

APPEALS PANEL: 6 MARCH 2006

**OBJECTION TO THE MAKING OF TREE PRESERVATION
ORDER 59/05
LAND OF CRABBS WAY, TOTTON**

1.0 INTRODUCTION

1.1 This meeting of an Appeals Panel has been convened to hear an objection to the making of a Tree Preservation Order.

2.0 BACKGROUND

2.1 Tree Preservation Orders (TPOs, or Orders) are made under Sections 198, 199 and 201 of the Town and Country Planning Act 1990 (the Act). This legislation is supported by guidance issued by the Office of the Deputy Prime Minister on 17 April 2000 called "Tree Preservation Orders A Guide to the Law and Good Practice". This is commonly referred to as the "Blue Book".

2.2 This Council follows a procedure that ensures that as soon as an Order is made it gives immediate protection to the specified tree or trees. The owners and occupiers of the land on which the tree or trees are situated, together with all the owners and occupiers of the neighbouring properties, are served with a copy of the Order. Other parties told about the Order include the Town or Parish Council and District Council ward members. The Council may also choose to publicise the Order more widely.

2.3 The Order includes a schedule specifying the protected trees, and must also specify the reasons for protecting the trees. Normally this is on the grounds of their amenity value.

2.4 The procedures allow that any person who wishes may make representations to the Council, in writing, within 28 days of the Order being made. The Council must have a procedure for considering those representations.

2.5 Where an objection is made to the Order, in the first instance, the Tree Officers will negotiate with the objector to see if it can be resolved. If it cannot, then the objection is referred to a meeting of the Appeals Panel for determination.

2.6 The Order, when first made, has a life of 6 months. Within that period of 6 months, the Council must decide whether or not to confirm the Order, with or without amendment. The Order ceases to exist if it is not confirmed.

3.0 CRITERIA FOR MAKING A TREE PRESERVATION ORDER.

3.1 A local planning authority may make an Order if it appears to them to be:

“expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area”.

4.0 TYPES OF TREE PRESERVATION ORDER

4.1 The Tree Preservation Order may specify one or more individual trees, groups of trees, woodlands or, more rarely, refer to an area of land.

4.2 As a general rule, an individually specified tree must meet the criteria for protection in its own right.

4.3 A group of trees must have amenity value as a group, without each individual tree necessarily being of outstanding value. The value of the group as a whole may be greater than that of the individual trees.

4.4 A woodland order would be imposed over a more significant area of trees, where it is not practical, or indeed perhaps even desirable, to survey or specify individual trees or groups of trees. While each tree is protected, not every tree has to have high amenity value in its own right. It is the general character of the woodland that is important. In general terms a woodland will be a significant area of trees, that will not be interspersed with buildings.

4.5 An area designation covers all the trees, of whatever species, within a designated area of land, and these may well be interspersed among a number of domestic curtilages and around buildings. An area order may well be introduced, as a holding measure, until a proper survey can be done. It is normally considered good practice to review area orders and replace them with one or more orders that specify individuals or groups of trees. This process has been underway in this District, with the review of a number of older area orders that were imposed some years ago in response to proposed significant development. An area order is a legitimate tool for the protection of trees. It is not grounds for an objection that the order is an area order.

5.0 THE ROLE OF THE PANEL

5.1 While objectors may object on any grounds, the decision about whether the Order should be confirmed may only take into account strictly limited criteria.

5.2 ***The only issues before members of the Panel, in considering whether or not to confirm the Order, are the amenity value of the tree or trees, and the expediency of making the Order.***

5.3 Amenity value

This term is not defined in the Act, but there is guidance in the Blue Book. The guidance says:

- TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.
- There must be a reasonable degree of public benefit. The trees, or part of them, should therefore normally be visible from a public place, such as a road or a footpath. Other trees may however also be included, if there is justification.
- The benefit may be present or future.
- The value of the tree or trees may be from their intrinsic beauty; for their contribution to the landscape; or the role they play in hiding an eyesore or future development.
- The value of trees may be enhanced if they are scarce.
- Other factors, such as their importance as a wildlife habitat, may be taken into account, but would not, alone, be sufficient to justify a TPO.

It is not appropriate to protect a tree that is dead, dying or dangerous. As a general rule, officers will only consider protecting a tree where they are satisfied that it has a safe life expectancy in excess of 10 years.

5.4 Expediency

Again, this is not defined in the Act, but some guidance is given in the Blue Book. In essence, the guidance says:

- It is not expedient to make a TPO in respect of trees which are under good arboricultural or silvicultural management.
- It may be expedient to make a TPO if the local authority believe there is a risk of the trees being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate. It may be a general risk from development pressures.
- A precautionary TPO may also be considered appropriate to protect selected trees in advance, as it is not always possible to know about changes in property ownership and intentions to fell.

