

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2185 –  
LAND AT HEADLANDS, SCHOOL LANE, WINCHESTER

9 MARCH 2017

PORTFOLIO HOLDER: Councillor Victoria Weston, Deputy Leader and Portfolio  
Holder for Built Environment

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WARD: THE WORTHYS

PURPOSE

To consider confirmation of Tree Preservation Order 2185 to which one letter of objection has been received.

RECOMMENDATION:

That having taken into consideration the representations received, Tree Preservation Order 2185 is confirmed.

**IMPLICATIONS:****1 COUNCIL STRATEGY OUTCOME**

- 1.1 The confirmation of this Tree Preservation Order (TPO) will contribute to the High Quality Environment outcome of the Council Strategy by maintaining the environmental quality and character of the area.

**2 FINANCIAL IMPLICATIONS**

- 2.1 There are no financial implications for the City Council at this stage. Compensation is potentially payable where sufficient evidence has been provided by an applicant to support an application to carry out works to the protected tree and where that application is refused.

**3 LEGAL AND PROCUREMENT IMPLICATIONS**

- 3.1 None

**4 WORKFORCE IMPLICATIONS**

- 4.1 None

**5 PROPERTY AND ASSET IMPLICATIONS**

- 5.1 None

**6 CONSULTATION AND EQUALITY IMPACT ASSESSMENT**

- 6.1 There has been one letter of objection to the TPO, which is summarised in the Report.

**7 RISK MANAGEMENT**

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property N/A</i>		
<i>Community Support N/A</i>		
<i>Timescales N/A</i>		
<i>Project capacity N/A</i>		
<i>Financial / VfM N/A</i>		
<i>Legal N/A</i>		
<i>Innovation N/A</i>		
<i>Reputation N/A</i>		
<i>Other None</i>		

8 SUPPORTING INFORMATION:

- 8.1 This matter comes to Planning Committee because one letter of objection to making the TPO has been received.
- 8.2 The Council received notification from a local resident, that an arboricultural contractor had been instructed to prune the overhanging branches of one Purple Beech (*Fagus sylvatica purpurea*) located on the land at Headlands, School Lane, Winchester and overhanging the adjoining property St Birinus.
- 8.3 The Council received a visit from the tree owner on the morning of the 10 October 2016 raising concerns that their tree would be pruned by their neighbours without their consent. A site visit was carried out that morning by the arboricultural officer who decided that the tree had amenity value, as seen from School Lane and a significant threat was apparent.
- 8.4 A provisional Tree Preservation Order was made on 10 October 2016, which will expire on 9 April 2017 unless it is confirmed.
- 8.5 The tree is not located in conservation area, therefore no notification was submitted to the Council.
- 8.6 If a tree is not protected, it is the neighbour's common law right to prune back to the boundary without notice to the owner. However, any material removed remains the owner's property.
- 8.7 In this case if the neighbours exercise their right to prune back to the boundary it would cause significant harm, and would substantially alter the tree's stability, raising other safety concerns for the owner. Carrying out the proposed work would be contrary to industry best practice and would entail approximately 50% of the canopy being removed. The tree would then be left significantly more susceptible to root failure and subsequently total wind throw.
- 8.8 The TPO was made to enable the Local Planning Authority to manage any future works that are undertaken.

Summary of Objection letter

- 8.9 "Objection to protection of Tree T1 Purple Beech (*Fagus Sylvatica Purpurea*) as there is concern that the tree is of little amenity value as it can only be seen from the public road, School Lane, Headbourne Worthy."
- 8.10 "The tree was planted post Saint Birinus being built."
- 8.11 "The tree's dominance is exaggerated by it position - 8 feet higher than the floor level of Saint Birinus."
- 8.12 "The tree is planted one foot from the border with its spread therefore being 50% over the neighbouring property's roof, Saint Birinus."

