

TPO.TVBC.1223

69-72 Riverside Gardens, Romsey, Hampshire, SO51 8HN

Background Papers (Local Government Act 1972 Section 100D)

Background Papers A –
Three Objections, including supporting material

9th February 2021

Legal & Democratic Services
Beech Hurst
Weyhill Road
Andover
Hampshire
SP10 3AJ

Dear Test Valley Borough Council

Please find below requested information

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

I note that the Tree Preservation order is incorrectly labelled as "Land at 69 – 72 Riverside Gardens, Romsey, Hampshire." It should read "adjacent to" not "at". The land does not belong to 69 – 72 Riverside Gardens.

Please refer to all my previous documentation provided to TVBC that details my case in support of felling this tree. I highlight the following points again for your consideration.

1. 6 of the closest 7 properties to this tree consider that it has no amenity value to this area. Directly quoted from the council's own guidance the tree should provide "significant amenity". The council has shown no evidence that this is the case. The Council's own guidance also states that this is particularly important where a tree is "under threat". This tree is a non-native Sycamore. The species is not under threat at all. To permanently TPO this tree would be against your own guidance document. The council has not provided any evidence to show that this tree provides more amenity than any other random tree on a modern housing estate.
2. The tree sits in a modern cul-de-sac of no particular historic interest or amenity value. Certainly, this area has no amenity value to Romsey given most of it already sits outside of the Conservation area and the part that remains, as admitted by TVBC in a recent email, should be removed from the conservation area. The view of the tree is blocked from Middlebridge Street by all the houses. If TVBC progresses this case to a permanent TPO you would be required, going forward, to TPO every single tree that sits in a modern development across the entirety of TVBC. This tree provides no special amenity value.

3. I have detailed in previous documents multiple cases of precedent of tree removal in Riverside Gardens. If you continue with this course of action you will be going against your previously set precedent. The last remaining tree to the east side of Riverside Gardens was felled with no action taken by TVBC. Very recently, a very mature tree was felled on the A3090 (near the Plaza theatre) with no action taken by TVBC. You may argue that "all trees are considered on their own merits" however the implementation and interpretation of law is based on precedent. This is particularly important in a decision-making process such as this.
4. The Sycamore is not healthy, and this has been evidenced in photographs. Both the trunk and leaves are covered in fungus and the tree is infested with aphids. No tree management programme of work would stop the trunk from growing or the roots from spreading. Allowing the tree to continue growing in to drains and ripping up the public pavement. It is widely accepted that the pruning of a Sycamore will encourage it to grow more aggressively.
5. TVBC have confirmed in an email that they made a mistake with the recent conservation area consultation. This tree should NEVER have been subject to this process. This tree should currently be subject to removal from the Conservation area. If TVBC had not made this mistake, then we would simply have waited for the area to be removed from the conservation area then felled the tree. Due to your error, we are being subjected to a process that we NEVER should have been subjected to. You took that opportunity away from us because TVBC made a mistake which you have admitted to. I believe TVBC needs to urgently investigate this.
6. TVBC has decided that this tree was going to be TPO'ed prior to the end of the consultation period and was advising members of the public and council member of this. Posts appeared on Facebook prior to the applicants being contacted. This is unacceptable.
7. This is in no way the last remaining tree in Riverside Gardens. Directly next to the Sycamore are two mature trees in addition to the two conifers and various others. The entire close is surrounded by mature trees. You simply cannot argue this point because the photographic evidence is so clear.
8. The Tree Officer for the conifers recommended them for a TPO. In his own words "it states it right here in my notes". However, he allowed the applicants to withdraw their application and stop the TPO from being applied. He did not allow the same courtesy for this application. This is unfair.

I am still totally bewildered by the course of action that TVBC is continuing to take. It is illogical and myopic. It lacks any level of objectivity or evidence. If this tree is permanently given a TPO there are no reasonable steps that the landowner can action to stop the trunk from continuing to grow outside of its own land (trespass on to public and private property). There are no reasonable steps that the landowner can take to stop the roots from ingressing into private drainage and utilities and ripping up the public pavement. The tree will continue to cause damage at which point we will be making a claim against TVBC for all damage. TVBC will be obliged to settle with us because all the damage is foreseeable and avoidable if permission was granted to fell. *Burge v South Gloucestershire Council* [2016] provides good precedent for claiming damages. TVBC needs to

consider if placing themselves in a position of liability is worth it for a diseased, non-native sycamore tree.

This case is ludicrous and the way it has been handled is an embarrassment to TVBC both in the mistakes that have happened, the decisions that have been made and the lack of consistency across the decision-making process. There are two fundamental points of Government:

1. Consistent interpretation of law.
2. Consistency in policy documents on how the law should be implemented and consistency in the processes of implementation.

