

APPEALS PANEL – 4 SEPTEMBER 2008

Objection to the making of Tree Preservation Order 14/08. Land of Brambles, West Gable and Hasquencort, Roman Road, Dibden Purlieu, Hampshire.

1. 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. 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 procedure allows objections and representations to be made to the Council, in writing, within 28 days of the Order and corresponding documentation being served on those affected by it. 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 try to 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, usually has a life of 6 months. Within that period of 6 months, the Council should decide whether or not to confirm the Order, with or without amendment. If a decision on confirmation is not taken within this time, the Council is not prevented from confirming the Tree Preservation Order afterwards. But after 6 months the trees lose protection until confirmation.

3. 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. 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. THE ROLE OF THE PANEL

5.1 While objectors may object on any grounds, the decision about confirmation of the Order should be confined to the test set out in 3.1 above.

5.2 The Secretary of State advises that it would be inappropriate to make a TPO in respect of a tree which is dead, dying or dangerous.

5.3 **Amenity value**

This term is not defined in the Act, but there is guidance in the Blue Book. In summary the guidance advises:

- 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.

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 believes 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.

6. **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 through a tree work application unless such works are covered by an exemption within the Act. In this respect of the Local Planning Authority consent is not required for cutting down or carrying out works on trees which are dead, dying or dangerous, or so far as may be necessary to prevent or abate a nuisance. Great care should be exercised by individuals seeking to take advantage of an exemption because if it is wrongly misjudged offences may be committed. 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. CONSIDERATION

7.1 Members are requested to form a view, based on the evidence before them, whether it appears to them to be expedient in the interests of amenity to confirm the TPO taking into account the above guidance. 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 site plan from the original Order which was made as an Area Order to protect all the trees within the specified area.

Appendix 2 The proposed modified schedule and site plan for the Order, which now specify the individual trees that it is proposed to protect. This has been prepared following further discussions with the trees' owners and evaluation of the trees on the site.

Appendix 3 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 4 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. FINANCIAL IMPLICATIONS

8.1 There are some modest 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 Tree Work Applications to do works (lopping, topping or felling) see 8.3 below. 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 TPOs make provision for the payment by the Local Planning Authority of compensation for loss or damage caused or incurred as a result of:

- (1) their refusal of any consent under the TPO, or
- (2) their grant of a consent subject to conditions.

To ascertain whether someone is entitled to compensation in any particular case it is necessary to refer to the TPO in question. It is especially important to note that the compensation provisions of TPOs made on or after 2 August 1999 differ substantially from the compensation provisions of TPOs made before that date.

TPOs made before 2 August 1999

Under the terms of a TPO made before 2 August 1999 anyone who suffers loss or damage is entitled to claim compensation unless an article 5 certificate has been issued by the Local Planning Authority.

TPOs made on or after 2 August 1999

In deciding an application for consent under a TPO made on or after 2 August 1999 the Local Planning Authority cannot issue an article 5 certificate. There is a general right to compensation. However, the TPO includes provisions which are intended to limit the Local Planning Authority's liability to a fair and reasonable extent, and so the general right to compensation is subject to the following exceptions:

- (1) no claim for compensation can be made if the loss or damage incurred amounts to less than £500;
- (2) no compensation is payable for loss of development value or other diminution in the value of the land. 'Development Value' means an increase in value attributed to the prospect of developing land, including clearing it;
- (3) no compensation is payable for loss or damage which, bearing in mind the reasons given for the application for consent (and any documents submitted in support of those reasons), was not reasonably foreseeable when the application was decided;
- (4) no compensation is payable to a person for loss or damage which was (i) reasonably foreseeable by that person, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage or mitigate its extent; and
- (5) no compensation is payable for costs incurred in bringing an appeal to the Secretary of State against the Local Planning Authority's decision to refuse consent or grant it subject to conditions.

9. ENVIRONMENTAL IMPLICATIONS

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

10. CRIME AND DISORDER IMPLICATIONS

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

11. 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).
- 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. RECOMMENDED:

- 12.1 That the Panel consider all the evidence before them and determine whether to confirm Tree Preservation Order 14/08 relating to land of Brambles, West Gable and Hasquencort, Roman Road, Dibden Purlieu, Hampshire with, or without, amendment, particularly with respect to the revised map and schedule at Appendix 2 that specify the individual trees that may be protected.

