

**23 FEBRUARY 2005**

**NEW FOREST DISTRICT COUNCIL**

**APPEALS PANEL**

Minutes of a meeting of Appeals Panel held at the Town Hall, Fordingbridge on Wednesday, 23 February 2005.

**Councillors:**

p Ms L C Ford  
p F R Harrison  
p J Penwarden

**Councillors:**

p Mrs S I Snowden  
p G M Walmsley

**Officers Attending:**

Miss J Debnam, J Hearne, Miss J Mutlow and B Wilson.

**Also Attending:**

Mr O'Connell, Mr Waterman and Mrs Carter (Objectors).

**31. ELECTION OF CHAIRMAN.**

**RESOLVED:**

That Cllr Ford be elected Chairman of the meeting.

**32. DECLARATIONS OF INTEREST.**

The Panel was advised that Cllr Shand, one of the local ward Councillors, had originally intended to attend the meeting but had subsequently discovered that he knew one of the objectors well. He consequently had declared a personal and prejudicial interest and would not be attending the meeting.

**33. MINUTES (REPORTS A, B, C AND D).**

**RESOLVED:**

That the minutes of the meetings held on 4 November, 5 November (two meetings) and 23 November 2004, having been circulated be signed by the Chairman as correct records.

**34. TREE PRESERVATION ORDER 82/04 – LAND OF UPTON HOUSE, 51 SALISBURY STREET, FORDINGBRIDGE (REPORT E).**

The Panel considered objections to the making of this Tree Preservation Order. The meeting had been preceded by a visit to the site to allow members of the Panel to inspect the protected sycamore tree, to establish its geographical context and to form an opinion of its health and amenity value. They had inspected the tree from various view points within Green Lane and Manor Close.

The objectors drew the Panel's attention to their written representations as set out at Appendix 3 to Report E. They considered that the tree caused a significant problem through honeydew dropping onto cars in the summer. The tree was set within a brick enclosure on the kerbside edge of the parking area for Upton House. The tree limited the car parking available, effectively sterilising two places, and also created safety problems for people reversing out into Green Lane. Green Lane was a busy road, largely without pavements. This made the tree more hazardous to people using the area. Also, because the traffic was heavy, drivers did not have the opportunity to see and appreciate the tree. Its public amenity value was therefore limited and should be outweighed by the damage and nuisance caused to them. There was a further sycamore tree set immediately behind the protected tree, which could be improved by the protected tree's removal, and provide an alternative amenity feature.

In answer to questions the objectors confirmed that there were no plans to develop the site, just to tidy up and improve the car parking area affected by the tree.

Mr Wilson, the Council's Arboriculturist, advised the Panel that the tree was in the Fordingbridge Conservation Area and the Order had been made in response to an application to fell the tree. Consent to fell had been refused and TPO 82/04 made. The Objectors had appealed against the refusal to fell the tree to the Secretary of State who would be determining the appeal on written representations, following a site visit to be held on 1 March 2005.

The sycamore was a healthy tree, of good form, in a prominent position in Green Lane. Apart from the sycamore behind it, there were only two other trees of note in the area. This increased the rarity value of the protected tree. It was a significant feature where viewed from Green Lane and Manor Close. The sycamore tree behind it had been radically pruned at least twice in the past. It was consequently multi-stemmed and had significant pruning scars. That tree was close to a brick wall and it was likely that it would damage that wall in the longer term. It was therefore unlikely that the sycamore tree behind could be retained in the longer term. In any event, being well set back from the roadside, the tree had far less amenity value than the protected tree. The replacement of the protected tree with a smaller species was also unsatisfactory as a smaller tree would have less visual impact and amenity value.

The protected sycamore was set within a brick enclosure about 1ft deep and of several feet diameter. Vegetation could be removed from the enclosure to improve visibility without compromising the tree. Removing the brick enclosure and levelling might compromise the stability of the tree, although the water collection system may not be compromised. While the removal of the enclosure would not in itself require consent, it would not be lawful to compromise a protected tree by prejudicing its stability.

The crown of the sycamore tree could be thinned to reduce leaf density and consequent drip. This could not however eliminate the problem.

In answer to questions from the Panel, Mr Wilson confirmed that the twig density on the protected tree was greater than the tree behind, possibly because it had not been compromised by significant pruning. The protected tree may have had lower branches removed at some time, but had not been pollarded or pruned significantly within the crown. It was also confirmed that biological control of aphids, to reduce the drip, was unlikely to be successful. Injection of trees and spraying was a management technique used in the United States but not widely in this country. In addition to doubts about effectiveness, there may also be wider environmental concerns.

Members noted a letter of support for the retention of the tree as set out at Appendix 4 to Report E.

It was reported that the Town Council had no comments to make in respect of this issue.

In summing up, Mr Wilson the Council's Arboriculturist reminded members that the protected sycamore was a healthy tree which provided a rare and significant feature within Green Lane, softening the urban landscape. The tree could be pruned to reduce the nuisance that it caused and it may be possible to change the surface around the tree to improve visibility.

In summing up, the Objectors reiterated the problems caused by sap and debris falling onto cars over the summer. This was a daily problem, and if not washed off each day set like glue causing damage. Pruning would not provide sufficient mitigation and would need to be done at frequent, regular intervals with a danger that the tree may, through compensatory growth, become even more of a problem.

The Chairman then closed the hearing.

The Panel concluded that this tree provided significant amenity value within its environment, when viewed from both Green Lane and Manor Close. There were few trees within the area and the tree therefore provided a significant amenity. The problems caused by the tree were appreciated, but the majority of the Panel felt that the amenity value of the tree outweighed the problems it caused.

**RESOLVED:**

That Tree Preservation Order 82/04 be confirmed without amendment.

CHAIRMAN

(AP230204)