

**9 APRIL 2009**

**NEW FOREST DISTRICT COUNCIL**

**APPEALS PANEL**

Minutes of a meeting of the Appeals Panel held in the Council Chamber, The Public Offices, Ringwood on Thursday, 9 April 2009.

**Councillors:**

p E J Heron  
p C Lagdon

**Councillors:**

p Lt Col M J Shand  
p C A Wise

**In Attendance:**

**Officers Attending:**

Miss J Debnam, A Douglas and E Williams.

**Also Attending:**

Mrs Martin – Objector  
Cllr Mrs B Woodfield – Ringwood Town Council

**21. ELECTION OF CHAIRMAN.**

**RESOLVED:**

That Cllr Shand be elected Chairman for the meeting.

**22. MINUTES (REPORT A).**

**RESOLVED:**

That the minutes of the meeting held on 6 February 2009, having been circulated, be signed by the Chairman as a correct record.

**23. TREE PRESERVATION ORDER NO. 36/08 (REPORT B).**

The Panel considered an objection to the making of Tree Preservation Order 36/08 relating to land of Meadow View, 12 Salisbury Road, Ringwood. Tree Preservation Order No. 36/08 protected a group of 8 Scots Pine trees. One tree had been excluded from protection on the grounds that it had a fissure. The protected trees had all been individually marked and their cumulative value was represented in the group designation, rather than individual specification of trees.

Mrs Martin advised the Panel that, whilst she had no immediate intention of felling any of the protected trees, she was concerned about the size of the most northerly trees which were also close to the house. These trees were the first to meet the

prevailing wind and she was concerned about their potential to fall on her house. While she had less objection to the protection of the five or six most southerly trees, she objected to the inconvenience that the order would create in having to seek permission every time she wished to do any works to the trees. This would include essential works where the trees represented a danger.

In answer to questions, Mrs Martin advised that there were some problems with tree roots lifting some of the block paving in the driveway.

Mr Douglas, the Council's Arboriculturist, explained that essential work to prevent danger and the removal of any dead limbs from the protected trees was specifically exempted from requiring prior consent within the terms of the Tree Preservation Order and would not consequently be subject to any delay. The Council asked for prior notification, as a matter of courtesy, whenever possible but this would not prevent essential management of the trees. Other maintenance work was controlled, but not prevented, by the tree work application process which provided the tree owner with a source of valuable free advice to assist them in deciding what management works needed to be done.

Mr Douglas emphasised that this was an important group of trees that provided significant amenity value within the wider area. They were very visible from main approaches along the A31 and A337. He considered that the concerns about the proximity of the trees to the house were unfounded. The trees were now most likely at their maximum height and were structurally sound. There was no reason to suppose that they would present any danger to the property. No management had been carried out on the trees for a significant period of time and there was a large quantity of dead wood and snags within the trees' canopies which should be removed to reduce problems with shedding. This work could be managed within the terms of the Tree Preservation Order through a tree works application. The damage to the driveway was a separate issue. The driveway was paved and experience elsewhere suggested that, in close proximity to trees, paved drives could become rutted but this was relatively easy to remedy as individual blocks could be removed, levelled, and replaced.

Mr Douglas advised the Panel that the test of expediency in making the Tree Preservation Order was satisfied in that it had been prompted by the submission of a planning application for the construction of a triple garage.

In answer to questions Mr Douglas confirmed that the trees were structurally sound and were not likely to create any danger. The protection of only part of the group of trees could have a significantly detrimental effect on their overall amenity value. The greatest objection was to the tallest, most prominent trees. In addition, their removal could alter the way in which the wind operated on the remaining trees and prove more damaging. Maintenance works would not have the same likelihood of damaging change to wind movements around the trees.

A further advantage of the imposition of the Tree Preservation Order was that it would ultimately secure replacement planting when the trees reached the end of their life. Without the Order, no such replanting could be secured.

One issue which had been raised was the ability of the trees to act as a sound barrier. It was unlikely that they had been planted for this purpose, as they were the wrong species. The best way forward would be to select appropriate understory species to create supplementary planting along the boundary to provide the necessary noise barrier. This was entirely possible within the terms of the Tree Preservation Order.

Town Cllr Woodfield could see both sides of the issue. In answer to a question she was advised that a three bay garage would not provide the same sound and wind barrier effects as the existing trees and in addition could adversely influence the roots of the remaining trees. Construction of a garage, while avoiding the root systems of the trees, would prove disproportionately expensive.

In summing up, Mr Douglas re-emphasised the amenity value of the trees, when considered as a group and did not consider that they constituted any danger which would warrant their removal. He advocated that the order should be confirmed without modification.

In summing up, Mrs Martin re-emphasised her concerns about the inconvenience imposed by the Tree Preservation Order and in particular the inclusion of the most northerly trees within the group.

The Hearing was then formally closed to allow the Panel to debate the merits of confirming, not confirming or modifying the order.

Having considered all the evidence before them, members concluded that the trees provided significant amenity value, when viewed as a group. This amenity value would be reduced should the more northerly trees be removed from the Order and subsequently felled. They did not consider that any argument had been put forward that established that the trees would create any danger, and normal maintenance of the trees could continue within the terms of the Order. Consequently it was

**RESOLVED:**

That Tree Preservation Order No. 36/08 relating to land at Meadow View, 12 Salisbury Road, Ringwood be confirmed without modification.

CHAIRMAN

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