

Technical Note 001 Rev A

Response to notice of refusal - Trees

Background

Planning application reference 25/02051/FUL was refused consent by Basingstoke and Deane Borough Council.

Reason for refusal number 5 cited concerns about pressure to fell nearby trees. The wording of reason for refusal number 5 is set out below.

“Insufficient information has been provided to establish whether the proposed development, by virtue of the site layout, would create pressure to fell nearby trees. These boundary trees make a positive contribution towards the character and appearance of the locality and therefore further information is required to ensure the integrity of these trees can be protected. Accordingly, the proposal is contrary to Policy EM1 of the Basingstoke and Deane Local Plan 2011- 2029, the National Planning Policy Framework (2024) and guidance contained within the Landscape, Biodiversity and Trees Supplementary Planning Document (2018).”

A tree constraints plan, arboricultural impact assessment and tree protection plan were submitted to inform the application. The tree protection plan showed the relationship of the proposed layout to the trees. The arboricultural impact assessment considered that relationship and found that, as the trees were remote from the proposals, that undue future pressure to prune or fell trees would not arise.

We consider sufficient information was provided to inform a decision in respect of “pressure to fell trees” and this is elaborated upon in this note.

Relationship of trees to the proposals

The layout of development is shown on the tree protection plan submitted with the application (drawing reference 2413-KC-XX-YTREE-TPP01RevA).

The trees are arranged around the perimeter of the application site, located predominantly in the adjacent curtilages, outside of the site, with the exception of Trees 5 and 11 which straddle parts of the boundary.

The majority of trees are therefore controlled by the landowner on which the trees stand. In the case of tree groups 5 and 11, any stems within the site boundary are controlled by the management company; all trees therefore being controlled by third parties and not individual homeowners.

If future pressure did arise the landowner has control over the retention or removal of the trees.

In addition, the trees proximate to plot 4 (numbers 34 and 35) are protected by tree preservation order reference TPO/BDB/0512. This adds a further level of control over tree removal as consent would be required from the local planning authority.

However, it is important to consider if pressure will or will not arise and, if it does arise, if it is reasonable to warrant removal of the trees. It should be borne in mind, especially in these enlightened times, that trees are retained within the built environment for the many benefits they provide. It is common place that the disbenefits of trees proximate to dwellings and living spaces are accepted, being outweighed by the many benefits those trees provide.

If we look at the development proposals, and the generous separation between trees and built form we can see:

1. Plots 1 and 4 are located against the western boundary of the site. Both are afforded generous garden spaces that abut the gardens of the existing properties to the west. Within those gardens to the west are trees 34 to 37.
2. Tree group 34, a collection of field maple, have been crown reduced in the past. This pruning was approved by Basingstoke and Deane Borough Council under application reference T/00448/19/TPO. It is reasonable to think that these works may be repeated and, as they were content to grant consent, for that consent to be renewed. That said, the trees are remote from the proposed dwelling, set beyond the turning head that lies to the north of plot 4 and there may be no need to prune the trees. Given this history, the ownership and the consented tree works it is very unlikely, if pressure did arise, that these trees would be felled, as the reason for refusal considers may occur.

3. Tree 35 is a goat willow. It falls within the G1 area of the above tree preservation order. It had not been pruned at the time of my survey (February 2025) but, should the owner wish to, I strongly suspect the Council would permit its pruning as it was content to do for the adjoining trees. The tree is located, within the adjoining property and so under the control of that owner. The tree is set to one side of the dwelling at plot 4 so does not feature in primary views, nor does it overhang the main garden space that lies south of the dwelling. It will cast some shade on plot 4 but only in the late afternoon evening when the sun is to the west. This shade will fall on the western flank of the dwelling but not compromise the garden space to the south. It is therefore very unlikely that due pressure will arise to remove the tree. If pressure does arise, and the owner is minded to undertake work to the tree, an application for tree preservation order consent could be made. The Council will be arbiter in deciding what works are permissible, if any.

4. Tree 36 also lies outside the western boundary of plot 4, in the ownership of the adjoining landowner. This tree is a small eucalyptus. This species can attain large proportions at maturity. It stands within the garden of the adjoining plot and, if allowed to mature to full proportions, would compromise that garden and the garden of plot 4. I suspect the owner of the tree is likely to undertake work to the tree before it comprises their garden. The tree is not protected by tree preservation order and the owner is free to manage the tree as they wish. If the potential occupier of plot 4 wishes to they may remove branches that overhang their property under common law rights. Controlling a vigorous species such as this would be prudent irrespective of these development proposals. Control over its removal is vested with the tree owner.

