



**OBJECTION TO TREE PRESERVATION ORDER NO. 37/04**

**LAND OF 3 ST. GEORGES COTTAGES, WOODGREEN,  
FORDINGBRIDGE**

**REPORT OF COUNCIL TREE OFFICER**

**1. TREE PRESERVATION ORDER HISTORY**

- 1.1 Tree Preservation Order (TPO) No. 37/04 was made on 7 May 2004.  
# The TPO plan and first schedule are attached as Appendix 1. The Order protects one ash tree (T1).
- 1.2 The order was made following notification of intent to fell the ash tree, which stands in the Woodgreen Conservation Area. Following an inspection of the tree, the Council's tree officer felt that removal of the tree would be detrimental to the appearance of the local environment but that some pruning would be appropriate. TPO 37/04 was made to protect the tree but some specific pruning was permitted.
- # 1.3 The application, decision and other relevant correspondence are attached as Appendix 2.

**2. OBJECTION**

- 2.1 On 6 June, Mr Allpress, the occupier of 3 St Georges Cottages, telephoned the Council to object to the TPO. Following that telephone conversation, Mr Allpress wrote to the Council in a letter dated 7 June to clarify his reasons for objection as discussed by telephone and including a coloured photograph of the tree in full leaf.
- 2.2 Mr Allpress listed six reasons for objecting to the TPO:-
  - 1 The tree was inappropriately planted in a small garden and very close to the house
  - 2 Ash trees are not uncommon in the area
  - 3 The roots have already raised and cracked a front path
  - 4 There are branches resting on telephone wires
  - 5 The shade inhibits the growth of neighbour's lawn and it is difficult to grow anything else.
  - 6 Neighbours complain about the leaves every autumn.
- 2.3 On 22 October, Woodgreen Parish Council wrote in support of removing the ash tree, because of its proximity to the house and likelihood of its causing damage in the future.

- 2.2 Unfortunately Mr Allpress's letter of 6 June was filed with the tree work application record and not with the TPO file. As a result it did not come to the attention of the Council's tree officer as a written objection. However, knowing that Mr Allpress had telephoned an objection to the TPO, the Council's tree officer wrote on 17 September to seek clarification about the status of his objection. Following a further telephone conversation with Mr Allpress, it became clear that his letter of 6 June had been misfiled and that Mr Allpress wished to maintain his objection.

### **3. THE TREE**

- 3.1 The tree in question is an ash (*Fraxinus excelsior*). It stands close to the south west corner of the house at 3 St Georges Cottages, and its branches overhang the garden and house as well as the garden of the adjacent property. The tree is readily visible from the adjacent public roads and makes a positive contribution to the attractive appearance of the local environment.
- 3.2 At the time of inspection, the Council's tree officer did not note any defects in the structure of the tree that would indicate any instability or lack of vigour. The tree has the potential to increase in size but with suitable pruning every four or five years, to control its height and spread, it could be safely retained as a public amenity feature, for many years.
- 3.4 The tree can be seen from surrounding houses and public roads. It is the opinion of the Council's tree officer that the loss of this tree at this time would be detrimental to the appearance of the local environment.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 If TPO 37/04 is confirmed, there will be the cost of administering the service of the confirmed TPO and any subsequent tree work applications.
- 4.2 If TPO 37/04 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.

### **5. ENVIRONMENTAL IMPLICATIONS**

- 5.1 The Council's tree officer takes the view that the tree makes a positive contribution to the appearance of the local environment and that the premature removal of the tree would be detrimental to the appearance of the local surroundings.

### **6. CRIME AND DISORDER IMPLICATIONS**

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

## **7. OTHER IMPLICATIONS**

- 7.1 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.
- 7.2 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).

## **8. RECOMMENDATION**

- 8.1 It is therefore recommended that TPO 37/04 is confirmed without amendment.

### **Further Information:**

Bryan Wilson  
Tree Team Leader

Telephone: 02380 285327  
e-mail: [bryan.wilson@nfdc.gov.uk](mailto:bryan.wilson@nfdc.gov.uk)

### **Background Papers:**

Tree Preservation Order No. 37/04

22 October 2004

# **APPENDIX 1**



Planning, Appletree Court,  
Lyndhurst, Hampshire.  
SO43 7PA

## Application to carry out work to tree(s) subject to a Tree Preservation Order or within a Conservation Area.

Town and Country Planning Act 1990  
Town and Country Planning (Tree Preservation Order) Regulations 1969

Fordingbridge  
For office use.