To date, TVBC has failed on both counts.

Facts of this case (as evidenced in previous photographs):

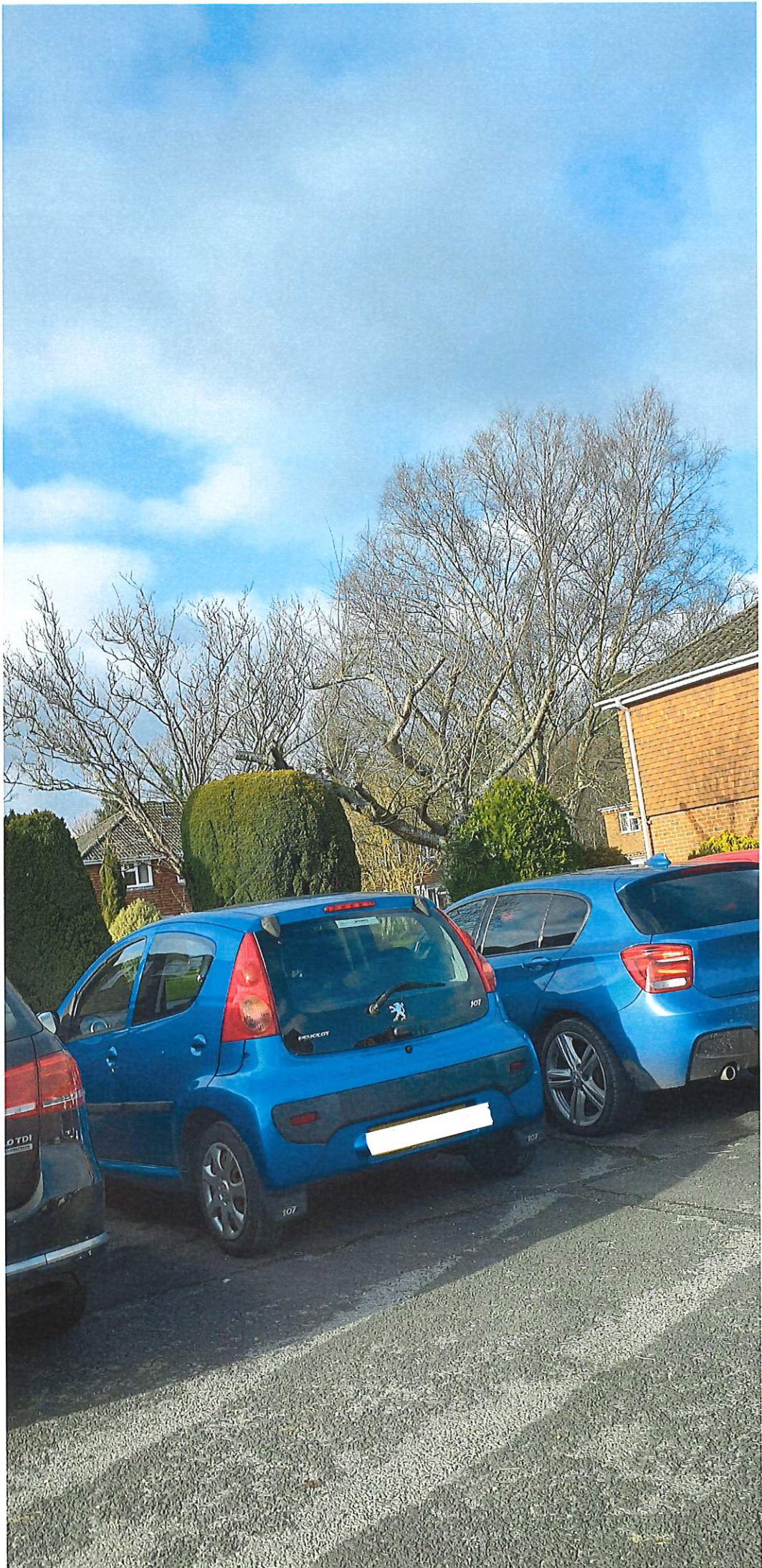
1. The tree is diseased and infested with Aphids (causing honeydew).
2. It has caused, and will continue to cause, damage to public and private property. No tree management plan will halt this process.
3. It has trespassed on to public land and its trunk is starting to trespass on to neighbouring private land.

This tree needs be felled. As previously advised, we are not against replacing it (on behalf of the landowner) with another tree. In previous tree felling applications in this area TVBC has required replacement tree's to be planted and has advised on species. These applications have then not progressed to a TPO. If TVBC advised of an appropriate species that can thrive on a piece of land that is 80cm wide, we would respond very positively to this.

