

8 SEPTEMBER 2003
NEW FOREST DISTRICT COUNCIL
APPEALS PANEL



Minutes of a meeting of Appeals Panel held at Appletree Court, Lyndhurst on Monday, 8 September 2003.

Councillor:

p Cllr K F Ault
p Ms L C Ford

Councillor:

p Mrs B Maynard

Officers Attending:

Miss J Debnam, J Hearne, M Hines, Mrs L James.

Also Present:

Mr and Mrs V Hughes (Objectors), Mr and Mrs Croucher and Mrs J Curtis (Supporters of the Objectors).

8. MINUTES (REPORTS A AND B).

RESOLVED:

That the minutes of the meetings held on 8 August 2003, having been circulated, be signed by the Chairman as correct records.

9. DECLARATIONS OF INTEREST.

There were no declarations of interest made by any member in connection with an agenda item.

10. OBJECTIONS TO TREE PRESERVATION ORDER 122/02 – LAND ENCLOSED BY CHAPEL LANE, SANDY LANE AND SHRUBBS HILL ROAD, LYNDHURST (REPORT C).

The Panel considered objections to the inclusion of six trees within Tree Preservation Order 122/02.

The meeting had been preceded by a site visit to allow members of the Panel to establish the geographical context of the protected trees, and to form an opinion about their health and amenity value.

The Council's Solicitor explained the role of the Panel in considering whether a tree should be subject to a Tree Preservation Order. The issues that might be taken into account were strictly limited by statute and related to the amenity value of the tree. Guidance was given on what should be taken into account in considering amenity value.

The Panel had before the written objections from Mr Prout regarding the holm oak (T6), Mrs Heasman regarding two scots pine trees (T14 and T15) and from Mr Jackman regarding a sycamore (part of group G8). With respect to these objections, the Council's Arboriculturist advised members that the grounds for objection, relating to loss of light, proximity of the trees to houses, removal of nutrients from garden soil and nuisance value from leaves/catkins dropped from the trees were common to many protected trees and not normally considered to outweigh the benefits gained by the amenity provided by the trees. The Panel examined the written submissions in detail.

With respect to the two English oak trees which formed part of Group G3 Mrs Hughes advised the Panel that her objections were:

- Gardening was the main hobby of her and her husband, and in particular they liked to grow vegetables which required full sunlight;
- The large beech tree on the South corner of their garden already shaded a significant proportion of the available growing space;
- The two oak trees, which were subject to objection, had until recently been considerably crowded by other trees, including two eucalyptus, which had been removed. The oak trees were now beginning to grow significantly;
- Mr and Mrs Hughes had consulted a tree surgeon who had advised that topping the trees would encourage them to develop more vigorous growth at lower levels;
- The two trees, because of their previous relationship with other over-crowding trees, leaned towards the road. Mr and Mrs Hughes had been concerned about their long term safety, but had been reassured by views expressed by the Council's Arboriculturist;
- It was impractical to maintain oak trees at a reasonable size, in such close proximity to houses. They were prevented from reaching their true stature and amenity value. It would therefore be better to replace them with more appropriate, smaller species such as acers or amelanchiars. These could attain their full stature without causing anxiety to their owners or neighbours, and without requiring expensive maintenance.

Mrs Curtis, supporter of the objectors, felt that maintaining the indigenous tree screen along Chapel Lane was impractical for the local residents. People who were passing through the area would soon be in the Forest where they could enjoy such large trees in their proper environments. The fleeting enjoyment of passers-by should not outweigh the difficulties that these significant trees caused to the local residents who were living in close proximity to them.

The Council's Arboriculturist had no questions for the objectors.

The Council's Arboriculturist advised members that the Secretary of State, in considering an appeal against the retention of the holm oak (T6) had remarked that the screen of trees along Chapel Lane softened the approach to the village from the Forest and blended in with the Forest landscape. On this basis the removal of indigenous species, and their replacement with ornamental species, would be out of character and provide a jarring note when considering their amenity value. The development of this area had been designed to take account of the trees which were already present. Their retention was part of the design concept. The removal of the indigenous species and their replacement with more suburban species would considerably reduce the amenity value of the area for some significant period. He considered that the trees which were the subject of objections had considerable amenity value when viewed from public view points and merited inclusion within the Tree Preservation Order. The grounds of objection were common in respect of protected trees, and while sympathising with the objectors concerns, he did not feel that these objections were sufficient to outweigh the amenity value provided by the trees.

In summing up, Mrs Hughes reiterated her concerns and also suggested that a workable compromise would be to protect one tree, the oak tree adjacent to the driveway, leaving the other tree unprotected and able to be removed in due course. This could safeguard the amenity value of Chapel Lane without completely enclosing her garden.

The Chairman then closed the hearing. All those present were invited to remain while the Panel determined the objections.

The Panel considered that the holm oak (T6), scots pines (T14 and 15) and the sycamore (part of Group G8) were all healthy trees which provided significant amenity value from public view points. On this basis they were satisfied that they were worthy of protection and should be included within the Tree Preservation Order. With respect to the two English oak trees (part of Group G3) they considered that the amenity value of the area would be sufficiently protected by the retention of the more westerly of the two trees, but the more south-easterly tree could be removed from the Order.

RESOLVED:

That Tree Preservation Order 122/02 be confirmed, subject to modification, in that the south easterly oak tree, part of Group G3, falling within the grounds of Springwood, Chapel Lane, Lyndhurst be deleted from the Order.

CHAIRMAN