Application No. 2004/200

TPO (CA) Woodgreen

Office Date Stamp.



Not OK - yes

Name of applicant	Mr J Turner (Tree Surgeon)		
Address of applicant	9 Northside, Old Sarum, Salisbury, Wiltshire		
Postal code	SP4 6BZ	Telephone Number	01722 327055
Name and address of Agent (if any)			
Postal code	Telephone Number		

Name and address of tree owner if different from applicant.	Mr A Allpress 3 ST GEORGE'S COTTAGES WOODGREEN FORDINGBRIDGE SP6 2AQ
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State the location of the tree(s) to which this application relates and complete a plan as described overleaf.	FRONT GARDEN
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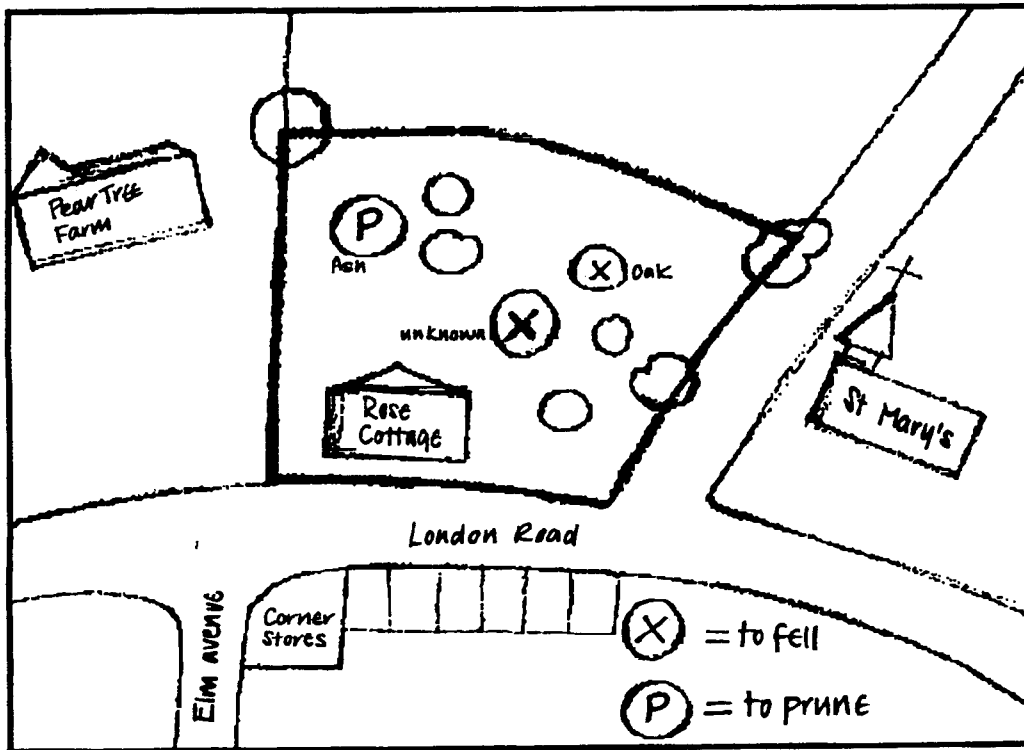
State the type(s) of tree(s), if known, together with the intended work. e.g. Pruning, Felling.	Ash Tree - Felling, removal of all material, cutting stump to ground level.
Briefly note the reason for making this application.	Tree not of an appropriate species for garden site and proximity to the house.

Please put a tick in the box if you are an employee of the Council

I/We apply for consent to carry out the operation specified above.