Yours Sincerely,







Riverside Gardens Resident

6th January 2021

Test Valley Borough Council

FAO Mr Rory Gogan

Dear Mr Gogan

I am writing to make a statement in support of the application 20/03009/TREES T1 Sycamore – fell and to challenge some of the statements made by other consultees. Test Valley Borough Council (TVBC) has advised that this tree is subject to consultation under the Planning (Listed Buildings and Conservation Areas) Act 1990 and TVBC has the power to grant a Tree Preservation Order under the Town and Country Planning (Tree Preservation)(England) Regulations.

Location of the Tree

This tree sits on a strip of ransom land on the South side of Riverside Gardens SO51 8HN. TVBC ruled that the tree does sit within the conservation area however, the growth of the tree trunk has pushed into the area outside the conservation area. It has grown into the public pavement and it is starting to push on to the fence and into neighbouring private land. Its canopy reaches significantly across the public road and private neighbouring land. The canopy obscures light from properties in close proximity.

The size of the strip of ransom land is 0.8m wide by 10m long (approx.).





Identification of Tree and Health

This tree is believed to be an American Sycamore. This is based on the tree visuals, its leaf shape, seeds dropped and the split trunk (three ways) https://en.wikipedia.org/wiki/Platanus_occidentalis.

The Sycamore species is capable of growing in excess of 40m high and 2m in diameter. This diameter measurement is concerning as the land is only 0.8m wide.

The tree is not in good health. It is covered in Lichen right up to the canopy which is a clear indication that the tree is struggling. A black sooty residue is also present on the south side of the trunk. Sooty mold is actually a fungus that grows on plants with heavy aphid, scale or whitefly damage.



Sycamores are attractive to Aphids. This tree is completely infested with them (confirmed by Piraults consultee response). According to RHS.org.uk they cause damage and carry disease. Due to the significant amount of honeydew dropped from this tree (due to the Aphid infestation), the tree itself

and the close buildings have been infested with Ladybirds. These are not native ladybirds but are the considerably more invasive Harlequin Ladybirds. According to Healthline.com they are not dangerous to humans but can be harmful to pets. They are also highly invasive and carry disease that is wiping out native Ladybirds (<https://www.wildlifetrusts.org/wildlife-explorer/invertebrates/beetles/harlequin-ladybird>). When invading properties, they should be sprayed.

25 bags of leaves were collected this year and it was noted by some of the residents that the leaves had little black spots on them. This could be a fungus infection (*Rhytisma acerinum* or *Rhytisma punctatum*) or blight.



A number of large branches have fallen from the tree on to cars. It was only luck that they did not damage the windscreen. As no damage was caused, no images were taken. However, given the tree is not in good health the dropping of branches could be an indication for future decline.

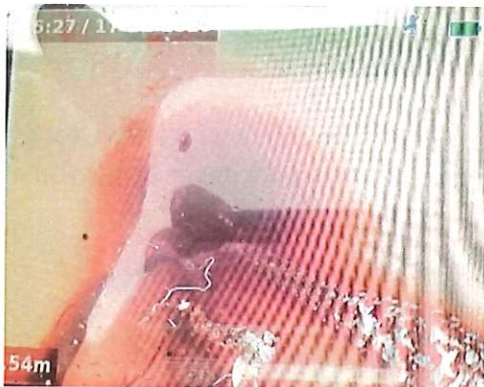
Damage

As shown in the original application, this tree has caused damage to the drains.

The tree roots (both mature and fibrous) that grew into the drainage system could not have been prevented by regular maintenance. The tarmac was removed, and a proportion of the pipe was cut out and replaced with the drive then being retarmacked. By the time a tree root has grown into pipework the damage has been done. The pipe needs to be excavated and replaced to significant cost.

In addition to the drain that was affected, there are also four inbound water pipes sitting approximately 1.5m from the trunk. These sit much closer to the tree than the drain that was affected so it is a significant worry and a logical conclusion to come to that the roots will be in close proximity to these pipes.

It is speculation that the roots may have affected the public drain system. The system that the roots did effect was further away from the tree than where the public drains are believed to be (as detailed in an informal discussion with Southern Water employees when they were in the neighbourhood).



Sycamores have aggressive root systems, and it is advised that they should not be within 15 feet of a pavement or pipework. This Sycamore is currently part of the pavement.

I challenge all statements in relation to the calculations for the public pavement. You cannot measure the height of a mountain by taking a picture from above. Please see below images and measurements which I calculate at 150cm for pavement width and the incline affecting 75cm of the pavement. You can see from the bubble on the spirit level that an incline starts in the centre of the pavement. According to Inclusive mobility 2002 a pavement should be 200cm wide to facilitate two wheelchairs passing. A bare minimum width should be 150cm. With the current root ingress this is not achieved and, as mentioned above, is only likely to deteriorate over time as the tree grows (potentially to >2m diameter). TVBC has a responsibility to act to ensure the safety of users of the pavement. Ignoring the problem could make TVBC liable for any future accidents.



