

181 Wilton Road
Shirley
Southampton
SO15 5HY

30th August 2011

Legal and Democratic Services
Southbrook Rise
4-8 Millbrook Road East
Southampton
SO15 1YG

Dear Sirs

Your Ref: BL/EP07/00/0243

Re: The Southampton (179 Wilton Road) Tree Preservation Order (No 545) 2010

In response to your recent communication regarding the above mentioned Tree Preservation Order, whilst I recognise it is the policy of Southampton City Council to actively promote and protect the landscape features please find attached a list of objections that we respectfully request are taken into consideration before the Order is confirmed.

Objections

- Both trees have significantly outgrown their position, particularly regarding their height and are now completely out of context when considering my own property as well as all the adjoining houses and the ability to enjoy the use of our garden unhindered (See Fig 1). The height of both trees is approximately 45-60ft yet both my own and all neighbouring gardens are smaller in both length and width. Furthermore, the gardens of adjoining properties in Eastbourne Avenue are both significantly smaller and situated at the bottom of a 10ft-12 bank which together with their north facing aspect significantly reduces light. Rather than actually enhancing amenity the trees significantly diminishes the amenity of my family and others in the immediate vicinity. With this in mind the placing of a TPO would be inappropriate and should take second place to the rights of individuals most affected by the specified trees.

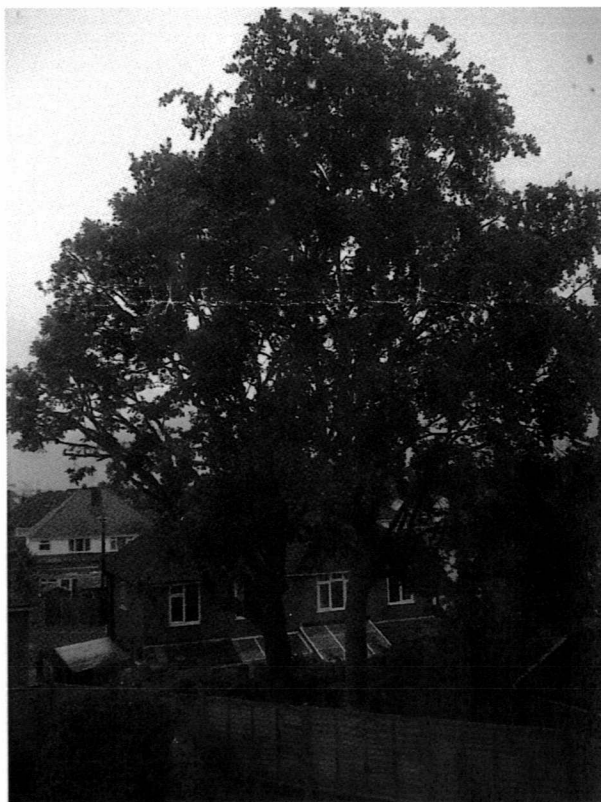


Figure 1 Taken from rear bedroom window of 181 Wilton Rd

- It is noted that the primary criteria for issuing a TPO are based upon 'significant' or a 'good level' of 'amenity' to the general public. Situated in the small rear garden of 179 Wilton Road it is only the inappropriate and overbearing size of both trees that makes them visible to the public. With limited visibility of both trees from either Wilton Road or Eastbourne Avenue generally, rather the trees are visible only between 181 & 179 Wilton Rd (Fig 2) and between 21a and 23 Eastbourne Avenue rather than to the wider public. This does not offer the significant amenity to the wider public which forms the basis for a TPO and therefore kindly request clarification.

