

TOWN AND COUNTRY PLANNING ACTS



Reference No: 20/01440/TPO

Fellwood Tree Surgeons
FAO Mr Luke Smith
22 Waterloo Close
Waterlooville
PO8 8QJ

LOCATION:

46 Magdala Road Portsmouth PO6 2QG

DESCRIPTION OF DEVELOPMENT:

Within Tree Preservation Order 25 - reduce canopy by 0.5-1 metres on all sectors to Yew (T4)

In pursuance of powers under the above mentioned Acts and the Town and Country Planning (Tree Preservation Order) Regulations, the City Council, as Local Planning Authority, **REFUSE CONSENT** for the development indicated above in accordance with the application, plans and other particulars valid on 3 December 2020.

The reason(s) for the decision to refuse consent is/are:-

1) In the opinion of the Local Planning Authority, the Yew Tree (T4) is appropriate within this location and make a significant contribution to the visual amenity of the surrounding area. In the absence of any arboricultural grounds to support the proposal, the works are therefore contrary to policy PCS13 (A Greener Portsmouth) of the Portsmouth Plan and the aims and objectives of the National Planning Policy Framework.

2) PRO-ACTIVITY STATEMENT Notwithstanding that the City Council seeks to work positively and pro-actively with the applicant through the application process in accordance with the National Planning Policy Framework it was not considered that the harm arising from the proposal could be overcome and the application has been refused for the reasons outlined above.

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Ian Maguire
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26 January 2021

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**NOTES RELATING TO REFUSALS FOR WORK TO TREES IN TREE
PRESERVATION ORDERS**

- If you wish to lodge an appeal you must do so within 28 days of the date of the decision notice (or such longer period as the Secretary of State may allow) using a form which you can obtain from The Environment Team, Room 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.
- The Secretary of State is not required to entertain an appeal if it appears that consent could not have been granted by the Local Planning Authority having regard to the provisions of Section 198 of the Town and Country Planning Act, 1990, the Tree Preservation Order and any directions given under the Order.
- In certain circumstances, set out in paragraphs 9 to 11 of the Tree Preservation Order, a claim may be made against the Local Planning Authority for compensation where permission is refused. Your attention is however drawn to paragraph 5 of the Order which indicates that no compensation will be payable if the Local Planning Authority indicates that the reason for refusal is that the trees have outstanding or special amenity value.

THE APPLICANT IS RECOMMENDED TO KEEP THIS DOCUMENT WITH THE TITLE
DEEDS OF THE PROPERTY