As detailed in a consultees picture below, the lifting of the pavement actually occurs just over halfway in from the street.



As you can see from the bend in the tape measure the lifting of the pavement starts approximately in the middle of the pavement. Credit:

It is worth noting that it is widely accepted by property developers that any change in uniformity of step elevation greater than $\frac{3}{8}$ inch will significantly increase the risk of tripping. This is supported by the study Cohen & Jackson (1997) and International Building Regulations 2012. Someone walking along this pavement will not be expecting this incline in step and the incline is in excess of $\frac{3}{8}$ inch. A wheelchair traveling along the pavement will be subjected to sharp incline which increases the risk of the chair tipping.

Test Valley did grant planning permission for a number of developments along Riverside Gardens. It could be considered negligent of TVBC to not put a condition in place that the tree needed to be removed prior to the development going ahead. Instead leaving the new residents with ongoing problems. It could also be suggested that a duty of care is being neglected in not maintaining the public pavement to a suitable standard.

Whilst it is very rare that cars park on the public pavement directly under the tree, I am pleased that a number of residents have mentioned the cars constantly parked on the pavement across Riverside Gardens. This has been raised with TVBC on several occasions however has been repeatedly ignored. Evidence has previously been provided showing that with the cars parked on pavements the road does not meet the width requirements for a fire engine. This is highly dangerous given Riverside Gardens is a dead-end road. Rule 244 of the Highway Code states that "you must not park fully or even partly on the pavement unless road signs permit it" and the 1835 Highway Act makes it illegal to drive on a pavement. I look forward to receiving all of the neighbours support in any future endeavours to stop cars parking irresponsibly.

As mentioned in the original application branches have fallen on to cars. The fallen branches did not cause damage. In one instance, the owner of the car considered this a lucky escape. Normally such a large branch falling on the windscreen would have gone straight through. As there was no damage,

the branch was simply removed and disposed of. As there was no damage at the time it did not occur to the owner to take a picture.

The measurements provided by [redacted] estimating distance of the tree from buildings are speculative as to gain accurate measurements she would have been required to trespass on private land which we have assumed she has not done. I believe the sycamore to be closer than 10m to the surrounding buildings. Bickers Insurance (<https://www.bickersinsurance.co.uk/>) details the safe distance of a sycamore tree from a property to be 17m. Which by [redacted] own estimations this tree does not meet safety requirements.

Wildlife

Various claims of species have been mentioned in some of the consultation responses. Any statements of the lesser spotted woodpecker or bats being present would need to be substantiated with (very recent) images otherwise we would consider this hearsay. No mention of birds or bats have been made in any of the previous or current applications for tree works across the area suggesting that they do not frequent the area regularly if at all. Sycamores are also not considered Woodpeckers preferred tree. We will be utilising a highly respected company for the felling of this tree. Under the law, if they find evidence of endangered species they have to stop working. We will be reminding them of this when they start work and expect them to adhere to the law. In addition, we are hoping the work will be completed prior to the end of March.

Environment

A number of claims have been made and sources provided in an attempt to claim that this tree is essential to the environment. Each year hundreds of trees are felled in the New Forrest. The felling of a tree in itself is not significant, and no evidence has been provided to substantiate the statement that the felling of this particular tree would contribute to climate change.

Whilst the extract from the Woodlands trust website is informative there is no evidence that this particular Sycamore affects any of the listed "Threats". On the contrary, despite a number of trees being removed from Riverside gardens over the last 20 years property prices have gone up 170.64% (Zoopla.com). I speculate that most of the property's in Riverside Gardens would not exist if trees were not felled.

A consultee has provided a quote from the Woodland Trust : "Mature trees are extremely tolerant of wind, so are often planted in coastal and exposed areas as a wind break. They are also tolerant of pollution and are therefore ideal street trees."

This categorically does not include a mature Sycamore. They have rapid and aggressive grown rates as shown by the images in the application. They easily pull up tarmac and can grow to >2m in diameter (https://en.wikipedia.org/wiki/Platanus_occidentalis). Given that the piece of land this tree sits on is only approximately 0.8m wide by 10m long this is not an acceptable tree to have on such a small piece of land.

In response to the article written by [redacted] I can assure TVBC that the felling will be paid for privately therefore the removal of this tree will not affect the TVBC's own tree felling figures.