5.5 Issues that may not be taken into account.

The question of whether or not the protected tree may influence the outcome of a planning application is not relevant to your decision. If a TPO is in place on an application site, it is a material consideration in determining the application. That is however an issue that may be addressed solely through the development control process.

The principle of whether or not the landowner wishes a TPO to be imposed is also not relevant. The test is the public amenity value of the trees.

6.0 THE EFFECT OF THE ORDER.

- 6.1 Once the TPO has been made, it is an offence to do any works to the protected tree or trees without first gaining consent from the Council. This is done through a Tree Work Application. There is no fee charged for making a Tree Work Application.
- 6.2 If consent is refused, the applicant has the right of appeal to the Secretary of State.

7.0 CONSIDERATION

- 7.1 Members are requested to form a view, based on the evidence before them, of the amenity value of the trees, and the expediency of confirming the TPO. Members will have visited the site immediately prior to the formal hearing, to allow them to acquaint themselves with the characteristics of the tree or trees within the context of the surrounding landscape.
- 7.2 The written evidence that is attached to this report is as follows:

Appendix 1 The schedule and map from the Order, which specifies all the trees protected.

Appendix 2 The report of the Council's Tree Officer, setting out all the issues he considers should be taken into account, and making the case for confirming the Order.

Appendix 3 The written representations from the objectors to the making of the Order

Members will hear oral evidence at the hearing, in support of these written representations. The procedure to be followed at the hearing is attached to the agenda.

8.0 FINANCIAL IMPLICATIONS.

- 8.1 There are some relatively minor administrative costs associated with the actual process of serving and confirming the TPO. There are more significant costs associated with the need to respond to any applications to do works (lopping, topping or felling). The officers will normally visit the site and give advice on potential works to the trees.
- 8.2 The Council does not become liable for any of the costs of maintaining the tree or trees. That remains the responsibility of the trees' owners.

8.3 The Council does not automatically become liable for any damage that may be caused by the protected tree or trees. The only situation in which the Council may become liable is where consent has been sought, through a Tree Work Application, to do works to the tree, consent is refused, and the consequent damage caused by the tree could, reasonably, have been foreseen.

9.0 ENVIRONMENTAL IMPLICATIONS

9.1 The trees must have significant value within their landscape to justify the confirmation of the TPO.

10.0 CRIME AND DISORDER IMPLICATIONS

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

11.0 OTHER IMPLICATIONS

11.1 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.

11.2 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).

12.0 RECOMMENDED:

12.1 That the Panel consider all the evidence before them and determine whether to confirm Tree Preservation Order 59/05 relating to land of Crabbs Way, Totton, with, or without, amendment.

For further information contact:

Jan Debnam, Committee Administrator
Tel: 023 8028 5389
e-mail: jan.debnam@nfdc.gov.uk

Julia Mutlow, Solicitor
Tel: 023 8028 5149
e-mail: julia.mutlow@nfdc.gov.uk

Background Papers:

Attached

APPENDIX 1

SCHEDULE 1

TPO 59/05

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

No. on Map	Description	Situation
T1	Oak	Located in highway verge area to the rear of No. 11 Matley Gardens, Totton
T2	Oak	Located in highway verge area to the rear of Nos. 8 & 9 Matley Gardens, Totton

Trees specified by reference to an area:
(within a dotted black line on the map)