For Further Information Please Contact:

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Background Papers:

Attached Documents:
TPO 14/08
Published documents

APPENDIX 1

SCHEDULE 1

TPO 14/08

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Map	Description	Situation
None		

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

Reference on Map	Description	Situation
A1	All trees of whatever species within the area marked A1 on the plan.	Land of Brambles, West Gable and Hasquencort, Roman Road, Dibden Purieu. As shown on plan.

Groups of trees

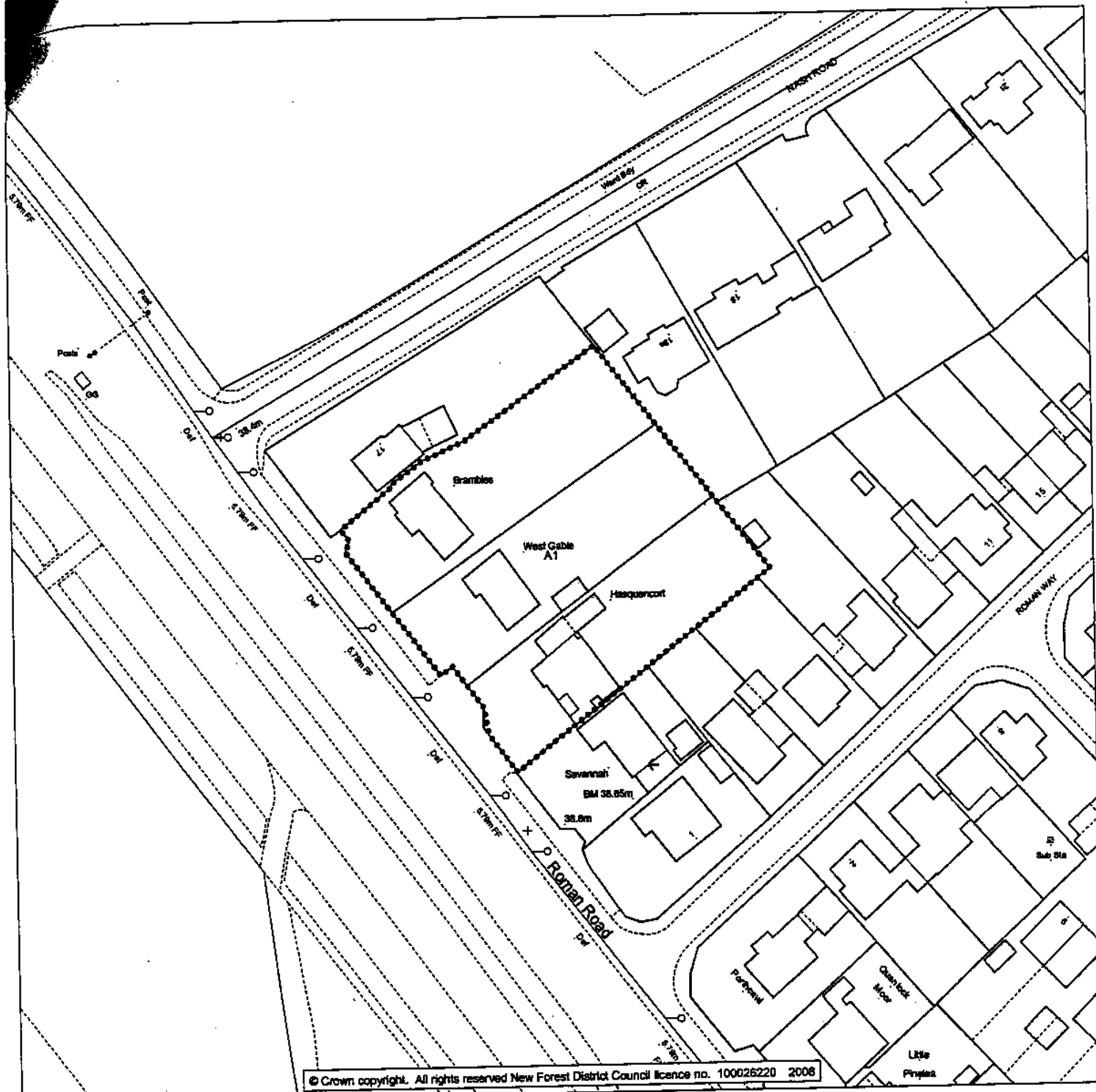
(within a broken black line on the map)

