

OBJECTION TO TREE PRESERVATION ORDER NO. 22/03 LAND BETWEEN 25 LITTLE DENE COPSE AND DENESIDE CLOSE, LYMINGTON

REPORT OF COUNCIL'S TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- Tree Preservation Order (TPO) No. 22/03 was made on 21 February 2003.
 The TPO plan and first schedule are attached as Appendix 1. The Order comprises one Oak tree identified as T1 and a group of 1 Poplar and 12 Pine trees, G1 on land to the west of 25 Little Dene Copse, Pennington.
 - 1.2 This TPO was made following submission of a detailed planning application for housing development on the land where the trees grow. The Council's Tree Officer considers however that the trees provide a special amenity and they are therefore worthy of protection and retention through a TPO. In addition, the land upon which the trees grow is designated public open space (existing) in the Adopted Local Plan. Policy DW-R1 applies.

2. OBJECTION

- Following service of the TPO, three letters of objection were received from the residents of 25 and 26 Little Dene Copse and from B Miller Contractors of
 1 Cabot Way, New Milton. (Appendix 2)
- 2.2 Between the three letters, there are several different grounds of objection. Whilst some relate to the amenity value of the trees, others are concerned with the principles of development and the designation of this land as public open space. Having acknowledged the objectors' letters, the Council's Tree Officer considers that, because of the unusual nature of some of the grounds of objection, with the trees growing on designated public open space and also the potential time it could take to negotiate on each objector's concerns, the objectors' right of objection would be best served by placing the matter before the Appeals Panel, without further preliminary negotiations.
- A meeting of the Appeals Panel was arranged for 25 April 2003 but this had to be postponed. Since that time, eight letter have been received which support the TPO. These are from the residents of 18, 19, 20, 21, 22, 23, 24 and 27 Little Dene Copse.

3. THE TREES

3.1 The trees included within TPO 22/03 comprise part of a linear strip of trees which make a significant screen and amenity feature between development at Deneside Copse and Little Dene Copse. The trees are all young and have many years of safe life expectancy. They are readily visible to the public and the

premature loss of a significant number of these trees at this time would therefore be detrimental to the appearance of the local environment.

4. FINANCIAL IMPLICATIONS

- 4.1 If TPO 22/03 is confirmed, there will be the cost of administering the service of the confirmed TPO and any subsequent tree work applications.
- 4.2 If TPO 22/03 is confirmed, compensation may be sought in respect of loss or damage caused or incurred in consequence of the refusal of any consent required under the TPO or of the grant of such consent which is subject to condition. However, no compensation will be payable for any loss of development or other value of the land, neither will it be payable for any loss or damage which was not reasonably foreseeable.

5. ENVIRONMENTAL IMPLICATIONS

5.1 Extensive or uncontrolled cutting or the premature removal of these trees, without any means to require that suitable replacements, from similar large growing species, are planted would be detrimental to the appearance of the area.

6. CRIME AND DISORDER IMPLICATIONS

6.1 There are no crime and disorder implications arising from this report.

7. OTHER IMPLICATIONS

- 7.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner to peacefully enjoy his possessions but it is capable of justification under Article 1 of the First Protocol as being in the public interest (the amenity value of the tree) and subject to the conditions provided for by law (Town and Country Planning Act 1990) and by the general principles of international law.
- 7.2 In so far as the trees are on or serve private residential property the making or confirmation of a Tree Preservation Order could interfere with the right of a person to respect for his family life and his home but is capable of justification as being in accordance with the law and necessary in a democratic society for the protection of the rights and freedoms of others (Article 8).

