



OBJECTION TO TREE PRESERVATION ORDER NO. 17/03 LAND OF FALCONWOOD CLOSE, FORDINGBRIDGE

REPORT OF COUNCIL TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- # 1.1 Tree Preservation Order (TPO) No. 72/03 was made on 21 May 2003. The TPO plan and first schedule are attached as Appendix 1. The TPO protects four individual trees and two Groups of trees on several properties in Falconwood Close, Fordingbridge.
- 1.2 This TPO was made following a review of TPO 16/89 which was made on 1st March 1989 prior to redevelopment of the former site of Brympton House, Station Road, Fordingbridge. The original Order included eight individual trees, a group of six trees and all trees within an area designated A1 that became part of the rear gardens of 1 – 4 Falconwood Close. The review of TPO 16/89 was carried out in accordance with Government guidance to remove 'blanket' protection of trees such as within area A1 of the original Order.
- 1.3 Mr and Mrs O'Neill of 4 Falconwood Close wrote on 30th May objecting to the inclusion of two Pine trees in their rear garden. They are designated G1 of the new TPO 17/03. The District Council's Tree Officer replied on 30th June and met Mr O'Neill on 14th July. At this meeting the Council's tree officer agreed to write to the occupants of surrounding properties who might enjoy a view of the trees, in order to canvas their opinion. Mr O'Neill also stated his intention to plant a replacement of a more suitable species nearer his rear boundary.
- # 1.4 On 26th August letters were sent to 60 properties in Falconwood Close, Elmwood Avenue, Rockwood Gardens, Downwood Close and Station Road inviting representations for or against inclusion of the two Pine trees in the TPO. Those properties consulted are shaded grey in the plan at Appendix 2. Eleven responses to the consultation were received. Seven consider the Pine trees should be omitted from the TPO whilst four are in favour of their inclusion. Copies of this correspondence is included in Appendix 2

2. THE TREES

- 2.1 The Pine trees are estimated to be approximately 16-18m in height and to have stem diameters of 300-450mm. They stand as a pair in the central part of the rear garden of 4 Falconwood Close.

2.2 The trees appear to be in a sound and healthy condition.

3. OBJECTION

A copy of the objection is included as Appendix 3

3.1 Mr and Mrs O'Neill give the following grounds for objection to the Order:

3.1.1 The trees give no visual benefit to the local area.

3.1.2 The trees pose a threat to surrounding residents and properties. There are approximately eight houses within 'falling range' of the trees. The trees move substantially in high winds and a similar Pine at the rear of 3 Falconwood Close fell recently. Several neighbours have expressed similar concern.

3.1.3 The new TPO omits similar trees at the rear of 2 Falconwood Close and at the front of 1-3 Falconwood Close and the inclusion of the Pines is not consistent.

3.1.4 The Pines are not native species.

3.1.5 There is a likelihood that some root damage occurred during construction of the properties.

3.2 Seven letters supporting the objection have been received. The following reasons are given:

3.2.1 The trees are susceptible to lightning damage

3.2.2 With increasing droughts there is an increased likelihood of root damage.

3.2.3 It would be better to remove the trees and plant more suitable replacements.

3.2.4 The trees pose a serious threat of injury and damage to residents and property.

3.2.5 The trees are oversized, intrusive, dangerous and unattractive.

4. OBSERVATIONS ON THE GROUNDS FOR OBJECTION.

4.1 The trees are visible above the roof tops Falconwood Close, Rockwood Gardens, Elmwood Avenue and Brympton Close. They are also visible from numerous surrounding properties. They provide a significant benefit to the visual amenity of the area.

4.2 There is no evidence to suggest that the trees are weakened and predisposed to failure. The swaying of the trees cited by several residents is a normal mechanism to reduce the lever arm and thus the wind force transmitted to roots.

- 4.3 A Pine tree omitted from the TPO at the rear of 2 Falconwood Close is a poor specimen providing far less visual amenity than those at the rear of 4 Falconwood Close. The trees to the front of 1-3 Falconwood Close are being adopted as public open space. Throughout the review of Tree Preservation Orders it has been the policy of the District Council not to include trees in public ownership. There is no inconsistency in the inclusion of the two Pine trees.
- 4.4 There is no evidence to suggest significant root damage occurred as a result of construction activity. Development was approved subject to tree protection conditions and root damage, if any, should have been within accepted limits.
- 4.5 The TPO is intended to protect the visual amenity provided by trees. It is not relevant that these are not native Pines.
- 4.6 These trees are no more susceptible to lightening damage than other tall trees or structures in the area.
- 4.7 The trees are not exhibiting symptoms of stress that might be associated with drought or root damage.

