

PLANNING COMMITTEE

REPORT TITLE: TPO 2356: OAK TREE IN THE REAR GARDEN OF 52 CANON STREET, WINCHESTER.

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

11 JUNE 2025

Contact Officer: John Bartlett, Tree Officer Tel No: 01962 848360 Email [jbartlett@winchester.gov.uk](mailto:jbartlett@winchester.gov.uk)

WARD(S): ST MICHAEL

PURPOSE

To consider confirmation of Tree Preservation Order 2356 to which nine letters of objection have been received.

RECOMMENDATIONS:

That, having taken into consideration the representations received, Tree Preservation Order 2356 be confirmed.

## 1. SUMMARY

- 1.1. A section 211 notice was received by the Council indicating an intention to fell this mature Oak tree which is situated in the Conservation Area.
- 1.2. Following this notification, the Winchester City Council Tree Officer conducted out a site inspection to assess the tree's condition and its amenity value to assess whether the tree was of sufficient amenity value. Based on this assessment, the tree was deemed to meet the criteria for protection under a Tree Preservation Order (TPO). The tree achieved a score of 18 points on the Tree Evaluation Method for Preservation Orders (TEMPO) assessment, indicating that it warrants formal protection. As a result, TPO 2356 was issued and served on 17<sup>th</sup> February 2025. If not confirmed, the provisional order will expire on 16<sup>th</sup> August 2025.

## 2. CONSULTATION

- 2.1 Nine letters of objection to the making of this TPO were received. The key concerns are summarised as follows:
  - Concerns were raised about damage to nearby property and garden walls which they argue is entirely foreseeable based on the tree's proximity and size.
  - It was noted that the tree is not of historical significance and offers limited visual value, as it is primarily visible from private gardens and not from public viewpoints.
  - The tree's dense canopy was cited as a cause of significant light obstruction to adjacent properties.
  - Given the tree's considerable height and mass, combined with increasingly unpredictable weather patterns, objectors fear the potential for serious damage or injury.
  - It was argued that any sustainable management plan would require pruning on a five-year cycle, which is seen as an unfair and impractical burden on residents.
  - The tree reportedly sheds a substantial amount of leaves and debris, which accumulate on nearby properties and create slipping hazards.

The Tree Officer's response:

- No formal evidence from a qualified arboricultural expert has been submitted to substantiate claims of structural damage. The concerns raised remain speculative.

- While the tree is not historic, it contributes meaningfully to local biodiversity and visual amenity. It is clearly visible from the private road of St Swithun's Villas, where it can be appreciated by approximately 50 residents. It is also the last significant tree in an area of land between Canon Street and St Swithun's Street, enhancing the character of the conservation area.
- The tree has previously undergone crown reduction. The Council would support further reductions to previous cut points on a 5–10 year cycle to improve light penetration to surrounding properties.
- The tree has been appropriately managed in relation to its setting. Regular cyclical maintenance is a common and accepted practice for retaining mature trees in urban landscapes.
- No diagnostic evidence has been provided to suggest the tree poses a safety risk. The submitted arboricultural report confirms the tree is in good physiological condition with minimal concerns.
- The tree's ecological and landscape value is considered to outweigh the reported nuisance issues.

### 3. ENVIRONMENTAL CONSIDERATIONS

Trees such as this Oak play a vital role in addressing the climate emergency and enhancing the district's green infrastructure. They contribute to carbon sequestration by absorbing from the atmosphere and mitigating the effects of climate change.

In addition to their environmental benefits, Oak trees support a wide range of biodiversity. They provide essential habitats for numerous species, including pollinating insects and a diverse array of caterpillars, thereby contributing to the ecological health of the area. Oak trees are the most ecologically valuable native tree species in the UK, supporting approximately 2,300 species of wildlife.

### 4. ALIGNMENT WITH WINCHESTER TREE STRATEGY

The confirmation of TPO 2356 directly supports the objectives outlined in the Winchester City Council Tree Strategy. By preserving a semi-mature oak tree that contributes to local biodiversity, visual amenity, and climate resilience, the TPO reinforces the Strategy's commitment to protecting valuable trees across the district.

The report's emphasis on sustainable, cyclical management and the tree's role in supporting wildlife and carbon sequestration aligns with the Strategy's goals to enhance ecological networks, promote environmental stewardship, and integrate trees into the urban landscape for the benefit of current and future generations.

### 5. PUBLIC SECTOR EQUALITY DUTY

None

## 6. RISK CONSIDERATIONS

- 6.1. 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 tree is mitigated by following correct procedures as laid down by the Secretary of State.

## 7. OTHER OPTIONS CONSIDERED AND REJECTED

- 7.1. If the provisional TPO is not confirmed, it will expire on 16th August 2025. The tree will then be left vulnerable to being removed. The removal of this tree will have a detrimental impact on the biodiversity and also character of the conservation area.

## 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

# Appendix 1



TPO 2356 Tree schedule  
2356 T1 Oak

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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. 2356

Location: Land at 52 Canon Street  
Winchester



Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9LJ

Scale @A4: 1:843

Date: 17 February 2025

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