8. RECOMMENDATION

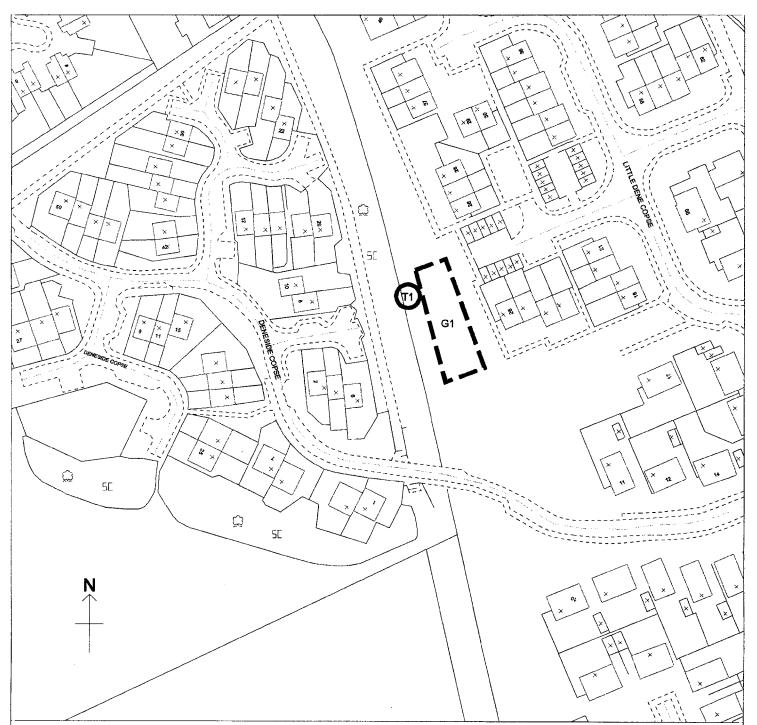
8.1 It is therefore recommended that in view of the amenity value provided by each of the trees covered by TPO 22/03, this TPO be confirmed without amendment.

Further Information:

Background Papers:

Bryan Wilson Tree Team Leader Tree Preservation Order No. 22/03 Correspondence attached

Telephone: 02380 285327



Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 22/03

Approximate Scale: 1250

Date Printed: 20/02/03

W John Ward BSc, MCD, MBA, MRTPI, MIMgt Head of Policy, Design & Information Community Services Directorate Appletree Court

Lyndhurst SO43 7PA Key

Individual Trees Covered by TPO

Area of Trees Covered by TPO

Groups of Trees Covered by TPO

Woodland of Trees Covered by TPO

Trees Noted but not Worthy of Preservation









AN AUTHORISED SIGNATORY

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SCHEDULE 1

TPO: 22/03

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

No. on

Map Description

Situation

T1 Oak

Approximately 25m west of north western corner of rear

garden of 25 Little Dene Copse, Lymington

Trees specified by reference to an area:

(within a dotted black line on the map)

No. on

Map Description

Situation

None

Groups of Trees

(within a broken black line on the map)

No. on

Мар

Description

Situation

G 1

12 x Pine, 1 x Poplar

Linearly arranged group approximately parallel to, and on west side of, 25 Little Dene Copse and the

garages at the rear.

Woodlands

(within a continuous black line on the map)

No. on

Map Description

Situation

None

B. MILLER CONTRACTORS

Tel: New Milton (01425) 614051

1 CABOT WAY

New Milton

Hants

BH25 5NP

VAT Reg. No 189 696089



Mr Cashman.

The Tree Team.

New Forest District Council,

Appletree Court,

Lyndhurst,

Hampshire.

SO43 7PA.

15th March 2003.

RE; T.P.O. 22/03 Land Between 25 Little Dene Copse and Deneside Close.

I wish to register an objection to the T.P.O. No 22/03 regarding the group of trees G1.

Unlike the Oak (T1), which appears original and therefore an established part of the Copse and to which I have no objection to this being preserved, the Pines (G1) seem to be a species alien to the area.

These pine trees I understand were planted since completion of the Development and have now grown to a height above the original copse of Oaks and Mature Scrub to dominate this section in a manner to be considered detrimental to the area.

I can see no justification for this T.P.O. G1 which appears to be a hasty and ill conceived reaction to prevent a modest development proposal which merits approval as it complies to Government Guidelines for making better use of land in built up areas for much needed housing.

Yours faithfully,

B. Miller.

17th March 2003

MRS. D. R. BARTLETT 25 LITTLE DENE COPSE LYMINGTON HANTS. SO41 8EW TEL®(\$590) 676833

 $\mathcal{I}\mathcal{H}$

Your Ref: DWC/mac/TFO 22/03

Head of Legal & Democratic Services New Forest District Council Lyndhurst

Dear Sir.

re: Land adjoining above address.

Thank you for your communication of the 21st instant.

Herein I am objecting to the Tree Preservation Order on the grounds that between the time of purchasing this property, when the pine trees were immature and the recent planning application, I believe it would have been within my rights to prune or cut these trees down without council permission. This T.P.O. appears to have removed my rights without prior consultation.

