

Appendix 3.

Dear Mr & Mrs Hawkins,

Thank you for your recent email in which you have put forward your feelings about the new tree preservation order, namely The Southampton (10 Aberdour Close) Tree Preservation Order 2016, that has been placed upon the neighbouring Beech tree. I would like to take this opportunity to give my reason for why the tree preservation order was made.

The residents of the property had submitted an application to the City Council to work on a tree that they believed to be protected by a tree preservation order and had requested to remove some significant limbs.

He was advised that the Beech tree was not included within The Southampton (Moorlands Estate) TPO 1967, which runs along the rear garden, therefore there was no need to apply for the work.

In situations such as this, a tree officer is informed of the intent so a site visit can be made for the purpose of assessing the trees suitability for a tree preservation order.

It just so happened that I had to visit the address to look at an application regarding an extension to the main house and at this time, the resident spoke to me regarding the protection status of the tree.

I was advised that originally there was to be some large branches removed but as the tree is not protected, they were going to fell the tree to ground level. This is when I assessed the tree and regarded it as being suitable for long term retention and advised the resident that I intend to make a preservation order as I do not agree with the felling as this would have a negative impact to the local amenity and also the local ecology and environment.

I note that in your email, you are in support of the tree as it provides you with screening and privacy, therefore the retention of this tree will benefit you greatly with the continued screening that it provides.

With regards to the loss of sunlight, unfortunately the tree preservation order legislation does not take this into account as it may prove impossible to protect trees with amenity that cast shade over properties. The trees has been growing in this area for a number of years and this should always be a consideration when choosing when whether or not to purchase a property as shade from trees will occur and unless the tree is at a mature height, will increase annually.

The older tree preservation order is from 1967 and is an area order. This type of TPO cover all trees that are within the marked area on the TPO plan but only cover trees that were present when the TPO was made, therefore if you have trees in your property that are clearly younger than 49 years, they would

not have been present when the TPO was made in 1967. Therefore these trees can be worked on without the requirement to submit an application.

It therefore may be the case that you can reduce or remove trees on your property to aid light penetration rather than rely on a neighbouring property to fell or reduce their trees. You may wish to speak to a tree surgeon about this option and to get further advice.

I note that you have mentioned that you have already had work completed on your trees to have them reduced but they have regrown with a thicker canopy. Unfortunately this is a natural occurrence and is the trees direct response to the loss in photosynthetic leaf area.

The tree will produce more leaf bearing growth over the coming years so as to be able to produce the level of food required. It will also require additional resources to help with the production of wood needed to occlude the cuts that have been made during the crown reduction. All of this leads to an increase of crown density and inevitably goes against what the original crown reduction sought to achieve. It is therefore my opinion that a crown reduction of a tree for light issues is not only arboriculturally incorrect, it can increase the loss of light experienced and then requires the tree owner to have the tree continually reduced on a cyclical basis, which comes with a high cost.

With the current tree preservation order legislation, any person can apply to carry out work to a tree protected by a TPO, therefore this means that you are entitled to apply for work to the Beech and you will receive a decision notice for your application.

If the work is agreed, you will then require permission from the tree owner to have the work completed as access to their land, in most cases, will be required. If your application is refused, you are provided with a reason for the refusal and you are also entitled to appeal the decision through the Planning Inspectorate, which is an independent government body.

At present, there is no charge for the application or any subsequent appeal that may follow a refusal.

Please let me know if you are satisfied with my response to your questions or whether you wish to lodge a formal objection to the protection status of your neighbour's tree.

I look forward to hearing from you in due course,

Kind regards,

Gary Claydon-Bone
City Tree Officer