

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/01165/TPO  
**Proposal Description:** Mature Holm Oak in rear garden approximately 15m from rear of house.  
The application is for permission to fell the tree on the grounds of the potential risk to people and property, excessive shading in the owner's and neighbouring gardens because of the tree's dense canopy and year round leaf cover, high maintenance burden, drying-out of ground by the root system and the tree's low ecological value. It is the applicant's view that these factors far outweigh the tree's general amenity value. The intention is to replant with a standard native woodland tree with a more open canopy (e.g. birch or whitebeam).  
**Address:** 53 Cheriton Road Winchester Hampshire SO22 5AX  
**Parish, or Ward if within Winchester City:** St Paul  
**Applicants Name:** Mr Stuart Dorward  
**Case Officer:** John Bartlett  
**Date Valid:** 12 May 2023  
**Recommendation:** Refuse Application  
**Pre Application Advice** No

**Link to Planning Documents**

[Link to page – enter in reference number 23/01165/TPO](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>

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### Reasons for Recommendation

This application is recommended for refusal as insufficient justification has been provided for the removal of this mature tree which has a high amenity value. The proposal would also be contrary to criteria (v) of policy DM15 (Local Distinctiveness) of the adopted Winchester District Local Plan Part 2, 2017 and Winchester City Councils Climate Emergency Policy.

### General Comments

Cllr Westwood has requested that this application be determined by Planning Committee, based upon material planning considerations is shown in Appendix 1. His request is appended to this report.

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**Site Description**

The tree is located in the rear garden area of 53 Cheriton Road and can be clearly seen from Cheriton Road and Fordington Avenue, as well as a number of other public viewpoints. With this in mind, the tree has a high public visual amenity value. When assessed against the TEMPO method for tree preservation orders it achieves a score of 19 points which means that it definitely merits protection from a TPO.

**Proposal**

Fell one Holm Oak.

**Relevant Planning History**

This Holm Oak tree is protected by TPO 1391 (T1) which was made in 1992.

A number of previous tree works applications have been received for this tree as listed below:-

*03/01494/TPO - Crown lift and thin one Holm Oak tree to 5m and remove deadwood*

*Decision: Application permitted*

*09/00434/TPO - Crown lift to 5m and reduce length of branches over lawn by 2m*

*Decision: Application permitted*

*15/00877/TPO - 1 no. Holm Oak to fell - Application withdrawn*

*15/00926/TPO 1no Holm oak to fell - Application withdrawn*

*15/01345/TPO - 1 no. Holm Oak to tip prune the lower canopy overhanging the owners and neighbouring gardens by removing 1-2m or to a good growth point, remove low dog-legged branch*

*Decision: Application permitted*

*18/02403/TPO - Holm Oak in rear garden. Prune any roots encountered that are under 2.5cm in diameter during the preparation and build of a garden room.*

*Decision: Application permitted*

*20/01916/TPO - Mature Holm Oak - Tip prune the lower canopy overhanging the owners and neighbouring gardens by removing 1-2m or to a good growth point, to reduce spread and give the crown an even appearance. Remove dead wood and lowest, dog-legged branch.*

*Decision: Application permitted*

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**Consultations**

A standard consultation was sent in relation to this application to all nearby neighbours who could be affected.

**Representations:**

Councillors – Cllr Chris Westwood, St Paul Ward (Appendix 1)

City of Winchester Trust

- An application to fell a mature tree covered by a TPO should be supported by an arboricultural report about its condition.
- Inconvenience is not a valid reason to fell a tree that contributes to the wider landscape.

Summary of supporting representations received from different addresses citing the following material planning reasons:

- It is a tree with a mass which is totally inappropriate to a small suburban garden and should have been felled many years ago.
- A major concern, as previously advised (as above and on other occasions) is the stability of the tree as the soil depth, we feel, is around 15"/18". Roots have raised the paving stones under our pergola.
- If the Holm Oak comes down in a storm then we feel not only would our garage be demolished but that our house itself would be significantly damaged.
- The tree is a very large species capable of growing to a height of 90 feet or more and highly inappropriate.
- Whatever the merits of the TPO at the time, these have long been negated by the passage of time. This holm oak has out-grown its situation, and is not the right tree in the right place.

**Relevant Government Planning Policy and Guidance**

Tree Preservation Orders and trees in conservation areas

Website:- <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Winchester City Councils tree strategy

Website:- <https://www.winchester.gov.uk/planning/trees>

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

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CP13, CP15, CP16 & CP20

Website:- <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-1-joint-core-strategy-adopted-march-2013-local-plan-review-2006/local-plan-part-1-joint-core-strategy-adopted-2013>

Winchester District Local Plan Part 2 – Development Management and Site Allocations

DM 24

Website:- <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/local-plan-part-2-development-management-allocations>

Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

Statement of Community Involvement 2018 and 2020

Website:- <https://www.winchester.gov.uk/climate-change-and-energy/carbon-neutrality-action-plan>

## **Planning Considerations**

This mature Holm Oak tree can be clearly seen from a number of public standpoints, so has a good public visual amenity value and its removal would have a significant detrimental impact on the landscape and the character of the local area. This tree is of reasonable health and form for its species and no evidence has been provided to show that this tree is in an unsafe condition or that it has caused damage.