These trees, which are not particularly pleasing, in appearance, effectively increases the width of the copse and reduces the area of private garden land for my use and they are now considerably higher than the copse itself, and create a large amount of shading as well as being a considerable nuisance in the shedding of needles and cones.

It appears also that the Council showed no concern regarding the copse or the public open space when permission was given for the development of Deneside, yet now you wish toprevent me from cutting down trees in my own land which were planted by a previous owner.

I would emphasise that if these trees were to be cut down, the original copse would still provide plenty of screening between my property and Deneside Estate.

Yours faithfully,

18 MAR 20U3

13 ESPECTICE here Cappe,

Penning ten,

N.F.L.

Hants

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Rand appl , 2003.

li- Roger Esq administrator, their totest bestiet bound, applitude bout Typolhust, Hants

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Cops. Linnington

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their would, I fel he determinate to the invitament or probably cause excession and surface water.

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Your faithfully,

M. K. Duilay (Mus)

Thoday

f.S. Incidentally I have been the owner of 15, help kene topse from the onker of the decolopment of the Estate (1976/17).

Ex Directory 26 Little Dane Copre.

Pensuington
Planning of Lymington
Pensuington
Division
RECENTED
27 FEB 2003 6 Soul 8ELD
25 | 2 | 03

Re: Opposition to T.P.B. 22/03 on 12 ina trees (1 Popular).

subject to the phase Conversation on the 24/2/03 we are putting over objections in writing.

My Husband has 35+ years and I have 7 yrs in growing these we understand the problems of Pine these

The Pines in question have been plated too close together to or be beautiful trees. As a result they are woody and spindley and are subjected to Children Chinbing

them. and brooking the brittle branches.

The Children lave started small files (which could develope into semething much bigger): As well as accumulating other rubish in and coround the troop.

Going back to the trees they will become top heavy and being Shallow rooted and living on land which becomes waterlogged during the winter. This Could woult in uprosting in Strong winds. If nor by the children clinbing them (no one can stop children being children, you just get also of alones from them).

we feel that mes Boutlett
The lady who own the land must
find it difficult to look after that
parcel of land. would it be better
for her to let her have the
planning permission so that the
area can be kept chance

your sincately

Hook BAGok

original give to Dang

Your feg. Disc/ ET/ 180 22/03. 18, Kithle Dene depue, 01590-673+43. Pennington, Fynning ton,

44h Thay, 2003. Hents 804/5ED.

D. W. Cowhman Esq. NFDC. artisticulturist.

Thank you for your communication of
the hay, concerning the The Preservation
order ho 12/03 - Land between 25 Rittle
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or would confirm my little of 22/4/03
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to be setened from the said of excensing
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And so the fact they have been there for a municipal of years, they are a married of years, they are a married or continuity if removed at expectance of the deprenental to the appearance of the local environment to terrainly would affect my author, as my bedoom to ketchen look out on this tried. There is also the possibility of excessive flooding of such these best removed.

I have been the sime of 18 letter Dene lappee from the compation of the Estate of those that the Accerdation Order (TR 22/03) will be confirmed in due course.

M. K. THODAY)

19 LITTLE DEWE COPSE, PENNINGTON, S041 SEW

21/4/03 OBJECTION TO TREE PRESAVATION ORDER NO. 22/03 LAND BETWEEN 25 LITTLE DEME WASE AND DENESIDE WASE

Dear Sir,

The tree-line that this and protects forms a pleasant outlook from our burgalow, and of course for all residents in this area. Not only one they pleasant to book at, but form an efficient weather break for any wind do comming from a vesterly quartes.

These trees are now some By ours Id, and 40 feet (13 motors) high, and by now I would think one deemed to be a natural part of the environment. The fact that they are now making a screen between two estates is not their original reason for being planted. as I undestand, they were put there as part of the plans for Little Dere Coppse, and for that senson alone should be protected. Little Dene Rigges has trees all round it's perimeter it this tree-hime was remend it would give the impression-that Deneside Rapsee and Little Den Copse was one large estate!

> your sinearly 7 9 Hunder

21or April 2003

Mr Richard Payne.

20 Little Dene Copse, Pennington, Lymington, Hants.

SO41 8EW

Mr Andy Rogers

The Tree Team
New Forest District Council,
Appletree Court,
Lyndhurst,
Hampshire.