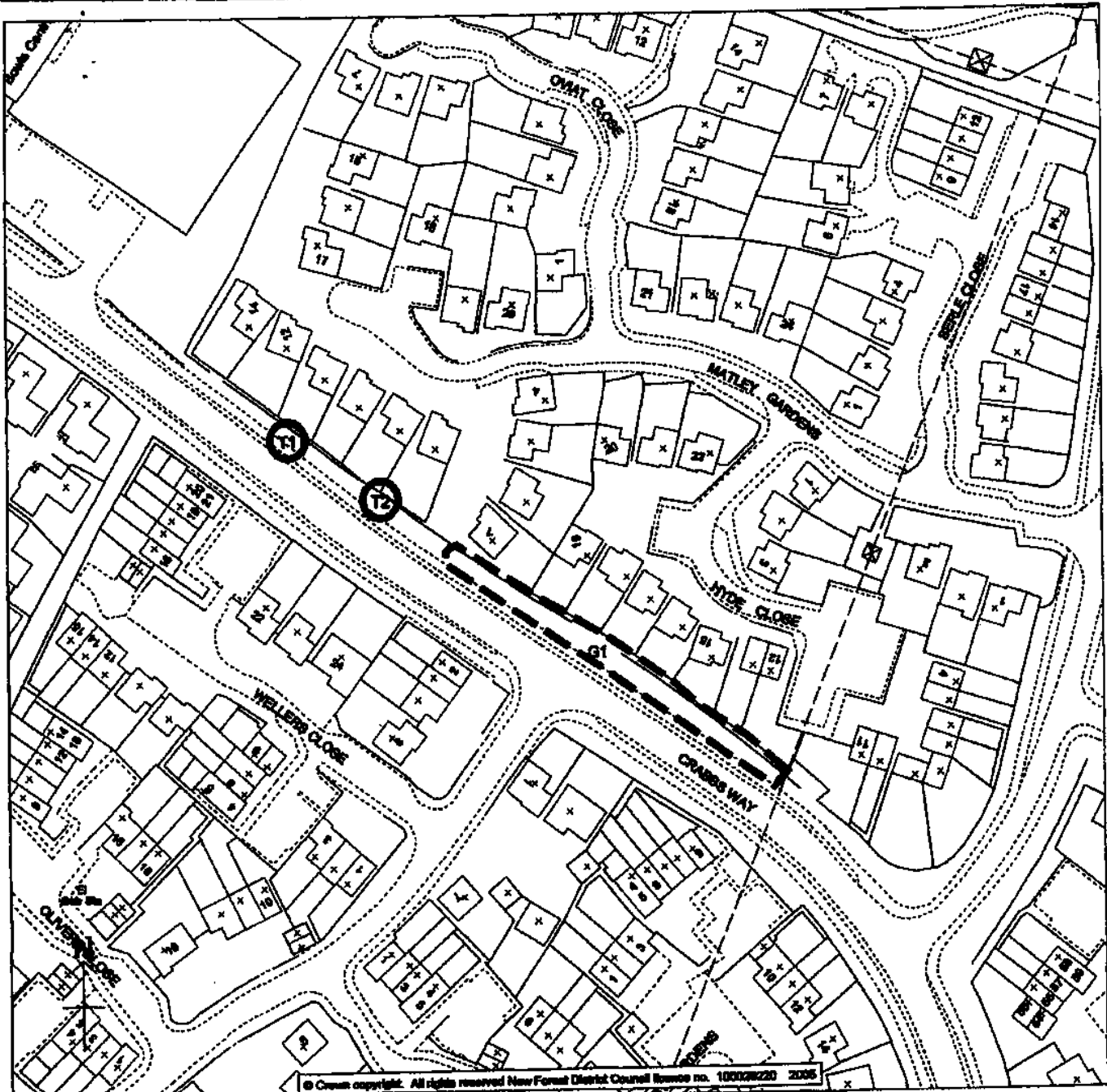
No. on Map	Description	Situation
None		

Groups of Trees
(within a broken black line on the map)

No. on Map	Description	Situation
G1	10 Oak	Located in highway verge area to the rear of Nos. 12 - 19 Hyde Close & side of No. 7 Matley Gardens, Totton

Woodlands
(within a continuous black line on the map)

No. on Map	Description	Situation
None		



Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 59/05
Approximate Scale: 1:1250
Date Printed: 05/10/2005

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

- 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



AN AUTHORISED SIGNATORY

APPENDIX 2

APPENDIX 2

APPEALS PANEL MEETING – 6 MARCH 2006.

OBJECTION TO TREE PRESERVATION ORDER NO. 59/05 LAND OF CRABBS WAY, TOTTON

REPORT OF COUNCIL TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- # 1.1 Tree Preservation Order (TPO) No.59/05 was made on 6 October 2005. The TPO plan and first schedule are attached as Appendix 1 to Report B. The Order currently protects two individual oaks and one group of trees comprising ten oaks.
- 1.2 The Order was served following a request from Totton & Eling Town Council who were concerned that trees at this location were threatened by unacceptable ad hoc pruning undertaken by adjacent land owners and their agents.
- 1.3 Mr D Evans, the owner of No.7 Matley Gardens, objected to the Order on 30 October 2005. Subsequent attempts to address his stated concerns via written correspondence have failed to resolve the objection. Given the existing time constraints pertinent to this order it has become expedient to determine the order at a TPO Appeal Panel meeting.
- # 1.4 The objection and associated correspondence is attached as Appendix 3. to Report B

2. THE TREES

- 2.1 The trees in question are Oaks of varied maturity, size and form. All trees are located on highway verge adjacent to the footpath on the north east of Crabbs Way. As a result of land ownership these trees are currently managed by Totton & Eling Town Council.
- 2.2 The trees vary in height between approximately 12 m and 15 m with stem diameters of between 350 mm and 800 mm. They are in reasonable condition with evidence of historic pruning linking directly to their present relationships with both the highway and neighbouring property.
- 2.3 Based on assessment of their visually exhibited health and structural condition it was considered that the trees would have a life expectancy in excess of 20 years.

