

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/02005/TPO
Proposal Description: TG1 Oak of the MWA Arboricultural Report
Works: TG1 Oak of the MWA Arboricultural Report
Reduce all oaks to achieve a 70% reduction in crown volume.
Prune on a triennial cycle to maintain at broadly reduced dimensions.
Reason: Clay shrinkage subsidence damage at the property.
Please also refer to the Statement of Reasons for Works document submitted with this application. (See attached specification, Appendix 1)

Address: 38 Mead End Road Denmead Waterlooville Hampshire PO7 6PZ

Parish, or Ward if within Winchester City: Denmead Parish Council

Applicants Name: Wyllie
Case Officer: John Bartlett
Date Valid: 29 August 2023
Recommendation: Permit Application
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 23/02005/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 approval because the four Oak trees within (G1) have been implicated as a material cause of subsidence damage to the property of 38 Mead End Road. A tree works application to carry out a 70% volume reduction (equivalent to a 30% linear reduction) has therefore been submitted by the insurers involved in the claim.

General Comments

Denmead Parish Council request for the application to be determined by Planning Committee, based upon material planning considerations is shown in Appendix 2.

Site Description

These trees are located in the rear garden area of 38 Mead End Road and can be clearly seen from the public standpoint of Mead End Road. The trees are four large mature English Oak specimens of average form which appear to be in an average overall condition.

Proposal

TG1 Oak of the MWA Arboricultural Report

Reduce all oaks to achieve a 70% reduction in crown volume. Prune on a triennial cycle to maintain at broadly reduced dimensions.

Reason: Clay shrinkage subsidence damage at the property. Please also refer to the Statement of Reasons for Works document submitted with this application. (See attached specification, Appendix 1)

Relevant Planning History

These Oak trees (G1) are protected by TPO 1015 A1 which was made in 1976 and protects all of the four subject Oak trees.

The following tree works applications have previously been submitted in relation to these Oak trees:

98/00207/TPO (AMENDED DESCRIPTION) Thinning four Oak trees and crown lift to 4 metres from the ground. Application permitted - 09/03/98

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05/02661/TPO - 4 no. Oak trees - crown lift to 5m: remove lower limb on 1 no. Oak on Parish Council land. Application permitted - 09/03/06

08/01290/TPO - 3no. Oak trees and 1no. Field Maple tree - crown lift to 4m. and crown thin by 10%; 1no. Oak tree near property - crown lift to 4m. crown thin by 10% and reduce back from property by 10%. Application permitted - 16/07/08

16/02571/TPO - T1. Oak. To be crown lifted to 3m from the ground. Branches on no. 36 Little mead garden side to be reduced back from 7m by 2m leaving a finish of 5m.
T2. Oak. Branches on no. 36 Little Mead garden side to be reduced back from 9m by 2.5m leaving a finish of 6.5 m.
T3. Oak. Branches on no. 36 Little Mead garden side to be reduced back from 7m by 2m leaving a finish of 5m.
This will stop the trees from encroaching the garden and interfering with the roof and keep them as a major feature of the boundary. Application permitted - 21/10/16

16/03389/TPO - T1 & T2 Oak : Remove lower epicormic growth. T4 Oak : Remove epicormic growth, Tip prune lower branches over conservatory roof by 0.5M. T5 Oak : Remove lower epicormic growth, Tip prune 1 x low branch over No 36 by 2 M. Application permitted - 13/12/16

Consultations

Denmead Parish Council

Neighbours

Representations:

Denmead Parish Council

- Noted in the arboricultural appraisal included in the application that “the recommended tree works may be subject to change upon receipt of additional information. Other vegetation recorded presents future risk to the building stability and management is therefore recommended”.
- Report suggests that an application to remove the trees entirely would have been refused. Instead, an application by stealth has been submitted for a reduction of 70%- 90% which is highly likely to kill the trees and thus obtain the result of removal.
- The report also states that the foundation depth of the property is 1.2m; however, on Denmead clay, any foundations shallower than 2.4m is likely to result in issues. The subsidence claimed appears to be solely on the conservatory extension and not on the main property.

