

OBJECTION TO TREE PRESERVATION ORDER NO. 121/03 LAND OF GLENFOLLY, HARE LANE, HORDLE

REPORT OF COUNCIL'S TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- 1.1 Tree Preservation Order (TPO) No. 121/03 was made on 16 October 2003.
The TPO plan and first schedule are attached (Appendix 1). The Order protects two Oak trees denoted as T1 and T2.
- 1.2 On 13 October 2003 a local tree surgeon called the Council with information that a large Oak tree was being removed at 67 Ashley Lane, Hordle. Although the tree was not protected by a TPO, the Tree Officer visited the site on 13 October and found that the tree had already been pruned to such an extent that it was no longer suitable for inclusion in a Tree Preservation Order. It was subsequently felled. Following a discussion with the owner of 67 Ashley Lane, it was established that the very prominent oak tree had been removed due to problems with shading.
- 1.3 At the same time it was noted that there were two mature oak trees about 50-70 years old in the adjacent garden, Glenfolly. Due to the loss of the large Oak described in paragraph 1.2, the two oaks at Glenfolly had become more prominent. In addition, the Tree Officer was concerned that they were potentially under threat of removal for the same reason that the other tree had been felled. Following an inspection of the two trees, it was concluded that they were suitable for inclusion in a TPO and denoted as T1 and T2 of TPO 121/03.
- 1.4 On 10 November 2003 the owner occupier of Glenfolly wrote to the Council objecting to the TPO. This letter and the tree officer's response are attached
(Appendix 2). Following further correspondence Mrs Jenkins wrote again on 22
January 2004 stating that she wished to maintain her objection (Appendix 3).

2. THE TREES

- 2.1 The trees in question are two English Oak trees, (*Quercus* species). They stand in the rear garden of Glenfolly, Hare Lane, Hordle.
- 2.2 The trees are approximately 13 metres in height and are considered to be about 50-70 years old. The two trees stand side by side and the crowns intertwine.
- 2.3 In the opinion of the Council's tree officer, both trees appear to be in a sound and healthy condition with no obvious defects visible at the time of inspection. Mrs Jenkins wrote a letter dated 6 November 2003, with regards to the structural

safety of the trees. This letter and the Council's response are attached (Appendix 2).

2.4 The trees can be seen from surrounding houses and public roads. These trees are visible from Ashley Lane, Blenheim Crescent, Pinewood Road, Windsor Close and Hare Lane. These viewpoints are shown on the plan (Appendix 4).

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3. THE OBJECTION

A copy of the objection is included as Appendix 3.

3.1 Mrs Jenkins' grounds for the objection are:

- The TPO prevents access to the garden for further development
- The trees make no impact on the local environment
- The roots of these trees will become entangled and destabilise each other
- The council does not carry out regular surveys to ensure there is no deterioration of the trees
- As the trees increase in size the degree of shading will also increase.
- One of the Oak trees is leaning and may become unstable as the tree increases in size.

4. OBSERVATIONS ON THE GROUNDS OF THE OBJECTION

4.1 All of the reasons for Mrs Jenkins objecting to the Order in 3 above have been addressed in the Council's letter dated 1 December 2003 and included as

Appendix 3.

5. FINANCIAL IMPLICATIONS

5.1 If TPO 121/03 is confirmed, there will be the cost of administering the service of the confirmed TPO and any subsequent tree work applications.

5.2 If TPO 121/03 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.

6. ENVIRONMENTAL IMPLICATIONS

6.1 The premature removal of these Oak trees at this time would have a detrimental effect on the appearance of the local environment. The trees offer considerable public amenity benefit. The appearance of the crowns of these trees as a skyline feature, help to soften the view of man made geometry, especially from

Ashley Lane, Blenheim Crescent and Pinewood Road are of considerable public benefit.

7. CRIME AND DISORDER IMPLICATIONS

7.1 There are no Crime and Disorder implications arising from this report

8. RECOMMENDATION

8.1 It is therefore recommended that TPO 121/03 is confirmed without amendment to include both T1 and T2 on the grounds that both trees provide public amenity value and are contributing to the appearance of the landscape locally.

