

30 JANUARY 2001
NEW FOREST DISTRICT COUNCIL
APPEALS PANEL

Minutes of a meeting of the Appeals Panel held at Appletree Court, Lyndhurst on Tuesday, 30 January 2001.

Councillors:

p J D Heron (Chairman)
p S A Shepherd

Councillors:

p Mrs B Smith
p C A Wise

In Attendance:

Cllr Mrs B Maynard and Cllr Mrs P A Wyeth (Local Member).

Officers Attending:

D Cashman, Ms J Green, Mrs L James and A Rogers.

1. APPOINTMENT OF CHAIRMAN.

RESOLVED:

That Cllr J D Heron be appointed Chairman for the meeting.

2. MINUTES (REPORT A).

RESOLVED:

That the minutes of the meeting of the Tree Preservation Order Sub-Committee held on 14 July 2000 , having been circulated, be signed by the Chairman as a correct record.

3. DECLARATIONS OF INTEREST.

There were no declarations of interest in connection with any agenda item.

4. PUBLIC PARTICIPATION.

No issues were raised during the public participation period.

5. TREE PRESERVATION ORDER NUMBER 63/00 (REPORT B).

The meeting was preceded by a site visit to inspect the trees covered by Tree Preservation Order Number 63//00 at 30 Bournemouth Road, Lyndhurst.

The TPO covered two Yew trees in the front of a property owned by Mr J F Mountain (objector to the Order) who explained that the reason for his objection to the TPO was his concern that one Yew tree (T2) was situated immediately above a sewage pipe running across his property and that there was, in his view, a risk that the tree's roots may damage the pipe. He emphasised that there was no problem currently but he wished to avoid any future problem, for example in five or ten years from now.

Mr Mountain referred to paragraph 1.2 of the report, and he pointed out that he only wished to fell one tree (T2) and not two as was stated in the report.

Mr Mountain referred to paragraph 2.3 of the report and reiterated his point that a CCTV survey of the sewer pipe, as offered by the District Council, would not assist matters as it did not help assess potential damage in the future.

Mr Mountain disputed the statement in paragraph 3.1 of the report that the tree was "readily visible" from the main road.

The Council's arboriculturist argued that tree T2 was very visible from the main road, and that a mature Yew tree such as this one had a high amenity value.

In answer to a Member's question, the Council's arboriculturist explained that 90% of tree roots lie in the top 600mm of soil, and can be contained by pruning. He pointed out that Yew trees were slow growing and older trees were not very vigorous.

Cllr Mrs Wyeth, the Local Member, felt that the objector to the Order had genuine reasons for concern. She said that the tree was sparse, and over-hanged the owner's motor van and property. Mrs Wyeth also disputed the statement that the tree was "readily visible" from the main road, and said that people could not see the tree until they reached the gate of the property.

Mrs Wyeth felt that, under the provisions in the Human Rights Act, the public interest (the amenity value of the tree) was very minor, and not enough to out weigh the interests of the land owner (to peacefully enjoy his possessions).

Members were mindful of Mr Mountain's concerns about the possible future tree roots damage to his sewer, but felt that, in the absence of any current evidence of damage, this was not a relevant consideration and the key issue was the amenity value of the tree.

Having carefully weighed all the arguments, Members accepted the amenity value of the tree, and unanimously agreed to confirm the Order.

RESOLVED:

That Tree Preservation Order 63/00 be confirmed without amendment to include both Yew trees.

CHAIRMAN