2.4 The trees can be viewed from Crabbs Way and furthermore from selective public aspects within the resident development to the east.

3. THE OBJECTION

3.1 The grounds for the objection are:

- The trees beside our home have grown from juvenile hedgerow specimens because of the lack of proper management and maintenance of the hedgerow by its oaks. Mature oak trees would be inappropriate this close to a house. Neither the siting, design nor construction of our house took account of the proximity of these trees, as was presumably the case with the then already mature trees (T1 and T2)... It has only been the judicial pruning of overhanging branches...that has prevented them from causing actual damage to our home.
- The orientation of our house, its closeness to the plot boundary with Crabbs Way and the position of a principle window to our lounge are all such that other oak trees adjacent to our boundary...are particularly harmful to our amenities by reason of loss of light and outlook. We would therefore like to see the occasional lifting and thinning of the crowns of these trees, as is appropriate to their proximity to houses, and this may be prejudiced by their inclusion in the Order.

4. OBSERVATIONS ON THE GROUNDS OF OBJECTION

- 4.1 Whilst the relative proximity of the oak trees to the property is acknowledged, it is not considered that such a relationship is untenable. At the current time no evidence has been presented to indicate that there has been damage as a result of this proximity. If in the future such occurrences were to transpire then appropriate measures of mitigation would be explored.
- 4.2 In regard to the owner having to mitigate damage occurring as a result of tree branches touching the building. It is considered that such work would be construed as reasonable tree management. As such, future applications seeking to undertake such work would be likely to meet with the full agreement of this planning authority. Additionally it may be proactive to issue a decision that would allow a defined zone of clearance to be retained between the trees and the building.
- 4.3 During those periods of the year when the tree canopies are in leaf it is accepted that a certain degree of shading will undoubtedly occur across the objector's garden and property. However it is not considered that such levels of shading would be excessive to the point of causing unreasonable detriment to the use and enjoyment of the objector's property. Furthermore, as acknowledged by the objector, appropriate use of tree management techniques such as crown thinning or selective branch removal would appear to offer avenues of mitigation.

- 4.4 It is important to reaffirm that the presence of a TPO does not mean that the trees cannot be pruned or indeed even removed, however such controls will ensure that these trees which form an important landscape boundary are retained and managed in a proactive and consistent manner.

Further Information:

Phillip Brophy
Arboriculturist

Telephone: 02380 285329

Background Papers:

Tree Preservation Order No. 59/05
Associated correspondence

APPENDIX 3



New Forest
DISTRICT COUNCIL

Policy, Design & Information

Head of Service: John Ward

Mr Evans
7 Matley Gardens
Totton
Southampton
Hampshire
SO40 8EY

My ref: PB/mac/TPO59/05
Your ref:

24/01/2006

Dear Mr Evans

Tree Preservation Order (TPO) 59/05 - Land of Crabbs Way, Totton

I write with reference to your covering letter dated 23 January 2006 and the attached copy of correspondence dated 12 November 2005, which for reasons unknown was not received by this office.

I note your continued reasons for wishing to sustain your objection to the order and thus it would appear necessary to arrange a meeting of the Councils Tree Preservation Order Appeal Panel so as to resolve the current contention. To this end I will be contacting the Councils Democratic Services Officer who in turn will contact you in order to arrange an acceptable date for such a meeting.

I would however reaffirm that the presence of a TPO does not mean that the trees cannot be pruned or indeed even removed, however it does necessitate a requirement to obtain formal consent from this Local Planning Authority prior to such works being undertaken. Proposals for reasonable works such as the mitigation of boundary conflicts or continuation of appropriate historic management are unlikely to be refused by the Local Planning Authority. Additionally in certain appropriate cases it may be possible to issue a decision that allows for repeated operations to take place over an extended period of time.

It remains my contention that such arboricultural work provisions would present a viable solution to your stated concerns, and thus the imposition of a TPO on trees which in this instance are owned by a third party, does not place an unacceptable restriction on your personal enjoyment of your property.

If you have any questions or queries in this matter please do not hesitate to contact me direct.

Regards

Phillip Brophy
NFDC Arboriculturalist
Tel: (023) 8028 5329
Fax: (023) 8028 5223
Email: phillip.brophy@nfdc.gov.uk



Disability Helpline
01425 656096
Minicom/Text: 023 8028 5416

Appletree Court, Lyndhurst,
Hampshire SO43 7PA

Switchboard: 023 8028 5000
DX 123010 Lyndhurst 2
www.newforestdc.gov.uk

7 Matley Gardens
Totton
Southampton
SO40 8EY

23rd January 2006

Dear Sirs,

**TREE PRESERVATION ORDER NO. 59/05; LAND OF CRABBS WAY,
TOTTON IN HAMPSHIRE.**

Further to our recent objection to the above Tree Preservation Order I understand that our subsequent correspondence and enclosure has been mislaid. I have therefore attached for your information a further copy of that letter.