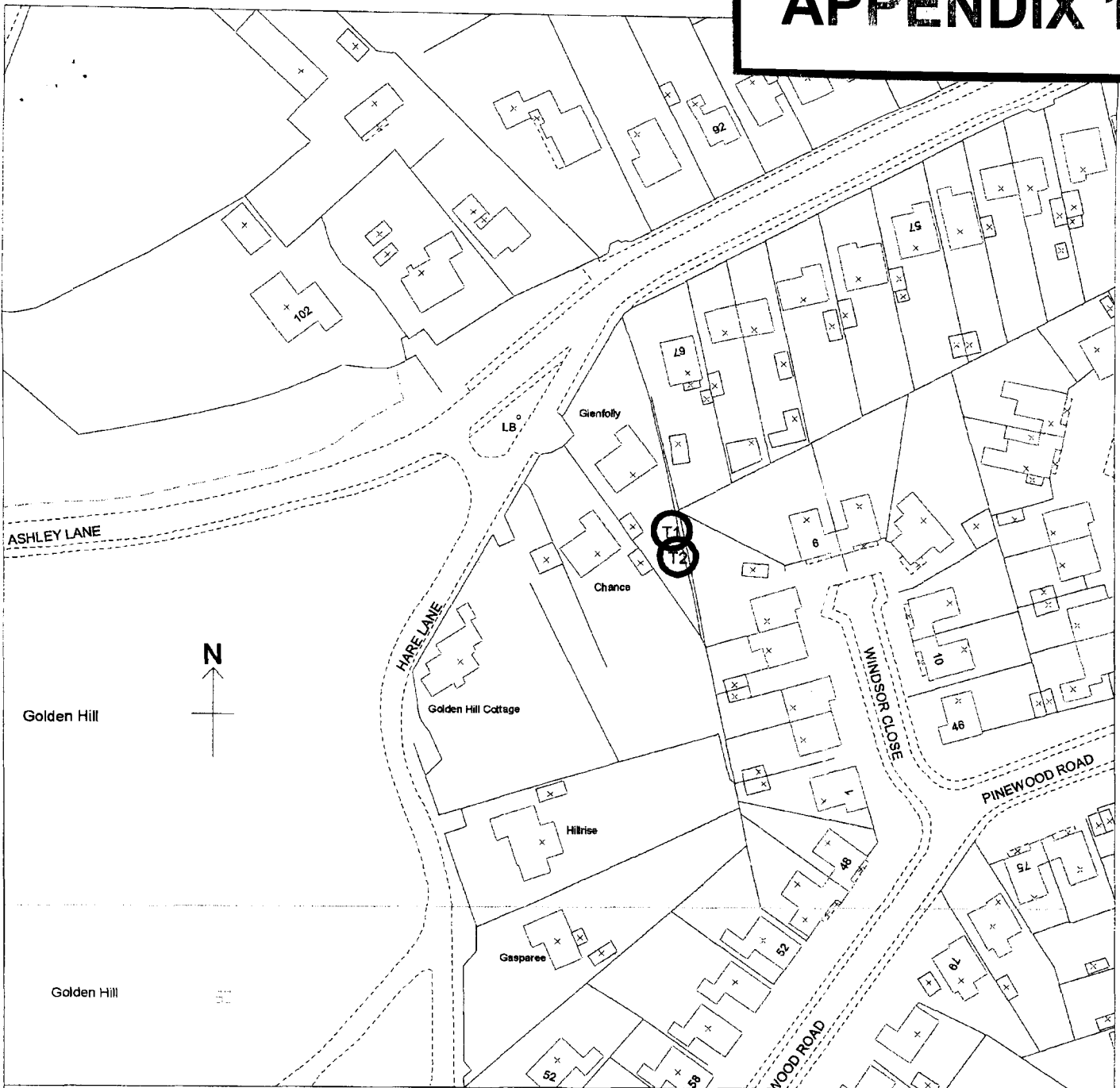
Further Information:

Mark Hines
Arboriculturalist
Telephone: 02380 285327

Background Papers:

Tree Preservation Order No. 121/03

APPENDIX 1



Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 121/03

Approximate Scale: 1-1250

Date Printed: 14th October 2003

W John Ward BSc, MCD, MBA, MRTPI, MIMgt
 Head of Policy, Design & Information
 Community Services Directorate
 Appletree Court
 Lyndhurst
 SO43 7PA



New Forest
 DISTRICT COUNCIL

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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SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

No. on Map	Description	Situation
T1	Oak	Positioned in the rear garden of Glenfolly.
T2	Oak	Positioned in the rear garden of Glenfolly.

