

5 NOVEMBER 2004

NEW FOREST DISTRICT COUNCIL

APPEALS PANEL

Minutes of a meeting of Appeals Panel held at the Town Hall, High Street, Fordingbridge on Friday, 5 November 2004.

Councillors:

p K F Ault
p C Baker
p F R Harrison

Councillors:

p J Penwarden
p L R Puttock

Officers Attending:

M Appleton, Miss J Debnam, B Wilson.

Also Attending:

Mr and Mrs Allpress – Objectors
Mr Turner – Objectors' Arboriculturist
Parish Councillor S Hall – Woodgreen Parish Council

23. ELECTION OF CHAIRMAN.

RESOLVED:

That Cllr Ault be elected Chairman for the meeting.

24. DECLARATIONS OF INTEREST.

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

25. OBJECTION TO TREE PRESERVATION ORDER 37/04 – LAND OF 3 ST GEORGE'S COTTAGES, WOODGREEN, FORDINGBRIDGE (REPORT A).

The Panel considered an objection from Mr and Mrs Allpress to the protection on an ash tree growing within their front garden, and designated as T1 within Tree Preservation Order 37/04.

The meeting had 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.

Mr Allpress advised the Panel that the ash tree was an inappropriately large Forest species which was growing in his small front garden in very close proximity to the house. It also adversely affected a neighbour's property and they complained frequently about leaves being dropped and over-shadowing. Ash trees were not unusual within the village and the amenity value of this particular tree should not therefore be considered to be increased by rarity value. The ash tree, as it grew, was causing cracking and raising of the pathway and, as a consequence, creating a pool of water by the front door every time it rained. He suggested that the visual amenity provided by the tree was grossly over-stated. The tree was disproportionate to others in the area. Other properties which had been built at the same time had, as part of the landscaping scheme, smaller ornamental species planted in the front gardens. This ash tree was an exception, and believed to have been a mistake at the time. Mr and Mrs Allpress had considered the situation very carefully, having lived at the property for some five years. They had, in the past, pruned the tree to manage it and had lived happily with the situation for some time. The tree had however grown very significantly and was creating an ever greater problem which they did not feel could be contained within the longer term. Each successive pruning of the tree decreased its amenity value. Mr Allpress submitted to the meeting a letter from the neighbour setting out his objections to the continued presence of the ash tree. The ash tree was a high maintenance species and dropped a lot of leaves. At present there were particular problems with the leaves blocking guttering.

Mr Turner, Mr and Mrs Allpress' Tree Surgeon, advised the Panel that he had pruned this tree some five years ago when the current owners had moved in. It had been a requirement of the mortgage company at the time that the tree should be trimmed back from the house. The tree had changed very significantly in the intervening period and now overshadowed the house entirely. It was only 11ft from the corner of the property, with the canopy now extending well over this house and towards the roof of the semi-detached neighbour. The roots were present throughout the garden and there was a possibility that they were causing damage to the foundations which may become evident in the future.

Mr Turner pointed out that the tree had been pollarded at some time in the past which had created the current grown form, with multiple branches originating from a central core area. This had created a wide spreading crown with the majority of the foliage towards the outside. This pattern of foliage cover, which in high winds could create disproportionate torque forces on the branches; together with the risk of introducing disease every time the tree was subject to significant pruning, meant that this tree could not be regarded as being as healthy and stable as a previously unmanaged specimen of the same size. Trees that had been pollarded were more liable to shed major branches in high winds.

In addition, the pattern of growth following the pollarding, with the wide spreading crown, limited the tree surgeon's ability to create an aesthetically pleasing shape and form if the crown was thinned or pruned. There were few growing points, further back within the crown, that could be cut back to. He doubted that it would be possible to maintain the amenity value of this tree for more than one or two further pruning sessions. The tree would need to continue to be pruned every five years or so.

In answer to questions from Mr Wilson, Mr Turner confirmed that the tree was currently in a sound and healthy condition and showed no signs of disease.

Members explored the technical constraints on crown thinning and crown lifting, as they could be carried out on this particular tree, with both Mr Turner and Mr Wilson.

In answer to questions, Mr Allpress also confirmed that he and his wife had initially liked the tree and had sought to retain it. It was only in recent times that they had become concerned about retaining it, as the tree became larger and harder to manage.

Mr Wilson, the Council's Arboriculturist, drew member's attention to the significant amenity value of the tree which was an outstanding feature within the village centre of Woodgreen. Unusually, there were no large specimen trees within the public areas of the centre of the village and all the other trees in the vicinity were of small ornamental species. This was therefore an outstanding tree of unusual characteristics for the immediate environment. Mr Wilson advised the Panel that the test of expediency was satisfied as the owners of the tree had submitted notice of their intention to fell, as was required under the Conservation Area legislation.

Mr Wilson advised the Panel that it was possible to maintain the tree in a safe condition and of an appropriate size, through pruning, crown lifting and crown thinning at regular intervals of about every five years. Its removal, and replacement with a small ornamental species, would not provide an equivalent amenity value, even in the medium term, as it would take a significant period for a replacement tree to reach equivalent stature. Mr Wilson considered that this was an appropriate species to be growing within the village of Woodgreen and could be safely retained provided it was properly managed.

In answer to questions from Mrs Allpress, Mr Wilson confirmed that it was possible to do works to the tree, once it was subject to a Tree Preservation Order, but consent would need to be sought on each occasion through a Tree Works Application. The advantage to the owner of the tree, was that, in response to the Tree Work Application, the Council's Arboriculturist always visited the site and would give advice, free of charge, on what needed to be done.

Parish Councillor Hall advised the Panel that Woodgreen Parish Council was unanimous in their support for the application to fell the tree. They considered that the tree was an inappropriately large species which was right by the front door of the property. Trees were not lacking within the village of Woodgreen and this ash tree therefore did not attract any rarity value. Felling the tree would not significantly damage the amenity value of the area. The Parish Council was satisfied that this tree had been planted, on this plot, in error, in the first instance. It was oppressive and pruning would only delay the inevitable need to remove it in the longer term.

In summing up, Mr Wilson reminded members of the significant amenity value of this tree which had no others of similar scale and form within the immediate vicinity. He felt that it did have sufficient amenity value to warrant its retention and it could be maintained in a safe and reasonable condition, and of a reasonable size, in at least the medium term.

In summing up, Mr and Mrs Allpress reiterated their belief that this was an inappropriately large tree within a small garden which was causing significant harm to their property. It was getting increasingly harder to manage the tree in a manner which maintained any amenity value at all and a requirement to retain it and prune it would only delay the inevitable need to remove it in the longer term.

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

In considering whether or not to confirm the Order, the Panel debated the current amenity value of the tree and the ability to retain it, through suitable management, with good amenity value in the longer term. They were satisfied that the tree would retain good amenity value for at least two further prunings and therefore its retention could be justified, at least for the time being. It was recognised however that, in the longer term, the situation may have to be reviewed, if necessary management works devalued the amenity value of the tree in its local environment to a critical extent.

RESOLVED:

That Tree Preservation Order 37/04 be confirmed without amendment.

CHAIRMAN

(AP051104(TPO37))