5. RESIDENTS' COMMENTS IN SUPPORT OF THE TPO

- 5.1 Four letters supporting retention of the trees have been received. These include the following comments:
 - 5.1.1 The trees were part of a larger group some of which blew down in the 'hurricane' of some years ago. It could be argued that the remaining trees were better rooted.
 - 5.1.2 The objectors would have been aware of the preserved Pines when they purchased the property.
 - 5.1.3 There is no guarantee that a replacement tree will be planted.
 - 5.1.4 The trees were selected for retention at the time of development and included in a Preservation Order at that time.
 - 5.1.5 The loss of the trees would increase the decline of birds that frequent such trees.
 - 5.1.6 The size of the trees and potential root problems are no worse than encountered in some other gardens.

6. FINANCIAL IMPLICATIONS

- 6.1 If TPO 17/03 is confirmed, there will be the cost of administering the service of the confirmed TPO and any subsequent tree work applications.

6.2 If TPO 17/03 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.

7. CRIME AND DISORDER IMPLICATIONS

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

8. OTHER IMPLICATIONS

8.1 The making or confirmation of a Tree Preservation Order could interfere with the right of the property owner peacefully to 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.

8.2 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).

9. RECOMMENDATION

9.1 It is therefore recommended that TPO 17/03 is confirmed without amendment to include one Sycamore and one Willow tree.

Further Information:

