

PLANNING COMMITTEE

REPORT TITLE: TREE PRESERVATION ORDER 2349 (LAND AT GREENBANK HOLE LANE CURDRIDGE)

17 JULY 2024

REPORT OF CABINET MEMBER: Councillor Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: John Bartlett Tel No: 01962 848360 Email jbartlett@winchester.gov.uk

WARD(S): WHITELEY & SHEDFIELD

PURPOSE

To consider confirmation of Tree Preservation Order 2349 to which three letters of objection and two letters of support have been received.

RECOMMENDATIONS:

That, having taken into consideration the representations received, Tree Preservation Order 2349 be confirmed.

1. SUMMARY

1.1. Strong information was received from a resident to say that this Monterey Cypress was at risk of being reduced significantly.

1.2. The WCC Tree Officer carried out a site visit to assess whether this tree was of sufficient amenity value and condition to merit protection. When assessing the tree, it was considered that it met the criteria for a Tree Preservation Order. The tree achieved a score of 17 points on the TEMPO assessment which means that it merits protection from a TPO. Therefore, TPO 2349 was made and served on 29th February 2024. The TPO will expire on 28th August 2024.

2. CONSULTATION

2.1. Three letters of objection to the making of this TPO were received and are summarised below:

- The height and spread of the tree affect owner's and neighbours' gardens, blocking sunlight.
- The tree cannot be clearly seen in all its glory as it is surrounded by other trees.
- It overshadows our garden quite considerably and any further growth would make this worse.

2.2. Two letters of support were received for the making of this TPO and are summarised below.

- This magnificent tree is a beautiful backdrop to our garden.
- The Monterey Cypress is a haven for wildlife, also providing privacy to neighbouring gardens.

The Tree Officer's response:

- The TPO does not prohibit works from being carried out within reason and works can be applied for via a tree works application with supporting justification and evidence.
- This tree can be both partially seen and more clearly seen from a number of public standpoints in Gordon Road and Hole Lane - giving the tree a good public visual amenity value. Due to the height of this tree and its evergreen nature, it is a prominent tree in the landscape and helps to form a distinctive skyline - whilst also forming part of a green setting to the buildings. As a result this tree makes an important contribution to the rural character and visual amenity of the area.

- There is no legal right to light and it is my professional view that the value of this tree in the landscape outweighs the nuisance issues which have been reported.
- Due to the size and spread of this tree it provides a good screen for neighbouring properties and supports a number of wildlife species – providing food and shelter.

3. ENVIRONMENTAL CONSIDERATIONS

- 3.1. Trees such as these, play a key role in helping to tackle the climate emergency and create a greener district. They directly remove carbon dioxide from the atmosphere and help offset the effects of global warming.

4. PUBLIC SECTOR EQUALITY DUTY

None

5. RISK CONSIDERATIONS

- 5.1. The risk of legal challenge to the validity of the TPO is considered low as the TPO has been made and served in accordance with the relevant legislation and procedures. Compensation for refusal for works applied to the trees is mitigated by following correct procedures as laid down by the Secretary of State.

6. OTHER OPTIONS CONSIDERED AND REJECTED

- 6.1. If the provisional TPO is not confirmed, it will expire on 28th August 2024. If this TPO is not confirmed it will be left vulnerable to uncontrolled management. A drastic reduction on this type of tree is likely to reduce its natural form and appearance – reducing its value in the landscape.

BACKGROUND DOCUMENTS: -

Planning Practice 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>

APPENDICES:

Appendix 1



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Legend	
	A1 Area
	G1 Group
	W1 Woodland
	T1 Tree

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2349

Location: Land at Greenbank
Hole Lane
Curdridge

Scale @A4: 1:1,353

Date: 28 February 2024



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