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
None		

Woodlands

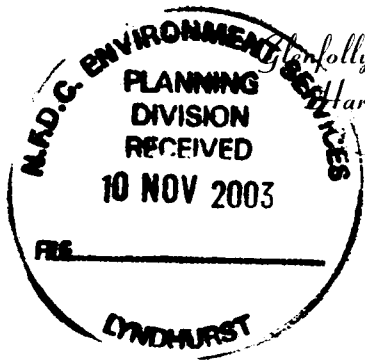
(within a continuous black line on the map)

No. on Map	Description	Situation
None		

APPENDIX 2

Replied on 12th Nov 03.
121/03

Mr. Hines,
Arboretum
Ince Team
Arboretum Ground
Lynnhurst.
SO43 7PF.



Woolly
Hare Lane
Hordle
Lymington
Hants SO41 0GE

6th Nov, 2003

Dear Mr. Hines,
When we expected on Monday 13th October you were going to undertake an exploratory bore on T1 oak in my garden.
As you know, I was about to go on holiday & therefore unable to see you on the Tuesday.
However, I would expect to be written report on your findings & notice of any implications relevant to your findings.
A response by return of post would be appreciated as I have just returned from holiday & do find I have only up to 13th November to respond to the TAP order.

Yours sincerely,
E. G. Jenkins
(Mrs. G. M. Jenkins)

Mrs Jenkins
Glenfolly
Hare Lane
Hordle
Lymington
Hants
S041 OGE

My ref: TPO:121/03
Your ref:

12TH November 2003

Dear Mrs Jenkins

RE: TREE PRESERVATION ORDER (TPO) 121/03 .

I am writing to you in response to your letter dated 6th November 2003, concerning T1 of TPO 121/03.

T1 was inspected and tested for the presence of decayed wood on the 14th October 2003. A Sibert drill was used to drill very small holes in to the trunk of the tree. Four sample drillings were taken at different points around the base/trunk of the tree.

The Sibert Drill is used to measure the resistance of wood fibres to the consistent pressure of the probe. Great resistance to the probe is an indication of sound wood fibres. Little to no resistance to the probe indicates degraded wood fibres.

T1 showed no significant areas of wood fibre degradation from any of the four sample probes. The tree was therefore considered to be in a safe condition to include in a Tree Preservation Order.

I trust that the information provided is sufficient in response to your concerns.

Yours Sincerely

Mark Hines
TPO Review Officer

Tel: (023) 8028 5328
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

APPENDIX 3

Mark Hines
TPO Review Office
NEPC
Appeals Board
Lymington SO43 7TA



M.H. requested J.D.
to contact Mrs. J. to
arrange Appeals time
Glenfolly
Hare Lane
Hordle
Lymington
Hants SO41 0GE

22nd Jan, 2004

Your kind TPO 121.03.4

Dear Mr. Hines,

I feel there is nothing to be achieved by any
further discussion between ourselves & therefore
wish to go along the route of a hearing as
that I may put my point of view to
unbiased ears

I await your response.

Yours sincerely,

(Mrs. E.M. Jenkins)

12 NOV 2003

Glenfolly, Hare Lane
Hordle, Lymington
SO41 0GE

10th Oct., 2003-
Nov?

Your ref.MH/mac/TPO 121/03

Mr. Hines NFDC Arboriculturist

Tree Team
Appletree Court
Lyndhurst SO43 7PA

Dear Mr. Hines

Tree Preservation Order (TPO)

Further to the communication from Mr Caldwell on 16th October 2003 re the above property, I wish to register my objections to the above order.

I understand this TPO has been placed on the two oak trees in my rear garden on the grounds of 1) to ensure the appearance of the local environment and 2) to prevent access to the property for further development.

Taking the second reason first, any examination of the shape of the back garden would make it quite obvious the area is far too small and quite the wrong shape for further development.

As for the first reason, the impact on the environment, my trees are not among a cluster of trees where cutting them down would create an unsightly gap. If they were among the trees in the copse at the top of Golden Hill, for example, any removal of trees from there would impact on the appearance of the local environment.