It is unfortunate that the earlier opportunity to view the trees in leaf and to therefore appreciate their full impact on our amenities has now been lost.

Douglas Evans

7 Matley Gardens
Totton
Southampton
SO40 8EY

12th November 2005

Dear Sirs,

**TREE PRESERVATION ORDER NO. 59/05; LAND OF CRABBS WAY,
TOTTON IN HAMPSHIRE.**

Further to our recent objection to the above Tree Preservation Order, most particularly to the inclusion within Group G1 of trees adjacent to no. 7 Matley Gardens, I have attached further information for your consideration.

The attached photographs demonstrate the magnitude of the impact of the adjacent trees on our enjoyment of our home. The photographs were taken during this week at approximately 11.30 am. and demonstrate the degree of shading from the adjacent oak trees during the middle of the day. The full sun on the rear elevations of the two neighbouring houses underlines the point made in my previous letter, that the siting of our house closer to Crabbs Way than are other adjacent houses, did not anticipate there being substantial trees on this boundary.

The setback from Crabbs Way of those houses adjacent to pre-existing trees and the identification of a tree protection zone and exclusion zone around those trees is not repeated along the full length of the boundary. While there was therefore clearly an intention to establish a 'hedgerow' along this boundary, the small circles shown on the approved planning layout in no way suggest that this was to intended to accommodate additional substantial forest species trees. Had this been the case the siting of plot 55, our house, would have been wholly inappropriate.

While BS5837: 2005 (Trees in Relation to Construction) does not inform the 'public amenity' considerations that give rise to the making of a TPO, it does nevertheless give guidance on the appropriate relationship between trees and development. It advises that trees should not be retained, nor by inference be introduced later, on the basis that periodic pruning can significantly control their ultimate branch spread. Proper account should be taken of future growth and maintenance requirements. The relationship of windows to trees that may obstruct light should be taken into account and excessive shading should be avoided having regard to orientation and tree type. The dense foliage of oak trees and their potential ultimate spread make the long-term retention of these

forest species trees incompatible with their close proximity to our home and therefore unsuitable for inclusion in a Tree Preservation Order.

We enjoy the range of appropriate native hedgerow species in the hedge adjacent to our home and support the protection of landmark trees that pre-date the adjacent housing development. We cannot however support the preservation of trees, as in the case of those adjacent to our home, which post-date the development of the land and which are incompatible with the amenities and integrity of adjacent homes.

For these reasons I have to advise you that we wish to maintain our objection to the inclusion of trees adjacent to no. 7 Matley Gardens in TPO 59/05 and would again request that these trees be deleted from the Order prior to its being confirmed.

Douglas Evans



Mr Evans
7 Matley Gardens
Totton
Southampton
Hampshire
SO40 8EY

My ref: PB/mac/TPO59/05
Your ref:

04/11/2005

Dear Mr Evans

Tree Preservation Order (TPO) 59/05 - Land of Crabbs Way, Totton

I write with reference to your letter dated 30 October 2005 and can confirm that I have formally registered your representations as an objection to the Tree preservation order (TPO).

In respect to the points you raise within your letter I would like to respond to these in turn.

On inspection of this line of trees it was considered that the several oaks that grow within the hedgerow in immediate proximity to your property afford a substantial degree of public amenity to the immediate area. Whilst it was noted that multiple pruning operations have taken place to these trees, largely to address issues of boundary/building conflict, it is not considered that these operations have adversely affected these trees to the extent that they are unsuitable for TPO status.

The presence of a TPO does not mean that the trees cannot be pruned or indeed even removed, however it does necessitate a requirement to obtain formal consent from this Local Planning Authority prior to works being undertaken. I would reaffirm that reasonable works such as the mitigation of boundary conflicts are unlikely to be refused by the Local Planning Authority.

The use of BS5837:2005 Trees in relation to construction is not an appropriate tool with which to consider the suitability of TPO on trees in this particular context. I acknowledge your perspective that the future growth of these trees may not have been appropriately considered prior to consent for the development being granted in 1985. However from the plan that you enclosed it is clear that a defined sylvan boundary was a clear intention of the development scheme at that time. Based on the existing situation it is clear that this intention has been realised and that the resultant tree line has become a prominent landscape feature.

