

Further advice can be found in the council's Tree Policy [www.basingstoke.gov.uk/planning/trees/policy.htm](http://www.basingstoke.gov.uk/planning/trees/policy.htm)

Additionally the Department of Communities and Local Government produce a helpful leaflet 'Protected Trees - A Guide to preservation procedures'. Copies are freely available from the borough council.



## Guide to buying a house with a tree in the garden

### Useful contacts

#### **Arboricultural Advisory and Information Service (AAIS)**

(A registered charity that carries out research and disseminates information to the arboricultural and forestry industries on behalf of the Government)

Alice Holt Lodge, Wrecclesham, Farnham, Surrey GU10 4LH

Tel: 01420 22022 Tree Helpline 09065 161147 (calls charged at £1.50 per minute).

#### **Arboricultural Association**

(A registered charity concerned with raising the standards of tree care in the UK)

Ullenwood Court, Ullenwood, Cheltenham, Gloucester GL53 9QS

Tel: 01242 522152 – Fax: 01242 577766

E-mail: [admin@trees.org.uk](mailto:admin@trees.org.uk)

Website: [www.trees.org.uk](http://www.trees.org.uk)

#### **Borough of Basingstoke and Deane (Contact Centre)**

Civic Offices, London Road, Basingstoke, Hampshire RG21 4AH

Tel: (01256) 844844 - Fax: (01256) 845200

[www.basingstoke.gov.uk](http://www.basingstoke.gov.uk)

#### **Borough of Basingstoke and Deane**

##### **Planning and Transport/Environmental Care**

Civic Offices, London Road, Basingstoke, Hampshire RG21 4AH

Tel: (01256) 844844 - Fax: (01256) 845200

[www.basingstoke.gov.uk](http://www.basingstoke.gov.uk)

#### **Borough of Basingstoke and Deane**

##### **Neighbourhood Development (Protected trees)**

Civic Offices, London Road, Basingstoke, Hampshire RG21 4AH

Telephone: (01256) 844844

Fax: (01256) 845200

E-mail: [neighbourhood.dev@basingstoke.gov.uk](mailto:neighbourhood.dev@basingstoke.gov.uk)

Website: [www.basingstoke.gov.uk](http://www.basingstoke.gov.uk)



### **PLEASE READ THIS LEAFLET BEFORE EXCHANGING CONTRACTS**

So you have found the house of your dream but what about the garden? Did you notice the trees growing in the garden? Did you notice the trees in your neighbour's garden?

Trees can affect your future enjoyment of your property and garden and this leaflet is designed to make you aware of the possible consequences of living with trees that are protected by a tree preservation order or by virtue of growing in a conservation area.

This leaflet is based on an original concept by Jill Frampton of the Tree Section at East Dorset District Council and has been used with their kind permission.

### **The legal bits ...**

Following your local search your solicitor should ask for a copy of any tree preservation order affecting your property. They will be able to show you the date that the order was made, the plan and the first schedule (where the protected trees are listed) and also be able to explain the consequences.

Protected trees maybe shown on the plan either individually (a circle), as a group (dashed line), as a woodland (solid line) or enclosed within an area (line of continuous dots – please note that these dots do not indicate individual trees).

Your new house will not necessarily appear on the plan if it was built after the order was made. Although there may be no trees on your property it may be affected by protected trees growing on adjoining land.

Your property may be situated in a conservation area and this will also be revealed on your search. In a conservation area, any tree with a stem diameter of more than 75mm diameter at a point 1.5m from the ground is automatically protected.

### **So if I buy 'Twin Pines' can I fell one of the trees if it has a tree preservation order on it?**

A tree preservation order is a statement by the council that a tree is intended to remain unless there are good reasons to justify its removal. Anyone can apply for consent to fell a protected tree. Normally, consent will only be considered or granted if one or more of the following apply:

- The tree is causing damage to a building
- The removal will benefit the development of adjacent quality trees
- The tree does not meet the council's criteria for serving a new tree preservation order. (See the council's tree policy link on the back page for further advice.)

Where shading or honeydew is considered to be significant and the trees are not of exceptional amenity value, applications to remove protected trees may also be granted.

### **So can I reduce its height?**

Consent will only be granted where the work is in the interests of the tree's future, is required to prevent damage to a building, would not adversely affect the tree's public amenity value or is necessary to improve the growth of adjacent quality trees. (See the council's tree policy link on the back page for further advice).

### **So what can I do?**

If you believe that you cannot live in your new home without removing or lopping protected trees, you may wish to reconsider. Remember that you are not just buying the house; you are also buying the trees.

**If you do not like the trees, do not assume that you can move in and fell or prune them**

### **I am a keen gardener, how will the trees affect me?**

- Leaves, twigs, flowers, fruit, pollen and dead branches are a normal consequences of living with trees and are not sufficient justification for felling or pruning.
- Trees cast shade which will increase as the trees grow
- Evergreens cast shade all year round and their leaf litter decomposes slowly and can alter the acidity of the soil.
- Deciduous trees produce a lot of mulch
- Lawns tend to be patchy beneath tree canopies although there are shade tolerant seed mixes available

- Gardening beneath trees can provide an opportunity to grow shade loving plants
- It is not a good idea to site a greenhouse beneath the canopy of a tree – in addition to the obvious shading, falling fruit and debris could damage the glass.

### **Will the roots undermine my new property?**

In some cases trees can cause damage to a building; however, it is a complex and unpredictable interaction between rainfall, foundation design, soil type and vegetation. Any prospective purchaser would be advised to obtain a full structural survey. If there is sufficient evidence to demonstrate that, on the balance of probabilities, the tree is causing damage, then the council will allow it to be removed.

### **What if the tree is in my neighbour's property?**

A copy of the 'Guide to pruning a neighbour's tree' leaflet 3 is freely available from the council. There is no current legislation restricting the height of trees. The High Hedges Regulations may affect the height of evergreen or semi-evergreen hedges. For more information contact the Planning and Transport unit, details at the end of this leaflet.

### **My house is a new build, is there anything I ought to know?**

If you are purchasing a brand new house with a tree in the garden or in an adjacent garden it would be prudent to ask the developer what standards of protection were given to the tree(s) during the course of the development.

### **The drive is cracking, can I replace it?**

Possibly, but you may not be allowed to sever the roots, fell the tree or use the surface of your choice.

### **What if the tree is dangerous?**

Public safety is paramount. If the tree is subject to a tree preservation order or growing in a conservation area, please contact one of the tree officers in the Neighbourhood Development unit. If the trees are growing on council land please contact one of the arboricultural officers in the Environmental Care unit. Contact details can be found at the end of this leaflet. Please note that a tree is not necessarily considered dangerous due to its height and spread.

### **What if I want to build a new extension?**

If the proposed extension would result in the loss of, or would seriously damage any protected trees, then you may not be allowed to build. For further advice please contact one of the tree officers in Neighbourhood Development.

### **So why would anyone want a tree in their garden?**

It is not all doom and gloom! Basingstoke and Deane is a relatively well-treed borough and you could be one of the fortunate people to own an important tree. Trees:

Reduce carbon dioxide levels	Filter and absorb pollution
Absorb noise	Produce oxygen
Reduce the stress of modern lifestyles	Encourage wildlife
Have aesthetic value	Offer shade and shelter

### **Further information and advice**