Riverside Gardens is absolutely not "devoid of trees". Half of the cul-de-sac is surrounded by trees and there are at least 40 trees in easy line of sight. The satellite image shows the number of trees in the area. In addition, 8 new trees have been planted recently in close proximity to this tree.



This tree does not prevent flooding. It is a good distance away from the River and as per the application, it damages drainage pipework which is in place to manage flood water. There is no evidence to suggest that the felling of this specific tree would affect drainage in the area.

Research on consultee response and response to minor queries

There have been a significant number of developments and tree works in Riverside gardens over the last 20 years. Performing a historic search, I can find no evidence of the consultees to this application making any objections to any other past or present tree applications. Including the application to fell two conifers that sit less than 30m away from the Sycamore which are a similar height. I find this interesting.

There are over 87 Properties in Riverside Gardens. At the time of writing, of the 35 objections on the portal only 17 of those are actual residents of Riverside Gardens which would suggest that the other 70 properties in Riverside Gardens have absolutely no objections to the felling of this tree and do not consider it to have any amenity value to the area. All the residents contributing to the cost of felling this tree do not consider it to have any amenity value.

In answer to question, "Are Riverside Gardens Tree Removal Group determined to eliminate trees from the area or is it just this one?" No, the only commitment is to remove this one.

No specialist report has been provided because TVBC does not require one. Neither does it appear to have asked for any specialist report for any past or current application. It would be incredibly confusing if a different standard were inflicted upon this application. Images have been provided showing the damage the tree has caused.

I can assure that the strip of land only measures approximately 0.8m wide and 10m long. This would not be big enough for a car parking space.

does own the land however does not live on it. Neither does he live in Romsey. His personal address appeared irrelevant to the application and considering GDPR and more stringent protection of personal information it did not seem appropriate to include his private address on the application.

Case Studies proving precedent of tree felling in SO51 8HN

10/02315/TPOS | Fell 1 Birch | Outside 9 - 14 Riverside Gardens Romsey Hampshire SO51 8HN

As detailed in TVBC's report this tree was a "mature Birch, which is growing in a communal lawned area in Riverside Gardens, where it is surrounded by houses on three sides. The tree is in full public view and is a prominent feature in its location." The report also detailed that the felling of this tree "will have a negative affect on the visual amenity of the area".

TVBC allowed for this tree to be felled. This clearly shows that the TVBC has set a precedent in this area for tree felling where a tree does have amenity value however its amenity value has been overruled by suggestion that the tree was in distress. This is a direct precedent for our case in the removal of the Sycamore. Whatever amenity value TVBC may place on this tree **must** be overruled by both the presence of disease and the damage the tree has caused by trespassing on public land (growing into the pavement).

09/01736/TREES | Fell Mountain Ash tree | Petite Cottage 68B Riverside Gardens Romsey Hampshire SO51 8HN

TVBC allowed the felling of this Mountain Ash with no replacement tree. It suggested on the application form that the tree was diseased but evidence was not provided. No TPO was ordered and the justification given was "No space for reasonable growth" and "Silviculture reasons". This is a direct precedent for our case in the removal of this Sycamore. The Sycamore has completely outgrown its land (approximately 0.8m by 10m) and the damage has been done. Restricting future trunk growth would be impossible.

08/00220/TREES | All trees on site to be felled including Apples, Plums, Bay, Conifers and Lilac. Land Between 72 And 82 Riverside Gardens Romsey Hampshire SO51 8HN

A number of the trees in this application were of high. The conclusion of the application states "A TPO to protect these trees is inappropriate due to full planning consent on the site which includes the felling of the trees". Whilst amenity value was attributed to some of these trees it was overruled by the needs for housing and associated facilities. This is a direct precedent for the application to fell the Sycamore as I argue that it was negligent of TVBC to allow building without first requiring the removal of the Sycamore. It has disturbed property infrastructure (drainage).

In addition, the application detailed that all the trees could be felled but two of the conifers will remain suggesting that these would contribute amenity to the area. I believe one has already been felled and the other is currently under application. You have therefore allowed every tree to be removed from that site in order to safeguard development. You should therefore allow removal of this tree to safeguard private and public property. Amenity value has been overruled by development and safeguarding of property.

05/00920/TREES | Fell 1 Conifer to front of property. | Berrylands Riverside Gardens Romsey Hampshire SO51 8HN

This application includes an image to show the tree was in full and prominent view being only a couple of metres from the public pavement. It was also higher than the surrounding properties suggesting it was a similar high to the Sycamore. No amenity value was given to this tree despite its prominence and size. A recommendation of a replacement tree was given but was not required. This decision by TVBC sets a precedent for the Sycamores removal.