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- It was also noted that a triennial maintenance cycle on an oak tree is excessive; the tree will not grow back sufficiently in 3 years to warrant this work, and that level monitoring had only been carried out over a 6 – month period rather than the usual 2-3 years period.
- Trees form part of the old field boundary, so form an important nature corridor for bats and many other species. Therefore, they are vital for biodiversity in the climate emergency as declared by Winchester City Council.
- The works to these trees would be detrimental to the local amenity as they are an important part of the street scene. The cost of reducing the trees in the long-term is likely to be similar to the cost of works to support the building.
- The proposed works are extremely excessive pruning. It should be noted that work of this nature is pollarding and not pruning. Denmead Parish Council considers it extraordinary that any arboriculturalist would suggest this.

Objecting Representations received from different addresses citing the following material planning reasons:

- The planning application for a 70 to 90% crown reduction is likely to be extremely detrimental to the well-being of the trees.
- Feel that the present planning application is not agreeable and hope that Winchester will send their own arborial consultants to make a decision and offer an alternative solution.
- Only damage is to the conservatory, the trees have been there far longer than the house and conservatory. The consequences of building the conservatory so close to the trees should have been considered at the time.
- The visual impact will be negative. The trees are part of the original boundary of the farm, they give character to the area and make it a pleasant place to live. The view of these trees makes it still seem we live in the countryside and not a built up area.
- The trees are much older than the house at 38 Mead End Road, so when the house and its conservatory were built, a conscious decision was made to place them near the pre-existing trees.
- According to a number of sources, including a local tree surgeon, this would be excessive and would result in a long-term negative impact on the health and wellbeing of these protected trees. This level of reduction would remove the vast majority of the leaf-bearing parts of the tree and, ultimately would likely result in their death.

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- The excessive reduction and subsequent death of these trees would result in a loss of historical features characteristic of this area of the village and significant loss of amenity to neighbouring properties.
- The Oak trees provide a natural barrier between the houses on Mead End Road and those on Little Corner and there would be increased potential for overlooking and a consequent loss of privacy if this planning application is approved.
- The trees are visible from publicly accessible land including the nearby footpath and roads and provide public amenity which would also be negatively impacted or lost, if the trees were excessively reduced in accordance with this planning application.

Supporting Representations received from different addresses citing the following material planning reasons:.

- Fully support this application and have no objections

Relevant Government Planning Policy and Guidance

Tree Preservation Orders and trees in conservation areas

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

CP13, CP15, CP16 & CP20

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

DM 24

Denmead Neighbourhood Plan

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality SPD September 2021

Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

Statement of Community Involvement 2018 and 2020

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Planning Considerations

The four Oak trees can be clearly seen from the public standpoint of Mead End Road and have a good public visual amenity value, so the reduction work proposed will have a significant detrimental impact on the landscape. However, sufficient evidence has been provided that these trees are a material cause of notable soil desiccation which has led to subsidence damage to this property.

Principle and legal issues

These mature Oak trees have been implicated in a subsidence related insurance claim. Sufficient evidence has been provided by the insurers – including level monitoring results which confirm seasonal movement associated with influence of these Oak trees. The most significant movement has been found on the rear right hand side of the conservatory and level monitoring data is showing recorded foundation movements are in excess of 34mm and therefore works to Oaks in TG1 are considered to be justified.

The arboricultural consultant appointed by the Winchester City Council Tree Officer advises that one or more Oak trees in TG1 have been a material cause of subsidence damage to the conservatory at the rear of the property.

Costs for repairs to the property will be approximately £9,800 if the proposed trees works are approved and carried out but “estimated” costs would increase to £75,000 if permission is withheld for pruning (the cost of alternative means of stabilising the conservatory).

Regulation 24 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 states that if a person establishes that loss or damage has been caused or incurred in consequence of the refusal of any consent under these Regulations, that person shall, subject to other factors, be entitled to compensation from the authority.

Therefore, should the decision be to refuse this application – the council will be immediately exposed to this financial liability.

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Impact on character and appearance of area

The reduction of these four Oak trees will have a significant impact on the public visual amenity value of the area.

Ecology and Biodiversity

If permission is granted, there will be a long-term negative impact on the wildlife that these Oak trees support.