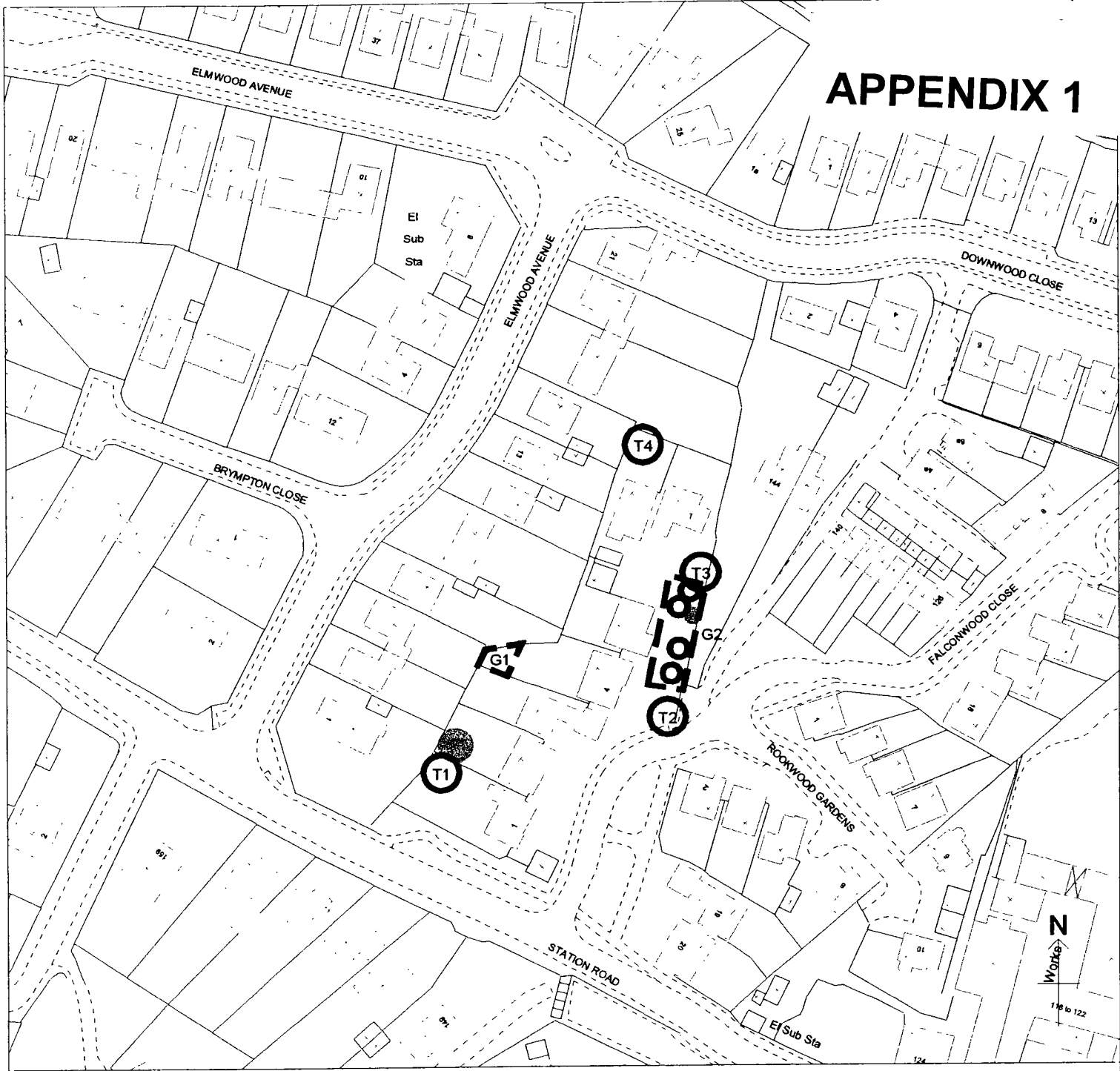
John Hearne
Arboriculturist

Telephone: 02380 285205
e-mail: john.hearne@nfdc.gov.uk

Background Papers:

Tree Preservation Order No. 17/03

APPENDIX 1



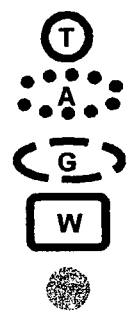
Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 17/03
 Approximate Scale: 1250
 Date Printed: 12/3/03

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



[Handwritten Signature]
 AN AUTHORISED SIGNATORY

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SCHEDULE 1

TPO: 17/03

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

No. on Map	Description	Situation
T 1	Pine	Rear garden of 1 Falconwood Close
T 2	Oak	Land at front of 4 Falconwood Close
T 3	Oak	South side of 7 Falconwood Close adjacent to boundary with 144 Station Road
T 4	Ash	Rear garden of 6 Falconwood Close

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)

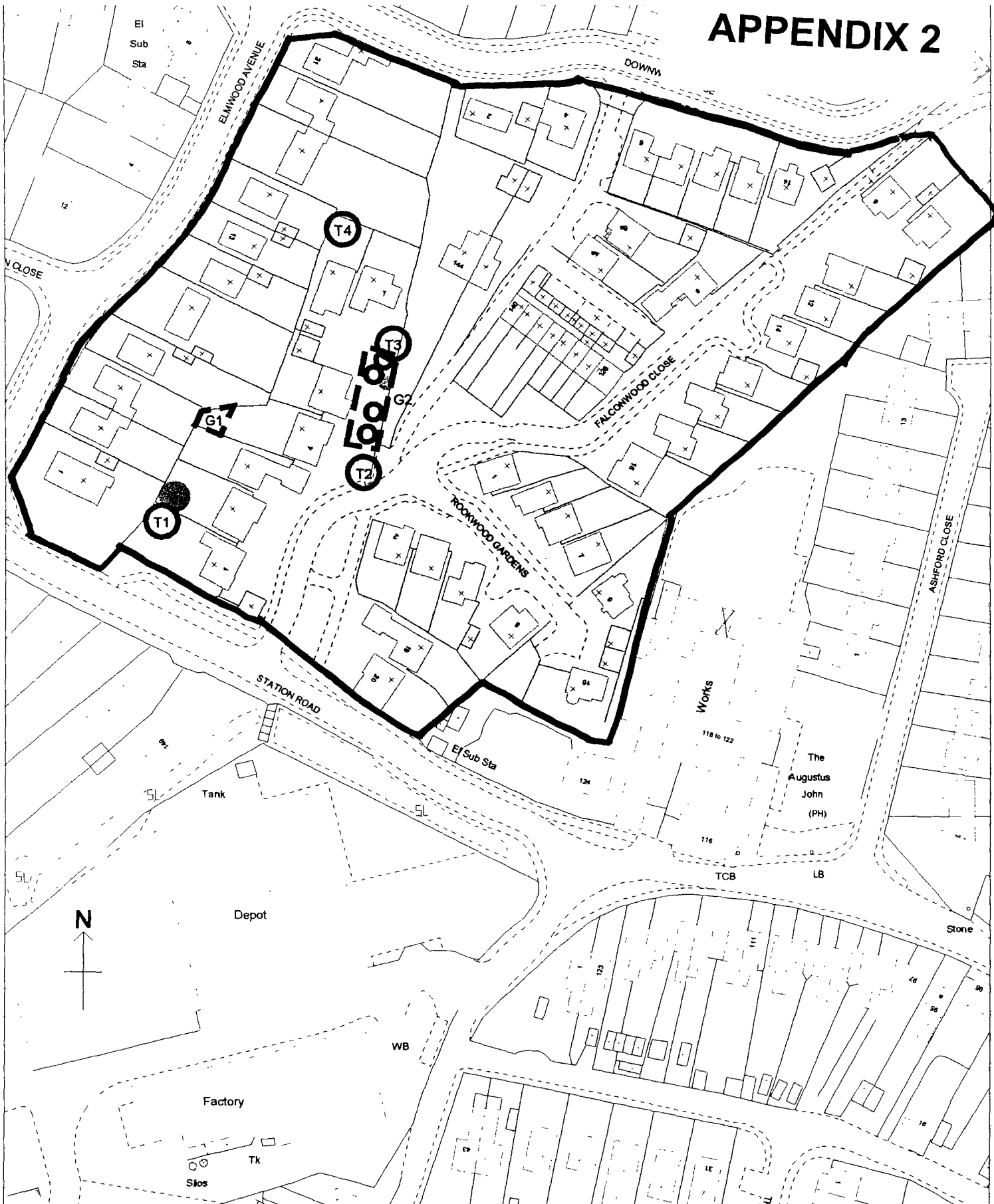
No. on Map	Description	Situation
G 1	2 x Pine	Rear garden 4 Falconwood Close
G 2	3 x Pine, 1 x Cypress	Land at front of 4-6 Falconwood Close

