

**PLACE DIRECTORATE**

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Please ask for: James Palmer

01 September 2014

**Re: The Southampton (64 Bassett Green Road) Tree Preservation Order 2014.**

I am writing with response to your emails sent on the 28<sup>th</sup> and 29<sup>th</sup> August regarding the Southampton (64 Bassett Green Road) Tree Preservation Order 2014

I have divided this letter into 2 halves making it easier to relate to your previous emails.

**T2-620**

When applying Tree Preservation Orders the Local Authority look at the current benefits and location of the tree regardless if it was planted, self seeded or envisaged by the original planners. Although it was not originally envisaged by the original planners the Council feels that the tree in question currently contributes to the surrounding area and no evidence has been provided that shows any structural damage in the trees vicinity.

A industry standard form is completed when assessing trees for Tree Preservation Orders, this is known as a TEMPO form (Tree Evaluation Method for Protection Orders) When completing a TEMPO form, I always give a conservative assessment, that way I feel that the final score is a fair assessment of the tree that the general public would be in agreement. The TEMPO form for both trees produced a score of 15 (Definitely Merits TPO) for the Common Ash and 12 (TPO Defensible) for the Silver Birch I have included a copy of these for your reference.

The Ash tree that is located at the rear of your property offers good visual amenity to a majority of your neighbours and can be see from these rear gardens and Field Close itself. This tree offers a large green area that smaller species would not be able to match. Species such as Apple and Cherry can produce large quantities of both fruit and blossom which visually may be

pleasing but given your original issues with falling natural debris this would not be a suitable solution.

I can see from your email that you have been under pressure to remove or reduce this tree. A Tree Preservation Order does not stop works being carried out. It only ensures that work applied for is reasonable and not detrimental to the tree's health or reduces its life expectancy. If you wished to prune this tree and the works as mentioned are reasonable there is no reason why it would be rejected.

With regards to injury from pruning the tree, it is always advised to employ a professional Arborist for any such work as they have the correct training and expertise to carry out such work in a safe controlled manner.

## **T2-621**

The Birch tree within 3 Field Close does only offer a small amount of visual amenity from the main road but does contribute significantly to the rear gardens of the surrounding area. As previously mentioned I understand your thoughts regarding replacing the trees with smaller specimens such as Apple and Cherry but given the original issues of falling natural debris this would not be suitable.

Tree roots will most likely be present within your garden; this may lead to surface disturbance to lawns and such surfaces and is common with a majority of tree species. Regarding fence panels and the fence line, no evidence has been provided of any such damage. If this tree was causing damage it would be worth contacting your insurance company and notifying the tree owner as the tree is not within your property.

If a property owner has a tree on their land it is their responsibility to keep it in a safe condition as they have a 'Duty of Care' to do so. Therefore your neighbor should ensure that it is checked and maintained in order to avoid such incidents as wind throw or failure. If tree related damage was to occur to your property it would be advisable to contact the tree owner and insurance company.

Trees will produce natural debris throughout the year. This will range from leaves, seeds, deadwood through to fruit. Southampton City Council cannot reasonably accept the removal of trees due to reasons such as this. Management and maintenance of such things as gutters and drains is the most suitable solution. If these trees were to be removed under these grounds it would then become acceptable to do so anywhere where trees were causing similar issues in Southampton.

The "right to light" is often quoted in relation to trees cutting out light to adjacent property. Whilst there is an established right in the case of new buildings obstructing light there is no clear precedent that trees cutting out light can infringe a person's "right to light". As mentioned in your email your neighbors have created a solution to their lack of summer sun and ideas like this are the most suitable solution. This is very similar to natural debris issues

if Southampton City Council would allow a tree to be felled due to light issues it would be become acceptable to do so throughout Southampton.

I hope that my explanation has satisfied your concerns over the implementation of the order, but if you are not satisfied, you will need to inform me so I can arrange for your objection to be heard at the next available panel meeting. I have included a form for you to complete to declare your intention.

Yours Sincerely

James Palmer  
City Tree Officer

If you would like this letter sent to you in another format or language, please contact the number at the top of this letter.