I would hope the above response and information both outlines the current position and addresses your concerns in regard to this matter. As I am sure you are aware if you wish to sustain your objection to the TPO it will be necessary to set up a formal meeting of the Councils Appeal Panel to consider your views. This would involve a site meeting to inspect the trees followed by a meeting within which you would be invited to present your reasons for objection.



I would welcome a response in regard to your position on the TPO and would be pleased to answer any further questions or queries.

Regards

Phillip Brophy
NFDC Arboriculturalist

Tel: (023) 8028 5329
Fax: (023) 8028 5223
Email: phillip.brophy@nfdc.gov.uk

7 Matley Gardens
Totton
Southampton
SO40 8EY

2- NOV 2005

30th October 2005

Dear Sirs,

**TREE PRESERVATION ORDER NO. 59/05; LAND OF CRABBS WAY,
TOTTON IN HAMPSHIRE.**

I wish to object to the above Tree Preservation Order, most particularly to the inclusion within Group G1 of the immature oak trees adjacent to no. 7 Matley Gardens.

Unlike other homes in Hyde Close and Matley Gardens, no. 7 Matley Gardens is not separated from the planting along Crabbs Way by the length of a rear garden. The side elevation of our house is less than 3m. from the plot boundary and some of the trees apparently included in the Order are therefore only approximately 4m. from the walls of our house.

It is apparent from the layout of the estate, planning permission ref. No. 28436. June 1985, (see attached plan), that the approved layout took into account the presence and projected growth of existing mature oak trees within the former field boundary. This was presumably done to ensure their retention and compatibility with the adjacent houses. It is clear from the siting of 7 Matley Gardens (plot 55) that no provision was made for accommodating substantial trees along the adjacent highway verge.

The attached aerial photograph (photo 1) illustrates the scale and character of the adjacent hedgerow in approximately 1988. The mature oak trees identified as T1 and T2 by the Order are clearly visible, as also is the different relationship between our house and the highway verge of Crabbs Way.

Photographs 3 and 5 show the relationship between our house and the adjacent trees in 1991. Photographs 4 and 6 show the same views today and demonstrate the height and proximity of what are still only semi-mature oak with considerable capacity for further growth.

It has only been the judicial pruning of overhanging branches from the and from other trees within the highway verge that has prevented them from causing actual damage to our home. The proximity of branches overhanging our house has also in the past caused a very destructive rodent infestation of the roofspace by grey squirrels.

The trees are semi-mature. We have lived here since 1988 and have photographs and an aerial photograph from that time. These show that none of the trees adjacent to our home are individual specimen trees that predate the development of the area, as is the case with the field-grown trees identified as T1 and T2 in the Order. The trees beside our home have grown from juvenile hedgerow specimens because of the lack of proper management and maintenance of the hedgerow by its owners. Mature oak trees would be inappropriate this close to a house. Neither the siting, design nor construction of our house took account of the proximity of these trees, as was presumably the case with the then already mature trees (T1 and T2). The close proximity of the trees to our house is not therefore in accordance with the recommendations set out in BS5837:2005 (Trees in Relation to Construction).

Furthermore, the trees referred to above, situated next to the side elevation of our home, are poor specimens with markedly asymmetric crowns, suppressed by the presence of other trees and the side elevation of our house and because of the removal throughout their development of branches that overhung our property.

The orientation of our house, its closeness to the plot boundary with Crabbs Way and the position of principle window to our lounge are all such that other oak trees adjacent to our boundary (photo 2), and also apparently included in the Order, are particularly harmful to our amenities by reason of loss of light and outlook. We would therefore wish to see the occasional lifting and thinning of the crowns of these trees, as is appropriate to their proximity to houses, and this may be prejudiced by their inclusion in the Order. These trees are also markedly asymmetrical because of the removal of overhanging branches throughout their development.

For the reasons set out above I request that you reconsider the inclusion of trees adjacent to no. 7 Matley Gardens in TPO 59/05. It is my view that, because of the particular circumstances arising from the siting and orientation of 7 Matley Gardens, the trees adjacent to our house should be deleted from the Order prior to its being confirmed.

Yours sincerely,

Douglas Evans

PHOTO 1.



PHOTO 2.



7 MATLEY GARDONS

PHOTO 3.



PHOTO 4.

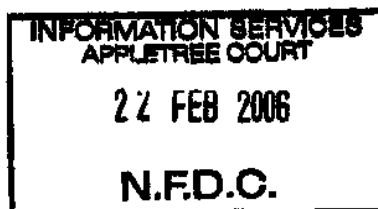


PHOTO 5.



PHOTO 6.





7 Matley Gardens
Totton
Southampton
SO40 8EY

21 February 2006

Dear Ms Debnam,

TREE PRESERVATION ORDER 59/05 – LAND OF CRABBS WAY TOTTON

Thank you for your letter informing me of the date of the Appeals Panel. Am I right in assuming the Panel will view the trees from our property and not merely from Crabbs Way?

