22 JULY 2002

NEW FOREST DISTRICT COUNCIL

APPEALS PANEL

Minutes of a meeting of an Appeals Panel held at Hythe and Dibden Parish Council Offices, Hythe on Monday, 22 July 2002.

	Councillors:		**Councillors:**
p	K F Ault	p	P E Hickman
p	Mrs L C Ford		

Officers Attending:

D Cashman, Mrs L James, Miss J Mutlow and A Rogers.

Also Present:

Mrs A Ryan (Objector), Mr B Brooks, Mr R Ryan and Mr A E De Combe (Objector's representatives).

1. ELECTION OF CHAIRMAN.

RESOLVED:

That Cllr K F Ault be elected Chairman for the meeting.

2. MINUTES (REPORT A).

RESOLVED:

That the minutes of the Appeals Panel meeting held on 16 May 2002, 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. OBJECTION TO TREE PRESERVATION ORDER NO 28/02 – LAND OF 25 ASHLEIGH CLOSE HYTHE.

The Panel examined an objection to Tree Preservation Order (TPO) 28/02 relating to land of 25 Ashleigh Close, Hythe.

Immediately prior to the meeting, a site visit was attended by members of the Panel, in order to view the trees covered by the Order.

The TPO had been made on 27 March 2002 and protected three individual trees identified as T1 Oak, T2 Silver Birch and T3 Norway Maple on the order extract and plan attached to Report B as Appendix 1.

An objection had been received from the owner, Mrs A Ryan. The Panel noted that Mrs Ryan's objection did not relate to the tree referred to as 'T1 Oak'.

The Council's legal representative gave advice on the legal framework governing Tree Preservation Orders and objections to them.

Mrs Ryan's representative, Mr B Brooks, set out the reasons for the objection. Mr Brooks argued that the trees were hardly visible from neighbouring properties, and only from close by on the footpath running alongside Fawley Road. He doubted that the trees had a "significant impact" on their surroundings, and felt their removal would have only a minimal effect on the neighbourhood. Mr Brooks felt judgements on the amenity value of the trees were subjective and he did not accept arguments made by the Council's Arboriculturist.

In summing up, Mr Brooks felt that there was no public interest in the trees, and also that the Council had failed to show any amenity value in them.

The Council's Arboriculturist set out the case for preservation. It was Mr Cashman's view that all three trees were in good condition, particularly the Silver Birch (T2) and the Norway Maple (T3) and he felt the Maple was especially striking. The trees had no visible defects and had the potential to grow for approximately another 20 years. It was his professional opinion that the trees were easily seen from a public place, made a significant contribution to the locality, and felt their loss would be of detriment to the local area.

After inviting each party to sum up and make any further comments or ask any further questions, the Chairman then asked the Council's legal representative, Mrs James, to sum up the position and remind the Panel of its task. Mrs James advised that the Panel had to consider all the representations and the evidence of the Arboriculturist, and to weigh up the arguments, whilst bearing in mind the legal framework previously set out. The Panel were reminded that any issues relating to on-going planning applications in respect of this site were entirely a separate matter and should not form part of the Panel's deliberations.

The Chairman then closed the meeting and the Panel made its deliberations. Everyone was invited to remain present.

Whilst bearing in mind all the issues raised by the objector, the Panel focused on the amenity value of the trees and their current environment. The majority of members felt the trees were good eye-catching specimens, which had a significant impact and amenity value. The Panel therefore felt the trees were worthy of protection, and could be at risk of removal in the future.

Accordingly, having considered carefully all the evidence given, the Panel agreed to confirm the Order without amendment.

RESOLVED:

That Tree Preservation Order 28/02 be confirmed without amendment.

CHAIRMAN

(AP220702)