Willow – Fell

This application was on the TVBC website however I can no longer find it. I have requested the documents from TVBC. The tree was detailed as dying but it looked healthy and no evidence was provided. I believe this tree sat on a piece of land that was similar to the application for the Sycamore. Whilst it had significant overhanging branches, it's trunk was not encroaching in to the public pavement or neighbouring private land. This tree sat in a much more prominent position right on the T-junction of Riverside Gardens. It was felled. This is absolute precedent for the felling of the Sycamore.



Romsey Conservation Area and amenity value

The Conservation Area only covers the South side of Riverside Gardens (South of the Road).

In the draft Romsey Conservation Area Appraisal 2020 there is a significant amount of detail relating to the importance of maintaining the conservation area on Middlebridge Street. The only mention of Riverside Gardens is on page 105 where detail of an exclusion is recommended for some of the properties with the justification being "This modern residential street is of no heritage value and does not contribute to the special interest of the Conservation Area". The only reason I can fathom as to why this exclusion area was not extended round the corner to the south side of Riverside Gardens (to include the modern properties) was due to laziness in not wanting to draw a wiggly line. There does not appear to be any justification as to why the modern properties on the south side of Riverside Gardens (including the plot of land that this tree sits on) should still be included in the conservation area. The report provides no reasoning for this. As the report states, the conservation area is solely

focused on the amenity value of Middlebridge Street. Not the amenity value of Riverside Gardens. It is a modern development and does not have amenity value and "does not contribute to the special interest of the Conservation Area". Therefore, when considering amenity value, TVBC needs to look closely as to whether this tree provides amenity value to Middlebridge Street. It cannot be seen from Middlebridge street at all. The modern buildings block its view entirely.

According to the document published on Gov.uk "Tree Preservation Orders: A Guide to the Law and Good Practice" it states any amenity value can ONLY be attributed from the perspective of "contribution to the character or appearance of a conservation area." Whether it provides amenity value to the north, west or east side of Riverside gardens should be rejected because those parts of Riverside gardens do not sit in the conservation area. Any amenity value suggested by any property in any part of Riverside Gardens, apart from what is south of the street, should be rejected because they are not resident in the conservation area. The tree does not add any amenity value to the part of the conservation area that it sits in which is confirmed by the residents who actually live in the conservation area, can actually see this tree in its entirety, and consider it to be a massive nuisance and dangerous (I am happy to provide their details in a private email). It is surround and overlooked by modern properties of no historic or amenity value.

Options going forward

Option 1

TVBC does have the power to put a TPO on this tree however, according to the document published on Gov.uk "Tree Preservation Orders: A Guide to the Law and Good Practice" it states, "In the Secretary of State's view, it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous." This tree has been proved to be too tall and too big to be considered a safe tree to be situated within 17m of a building. It is also causing a dangerous trip hazard on the pavement which, by the nature of natural tree growth, will get worse. The root ingress into drainage will put properties at risk of flood water. It is also diseased.

I believe that any TPO order would be a hypocritical decision by TVBC given precedent on the previous applications above. It would also be a totally myopic course of action. If one were in place, the tree trunk will continue to grow into the pavement and neighbouring private land, and the roots will continue to grow in to drains. Potentially growing to >2m in diameter, it will take over the entire pavement and expand into private property on the other side (as it is already starting to do). TVBC cannot re-route the pavement because the road is too narrow, and it is opposite a junction. This tree also has no right to trespass on land that is owned by others. The tree will potentially grow to >2m in diameter and the land it sits on is only 80cm wide. Therefore, an application will be submitted to have it felled, we will be forced to spend a significant amount of money on a report which will state the obvious, it is a tree that is too big for its available land and is trespassing on to public land and neighbouring private land. The tree will have to be felled anyway. At which point all that documentation will be sent to your legal department challenging TVBC's ability to make consistence decisions and it will challenge the TPO itself as it goes against the advice given by the Secretary of State. This appeal will be directly to the Secretary of State if necessary. Financial compensation will be demanded for the growth of the tree trunk into the neighbouring private land and for any future drain damage that could have been prevented by the felling of the tree. This compensation will be requested under "The Town and Country Planning (Tree Preservation) (England) Regulations 2012" part 24. I will also be pursuing an investigation by the Local Government and Social Care Ombudsman into undue influence within TVBC.

Option 2

Fell the tree.

This is sensible and reasonable course of action. It would also be consistent with all the previous decision of TVBC in this area. It would not be unreasonable for TVBC to demand another tree is planted in its place if a species can be identified that would be appropriate for a piece of land that is only 80cm wide and it could be assured that it will not grow outside of its own land.