SO43 7PA

Dear Mr Andy Rogers,

I Have been informed by a neighbour that the TPO No. 22/03 made on 21st feb 2003 that applies to one Oak tree T1, and a group of 1 Poplar and 12 Pine trees G1, has had some objections made to it.

I Wish to put an objection forward with regards to the TPO 22/03 being put before the appeals panel.

I understand that three objections have been received. I feel that they are all underlined by a possible significant financial gain to all three parties whilst forgetting the real amenity that the trees provide to us all. .ie the building of two properties.

The trees T1,G1, are a designed part of the Little Dene Copse Estate as can be seen on our plans for the estate, by Hinton Stewart Design Partnership DWG no 11980.0, the trees in question are a requirement to the design forming a natural barrier to the estate and a natural barrier of the estate to the surrounding area. The trees have been placed as reinforcement to the natural edge of the original copse.

For ourselves the trees are both a visual amenity to us from our south westerly windows, giving a feeling of being in the new forest rather than a town. Trees give us great pleasure, when we walk around the pubic right of way to our garage, the fresh air they provide, the sounds they make with the wind blowing through their leaves and branches, its very soothing.

Visually the beautiful Trees T1,G1 separate the Little Dene Copse Estate from Deneside and without them we would have an outlook of bricks and roofs.

Being near to the sea the trees protect our dwellings from the full force of those southerly winds. And being still quite young trees although well established and sure-footed should remain so for many years to come, not really requiring any attention physically or financially.

On the Little Dene Copse Estate we are also blessed with a few annual visiting birds, whilst all and many of the more common varieties we have been graced with, I believe was a red head green bodied woodpecker, my neighbour has blue tits every year in his bird box and all enjoy the use of the trees T1 and G1 as a source of substance(food and nesting materials)

I Believe that the loss of these trees would be contrary to policies DW-E1 and BU-H1 of the adopted New Forest District Local Plan and policies DW-E1,DW-E5A and BU-H1A of the Revised Deposit of the First Alterations to the Local Plan.

The trees T1 and G1 provide a significant amenity to the Little Dene Copse Estate.

Loosing these trees would:

- Be a Great loss of a natural amenity to us all
- □ Would Greatly change the environment we live in.
- □ Would open us up to all that the elements can throw at us.

Please could you keep me informed.

Please ensure the needed TPO No. 22/03 stands and we don't lose our trees.

Yours sincerely

R Payne

ENLAGED DECTION OF A PHOTOCOPY OF HINTON STEWART DESIGN PARTNERS DWG NO 11980 0 K Tay 21/4/ EXISTING TREES 3 E. RETHINES IMPROVED AND LINE OF TREES CONSISTING OF Property and the second of the PINUS AUSTRIACA. ⁹ Mis Addition PINUS INSIGNIS POPOLUS ALBA MIRES ALBA INTERPRANT WITH Popolus Robus APRILES #800514 ACER ASSISTED L'EARS. CHAPTERS MONOGONA CRAFACTOR PRYCLISTA PROMOS SPINGSA. WIPSPINE MANAGER CHATHEGUS HONOGYNI CRATAEGUS OXYCANTI PRUNUS SPINUSA. HIPPOPHAE KHAMNOU

Mr Ian Mapes.

21 Little Dene Copse, Pennington, Lymington, Hants.

SO41 8EW

Mr Andy Rogers

The Tree Team
New Forest District Council,
Appletree Court,
Lyndhurst,
Hampshire.

SO43 7PA

Dear Mr Andy Rogers,

I understand that three objections have been received on TPO No. 22/03.

I Wish to put an objection forward with regards to the TPO 22/03 being put before the appeals panel.

I feel that the objections are all underlined by a possible significant financial gain, and all three parties are forgetting the real amenity that the trees provide to us all.

This is just to enable grounds for an appeal against a turned down planning application. Number 77054. Resulting in the building of two properties, which will endanger the remaining trees.

The trees T1,G1, are a designed part of the Little Dene Copse Estate. The trees in question are a requirement of the estate forming a natural barrier to us and a natural barrier of the estate to the surrounding area. The trees have been placed as reinforcement to the natural edge of the original copse.

For myself the trees are a visual amenity and create a pleasing view from my southwesterly windows, giving a feeling of being in the New Forest rather than a town. Trees give me great pleasure, when strolling around the public right of way to my garage, the fresh air they provide and the sounds they make are very soothing.