5. Tree 37 stands west of the dwelling at plot 1, within adjoining land . Plot 1 has a generous garden space. Tree 37 is a small field maple. This species grows slowly as it matures. It is a common species planted in small to medium sized gardens as it does not attain large proportions, such as oaks, beech or poplar. The tree is remote from the dwelling and will cast temporal shade on the dwelling and garden space in mid to late-afternoon as the sun transits across the sky. By late evening, the shade will fall on the flank wall of the dwelling and not the garden. The tree is not protected by tree preservation order and the owner may prune the tree as they wish. A potential occupier of plot 1 could prune back the overhanging branches. Control over tree retention is vested in the adjoining land owner. If pressure to remove the tree did arise it is within the power of the adjoining landowner to decide if the tree is retained or not. Given the tree's relationship to plot 1, I consider any pressure to remove the tree would not be reasonable.

6. Trees 1 to 11 are remote from individual plots. They are separated from plots by open space and roadway. In such circumstances, pressure to remove the trees, that are mostly within the adjoining land ownership is unreasonable and would rightly be resisted.
7. Tree group 8, a mixed hedgerow outside the eastern boundary of the site, is remote from the nearest plot, plot 25. The trees are separated from the plot by open space. The trees stand east of the dwelling and would cast shade in the morning. The generous south facing garden would receive direct sunshine from the middle of the day until sunset, uninterrupted by the trees. The trees adjoining plot 25 form part of a much large group of trees, remote from the plot, within the adjoining property. They offer a valuable foil between properties and it can easily be envisaged that owner will wish to retain those trees, legitimately resisting any pressure, if it was brought to bear.

Protection of trees during construction

The tree protection plan has been prepared to show the location of tree protection measures.

These measures, a combination of protective barriers and ground protection (where barriers are set back within root protection areas to afford room for construction activity), are prepared in accordance with *BS5837:2012: Trees in relation to design, demolition and construction – Recommendations*. this guidance sets out the appropriate location and specification for such measures.

By implementing the scheme of protection measures, all the trees around the application site can be safeguarded during the works ensuring they remain viable for future years.

The Council do not object to the protection measures proposed and we therefore consider these measures are mutually agreed as appropriate.

Consideration of policy and guidance cited in the reason for refusal

The Council cite policy EM1 of the Local Plan within reason for refusal number 5.

Policy EM1, in summary, requires development proposals to be sympathetic to their landscape surroundings, including trees.

The application proposals have been informed by a detailed tree survey that has led to the submitted layout that provides generous separation from trees. A temporary scheme of protective measures, deployed during construction, retains those trees viable for future years. The scheme requires no tree loss other than one small sapling at the entrance to the site.

The relationship of plots to trees is such, as set out above, that pressure to remove trees is very unlikely to occur and, if it does, can be resisted by the tree owners and through the tree preservation order mechanism that arises.

Current thinking acknowledges the many benefits that trees provide to urban, suburban and peri-urban areas, such as the location of this site, and the application scheme secures the benefits of existing trees, complemented by new tree planting.

It is therefore my opinion that the application scheme fully accords with policy EM1 and delivers a scheme sympathetic with the existing landscape, respects the sense of place and, through the proposed landscape, integrates the scheme with that landscape.

The Basingstoke and Deane *Landscape, Biodiversity and Trees Supplementary Planning Document* (2018) is also cited in the reason for refusal.

This document sets out the many benefits that trees provide and the reason for retaining them amidst built form.

The document is helpful in setting out general guidance for separation between trees and development. It provides a minimum separation between windows and large species of tree (ash, sycamore and oak are referred to). Its advice is that no more than one third of a garden's useable area should be covered by tree canopy.

None of the trees that are proximate to dwellings/gardens are those that attain large proportions at maturity (except tree 36, the eucalyptus, that would dominate the garden in which it grows and the proposed adjoining plot if left to mature) and the proposed separation is adequate given the potential size of trees and the regime of pruning that has been embarked on with some trees.

Where trees adjoin proposed gardens, excepting tree 36, the crowns are not likely to exceed one third of their useable area and can be controlled (subject to any consents required in future years) to ensure their canopy overhang is modest and at a desirable level.

Summary

Given the ownership, size and relationship of the retained trees, located around the perimeter of the site, I do not consider there will be warranted future pressure to remove those trees, as cited by the Council in their reason for refusal.

As is set out above, there is ample control on the trees, through ownership and or tree preservation order, that if pressure does arise it can be resisted where considered appropriate by the tree owner (all trees are within the control of adjoining landowners or management company).

The trees can be protected during the works to ensure they remain viable; a position not disputed by the Council.

The application proposals comply, based on my assessment, with policy EM1 of the Local Plan and follow the guidance set out in the Council's Supplementary Planning Document.

Jago Keen

22 May 2026