Reference on Map	Description	Situation
None		

Woodlands

(within a continuous black line on the map)

Reference on Map	Description	Situation
None		



Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 14/08

Approximate Scale: 1:1000

Date Printed: 24/04/08

Martin Devine
 Assistant Director of Leisure Services
 Community Services Directorate
 Appletree Court
 Lyndhurst
 SO43 7PA



New Forest
 DISTRICT COUNCIL

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



Neil Williams
 AN AUTHORISED SIGNATORY

APPENDIX 2

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)		
Reference on Map	Description	Situation
T1	Pine (Tag 708)	Eastern boundary of Hasquencort, Roman Road, Dibden Purlieu. As shown on plan.
T2	Pine (Tag 709)	Eastern boundary of Hasquencort, Roman Road, Dibden Purlieu. As shown on plan.
T3	Pine (Tag 710)	Eastern boundary of Hasquencort, Roman Road, Dibden Purlieu. As shown on plan.
T4	Pine (Tag 711)	Eastern boundary of Hasquencort, Roman Road, Dibden Purlieu. As shown on plan.
T5	Birch (Tag 713)	Centrally within land of Hasquencort, Roman Road, Dibden Purlieu. As shown on plan.
T6	Birch (Tag 714)	Centrally within land of Hasquencort, Roman Road, Dibden Purlieu. As shown on plan.
T7	Birch (Tag 715)	Southern boundary of Hasquencort, Roman Road, Dibden Purlieu. As shown on plan.
T8	Birch (Tag 712)	Southern boundary of Hasquencort, Roman Road, Dibden Purlieu. As shown on plan.
T9	Pine (Tag 716)	Eastern boundary of Brambles, Roman Road, Dibden Purlieu. As shown on plan.
T10	Pine (Tag 717)	Northern boundary of Brambles, Roman Road, Dibden Purlieu. As shown on plan.
T11	Birch (Tag 718)	Centrally on land of Brambles, Roman Road, Dibden Purlieu. As shown on plan.

		shown on plan.
T12	Pine (Tag 719)	Northern boundary of Brambles, Roman Road, Dibden Purlieu. As shown on plan.
T13	Pine (Tag 720)	Centrally on land of Brambles, Roman Road, Dibden Purlieu. As shown on plan.
T14	Birch (Tag 724)	Southern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T15	Pine (Tag 725)	Southern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T16	Pine (Tag 726)	Eastern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T17	Pine (Tag 727)	Eastern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T18	Pine (Tag 728)	Eastern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T19	Pine (Tag 729)	Eastern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T20	Pine (Tag 730)	Northern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T21	Pine (Tag 731)	Northern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T22	Pine (Tag 732)	Centrally on land of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T23	Pine (Tag 733)	Centrally on land of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T24	Pine (Tag 734)	Centrally on land of West Gable, Roman Road, Dibden Purlieu. As shown on plan.

T25	Pine (Tag 735)	Northern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T26	Pine (Tag 736)	Northern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T27	Pine (Tag 737)	Northern boundary of West Gable, Roman Road, Dibden Purlieu. As shown on plan.
T28	Birch - Tripple stemmed (Tagged 721 - 723)	Centrally within land of Brambles, Roman Road, Dibden Purlieu. As shown on plan.