Summary

I have provided a lot of evidence in the form of images and have taken a significant amount of time in ensuring that I cover each consultee's concerns. I have performed a historic search in this postcode and have proved multiple precedence that apply to this case. I am sure I could find more in TVBC's decision making processes if I branch my research out of this locality. I have gone over and above every other historic and current tree felling application in Riverside Gardens. I have checked every available application on the TVBC website and cannot find any objections by the public to previous or current tree felling applications in Riverside Gardens. Including the current application by [redacted] I [redacted] to fell two large conifers in close proximity to this sycamore. The conifers being similar height to the Sycamore. Which makes me ask the question, **why this one?**

Riverside Gardens is a dead end and most of the consultees do not even live in Riverside Gardens.

Residents of Riverside Gardens are tired of dealing with this tree and its felling will be funded privately.

From a purely speculative standpoint I believe, from neighbourhood gossip, that this tree is being turned in to a political battering ram. Certain members of TVBC, elected and non-elected, past and present, do not like each other and are trying to exert undue influence and "score points" over historic grudges that should not influence a sensible course of action for this tree. Something is going on and quite frankly it stinks and needs to desist immediately.

I strongly recommend that you hand this document to your legal department.

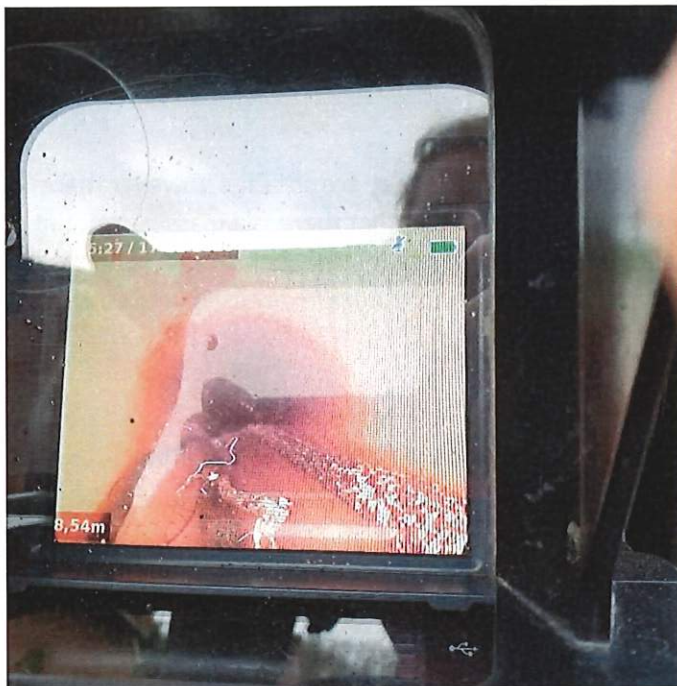
Your Sincerely,

FAO: Mr Dermot Cox

I was not aware that you were not considering the original documentation that I sent in. I do not want to repeat myself so I have enclosed all my original documentation and I would like it considered for the appeal of the TPO. Having listened to the meeting, I agree with all comments made by those in support of the felling and wish to add the below.

Drains

You requested more information on the drain work. The images show the roots inside the drain and a piece of the drain that was cut out and replaced. Also, the re-tarmaced pieced of drive. You can see the date and time stamp on the video image which corresponds to the invoicing dates and accounts enclosed. You can also identify the wall in one of the images as it is the wall just outside our building.





Aphids

The tree is infested with Aphids. It is difficult to photograph this as they are so small however there has been plenty of testimony from the closest properties to this tree that there is a massive amount of sap dropped from the tree every year. (who objects to the felling) even admits in documentation that the tree has an Aphid problem. The leaves and trunk are diseased, and I have documented this in the enclosed paperwork.

Damage to Public Property

Along with the damage to the pavement (see previous documentation) the pavement lifting is very close to a utility's manhole cover and inbound water pipes. I have been in touch with the utilities company, and they have advised this is a concern for them. I would like you to note the distance of the manhole covers from the trunk and root ingress.

Tree leaning on fence.

No attention was drawn in the meeting to the trunk of the tree pushing against the boundary fence. Evidence has been detailed in the enclosed documents. The trunk has started to trespass on to private property.

Branches on car

Please see comments in previous documentation.

Owl activity

There is no evidence of this.

Tree replacement

As we keep on advising, we are not against replacing this tree with something however I do feel it is inappropriate to place a large tree on this land as the land is only approx. 80cm wide and the same problem would occur again.