I do have some further information that I would like to be taken into account by the Appeals Panel. I would be grateful if you could let them have a copy of this letter and the enclosures.

In my earlier letter I referred to the fact that when the housing estate we live on was given planning permission the approved layout did not make provision for substantial forest species trees adjacent to our property. I attach further evidence in support of this point.

The attached plan is an extract from the approved landscaping scheme for the estate (Planning Application No. 28436). This clearly shows that the approved landscaping scheme along our boundary was intended to create a landscaped strip along Crabbs Way compatible in scale and character with the adjacent homes. That scheme included the planting of three rowan (*sorbus aucuparia*) and one flowering ash (*fraxinus ornus*) along our boundary. An adjacent rowan can be viewed at the time of the site visit to property appreciate the intended scale and character of planting along the road verge. These small to medium sized trees are commonly used in landscaping schemes in such locations – and at maturity will be no taller than around 40 feet. This is a somewhat different prospect from the oaks that have been allowed to develop in the hedgerow through lack of maintenance (and indeed contrary to the approved landscaping scheme). The oaks might be expected to grow to significantly more than 40 feet in height with a broad, dense canopy. While still very young trees they already have a significant impact on our home and amenities. Had the approved landscaping scheme been implemented and thereafter managed it would have provided the same level of public amenity on Crabbs Way while being compatible with adjacent homes.

In the circumstances we consider it to be inappropriate to include the oak trees adjoining our boundary in the tree preservation order – in effect condoning a situation that would never have arisen had the approved landscaping scheme been implemented in the first instance and thereafter properly maintained.

Because of the time of year, the Panel will not be able to view the full impact of the trees when in leaf. To help their consideration of the matter I have enclosed copies of photographs showing the impact of the trees in leaf, that I would ask you to distribute to the members of the Panel.

Doug Evans

BONNINGDALE LANDSCAPES LTD.

APPENDIX

FOR ATTENTION OF MR. D.A. ROSE

HELAN HOMES SOUTHERN LTD.

RIVERHEAD HOUSE,

ABBEY MEADS,

ROMSEY,

SO5 8HB.

LANDSCAPE PLAN	
DISTRICT	
VILL	
Plot No.	28436
Rec'd.	24 JAN 1986
FOR THE USE OF	
14 JANUARY 1986	
DATE 31 JAN 86	

12. LINWOOD MEADOW, OFF RINGWOOD ROAD, WEST TOTTEN.

To: SUPPLY & PLANT - ONLY.

NB p.g. denotes containerised plant stock : o.g. denotes open ground stock.

PLANTING SCHEDULE.

TREES.

<u>KEY.</u>	<u>NAME.</u>	<u>SIZE.</u>	<u>QNTY.</u>
T1.	ACER CAMPESTRE - <i>platanoides</i>	8-10g. STANDARD. o.g.	
T2.	SORBUS ARIA 'LUTESCENS'	8-10g. STANDARD. o.g.	
T3.	SORBUS AUCUPARIA	8-10g. STANDARD. o.g.	
T4.	FRAXINUS ORNUS	6-8g. LT. STANDARD. o.g.	
T5.	SORBUS INTERMEDIA	6-8g. LT. STANDARD. o.g.	
T6.	AMELANCHIER LAMARCKII	1.8-2.1m. FWHIP. o.g.	