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

Reference on Map	Description	Situation
None		

Groups of trees

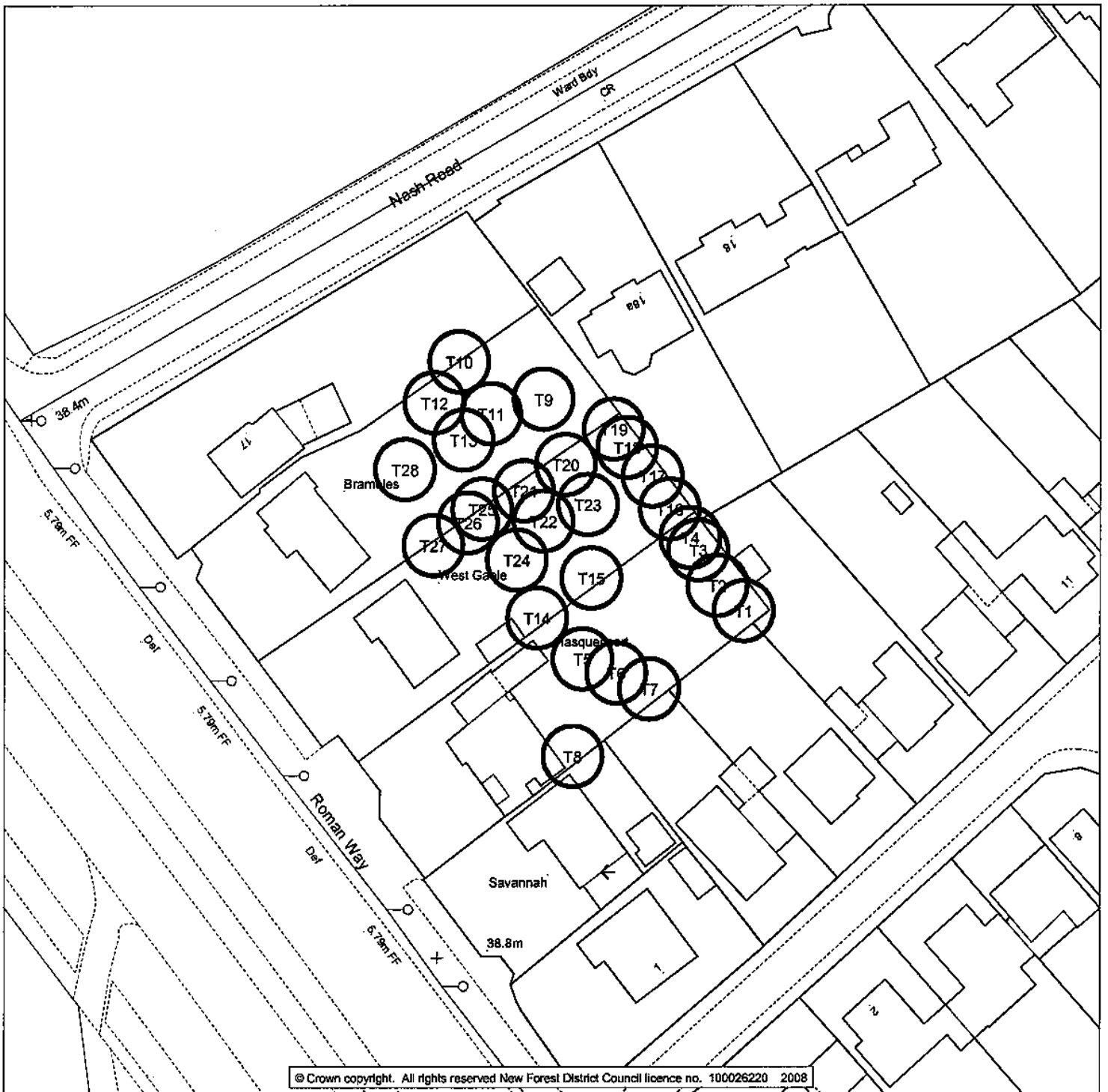
(within a broken black line on the map)

Reference on Map	Description	Situation
None		

Woodlands

(within a continuous black line on the map)

Reference on Map	Description	Situation
None		



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Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 14/08
Approximate Scale: 1:750
Date Printed: 30/07/08

Martin Devine
 Assistant Director of Leisure Services
 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



New Forest
 DISTRICT COUNCIL

AN AUTHORISED SIGNATORY

APPENDIX 3

APPEALS PANEL MEETING – 4 SEPTEMBER 2008.

OBJECTION TO TREE PRESERVATION ORDER NO. 14/08 LAND OF BRAMBLES, WEST GABLE AND HASQUENCORT, ROMAN ROAD, DIBDEN PURLIEU, HAMPSHIRE.