Recommendation

Permit Application

subject to the following condition(s):

Conditions

1. The approved work(s) shall be carried out in accordance with the British Standard 3998 : 2010 Tree Work Recommendations, Chapter 7. Pruning and related work

REASON: To minimise the impact and ensure the work carried out is to the long-term well-being and visual amenity of the tree(s) and; to satisfy Policy DM15 of the adopted Winchester District Local Plan Part 2 2017.

2. The permitted work shall be completed within two years and carried out only once from the date of this consent.

REASON: To accord with part 4, regulation 17 (4)(a) and (b) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Informative:

1. Your application will determine whether the proposed tree works are acceptable in planning terms. Please be aware that this will not automatically override your responsibilities under other legislation and in particular your attention is drawn to the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2017. This legislation protects ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees. In simple terms, you should make sure that there are no wild birds nesting in or bats roosting in or adjacent to the tree(s) that you are proposing to work on. It is a criminal offence to harm or destroy any bird, its nest or its eggs or any bat or its roost (even if the roost is not occupied at the time).

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2. This decision notice, along with any observations that have been made on the application file, does not constitute a tree safety inspection. Neither does this decision indemnify the tree owner against any future damage caused by the tree. The tree has been assessed only as far as is necessary to determine the suitability of the proposed work. In the absence of any supporting technical evidence, submitted from an appropriate expert, which relates to the trees condition, the decision is based on the assumption that the tree is in good health and structural integrity. If you have concerns about the condition of the tree, you are advised to contact the Arboricultural Association at www.trees.org.uk for independent advice (a fee may be applicable).

Appendix 1

| Tree | <i>Current height x - m</i> | <i>height reduction of x - m</i> | <i>to leave final tree height at x - m</i> | <i>Current radial branch spread (m)</i> | <i>Radial branch spread reduction (m)</i> | <i>To leave final radial spread (m)</i> |
|-------------|-----------------------------|----------------------------------|--------------------------------------------|-----------------------------------------|-------------------------------------------|-----------------------------------------|
| TG1a Oak | 16.5 | 4.3 | 12.2 | N 7.0* E 8.0 S 7.4 W 8.0* | N 2.3 E 2.4 S 2.6 W 2.6 | N 4.7 E 5.6 S 4.8 W 5.4 |
| TG1b Oak | 17.5 | 3.9 | 13.6 | N 5.4 E 7.1 S 5.5 W 8.0* | N 1.8 E 1.8 S 2.4 W 2.6 | N 3.6 E 5.3 S 3.1 W 5.4 |
| TG1c Oak | 17.1 | 4.3 | 12.8 | N 4.4 E 7.4 S 7.0 W 9.0* | N 1.5 E 2.3 S 2.4 W 3.0 | N 2.9 E 5.1 S 4.6 W 6.0 |
| TG1d Oak | 14.5 | 4.0 | 10.5 | N 5.1* E 5.8 S 9.3 W 7.0* | N 1.7 E 3.1 S 1.9 W 2.3 | N 3.4 E 2.7 S 7.4 W 4.7 |

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Appendix 2

Comments for Planning Application 23/02005/TPO

Application Summary

Application Number: 23/02005/TPO

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Reason: Clay shrinkage subsidence damage at the property. Please also refer to the Statement of Reasons for Works document submitted with this application.

Case Officer: John Bartlett

Customer Details

Name: Denmead Parish Council

Address: Denmead Parish Council, The Old School, School Lane, Denmead Waterlooville, Denmead PO7 6LU

Comment Details

Commenter Type: Parish Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Denmead Parish Council wishes to raise a **STRONG OBJECTION** with a request that, should the officer be minded to approve, the application is considered by Winchester CityCouncil's Planning Committee on the following grounds:

Facts of the matter: it was noted that the aboricultural appraisal included in the application states that "the recommended tree works may be subject to change upon receipt of additional information. Other vegetation recorded presents future risk to the building stability and

management is therefore recommended."

Opinion: the report suggests that had an application been submitted to remove the trees entirely, it would not have been approved. Instead, an application by stealth has been submitted for a reduction of 70%-90% which is highly likely to kill the trees and thus obtain the result of removal.

The report also states that the foundation depth of the property is 1.2m; however, on Denmead clay, any foundations shallower than 2.4m is likely to result in issues. The subsidence claimed appears to be solely on the conservatory extension and not on the main property.

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