Visually the beautiful Trees separate the Little Dene Copse Estate from Deneside and without them we would have an outlook of bricks and roofs.

Being near to the sea and the land being very open from here to the sea, the trees protect our dwellings from the full force of those south-westerly winds. And being still quite young although well established and sure-footed should protect us for many years to come.

On the Little Dene Copse Estate we have many winged visitors, whilst all and many of the more common varieties we have been graced with, I believe a sparrow hawk and woodpecker, I have blue tits every year in my bird box and all enjoy the use of the trees as a source of substance(food and nesting materials)

The trees provide a significant amenity to the Little Dene Copse Estate.

Loosing these trees would be a Great loss of a natural amenity to us all and would Greatly change the environment we live in. It would also open us up to all that the elements can throw at us.

Please could you keep me informed of any details regarding this situation?

Please ensure the needed TPO No. 22/03 remains and we don't lose our Beautiful trees.

Yours sincerely

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_ Scheen and amondy besture between

Poly Lettle Rome Sopre Pourington Lymington Hants SOHI SEW

Dear Sur.

RET. P.O. No. 22/03 Land between 25, Little Lene 6-124 and Deneside bloss

I object to the above T. P.O. order being senoved on the grounds as follows: -

Lors of young trees for no reason, other than a planning application which has been turned do.

Low so visual enjoyment for both residents and people welking on the green.

Los of weld life tabital.

these trees gove great protection from bed weather during the nonter months.

your joutfully

M Turnel

24 Little Dene Copse Pennington Lymington Hampshire SO41 8EW

Date: 21st April 2003

Mr A. Rodgers New Forest District Council Apple Tree Court Lyndhurst Hampshire

Dear Mr Rodgers

Re: Removal of TPO No: 22/03 Land between 25 Little Dene Copse and Deneside.

As you requested in your recent telephone message I attach a photocopy of my original deeds showing the landscaping scheme including the trees, which was and still is a condition of the original planning permission granted for the Little Dene Copse Estate.

The trees named on the deeds/original planning are as you will see Pines, Poplars and Sycamores.

The land adjacent to 25 Little Dene Copse which is zoned on the NFDC wide district local plan as open space and was also retained as open space on the original planning, is a feature to give a sense of openness and space about the tight cluster of bungalows (please see enclosed letter from NFDC). The removal of the trees and shrubs would also result in the loss of an intended pleasant visual amenity (please see enclosed letter from Lymington & Pennington Town Council 27/06/84).

The landscaping feature of the trees forms a wind break during bad weather and a natural barrier between Little Dene Copse and the Deneside Estate, these trees are young and healthy if they need pruning, trimming or thinning we should seek the advice of an Arboricultural Consultant.

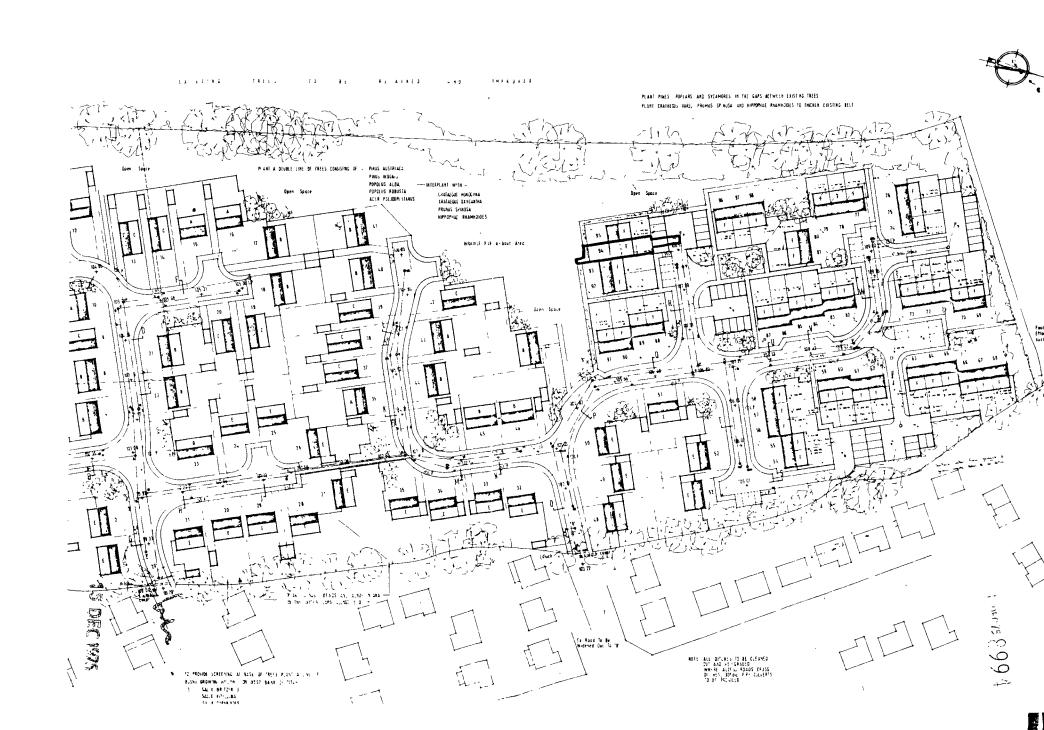
If the TPO is removed from these trees the perspective builder's plans also show the removal of the sycamore tree as well as the Pines.