REPORT OF COUNCIL TREE OFFICER

1. TREE PRESERVATION ORDER HISTORY

- 1.1 Tree Preservation Order (TPO) No.14/08 was made on 25 April 2008
The TPO plan and first schedule are attached as Appendix 1 to Report B.
The Order protects 'trees of whatever species' within the designated area incorporating the properties Brambles, West Gable and Hasquencort, Roman Road, Dibden Purlieu, Hampshire.
- 1.2 The trees were protected following a notification to the Tree Team from a local resident that a substantial Pine tree had been removed from the rear boundary of Hasquencort, Roman Road, Dibden Purlieu.
- 1.3 The Council's Tree Officer was initially unable to gain access to the three properties. However, from external assessment it was apparent that the trees merited inclusion in a TPO as they were clearly visible to the public and any further tree loss would be detrimental to the appearance of the area. Furthermore, due to the size of the individual plots and potential access to the sites via both Roman Road and Nash Road it was considered that there was the potential for future development of the sites. The TPO would ensure that should an application in the future be forthcoming. The trees would have to be considered as a material constraint and therefore mitigates against pre-emptive felling. It was therefore expedient to protect the trees with an Area TPO.
- 1.4 After having gained access to the properties and inspected all the trees covered by the current Area TPO. It is proposed that the Area TPO is modified on confirmation to only protect individual trees within the rear gardens of Brambles, West Gable and Hasquencort, Roman Road, Dibden Purlieu. See the proposed First Schedule and site Plan attached as Appendix 2 to Report B
- 1.5 The owners of Brambles, West Gable and Hasquencort have written objecting to the Order.
- 1.6 The Council's Tree Officer held a site meeting with the objectors on 12 June 2008 to try and resolve the objections. As a result of that meeting the objections made by the owner of Hasquencort were withdrawn. The remaining objections still remain. Copies of relevant correspondence are included as Appendix 4 to Report B.

2. THE TREES

- 2.1 The trees in question are predominantly mature pines and birches standing in the rear gardens of Brambles, West Gable and Hasquencort, Roman Road, Dibden Purlieu.
- 2.2 The trees appear from ground level inspection to be in a sound and healthy condition, with no significant defects and as such offer many years of future tree cover to the area.
- 2.3 The trees can be clearly seen by the public from Roman Road, Roman Way, Nash Road, Nash Close as well as glimpsed when passing along the A328.

3. THE OBJECTIONS

- 3.1 A copy of the objection and associated correspondence is included as Appendix 4 to Report B
- 3.2 The grounds for the objections include:
 - Regular maintenance is carried to the trees in order to stop them becoming too intrusive, for general maintenance and development of the garden.
 - There is no intension to destroy the character of the area.
 - The imposition of the TPO is unfair unless applied to the whole area.
 - Only 3 houses are included in the TPO when the whole neighbourhood abounds with trees.
 - In addition to the original Pines and Birches a number of ornamental trees have been planted.
 - Trees have only ever been lopped or topped in order to alleviate a problem for neighbours.
 - 1 tree was felled because it was causing a considerable nuisance to a neighbour

4. OBSERVATIONS ON THE GROUNDS OF OBJECTION

- 4.1 The Council's Tree Officer does not consider that the TPO would prevent tree maintenance being carried out. A Tree Works Application can be submitted to the Council and should the works be reasonable there would be no reason to refuse the application.
- 4.2 While there may be no intention to destroy the character of the area, one Pine tree has been felled at the request of an adjacent landowner. The Council's Tree Officer has met with the neighbour where it was indicated that further tree removal would be required.
- 4.3 Due to the similarity in plot size, location and past planning history of adjacent properties it is considered that, in the interests of expediency, any TPO should to protect the trees within the gardens of all three properties.

- 4.4 It is agreed that the neighbourhood is well catered for in terms of general tree cover; however it is not possible to protect all trees in the locality without good reason. In this case premature tree loss has already occurred. Combined with the properties' combined plot sizes and the potential for development, it is considered that the TPO is justified and appropriate in this instance
- 4.5 The trees proposed for inclusion within the TPO are pines and birches. A number of ornamental trees have been planted but it is not intended to make these trees subject to protection under the proposed modifications to the TPO.
- 4.6 It is understood, following a site visit held on the 25th June 2008 with Mr Hill of 7 Roman Way, Dibden Purlieu, the neighbouring property, that the pine was felled as it was preventing the area of garden immediately below it from establishing grass. It was further suggested by Mr Hill that he would like further trees to be removed along that boundary.

5 RECOMMENDATION

- 5.1 It is therefore recommended that TPO 14/08 is confirmed in a modified form with the Site Plan and First Schedule altered to list 28 individual trees of which 21 are Pine and 7 Birch, as set out in Appendix 2 to Report B.