Date ~~20/4/03~~ 19/4/04 Signature Jason Crow  
Applicant/Agent

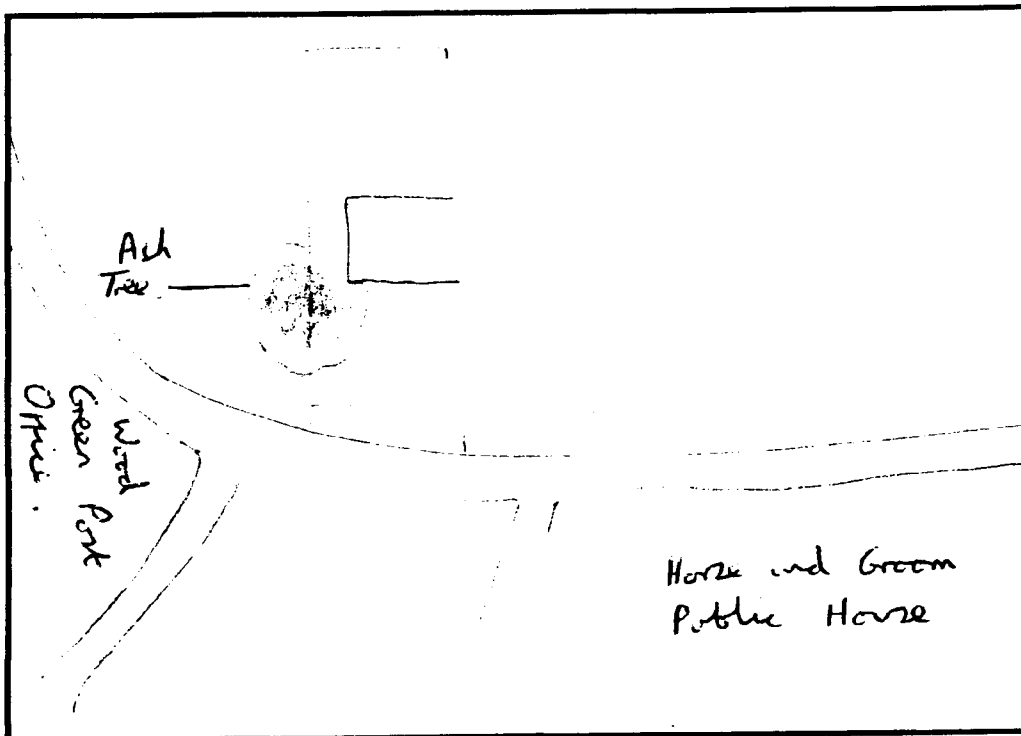
An example of a typical plan to accompany an application.



When drawing your plan please :

1. Try and locate your house in relation to nearby properties.
2. Ensure that all relevant roads are named.
3. Ensure that the trees are clearly marked on the plan.
4. Put the type of the tree if known.

Please use the space below for your plan.



**NEW FOREST DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

Mr A Aupress  
3 St Georges Cottages  
Woodgreen  
Fordingbridge  
Hants  
SP6 2AQ

Application Number: 2004/200

Tree Preservation  
Order Number: 37/04

**Re: Proposed Tree Works -**

Front garden of 3 St Georges Cottages, Woodgreen, Fordingbridge.

In pursuance of their powers under the above Act and Regulations, the decision of the Council, as the Local Planning Authority is:

Raise an objection/Refuse consent to the felling of an Ash tree in the front garden of 3 St. Georges Cottages which have now been protected by a new Tree Preservation Order 37/04.

CONSENT to the carrying out of the works listed below:

Ash - Lift the crown all round by up to 2 metres. Thin throughout the crown by up to 25%.

in accordance with the plans and particulars submitted with your application received on 20/04/04, subject to compliance with the conditions on the following page.

**The reason for the decision of the Local Planning Authority to refuse consent (where applicable) is:**

This tree provides an important visual amenity and its premature loss would be detrimental to the character and appearance of this part of the Woodgreen Conservation Area.

... Continued

**NEW FOREST DISTRICT COUNCIL**  
**CONDITIONS ATTACHING TO TREE WORK DECISION**

Application Number: 2004/200

Site Address: Front garden of 3 St Georges Cottages, Woodgreen, Fordingbridge.

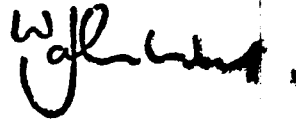
**CONDITIONS:**

All works hereby approved shall be carried out within one year of the date of this consent. Please note however that between April and August special care should be taken not to disturb wild bird nests which are protected by the Wildlife and Countryside Act 1981. Contact English Nature on 023 8028 3944 for further details.

**N.B.** This consent does not grant the applicant the right to carry out work over property other than his / her own without the agreement of the owner. All terms contained in this decision are as defined in British Standard 3998: 1989 - Recommendations for Tree Work - and work should be carried out in accordance with recent arboricultural research as recommended by the Arboricultural Association and Forestry Commission.

Appletree Court  
Lyndhurst  
Hampshire  
SO43 7PA

Tel: 023 8028 5327



Head of Policy Design and Information  
- 4 JUN 2004

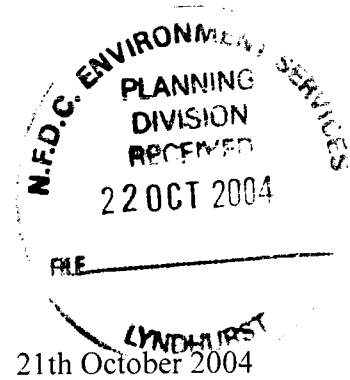
Date .....