Woodlands

(within a continuous black line on the map)

No. on Map	Description	Situation
None		

APPENDIX 2



Community Services
 New Forest District Council
 Appletree Court
 Lyndhurst
 Hants
 SO43 7PA
 Tel (023) 80285000

Title Extent of consultation
 in respect of objection to TPO 17/03

Date
 14/10/03

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The Owners/Occupiers
4

DOWNWOOD CLOSE
FORDINGBRIDGE
SP6 1EA

My ref: JH/TPO/17/03
Your ref:
26 August 2003

Dear Sir/Madam

OBJECTION TO TREE PRESERVATION ORDER 17/03

In accordance with Government guidelines, the District Council is currently undertaking a review of 'blanket' Tree Preservation Orders (TPOs) which include all trees within an area marked on a plan. One such Order, No. 16/89, which includes trees in Falconwood Close, has recently been reviewed. As a result, this Order was revoked, and a new Order, No. 17/03, was served in its place. If you are affected by the original or replacement Orders you should have already received correspondence from me about this.

TPO 16/89 included blanket coverage of an area of trees that, since development, now lie within the rear gardens of 1 to 6 Falconwood Close. The new Order only protects individual trees or groups of trees, including two Pine trees in the rear garden of 4 Falconwood Close. On 21st May an objection to the inclusion of these trees was made and the District Council must now determine whether to confirm the Order with or without amendment. I am therefore writing to surrounding residents to invite you to make representation for or against the inclusion of these trees in the new Order.

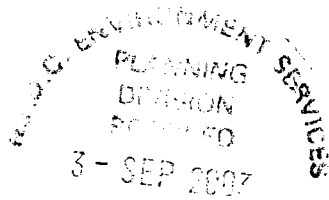
The grounds for objection to the inclusion of 2 Pine trees at the rear of 4 Falconwood Close is the threat they pose to people and surrounding property. The objector has cited the size of the trees in relation to the garden size, the proximity to buildings, the exposed siting of the trees in relation to prevailing winds, and the likelihood of root damage having occurred during development, in support of his objection. It has also been brought to our attention that a Pine in a neighbouring property fell in recent years. The objector has also confirmed his intention to plant a replacement tree such as Birch.

I would be grateful if you would address any comments to me within 7 days of the date of this letter, or you can email me on the address given below.