Yours faithfully

Mrs M. England.

Juli Englance

ORIGINAL PERMISSION SCHERK FROM ORIGINAL DEEDS



To:R J Hitchings Esq MBTAT 2 River Court Gosport Street Lymington Hampshire 5041 988

Ref:00045411 O/LINE

Applicant (if different from above): Mr/Mrs G Wylie

Site: Adj 25 Little Dene Copse Pennington Lymington (.098 ha)

Development: Erect 2 attached bungalows & separate garages & new access

In pursuance of their powers under the above mentioned Act, the Council, as the local planning authority, REFISE to penult development in accordance with your application dated 21/6/90.

The reason(s) for the decision of the local planning authority to refuse consent is/are:

The estate of Little Dene Copee was designated with an area of open space (adjacent to the hedgerow along the western boundary) which also extends towards the centre of the development. Due to the nature of the estates layout, such areas of open space help form an important landscape feature providing a sense of openess and space about the tight cluster of burgalows. If permitted this proposal would therefore result in a reduction in the pleasant visual amenities and setting of this residential area.

Appletree Court Lyndhurst 8043 7PA Telephona: 0703 285000

> NB: See notes overleaf (Ref: Form 13)

Efforming Officer.

16th August

1990



LYMINGTON AND PENNINGTON TOWN COUNCIL

Town Council Office, Town Hall, Avenue Road, Lymington, Hampshire 504 92G Town Clerk/Financial Officer—A. D. W. Clark

Tel. Lymington 76009

ADWC/MJH/A33

27th June, 1984.

The Occupier.

Dear Sir/Madam,

Little Dene Copse Estate Open Space

You may be aware that for some time now there have been problems over the use and maintenance of the Open Amenity Space areas on this Estate.

Some time ago a meeting between the Joint Developers of the Estate, E.G. Dunford Ltd and Harvey Bros. (Builders) Ltd), the New Forest District Council and this Council, it was decided that a letter should be sent to all residents of the Estate clarifying the Open Space position.

The Town Council are now owners of the central area of Open Space shown edged black on the plan sent accompanying this letter.

It is believed that some residents of the Estate and members of the public have considered that the southern and northern areas of Open Space (respectively shown hatched black and cross-hatched black on the accompanying plan) are Public Open Space. This is not the case. These two areas were at the planning stage of the development set aside as Private Open Space and planted with trees and shrubs to reinforce the natural hedge boundary. They are not to be built upon so that they remain Open Space as planned visual amenity to this Estate. Right of access to these areas is restricted to the individual owners of the land.

In due course a barrier will be erected to prevent access to the northern area of open space from the central area. This is necessary because of unauthorised use of the private tarmac path adjoining the open space.

As regards the central area there have been numerous complaints. As previously mentioned this area is now owned by the Town Council as an area of Public Open Space and is available to the public at large for informal recreational purposes, e.g. playing of informal games, walking etc.

It is hoped that this letter clarifies the position regarding the various areas of Open Space.

Yours faithfully,

A.D.W.Clark TOWN CLERK

	Pennington-Lynns Hants	V
Dear M	Roger	
RE. T.PO	No. 22/03 Land leture	n 15 Little Den
	Deneside blox Ponnen	
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