- 8.13 “The sun’s pattern will mean that the tree will mainly grow in the direction of Saint Birinus.”
- 8.14 “The owners of the tree do not maintain the tree and large branches fall onto the roof of Saint Birinus.”
- 8.15 “There is no intent on behalf of Saint Birinus to have the tree removed.”
- 8.16 “The tree requires to be pruned to protect the property of Saint Birinus.”
- 8.17 “The Council has already agreed with Saint Birinus that more pruning that was the intent to carry out can be performed so there is and never has been any intention to over prune or destabilise the tree.”
- 8.18 “The expense to the rate payer of administering the proposed TPO is unnecessary as there is no intent to either remove the tree or prune the tree more than has already been agreed by the Council.”

Summary of Support Letters

- 8.19 No letters of support were received

Arboricultural Officer’s Response:

- 8.20 A Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out at the time of considering serving the TPO. The result was a score of 16 – which merits a TPO by the TEMPO assessment criteria. The objector’s point that there is limited amenity value is reasonable, as the tree can only partially be seen from the public highway, School Lane. The TEMPO assessment however takes into consideration other factors for suitability for TPO such as tree condition, retention span, and expediency.

Condition & suitability for TPO	Good	Highly suitable	<b>5</b>
Retention span	40 – 100	Very suitable	<b>4</b>
Relative public visibility & suitability	Medium tree, or large tree with limited view only	Suitable	<b>3</b>
Other factors	Trees with none of the above additional redeeming features	N/A	<b>1</b>
Expediency assessment	Foreseeable threat to tree	N/A	<b>3</b>

<b>Total</b>			<b>16 – Definitely merits TPO</b>
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Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where making of a TPO is fully justified based on the field assessment exercise.

- 8.21 It is very common for trees to be planted after development has taken place. The fact that the tree came after the dwelling is rarely taken into consideration when making a TPO.
- 8.22 Site levels were changed during the 2003 demolition - application ref: 03/02017/FUL - demolition of existing dwelling and erection of 1 no. five bedroom detached dwelling, detached double garage and creation of new access. The landscaping plans available online show that levels were altered in the back garden and in relation to the tree. This would only enhance the perceived height from the changed ground level and increased its dominance over the property of Saint Birinus.
- 8.23 It is correct that the tree is planted approximately 1 foot away from the border of Saint Birinus. Approximately 50% of its canopy has grown over time over the property of Saint Birinus.
- 8.24 Responsible maintenance works can be undertaken within the best practice guidelines BS3998:2010 to alleviate the potential extra growth on the Saint Birinus side of the tree.
- 8.25 The objectors state that they do not intend to remove the tree. However, without the formal protection of a TPO the neighbour has the right to prune everything overhanging, back to the boundary. As previously stated if this work were carried out it would be contrary to industry best practice and would entail approximately 50% of the canopy being removed. The tree would then be left significantly more susceptible to root failure and subsequently total wind throw.
- 8.26 As agreed in tree works application - 16/02655/TPO, pruning works within best practice guidelines BS3998:2010 are perfectly reasonable maintenance works and will be recommended for approval by the recommending officer if supported with sufficient justification at the time of application. 8
- 8.27 The TPO, if confirmed, will ensure that future pruning works are undertaken in line with best practice guidelines BS3998:2010.

9. OTHER OPTIONS CONSIDERED AND REJECTED

N/A

BACKGROUND DOCUMENTS:-

Tree works application 16/02655/TPO.

Planning application 03/02017/TPO – Demolition of existing dwelling and erection of 1 no. five bedroom detached dwelling, detached double garage and creation of new access.

Planning Practice Guidance - Tree Preservation Orders and trees in conservation areas.

Tree Evaluation Method for Preservation Orders - TEMPO.