Yours faithfully

John Hearne
Arboriculturist

Tel: (023) 8028 5330
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk



17 Elmwood Avenue
Fordingbridge
Hants SP6 1DL

Re TPO 17/03

Aug 28 2003

Dear Mr Hearne,

I would like to lodge a qualified objection to the delisting and subsequent felling of the pine trees at 4 Falconwood Close.

My reasons for wanting to keep the trees are

I was among the first to seek protection for the trees when Brympton House came on the market many years ago. I argued then for their general landscape and habitat value. I still object to the needless felling of any healthy tree.

The trees in question were part of a larger group, some of which were blown down in the 'Hurricane' some years ago. Thus it could be argued that the remaining trees were the better rooted!

On the other hand with only two left it could be argued that visually they are a bit out of place and that a good replacement tree could enhance the garden in question and the view of all of us.

My preference is that the pines should stay.

Yours sincerely

Kay Sheppard

John Hearne

From: Elsie Tilburn
Sent: 28 August 2003 13:53
To: John Hearne
Subject: FW: Objection to Tree Preservation Order 17/03

-----Original Message-----

From: Tina Mulder [SMTP:tina.mulder@zen.co.uk]
Sent: 28 August 2003 12:52
To: pdi@nfdc.gov.uk
Subject: Objection to Tree Preservation Order 17/03

Attn: John Hearne,
Arboriculturist

I have no objection to the Tree Presevation Order being removed from the 2 Pine trees at the rear of 4 Falconwood Close, provided a replacement tree, such as a Birch, is carried out.

Jantina Mulder
3 Elmwood Avenue
SP6 1DL

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John Hearne

From: Elsie Tilburn
Sent: 01 September 2003 13:36
To: John Hearne
Subject: FW: Tree Preservation Order 17/03

-----Original Message-----

From: Howard Ratcliffe [SMTP:hs.r@which.net]
Sent: 31 August 2003 11:15
To: pdi@nfdc.gov.uk
Subject: Tree Preservation Order 17/03

Dear Sirs

Further to your recent letter regarding the above, I have no objection to the two pine trees to the rear of number 4 Falconwood Close being excluded from the TPO, with the following reservations:

- This shall not form a precedent for other individual trees to be removed
- That the pine trees to the front of Nos. 1 to 6 are not to be removed

Regards

Howard and Kate Ratcliffe

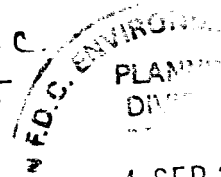
18 Falconwood Close
Fordingbridge

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John

No 9 Elmwood Ave
Fordingbridge
Hants
SP6-1DL.

New Forest D.C.
Appelree Court
Lymington.



- 4 SEP 2003

Dear Sirs.

Reference to your letter regarding Pine Trees at the rear of No 4 Falconwood Close Fordingbridge. We certainly object to the new T.P.O No 17/03. as we have always considered them dangerous. Only a few weeks ago we watched fearfully as they twisted and swayed in the wind

Yours faithfully
C. H. Whitley

Attn. John Ward,
New Forest District Council,
Appletree Court,
Lyndhurst,
Hants.
SO43 7PA.

3 Rookwood Gardens
Fordingbridge
Hants.
SP6 1TA

Tel. No. 01425 650644

28th. Aug. 2003

Dear Sirs,

Tree Preservation Order I7/03

We refer to your letter 26th. Aug. and comment that we are aware of the difficulties of adjacent high pine trees and their susceptibility to lightning strikes.

In this time of drought we also note that some local trees have suspect root damage and water retention problems.

We condone any removal of trees with the susceptibility as above and their proximity to houses so long as suitable mature replacements are planted.

Yours sincerely,



P. Griffin

D.H.G.&P.Griffin.

30.8.03

Mr E. Curtis,
15, Elmwood Avenue,
Fordingbridge,
Hampshire.

SP6 1DL

Dear Sir,

REF T.P.C. 17/03, I DO NOT
WISH TO SEE THE 2 PINE TREES AT THE
REAR OF 4, FALCONWOOD CLOSE TAKEN OUT
AS IT WOULD AFFECT THE ALREADY DE-
CLINE OF BIRDS THAT FREQUENT SUCH TREES.
REGARDING SIZE & ROOT PROBLEMS I FAIL
SEE IT CAN BE ANY WORSE THAN THE
SIZE OF TREE OR ROOT PROBLEMS THAT
WE ENCOUNTER IN OUR GARDEN AND WE
HAVE NO COMPLAINTS.