N.B. See notes overleaf



# **APPENDIX 2**

Orchard End  
High Street, Woodgreen  
FORDINGBRIDGE  
Hampshire  
SP6 2AU  
Tel/Fax: 01725 512315



New Forest District Council  
Appletree Court  
LYNDHURST  
Hampshire  
SO43 7PA

For the attention of Mr Hearne

Dear Sir

Tree Application No. 2004/200  
TPO: 37/04 – 3 St Georges Cottages, Woodgreen

I refer to the application to fell an ash tree in the front garden of the above property in our Parish and have been asked to write on behalf of the Woodgreen Parish Council to support the householder and applicant in this case, the matter having been discussed at a Parish Council meeting on 12<sup>th</sup> October.

The Council feels that the tree overshadows the house, is too close to the building and will in time damage the property either by branches falling from it or the root formation underneath, and it would be better to deal with the tree now.

The property is an ex-council house built around 30-35 years ago. One morning just before they were completed, a van arrived from the New Forest District Council with trees to be planted in the front gardens of each property. Every other garden received ornamental trees, but there was one ash that was planted by the workmen as a young sapling too close to the house, we are sure with them not realising what the end result would be.

As a compromise, perhaps the appeal committee could suggest that if the ash is felled then it should be replaced by an ornamental tree similar to those in the neighbouring gardens as we believe was originally intended when the property was built.

Yours faithfully

J S Hall  
Parish Councillor – Woodgreen Parish

**From:** Alan Allpress [alan.allpress@btopenworld.com]

**Sent:** 20 September 2004 13:50

**To:** bryan.wilson@nfdc.gov.uk

**Subject:** TPO objection

Dear Mr Wilson,

Letter and photo of tree as attachment herewith.

Thank you for your help.

Regards,

Alan Allpress

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This e-mail has been scanned for all viruses by Star. The service is powered by MessageLabs. For more information on a proactive anti-virus service working around the clock, around the globe, visit: <http://www.star.net.uk>

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Mr A Alldress  
3 St Georges Cottages  
Woodgreen  
Fordingbridge  
SP6 2AQ

My ref: JH/TPO 37/04  
Your ref:  
17 September 2004

Dear Mr Alldress

**TREE PRESERVATION ORDER 37/04  
3 ST GEORGES COTTAGES, WOODGREEN**

It is some time since we spoke on the telephone when you objected to the above Tree Preservation Order (TPO). We discussed the possibility of pruning the tree to alleviate the problems you are experiencing and I assured you that, in view of the location of the tree, the Council would give sympathetic consideration to an application to reduce the overall proportions of the tree's canopy. You may wish to keep this letter for future reference in this regard.

As I appear not to have received a written formal objection I am hopeful that you have been re-assured and are not minded to progress the matter further; I therefore propose proceeding to confirm the Order unless I hear from you to the contrary. If you do still have concerns or wish to discuss the matter further, please contact me within fourteen days after which, if I have not heard from you, the Order will be confirmed.

Yours sincerely

John Hearne  
Arboriculturist

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

cc. Jan Debnam

decision R/C.  
4/6/04.

3 St. George's Cottages  
Woodgreen  
Fordingbridge  
Hants  
SP6 2AQ

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



7<sup>th</sup> June 2004

Application No. 2004/200  
Tree Preservation Order No. 37/04

Dear Mr Hearne,

As mentioned in our phone conversation on Friday June 5<sup>th</sup> we wish to object to the conservation order on the ash tree in our front garden on the following grounds:

- 1 The tree has been inappropriately planted in a small garden very close to the house.
- 2 Ash trees are not uncommon in the area.
- 3 The roots have already raised and cracked the front path.
- 4 There are branches resting on the telephone wires.
- 5 The shade inhibits the growth of our neighbour's lawn and it is difficult to grow anything else.
- 6 Our neighbours complain about the leaves every autumn.

We have agonised over this matter for several years before deciding whether to apply for permission to fell it, and we have certainly not undertaken this lightly.

