

15 OCTOBER 2004

NEW FOREST DISTRICT COUNCIL

APPEALS PANEL

Minutes of a meeting of Appeals Panel held at Town Hall, New Milton on Friday, 15 October 2004.

Councillors:

p K F Ault
p Miss P A Drake
p Mrs M Humber

Councillors:

p Sqn Ldr B M F Pemberton
p G M Walmsley

In Attendance:

Councillor:

Mrs S I Snowden

Officers Attending:

Miss J Debnam, R Lewis and B Wilson.

16. ELECTION OF CHAIRMAN.

RESOLVED:

That Cllr Ault be elected Chairman of the meeting.

17. DECLARATIONS OF INTEREST.

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

18. TREE PRESERVATION ORDER 54/04 – LAND OF ST GEORGES DRIVE AND POPLAR LANE BRANSGORE (REPORT A).

The Panel considered an objection from Mr Splatt to the inclusion of a holm oak tree, situated within his property Lysways, within Tree Preservation Order 54/04. The Order covered a wider area of properties in Poplar Lane and St Georges Drive, Bransgore. It was a group order which protected 17 oak, 1 holm oak, 13 pine, 2 poplar and 1 birch trees. The tree which was subject to objection, a holm oak tree, was the only one which was in the grounds of Lysways.

The meeting has been preceded by a site visit to allow members of the Panel to establish the geographical context of the protected tree and to form an opinion of its health and amenity value. During the site visit they had been invited, by Mrs Splatt, to view the tree within her rear garden. She had asked that particular note should be taken of an old wound in the base of the tree. She had also drawn attention to a red oak tree within the rear garden which was protected by a separate Tree Preservation Order.

Prior to commencing the formal hearing members delayed the start by 10 minutes to allow Mr or Mrs Splatt the opportunity to attend should they so wish.

The Panel was advised that it was within their power to confirm, modify, or decide not to confirm this Order. They were not obliged to be confined to the tree which was subject to this objection.

Members examined the evidence which had been submitted, in writing, by Mr Splatt to support his objection. In answer to questions they were advised that the Tree Preservation Order had been made, at this time, as a recent inspection by one of the Council's Tree Officers had revealed considerable discrepancies between an old Order, made in 1984, and the current situation with respect to trees. It had therefore been decided that it was opportune to revoke the old Order and replace it with a new, up to date Order. As a consequence, trees which had not previously been covered by the Tree Preservation Order had become protected, in light of the changing situation since 1984. The expediency test was satisfied by the need to replace the original Order and pressures, elsewhere within that Order, to fell trees. In response to further points raised by Mr Splatt, the Panel was advised that the Tree Preservation Order was the only means available through which to protect significant trees. This particular tree was visible from Poplar Lane and, when the oaks had shed their leaves, was also partially visible from St George's Drive. There was no money to subsidise the management of the tree, which was in private ownership, from the public purse. That was the situation with respect to all protected trees. The imposition of the Tree Preservation Order did not alter the responsibilities on the owner to maintain it. The imposition of the Tree Preservation Order did not prevent pruning and maintenance works. The only requirement was that consent should be sought in advance. There were advantages to the tree owner in such a situation in that the Council provided an impartial assessment of the need for any suggested works.

Mr Wilson, the Council's Arboriculturist, reminded members that during the site visit Mrs Splatt had been keen to point out the condition of the red oak tree within the rear garden of Lysways. This was subject to a separate Tree Preservation Order. Mr and Mrs Splatt had sought permission to fell that tree in the past but negotiations on this issue had never progressed.

With respect to the stability of the holm oak tree, which was one of the grounds for objection, the tree had been inspected by the Council's Tree Officers. There was a cavity from an old pruning wound which extended into the trunk. The pruning wound was surrounded by healthy tissue and this had grown sufficiently around the cavity that there was no danger that the tree's structural stability was compromised to a significant degree. The tree was growing vigorously which was a further indication of its health. There was a need for the tree to be monitored, but in Mr Wilson's professional view the damage was not sufficient to warrant felling. It would be possible to negotiate to reduce the density of the crown of the tree, by reducing the length of branches and some branch removal. This would not be unreasonable and would meet some of the concerns being expressed by the neighbour, Mr Quinton.

The Council's Tree Team would continue to inspect the tree, on a regular basis, if requested to do so by Mr and Mrs Splatt, in order to advise on its health and stability.

Mr Wilson commended the Panel to confirm the Order without amendment, on the grounds of the amenity value of this tree.

The Chairman then closed the hearing.

The Panel was satisfied that the group of trees provided significant amenity value to the area and that this holm oak tree was an integral part of the group. There was no evidence to suggest that its health or structural stability was in anyway compromised and it was accordingly

RESOLVED:

That Tree Preservation Order 54/04 be confirmed without amendment.

CHAIRMAN

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