I do feel this TPO has been placed on these trees in a great flurry of enthusiasm without being fully thought through.

For example, the two oaks are very close together and as the trees continue to grow, at some point the roots will become entangled and destabilise either one or both trees thereby being a possible danger to surrounding properties. In such an event the Council will have no legal responsibility but I, the householder, will. Also, the Council to the best of my knowledge, do not carry out regular surveys to ensure there is no deterioration of the trees, again removing themselves from any liability.

In addition, as the years pass the trees will cause greater overshadowing of my property and those around me thereby affecting growth of other plants. Such trees are really not suitable to have in small gardens when they become very old and oaks live to substantial ages! Such factors ought to be taken into consideration when the Council agrees to property development.

As you know, I was about to go on holiday when you inspected the trees hence the delay in my response to the TPO Order. However, as you were to carry out a small bore inspection on TP1 I would have expected a written report from you on your findings and did in fact, ask for this immediately on my return. I have not received any such information to date. This I would have expected as a matter of courtesy as well as my entitlement given it concerns my property. Also, if you remember I did point out to you that particular tree is leaning slightly which, as the tree grows, I believe will mean the lean will increase and the tree become more unstable. I would appreciate your opinion on that.

I look forward to hearing further from you on this matter.

Yours sincerely,

Emily Hines

(Mrs G. M. Hines)

cc: Mr. Caldwell

Mrs Jenkins
Glenfolly
Hare Lane
Hordle
Lymington
Hants
S041 OGE

My ref: TPO:121/03.3
Your ref:

1st December 2003

Dear Mrs Jenkins

RE: TREE PRESERVATION ORDER (TPO) 121/03 .

I am writing to you in follow up to my last letter, dated 13th November 2003, concerning TPO 121/03.

I had hoped that we may of taken the opportunity to meet on site and discuss your reasons for objecting to the Order. However, I would like to take this final opportunity to explain the reasons for the trees inclusion in a TPO and attempt to reassure you that your reasons for objecting have been considered.

I would like to respond to your reasons for objecting to the Order as follows.

1: To prevent access to the garden for further development.

Response: We did not make the order in respect of proposed development. In the letter Sent to you on 16th October 2003, the Council states in the fourth paragraph first page, that The Order has been made because, the premature removal or extensive pruning of the Trees' would be detrimental to the appearance of the local environment.

2: To ensure the appearance of the local environment

Response: The trees' in your garden are a very prominent feature on the landscape. The trees' improve the aesthetic value of the area and soften the view of man made geometry and therefore contribute to the amenity value of the area. The trees' can be seen from Windsor Close, Pinewood Close and from Ashley Lane. The removal of these trees would cause a reduction of amenity value locally.

3: Position of trees in relation to each other

Response: It is possible that the root systems of these two trees will share soil space crossing in places, and possibly also grafting. Trees are often planted or grow naturally close together, examples are trees used to form a windbreak, high hedges, woodlands etc. These trees will obviously share soil space and possibly the roots of the same species will graft together, In my experience trees more often than not do share soil space. I would not consider this to be a Problem that would cause the trees to destabilise each other.

4: Responsibility for the trees

Response: We do not carry out surveys of trees in private ownership. The land owner in which the tree stands is responsible for all matters concerning the tree.

If the owner considers that the tree has become unsafe, they may apply to fell the tree and an officer of the council will duly consider the evidence. If we refuse consent to fell a tree with obvious defects, that where reasonably foreseeable and the tree later falls, damaging property or injuring persons the council could be liable. Any defects in the tree/s, that is brought to our attention will be given serious consideration.

5: Shading of property and plants

Response: A Tree Preservation Order is not put on trees to prevent any further appropriate work. We would encourage a good proactive management policy. We understand that trees in close proximity to homes etc, may need to be pruned. I and other officers, would be happy to advise you of the best management policy to adopt.

6: Leaning Tree

Response: I have assessed both of the trees in your garden. I did not find on inspection any reasons why either of the two trees should fail/fracture or fall at present. I think that the leaning tree, has slowly grown in this direction due to sun light demand. Should the lean/angle of the tree become more severe in the future, on your request/tree work application, an officer from this council can view the evidence and make a decision based on his findings.

I trust that the information provided is sufficient in response to the comments contained in your letter dated 10th October 2003.