Further Information:

Andrew Douglas
Senior Arboricultural Officer
Telephone: 02380 285205
email: andrew.douglas@nfdc.gov.uk

Background Papers:

Tree Preservation Order No. 14/08
Associated correspondence

APPENDIX 4

Brambles
Roman Road
Dibden Purlieu
Southampton
SO45 4RN

15 May 2008



Mr A Ludington
Tree Team
Appletree Court
Lyndhurst

Dear Sir

I am writing with reference to, and to object to the TPO No 14/08 proposed for Brambles, West Gable and Hasquencort of Roman Road, Dibden Purlieu.

Being the owner of Brambles I am at a loss as to why these three properties have been selected for a TPO when they sit amongst numerous other properties with similar vegetation structure and much open woodland.

At Brambles we love the trees and the seclusion they afford but it is often necessary to prune the trees in the front as they encroach on Electricity lines and telephone cables - this is an annual chore but very necessary. To the rear of the property there are numerous trees / shrubs that require regular maintenance to stop them becoming too intrusive upon neighbouring properties, for general maintenance and development of the garden, to stop over growth, and in the case of some old and rotten Silver Birch trees for safety reasons.

It would appear that all of these properties only ever carry out needed maintenance in their gardens and there are no plans to destroy or alter the character of the area, for this reason I am mystified as to why these three properties have been singled out for a TPO. I would very much appreciate it if you could explain the reasoning behind this proposal.

Yours sincerely,

Mr & Mrs Whettingsteel

Brambles
Roman Road
Dibden Purlieu
Southampton
SO45 4RN



1 June 2008

Mr A Ludington
Tree Team
Appletree Court
Lyndhurst
SO43 7PA

Dear Sir

I am writing with reference to, TPO No 14/08 proposed for Brambles, West Gable and Hasquencort of Roman Road, Dibden Purlieu.

Being the owner of Brambles we are at a loss as to why these three properties have been selected for a TPO when they sit amongst numerous other properties with similar vegetation structure and much open woodland. We wrote to object as your original letter invited us to do, but we are at a loss to understand the point as we have not received any communication from you. We have been visited by Mr Eldridge, without any prior appointment being set up by us, only to have preservation orders put on our trees. Was our objection letter a pointless exercise ?

We do feel very strongly that these three houses have been unfairly selected as there are many properties with similar trees in this area, why was a blanket order not issued? In our opinion there seems to be a lack of continuity present here. NFDC granted planning for the house 18A Nash Rd which is at the bottom of our garden, resulting in many of the fir trees that we and the rest of the community had the pleasure of seeing (visual amenity we believe its called), felled to make way for a new house. Also at the front of our house yet more much taller, older and well established fir trees felled to make way for an even taller mobile phone mast, which has no visual amenity - in fact it is an eyesore.

We would like to have access to the paperwork that led to this TPO order on our property under the Freedom of Information Act and look forward to receiving your response to our comments.

Yours sincerely,

Mr & Mrs Whettingsteel

Mr A huddington.
New Forest District Council,
Leisure Services,
Appletree Court,
Lyndhurst
SO43 7PA.

West Gable,
Roman Road,
Bibden Purlieu,
Southampton.
SO45 4RN
10th May. 2008.

Dear Mr huddington

Re: TPO^s - your ref: ALUD/MAC/14/08.

Further to your letter and enclosures of the 28th April - 2008 I would like to make the following comments.

1. I am concerned that a blanket TPO was issued prior to any visit from you or discussion with your office.
2. The TPO only appears to apply to 3 properties in Roman Road. Since the whole neighbourhood abounds with trees I can see no reason why only these properties have been singled out for the issue of TPO^s.
3. I must point out that in addition to the original pine and silver birch trees our garden also includes a number of ornamental trees which we have planted over the past 20 years. Does the council wish to control how and when we wish to prune these trees?

I believe that you are going to arrange to visit in the near future to discuss which particular trees should carry a TPO. Hopefully after this visit any issues relating to tree pruning and maintenance will be clarified.

Yours sincerely

Mr. A. Huddington,
New Forest District Council
Leisure Services,
Appledree Court,
Lyndhurst,
SO43 7PA



West Gable,
Roman Road,
Dibden Purlieu,
Southampton
SO45 4RN

30/5/08

Dear Mr. Huddington,

Re: TPOs - Your Ref. ALUD/MAC/14/08

I refer to recent correspondence relating to TPOs imposed on our property and the subsequent visit of Mr. Eldridge yesterday to assess our trees.