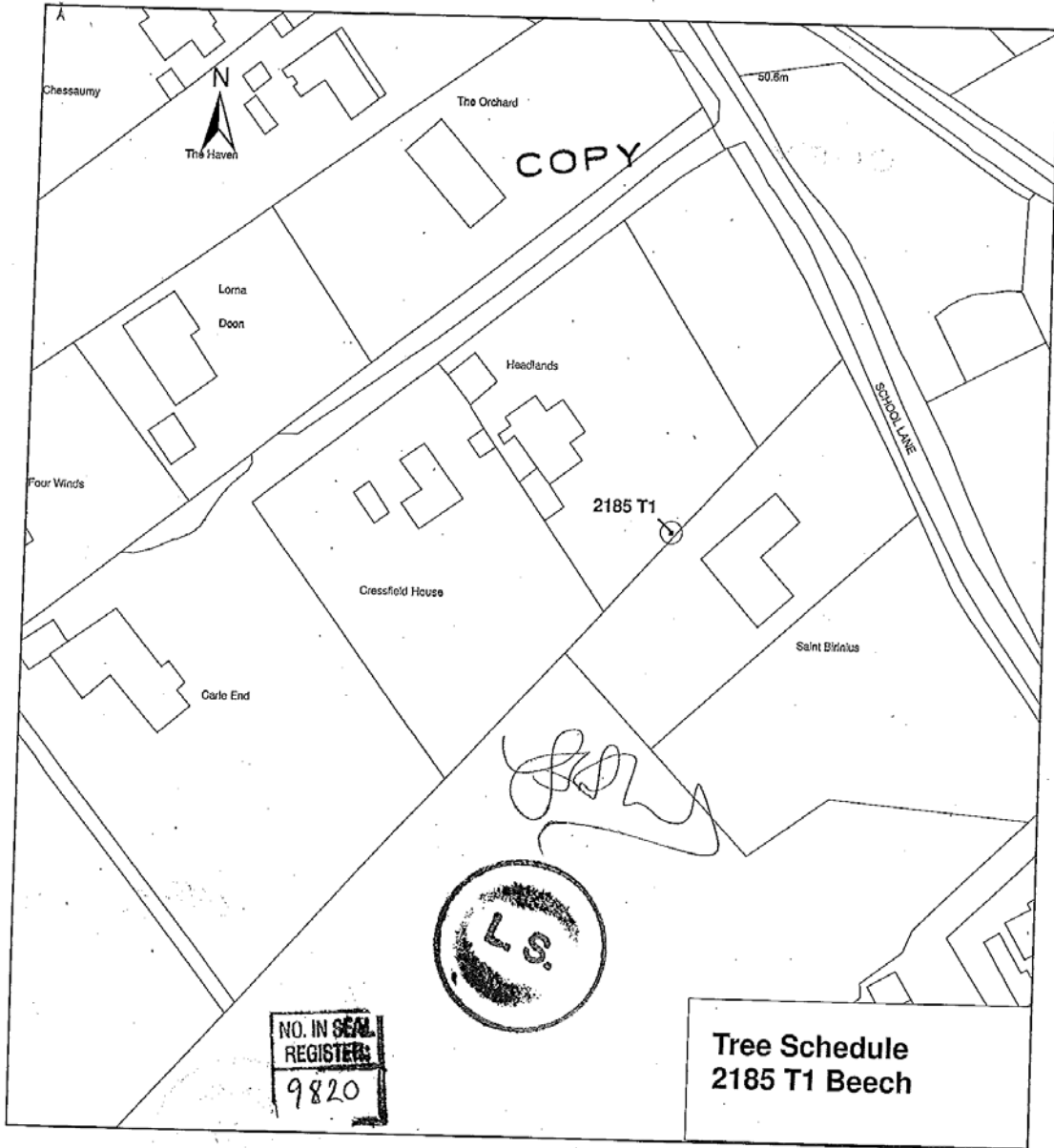
Other Background Documents:-

None.

APPENDICES:

Appendix 1 Map of the Site

Appendix 1



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

TOWN AND COUNTRY PLANNING ACT 1990  
Section 198 - 201

Tree Preservation Order No. 2185

Location: Headlands  
School Lane  
Headbourne Worthy  
Winchester  
SO23 7JX

OS Grid: . Scale: 1:500 @ A4 Date : 10th October 2016



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