May I add a personal note. Almost every day I sit at the window adjacent to this tree, as this is my home office. I have become very fond of it and would probably find it more painful than anyone to lose it. But how I wish it were not so big, its trunk were not so large and that it had not been planted so close to the house. Another six to eight feet would have been fine. More particularly, I feel that pruning it severely - which must surely be necessary at the very least - will just make a mess of it and virtually destroy it as a "visual amenity".

I should also perhaps mention that our mortgage providers insisted that we had fairly substantial pruning carried out on the tree when we moved here in 1997. It has got seriously "out of hand" since that time.

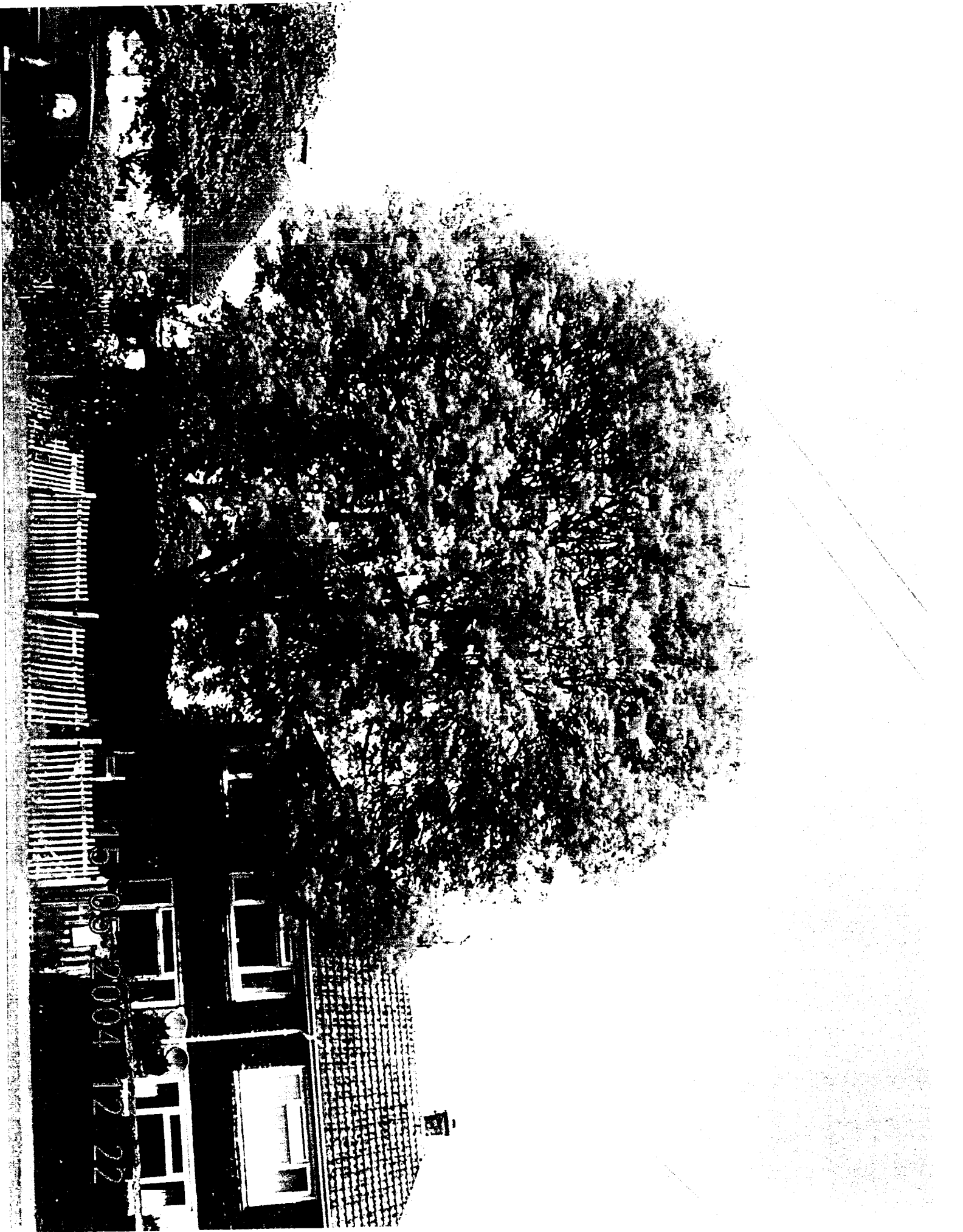
Yours sincerely

*A. Allpress*

Alan Allpress  
Sue Stamp

*S.P. Stamp*

Enc. photo of tree



15-09-2004 12:22