I understand that whatever recommendations Mr. Eldridge has made will be upheld, so we fail to understand the point in your original letter of giving us the option of making objections or comments. We and our neighbours all sent in letters objecting but it would seem that this is a pointless exercise.

We feel very strongly that our three houses have been unfairly selected for the issue of TPOs. We have the pleasure of seeing many trees in other properties from our own back garden and indeed throughout the whole area. The imposition of TPOs on our trees can only be fair if this regulation is applied to the whole area.

Though I understand that the trees directly opposite our house do not come under your jurisdiction, it would appear that it is entirely

acceptable for these to be massaged for the installation of a mobile phone mast, which merely emphasises the double standards applied in the area 'in the interests of visual amenity'.

Finally, we would like to have access under the Freedom of Information Act to the paperwork that led to the imposition of these TPOs on our property and would be grateful if you could let us know when we can see this.

Yours sincerely,

West Gable,
Roman Road
Dibden Purlieu,
Southampton.
SO45 4RN
June 30th - 2008

Mr A Douglas,
New Forest District Council,
Leisure Services,
Appletree Court,
Hyndhurst.
SO43 7PA

Dear Mr Douglas

Re TPO^s at West Gable - Roman Road.

Thank you for your letter of 13th June - 2008.
We have been away which is why we have
not replied sooner.

The plan and numbering of the trees in our
garden is incorrect and we still feel unhappy
that we have 14 trees with TPO^s on them.
A correct plan is enclosed.

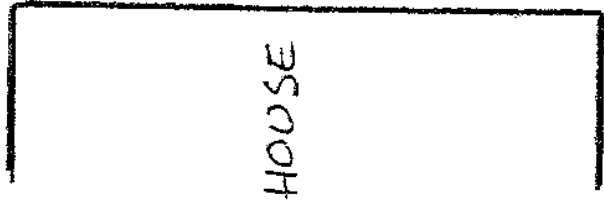
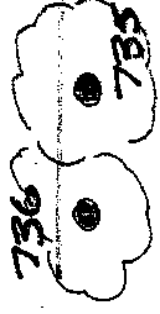
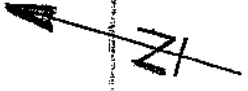
We understand that you have to assume
the worst until proven otherwise but, once proven
otherwise as in our case why can't the TPO
order be cancelled?

In our letter of the 30th May we asked to have
access under the Freedom of Information Act
to the paperwork that led to the imposition
of the TPO^s.

You have not yet responded to this request
and we look forward to hearing from you
in this regard.

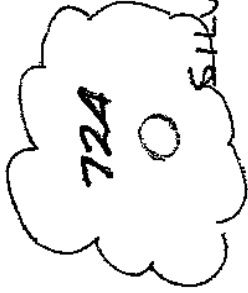
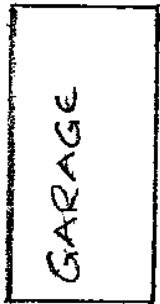
Yours sincerely

BRAMBLES

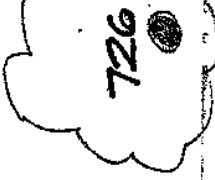


WEST GABLE - BACK GARDEN

SCALE - APPROX. 1:150

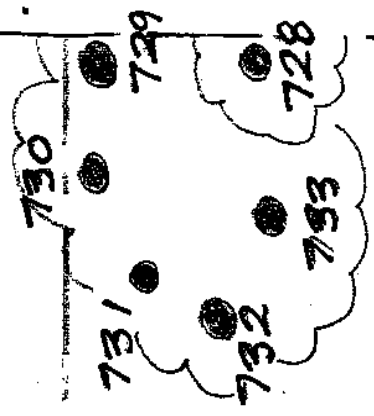


SILVER BIRCH



HASQUENCORT

● - PINE TREES



*Arnold and Marian Wride
'Hasquencort'
Roman Road,
Dibden Purlieu,
Southampton.
SO45 4RN*

New Forest District Council
Leisure Services.
Appietree Court,
Lyndhurst,
Hampshire.
SO43 7PA

7 May 2008

Your Reference: ALUD/MAC/14/08

Dear Mr. Caldwell,



TPOs – At The Above Address

Thank you for your letter dated 25 April 2008 with accompanying explanatory papers.