This tree is located in the rear garden and is some distance away from buildings and is in proportion to its surroundings. There is no reason why this tree can't be managed to keep it in proportion to its surroundings through good arboricultural management. As the tree is evergreen, it will respond well to reasonable pruning.

The Secretary of State's view is in general terms that it follows that the higher amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted.

Insufficient arboricultural justification or technical diagnostic information has been submitted to support the application to confirm that the subject tree is likely to be structurally unsafe or dangerous. With this in mind, the grounds for the proposal are not supported by sufficient evidence and the proposed removal of this high value tree would be unwarranted and unjustified.

Trees such as this play a key role in helping to tackle the climate emergency and create a greener district. They directly remove carbon dioxide from the atmosphere, help offset the effects of global warming and have a cooling effect in the local environment to offset very warm or hot temperatures.

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A mature tree such as this also helps to reduce the amount of rainfall by catching raindrops before they reach the ground – thereby reducing the risk of flooding.

**Impact on character and appearance of area**

The removal of this mature Holm Oak tree would have a significant negative impact on the visual amenity value and character of the area as it can be seen from a number of public viewpoints including footpaths and adjacent roads. It is also prominent in the landscape as it can be clearly seen above the roofline, especially when coming down Cheriton Road near the junction with Greenhill Road.

**Ecology and Biodiversity**

If this tree is removed, there would be a negative impact as this tree supports a number of different species of insects and birds providing food and shelter. Due to being evergreen it specifically provides shelter for birds in the winter when deciduous trees have lost their leaves.

**Recommendation**

Refuse application for the following reason (s):

1. The tree forms an integral part of the street scene and makes a significant contribution to the amenity value of the area. The proposed removal of this tree would be significantly detrimental to the amenity value of the area and will negatively affect the street scene.

The proposal would be contrary to criteria (v) of policy DM15 (Local Distinctiveness) of the adopted Winchester District Local Plan Part 2, 2017 and contrary to Winchester City Council's Climate Emergency Policy

2. Insufficient arboricultural justification or technical diagnostic information has been submitted to support the application to confirm that the subject tree is likely to be structurally unsafe or dangerous.

The secretary of state view is in general terms it follows the higher amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted.

3. The grounds for the proposal are not supported by sufficient arboricultural evidence in support of the proposal as required in part 8 of the application form.

The proposal would be contrary to criteria (v) of policy DM15 (Local Distinctiveness) of the adopted Winchester District Local Plan Part 2, 2017

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Appendix 1

**City Councillor's request that a Planning Application be considered by the Planning Committee**

<b>Request from Councillor:</b> Cllr Westwood
<b>Case Number:</b> 23/01165/TPO
<b>Site Address:</b> 53 Cheriton Road Winchester Hampshire SO22 5AX
<b>Proposal Description:</b>  Mature Holm Oak in rear garden approximately 15m from rear of house. The application is for permission to fell the tree on the grounds of the potential risk to people and property, excessive shading in the owner's and neighbouring gardens because of the tree's dense canopy and year round leaf cover, high maintenance burden, drying-out of ground by the root system and the tree's low ecological value. It is our view that these factors far outweigh the tree's general amenity value. The intention is to replant with a standard native woodland tree with a more open canopy (e.g. birch or whitebeam).
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons:</b> The process for creating new TPOs in the Winchester District is defined on the council web site as follows: <ul style="list-style-type: none"><li>• assess the trees for their amenity value including ie whether the trees can be seen from the public domain; view the trees from numerous angles and consider their contribution to and relationship with the landscape;</li><li>• assess the size, health and form of the tree;</li><li>• assess any mitigating issues such as disease or clear damage to property;</li><li>• assess future potential as an amenity asset;</li><li>• assess the biodiversity, cultural or historic value;</li><li>• Undertake a Tree Evaluation Method for Preservation Orders (TEMPO) assessment to quantify whether the tree is worthy of a TPO;</li></ul> Should the officer not consent to the applicant's planning request, I request that this case be taken to the planning committee for the following planning reasons: <ul style="list-style-type: none"><li>• The TPO was placed on this tree over 15 years ago. Since that date, the tree has grown significantly to the point where the amenity value,</li></ul>

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especially the contribution to and relationship to the landscape has significantly diminished:

- particularly for all households within the immediate location of the tree
- with regard to the size and form of the tree
- damage to property
- future potential as an amenity asset
- biodiversity

Local authorities have the power to revoke or amend orders to help deliver APPROPRIATE tree protection by following the procedures set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012 .

I ask the TPO on this specific tree be reviewed in light of the significant change in this tree over the life of the TPO, and the application to replace the tree with a suitable native tree be allowed.