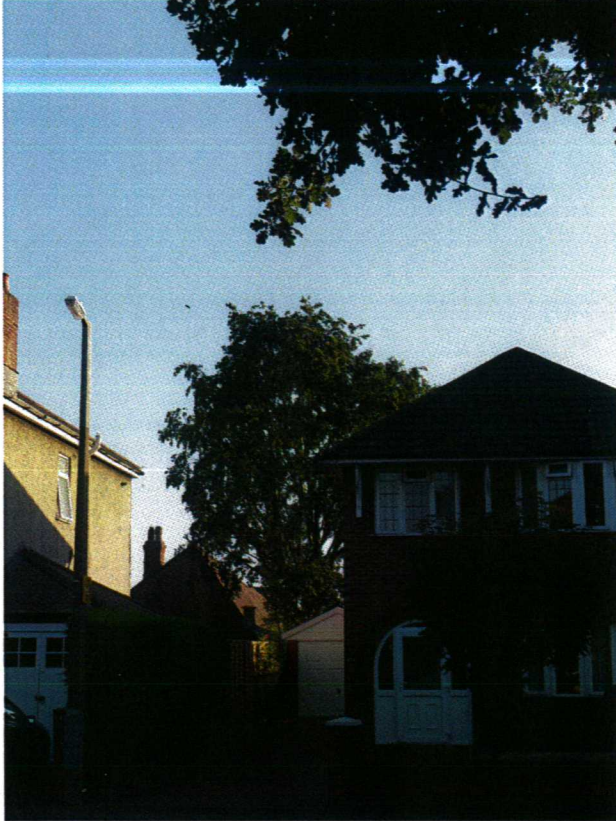


Figure 2



-It is my understanding that a TPO is not normally required on a well managed tree. With the Oak (T2) having been subject to some thinning and reduction work on 27th July 2011 and the Beech (T1) thinned sometime during August 2010 would this not be considered to be reflective of a well managed tree and therefore kindly request justification regarding the Order.

- It is my understanding that TPO are issued on trees that are considered to be under possible threat yet no clarification regarding what this threat might be is provided in the communication. Moreover, the trees are both situated approximately 70-80ft from Wilton road with no public access and therefore unlikely to be subject to threat from any member of the public.

- It is my understanding that no other TPO is in force for *any* tree in either Wilton Road and surrounding roads despite more obvious examples offering the required public amenity criteria and therefore kindly request justification used to apply the Order on the specified trees in 179 Wilton Road.

- I believe that the Owner/Occupier of 179 Wilton road applied for a provisional TPO based more upon her emotional attachment to the trees having lived in the property for over 50 years rather than applying a more objective rational decision that considers the amenity of all her immediate neighbours to enjoy, without interference, their properties opposed to sole amenity of the owner of 179 Wilton Road.

- The Beech has been subject to significant reduction on its LHS from pruning and lopping by previous owners of 181 Wilton Road over the years resulting in a poor unevenly balanced example of a beech tree and therefore should not be included in the Order. (Figure 3)



Figure 3 Taken from rear garden 181 Wilton Road

- The rear garden wall of our property, adjacent to both trees, is noted to be unstable with a slight lean. It is my considered opinion that this destabilisation is due to the proximity of both trees given their extensive root systems, the heavy clay soil area and the lack of any other reasonably foreseeable cause. The continued growth of both trees is likely to aggravate the situation ultimately resulting in the replacement of our wall. It is our intention to contact our insurers regarding this matter in due course.

- There are no recorded historic grounds evident upon which to make the order rather any claims made by the Owner/Occupier of 179 Wilton Road during the application process being purely subjective and anecdotal.

- We consider that both trees represent a significant health & safety risk given both their size and location within a very small urban garden and their very close proximity to both my own and all the surrounding houses. With this in mind I kindly request to see a copy of any Health & Safety checks carried out by the council's arboriculture officer to ensure their safe condition.

- Neither trees specified are rare, both representing common species locally and throughout the UK.

- The typical root spread of both the Oak and Beech is far greater than the small garden in which they are planted and would exceed current planting recommendations for such as small space. Given the crown spread and height already of both trees damage to the mains drainage system, headed in our back garden, is considered possible which will require annual monitoring.

- The spread of the crown of both trees, although specifically the Beech tree, into our small garden is psychologically damaging and causing my family significant anxiety given the anticipated and significant future potential growth and the ability to enjoy our property and garden which is cast in complete shade in the late afternoon by the overbearing height and increasing proximity.

- No copy of the Arboriculture Officers report and evaluation criteria were provided upon which to place the TPO. Therefore, please can a copy of the initial site visit and guidelines used to assess the amenity value of both trees in a structural and consistent way, specifically identifying the lack of other TPO's in Wilton Road and surrounding areas be provided?

- Notification of the order has not been effectively communicated to all interested parties. The owner of 21a Eastbourne Avenue, (an upstairs maisonette with ownership of the rear garden into which the Oak tree has significant overhang) has not received notification despite his property being affected.

On the basis of our objections we respectfully request that the order is not confirmed and that detailed consideration is given to our concerns and reservations regarding the ongoing management of both trees. In the meantime I would of course be very happy to meet with a member of the Tree preservation order team to discuss each of these objections and hopefully reach an equitable solution that allows all affected parties to live in harmony with our immediate environment rather than at odds with it.

Yours Faithfully



Richard Jeans BSc (Hons) MSc CMIOSH