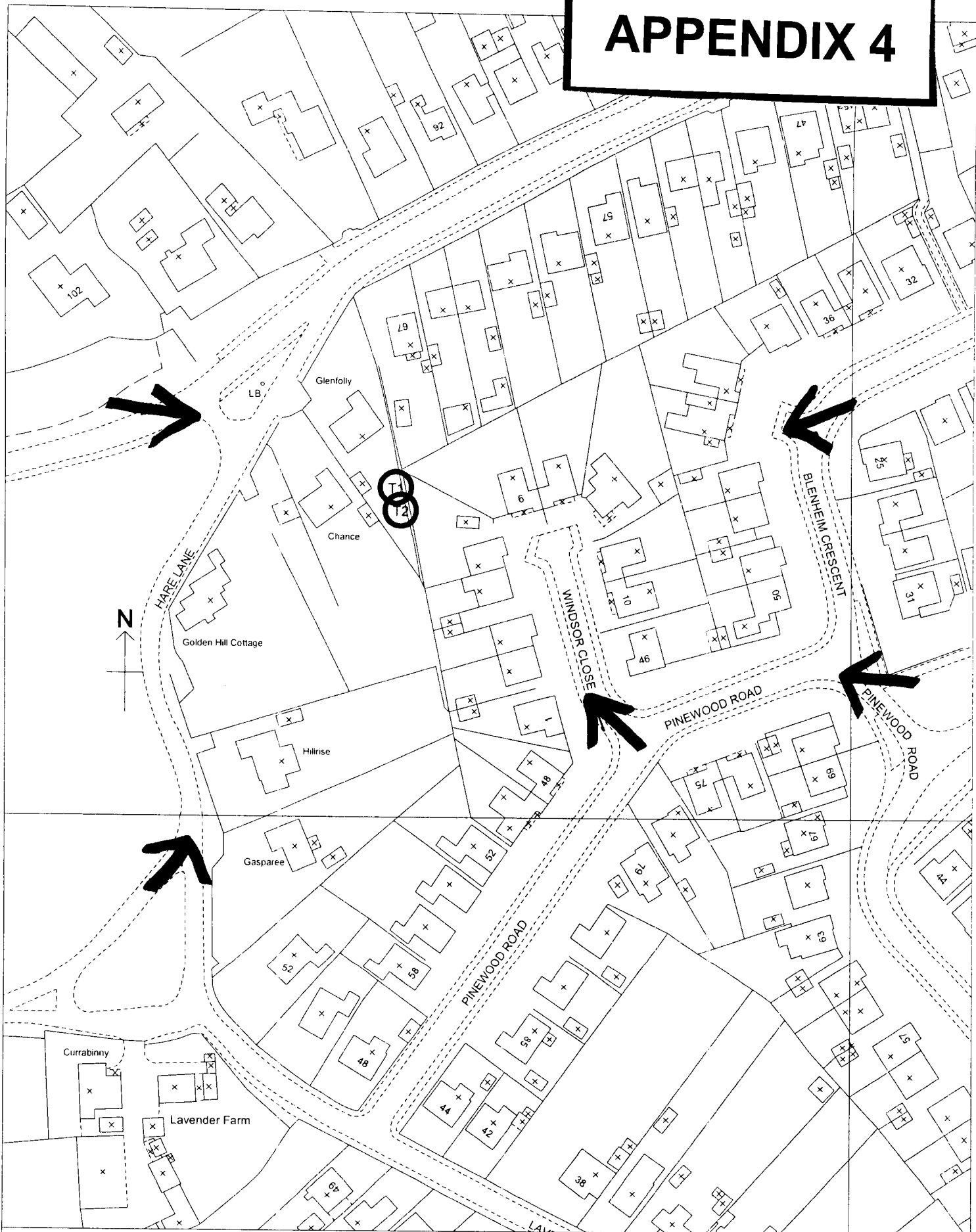
A response stating your intentions would be appreciated at this point in time. If you wish to pursue your objections formally, a hearing will be arranged in order that your objections can be heard.

Yours Sincerely

Mark Hines
TPO Review Officer

Tel: (023) 8028 5328
Fax: (023) 8028 5223
Email: pdi@nfdc.gov.uk

APPENDIX 4




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

Title 121/03 view ponts	↑ 5
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