighting on Winchester Road.

- Due to the size and proximity of all the trees, a huge amount of sunlight is blocked out from 17 Evelyn Close which significantly reduces the enjoyment of the garden and home.
- Due to the size and proximity of T2 and T3, the owner of 17 Evelyn Close fears that the root spread will cause structural damage to the property. Although there is no evidence of this as yet.
- The annual maintenance costs of these trees would be unreasonable.
- Two further Horse Chestnut trees in the neighbouring garden are not protected although they form part of the same line of trees.
- Every time the wind blows the trees move and it is only a matter of time before the trees come crashing through the house. Over the years, several large branches have come down across the path of Ludville, two with near fatal consequences.

Officer Comments

1.6 In response to the public representation, the Tree Officer has observed that:

- A TPO does not prohibit good arboricultural or forestry work from being carried out, nor does it prohibit reasonable remedial action required to alleviate any risk of harm such as that mentioned above. There is currently no fee for this application.
- Regarding the public footpath, it would be recommended that the owner is notified so they can carry out remedial works to the footpath and identify any work that may be required to the tree.
- The existing damage to the footpath of Ludville is located in close proximity to the drainage/boundary ditch. It is possible that this crack is related to the change in levels. It would be recommended that an inspection is carried out to ascertain the actual cause of damage.
- The drains would not be penetrated by roots unless there was already a defect such as a crack or split in the pipe.
- Tree related subsidence or structural damage is not easily predicted.
- Should this particular property suffer from tree related subsidence or structural damage, then an application for tree works would need to be submitted, complete with all the required evidence as set out in the appropriate guidance.
- If the owner or neighbour is concerned about the safety of the trees, it would be recommended that an arboricultural consultant is employed to inspect them and produce a condition report. If any work is recommended, this should be submitted to the council with a tree works application.

1.7 Notwithstanding the objection, in light of the assessment of the Tree Officer it is recommended that the Tree Preservation Order 2058 is confirmed.

OTHER CONSIDERATIONS:

2. SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

The confirmation of this Tree Preservation Order will contribute to the High Quality Environment outcome of the Sustainable Community Strategy.

3. RESOURCE IMPLICATIONS:

There are no financial implications for the City Council.

4. RISK MANAGEMENT ISSUES

There are no risk management issues for the City Council.

BACKGROUND DOCUMENTS:

TPO 2058 – 17 Evelyn Close, Waltham Chase

Winchester City Council Tree Strategy consultation draft 2007. Policy TPO 1

Tree Evaluation Method for Preservation Orders (TEMPO)

Tree Preservation Orders: a guide to the law and good practice

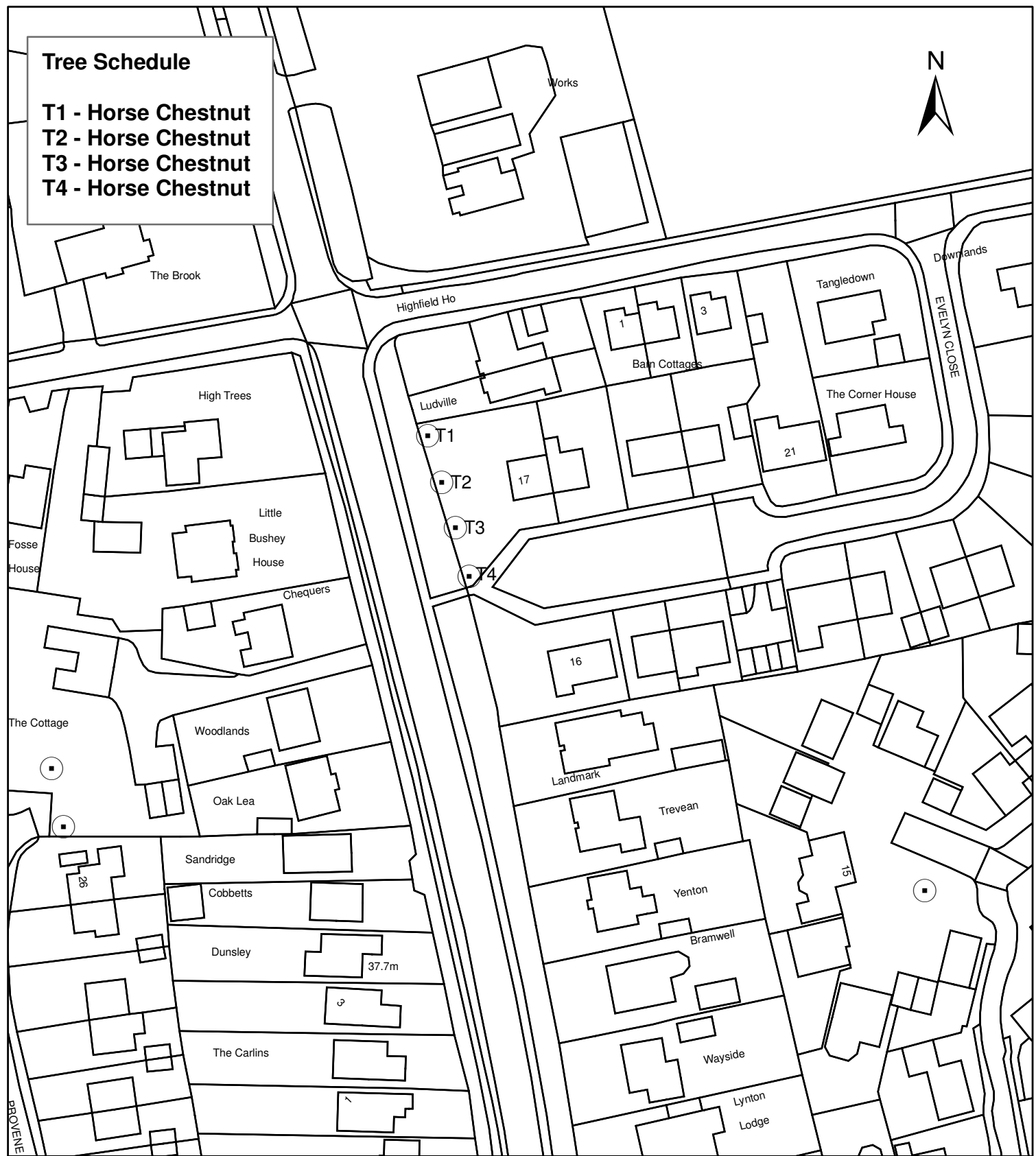
Winchester District Local Plan Review (July 2006)

APPENDICES:

Map

Tree Schedule

- T1 - Horse Chestnut
- T2 - Horse Chestnut
- T3 - Horse Chestnut
- T4 - Horse Chestnut



- ⋯ A1 ⋯ Area
- ⋯ G1 ⋯ Group
- W1 Woodland
- T1 Tree

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No 2058

Location: **Land at 17 Evelyn Close Watham Chase**

OS Grid: 5615 Scale: 1:1,000 @ A4 Date: 30/03/2012



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