I am rather concerned at the blanket Tree Preservation Order made on the trees within the boundary of our property, apparently being based on the trees making a significant contribution to the landscape. It is true that they are visible to neighbours and the tops can be seen from parts of the road, but it appears that other trees in the immediate area have been ignored even though they are as, if not more, readily seen from the road.

I understand from paragraph 4 that in the event of Tree Preservation Order being confirmed, the property will be visited and individual trees will be assessed as to their suitability for retaining on a schedule of protected trees. I would appreciate confirmation of this.

To give you some idea of the variety of trees on the property I have attached a general, not definitive, list of those on the property. It will give an indication of why I have considerable concern at the blanket TPO covering 'All Species'. I would appreciate your comments on the queries included in this list and let me know where I can get details of any other TPOs in the Waterside.

I feel I should point out that over the past 30 years that we have been living here we have only ever had trees topped or lopped to maintain them or alleviate a problem for neighbours. Similarly trees have only been felled when they were dead or, as in one case, because it was causing considerable nuisance for a neighbour.

Yours sincerely.

Arnold T A Wride

LIST OF TREES AT 'HASQUENCORT, ROMAN ROAD, DIBDEN PURLIEU

All of the trees listed have a trunk of more than 4" in diameter.

General Trees

- Cypressus** - There are a number on various parts of the property. They vary considerably in size and they need topping at irregular intervals. Some, that form a hedge, were reduced to about 1.25 metres and allowed to sprout to form the hedge. I understand that some Councils ban the planting of them in new properties.
Are the larger ones included in the blanket TPO?
- Holly** - One that is near the boundary and part of the front high hedge is a mature tree that needs controlling to prevent it overhanging the boundary, and growing too tall.
Is this included in the blanket TPO or is it considered to be a shrub (albeit a rather large one)?
- Yew** - One is similar to the Holly in that it forms part of the boundary screen. Others at the back have been kept at a low height and cut to form an arch.
The same query as the Holly applies.
- Willow** - A boundary tree that has been kept pollarded on a regular basis.
- Rowan**- A boundary tree that can be seen by one or two close neighbours.

Ornamental Trees.

- Sumac** - This is mature and as you can imagine it tends to wander a bit. It can only be seen by one neighbour.
- Copper Beech**- This is screened from neighbours by other trees.
- Judas Tree** - Can be seen by some neighbours.
- Bird Cherries**- There are 3 of these and they can be seen by some neighbours.

Are all these ornamental trees included in the blanket TPO?

Woodland Trees

- Silver Birches**- There are a number of these in various conditions some of which are shedding dead branches.
Should these be looked at individually to assess for suitability for being of kept on the schedule.
- Scots Pines**- There are 4 of these and they appear to be quite old (in my terms), maybe as much as 80 years or so. They too shed dead lower branches from time to time, but this I believe is fairly standard for this species.
Should these be looked at individually to assess for suitability for being of kept on the schedule
- Whitebeam (?)**- This is a small tree at present and we hope it will develop a bit.

*Arnold and Marian Wride
'Hasquencort'
Roman Road,
Dibden Purlieu,
Southampton.
SO45 4RN*

New Forest District Council
The Tree Team
Appietree Court,
Lyndhurst,
Hampshire.
SO43 7PA

16 May 2008

Dear Mr. Luddington,

TPO No. 14/08 – At The Above Address, West Gables and Brambles.

With reference to the above TPO I mistakenly sent a request for clarification to Mr M Caldwell at the NFDC offices rather than yourself. I apologise for the any confusion and, in case my letter was not passed on to you, I have enclosed a copy and would appreciate your comments.

As it is getting close to the deadline for objections and I have not heard anything as yet, please take this letter as a formal objection to the above TPO.

My objection to a blanket TPO is that it covers a wide range of trees both woodland and ornamental, all of which require cutting back and generally maintaining to prevent them becoming a nuisance to neighbours. You will see from my earlier letter that my wife and I try and look after our trees, particularly as they are an integral part of our garden, and I have no plans to drastically alter such a pleasant environment. Also there was no apparent inspection of the trees or any thought being given to the type of trees involved.

I have no idea why the TPO was issued I would appreciate some idea of why, of all the properties in the area that also have trees, I and my immediate neighbours have been selected.

Yours sincerely,

Arnold T A Wride