Slow Growth

I absolutely disagree with this statement made by Mr Cox. As shown in historic images (attached) this tree has had a rapid growth pattern. The species is capable of growing 40m high and 2m diameter. This tree has plenty of growth left in it. Any additional growth, slow or fast, **IS GOING TO CAUSE DAMAGE** because the Sycamore has already trespassed on to public and private land that it does not own. If you prune a Sycamore, it will just grow more aggressively. Apart from felling there is absolutely no solution to completely stunting the trunk growth and root ingress of this Sycamore. It is impossible to turn back time and shrink the truck so it is no longer trespassing on to private and public land.

Trees in Riverside Gardens

TVBC made comments in the meeting that this is the only tree left in Riverside Gardens. This caused massive objection from supporters of the felling. TVBC declined to acknowledge the presence of other trees close by even though they were being directly pointed at. I am getting so angry with TVBC's continual denial of other trees in Riverside Gardens.









Pidgeon Poo

I have not raised this before because TVBC advised they would not consider it however evidence was requested in the site visit. Please see below images. Please note these were taken on a good day and what is on the car bonnet is only 12 hours' worth of pigeon poo. I will follow up in the coming weeks with additional images. It is all Pidgeon poo which is full of disease and has acidized the paintwork off cars. It also blankets the plants beneath the tree.







Final note

I have had the opportunity to read the documents submitted by
agree and support everything that he has written in his document.

.. I whole heartedly

END

Town and Country Planning (Tree Preservation)
Head of Planning and Building and Building Service
Test Valley Borough Council
Beech Hurst
Weyhill Road
Andover
Hampshire
SP10 3AJ

2nd February 2021

Ref. Tree Preservation Order TOO. TVBC 1223
Land at 69-72 Riverside Gardens

Dear Sir

I wish to object to your decision to put a preservation on this tree.

My reasons are as follows-

The roots of the tree has lifted all the concrete on the pavement. This makes it very dangerous to walk.

The roots of the tree has come up in the drains which
which quite a distance from the pavement.

... If the roots have got that far to this drain, going straight across they could be under the foundations.

I'm told the tree is diseased which could affect wild life and other plants.

... I collected over 25 black bags of leaves last winter, which had to be swept up because if left are so dangerous, just like walking on a skating rink and we have an elderly community, and have to consider that, which is why the leaves cannot be left.

Although it does not concern me, the two flats ... have the tree branches making their rooms dark and dreary, also making a Problem for mental health at the moment.

I love the country side and wild life, and in our area there are so many shrubs, trees and hedge rows for the wild life, as I sit here writing, I am watching the birds fly ... I think a more sensible way to deal with the problem is to take the tree down and plant a new one in a more suitable area. As far as I can see it had more negatives than Positives.

I sincerely hope you will give this great consideration, to sit in an office and make a decision when you are not involved with it nor do you have to live with the worry or the problems is different.

Yours faithfully

-----Original Message-----

From:

Sent: 09 February 2021 09:26

To:

Subject: Tree Preservation Order 1223

Dear Sir

Town & Country Planning Act 1990

Tree Preservation Order TPO TVBC 1223

Land at 69-72 Riverside Gardens Romsey Hampshire

I object to the
above Tree Preservation Order. My reasons for objection are:-

- 1 The tree roots are damaging the public footpath and are causing a potential trip hazard.
- 2 The tree roots are causing damage to the drains serving my property.
- 3 The tree, when in leaf, takes light from my property.
- 4 In the autumn the fallen leaves are unsightly and take a lot of work to clear away.

Yours faithfully

From:
Sent: 16 March 2021 22:12
To: Cox, Dermot <DCox@testvalley.gov.uk>
Subject: TPO TVBC 1223

Dear Mr Cox

I refer to our site meeting at Riverside Gardens, Romsey yesterday. As I explained at the meeting

I strongly object to this tree being given a TPO for the following reasons:-

- 1 The tree roots are damaging the public footpath which is a safety hazard to pedestrians using the path. I am concerned that TVBC will receive a claim for damages in the event of an accident occurring.
- 2 The water supply pipes serving the flats 69-72 Riverside Gardens are situated close to the tree and I am concerned they will sustain damage as the tree roots grow.
- 3 The kitchen and living room at face the front of the building and when the tree is in leaf these rooms suffer from a lack of light.
- 4 The tree produces a large quantity of leaves every year and when they fall they are a safety hazard to the public using the public footpath. They require an enormous amount of time and effort to clear away from my parking area and the garden in front of 69-72 Riverside Gardens.
- 5 Honeydew and bird droppings are damaging cars parked both on the highway and within the defined parking spaces at 69-72 Riverside Gardens.
- 6 When in leaf the tree obliterates the view from my property.
- 7 I am concerned that the tree roots are damaging the surface water drains serving 69-72 Riverside Gardens.
- 8 The tree does not enhance the appearance of the area and does not appear to attract wildlife.

I trust you will give due consideration to my objections.

Yours sincerely