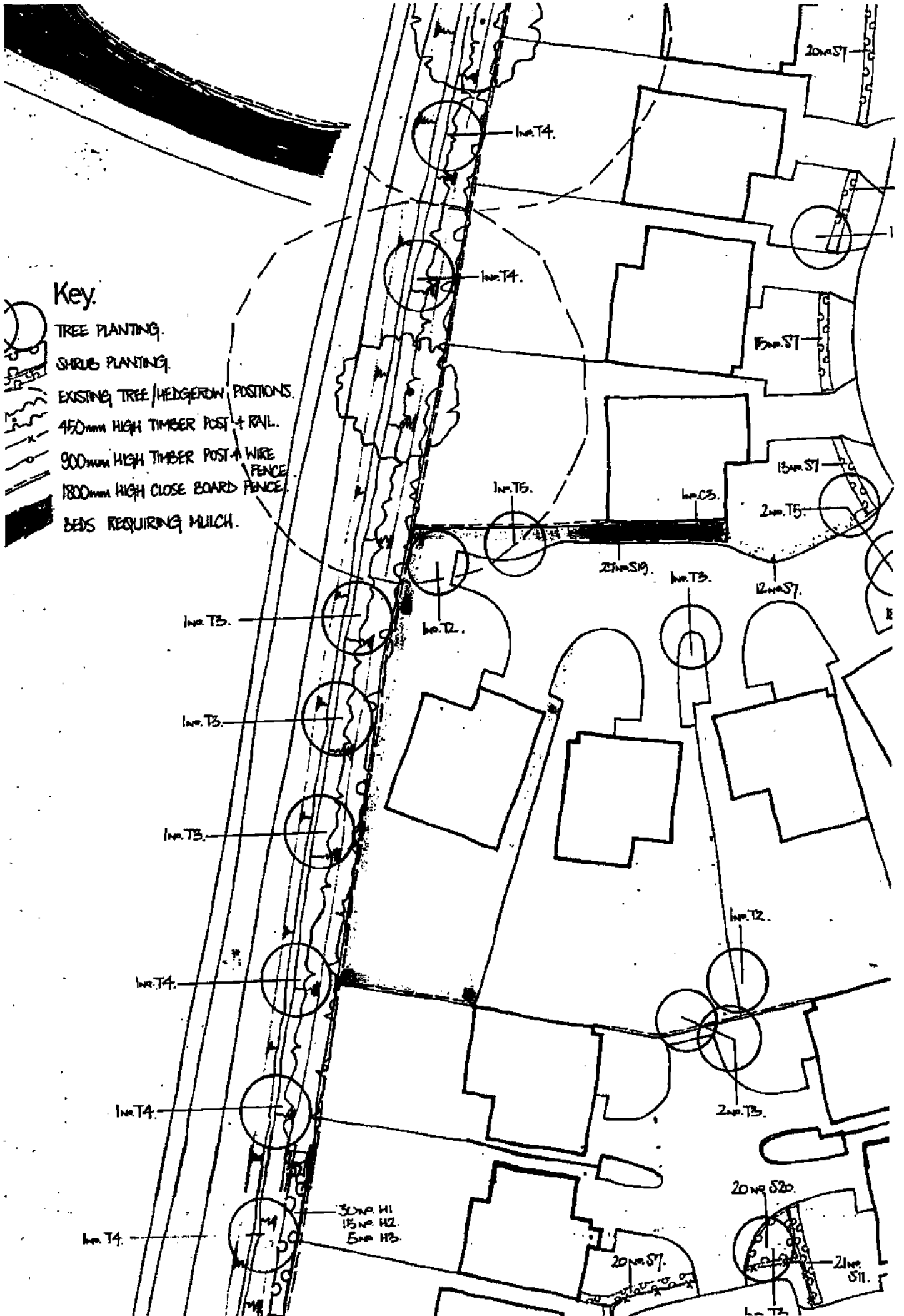
HEDGEROW.

% MIX.








H1.	CRATAEGUS MONOGYNA	60.	} PLANTED IN SINGLE STAGGERED ROW 300MM APART. (4 PLS. PER LIN. METRE). 600MM STOCK SIZE. o.g.
H2.	PRUNUS SPINOSA	30.	
H3.	CORYLUS AVELLANA	10.	

SHRUB MIX - BASED ON N.F.D.C. SPECIFICATION 1985.

M1.	SORBUS AUCUPARIA	8-10g. STANDARD. o.g.
M2.	FRAXINUS EXCELSOR	8-10g. STANDARD. o.g.
M3.	ALNUS INCANA	8-10g. STANDARD. FEATHERED o.g.
M4.	AMELANCHIER CANADENSIS	600mm p.g. 45°
M5.	CORNUS SANGUINEUM	900mm o.g.
M6.	CRATAEGUS MONOGYNA	600mm D.g. 45°
M7.	ELAEAGNUS X EBBERGELI	450mm p.g. 46 25/25. 45°
M8.	ILEX AQUIFOLIUM	450mm p.g. 23
M9.	PRUNUS SPINOSA	600mm o.g. 45°
M10.	VIORNIUM OPULIS	900mm o.g. - <i>Syrphium alba</i>



Key.

-  TREE PLANTING.
-  SHRUB PLANTING.
-  EXISTING TREE / HEDGEROW POSITIONS.
-  450mm HIGH TIMBER POST + RAIL.
-  900mm HIGH TIMBER POST + WIRE FENCE.
-  1800mm HIGH CLOSE BOARD FENCE.
-  BEDS REQUIRING MULCH.

30no H1
15no H2
5no H3

20no S20

20no S7

21no S11

1no. T4

1no. T4

1no. T4

1no. T3

1no. T3

1no. T3

1no. T2

1no. T5

1no. T3

2no. T5

1no. T2

2no. T3

1no. T4

1no. T4

20no S7

15no S7

15no S7

12no S7

1no. T3