I THINK WHOEVER
IS COMPLAINING HAS NO REGARD FOR OTHER
PEOPLES LOVE OF TREES & WILDLIFE AND
THAT THE TREES SHOULD BE LEFT ALONE.

Yours Sincerely

Mr E. Curtis

Your Ref. JH/TPO/17/03

25-8-03

Dear Sir,

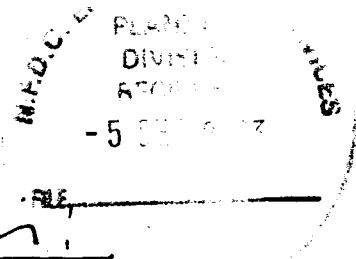
My wife and I are very apprehensive at the threat posed by the two Pine Trees in the garden of 4 Falconwood Close. During winter gales the trees skew alarmingly and because of their height would demolish any property in their path should they fall.

For peace of mind they should be felled and replaced by a more suitably sized and decorative tree.

Yours faithfully,

J. Mills





MS J Hancock
128 Station Rd
Fordingbridge
SP6 1DG
30.0.8.03

Attention:

Mr. J. Hearne

NFDC
Appletree Court
Lyndhurst
SO43 7PA

Ref: Tree Preservation Order 17/03

Dear Mr Hearne,

The trees in the rear garden of 4 Falconwood Close must be included in the new preservation order.

I believe the housing developer was selective about which trees should remain, since there was a Tree Preservation Order. The trees also gave a certain prestige to the new homes at "Falconwood"!!

Perhaps the "Objector" should move if he feels in any danger from trees that were here long before the developers arrived.

Yours Sincerely J Hancock



Trenewydd
1 Falconwood Close
Fordingbridge
Hants SP6 1TB

Tel: 01425 650945
Fax: 01425 658122

31 August, 2003

Mr John Hearne
Aboriculturist
New Forest District Council
Policy Design & Information
Appletree Court
LYNDHURST
Hants SO43 7PA

Dear Mr Hearne

OBJECTION TO TREE PRESERVATION ORDER 17/03

I note the contents of your letter of the 26 August regarding the pine trees in the garden of No. 4 Falconwood Close.

I fully support the gentleman's comments about the size of the trees in relation to his garden and danger posed by such large trees close to a house. We have a very large Corsican pine in our garden which is again to be included in the new proposed preservation order, so I fully sympathize with the tenet of his objection to the pines in his garden being protected by such an order.

The trees are oversized, intrusive, dangerous and not attractive - a birch or something similar would be a great improvement and probably then other plants and shrubs in the garden would stand a better chance of thriving.

I like trees and value their importance but, for the aforementioned reasons, I do not think these trees should be included in the new Order.

Yours sincerely

Handwritten signature of Lynda Woods.

Lynda Woods (Mrs)

Mr. Mrs. T. Edwards
7 Falconwood Close
Fordingbridge
Hampshire
SP6 1TB

Your Ref: JH/TPO/17/03

29 August 2003.

Mr John Hearne, Arboriculturist,
New Forest District Council
Appletree Court
Lyndhurst
Hampshire
SO43 7PA

Dear Mr Hearne

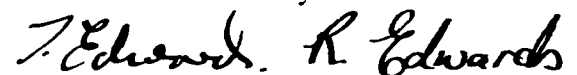
OBJECTION TO TREE PRESERVATION ORDER 17/03

Thank you for your letter dated 26 August 2003, regarding the two pine trees, subject to the above Preservation Order, situated in the rear garden of No 4 Falconwood Close.

We agree totally with the observations of the objector with regard to these trees. We have a clear view of them from the front windows of our property and have seen them on occasions during strong westerly winds, swaying alarmingly. Both trees are more than twice the height of the nearest house and could cause considerable damage to this house, No 3, to the house at No 4, and to the bungalow at No 5 Falconwood Close, with the risk of serious injury to the occupants of these properties should they be blown down.

We would therefore be in favour of their removal.

Yours faithfully



Trevor and Rosemary Edwards.

To John Hearn
N.F.D.C.

John Parker
8 Downwood Close
Fordingbridge
Hants SP6 1EA
28/8/03

Dear Sir

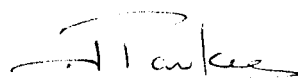
your letter dated 26/8/03 ref JH/TPO/17/03 headed
Objection to Tree Preservation Order 17/03

We have lived in Downwood Close ever 20 years and
suffered the loss of many trees when Falcon Close and
the rest of the area was developed.

We certainly object to losing more trees in this area.
The owners of the properties would have been aware of
these trees and the preservation order when they agreed
to purchase, and although you state the objector intends
to plant replacement tree, I am sure you have been
told this before and it does not happen, or at least
with any visible trees.

As a further observation, other trees on this estate
have had ground reduced and roots cut back to such
an extent that other householders will soon be wanting
them removed

yours faithfully



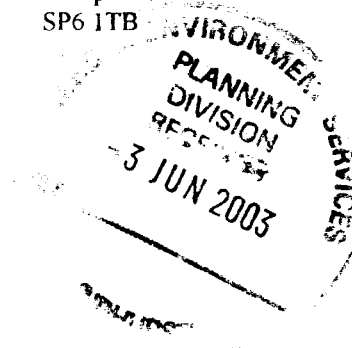


APPENDIX 3

John and Kerry O'Neill
4 Falconwood Close
Fordingbridge
Hampshire
SP6 1TB

30th May 2003

Your ref: TPO 17/03 & 16/89
No. on Map - G1
2 x pine at rear of above property



Dear Sir/Madam,

Thank you for your communication dated 21st May 2003 concerning the Tree Preservation Order (TPO) pertaining to the above address and other land of Falconwood Close, Fordingbridge in Hampshire.

We would like to lodge our objections to the inclusion of the two pines at the rear of our property (4 Falconwood Close) in a Tree Preservation Order. Whilst the two trees at the front of our property, detailed as part of G2 in the TPO, form an integral part of the estate and provide an attractive environment the two trees at the rear of the property (G1) have no visual benefit to the local area as far as we can see.

Several of our neighbours have approached us with major concerns over the trees and their safety. Since the new estate, which consists of Falconwood Close, has been built, there are now approximately eight houses within 'falling' range of the tree. One of the adjoining households can remember when there were three Pine trees before one fell over in a storm, so as you can imagine we see this as a justified concern. In high winds, the amount of movement in the trees is substantial with quite an amount of branch debris being deposited on the ground.

The TPO change from 16/89 to 17/03 has had similar trees removed from the rear of 2 Falconwood Close and also trees at the front of 1-3 Falconwood Close. To remain consistent the trees at the rear of our property should also be removed from the TPO, especially as they are not native trees.

In short, we believe there is no visual benefit of keeping the trees, the precedent has been set for the removal from the TPO of this type of tree and a safety issue.

Yours sincerely

Handwritten signature of John and Kerry O'Neill.

John and Kerry O'Neill

Handwritten signature of Kerry O'Neill.

Mr and Mrs O'Neill
4 Falconwood Close
Fordingbridge
Hampshire
SP6 1TB

My ref: JH/TPO17/03
Your ref:
30 June 2003

Dear Mr and Mrs O'Neill

PINE TREES AT REAR OF 4 FALCONWOOD CLOSE, FORDINGBRIDGE

I refer to your letter dated 30th May objecting to the inclusion of the above trees in the recently served Tree Preservation Order (TPO) 17/03. Please accept my apologies for the inordinate delay in responding on this occasion.

I am processing your letter as a formal objection which, if not resolved earlier, will be determined by an 'Appeals Panel' of Councillors. Briefly, the procedure involves the Panel meeting on site to view the trees followed by a formal meeting where the reasons for your objection will be fully considered and a decision made. You will be invited to attend the meeting and will have an opportunity to make further representations if you wish. All those served with the Order will also be invited and can speak if they wish to.

We often find that objections to TPOs can be resolved before the Appeals Panel meets and, to this end, I thought it might be useful if I were to visit and we could inspect the trees more closely and discuss the problems and anxieties you and your neighbours may be experiencing. Unfortunately I have been unable to contact you on the telephone and would be very grateful if you would contact me on the number given below so that we can arrange a convenient time for me to visit.

Yours sincerely

John Hearne
Arboriculturist

Tel: (023) 8028 5330
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk