



APPEALS PANEL – 20 NOVEMBER 2009

**OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER
24/09, LAND OF 3 COURT CLOSE, LYMINGTON**

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 map from the Order, which specifies all the trees protected by the Order.

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. The Tree Officer also recommends that the Order should be amended from an Area Order to one specifying individual trees.

Appendix 3 The schedule and map which were proposed for the amended Order, which specifies individual trees. These have been circulated to all parties concerned for consultation.

Appendix 4 The written representations from the objectors to the making of the Order

Appendix 5 The schedule and map which the Council's Arboriculturist now recommends should be approved for protection by this Order, taking into account points raised by the objection.

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 24/09 relating to land of 3 Court Close, Lymington with, or without, amendment.

For Further Information Please Contact:

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Background Papers:

Attached Documents:
TPO 24/09
Published documents

APPENDIX 1

SCHEDULE 1

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)

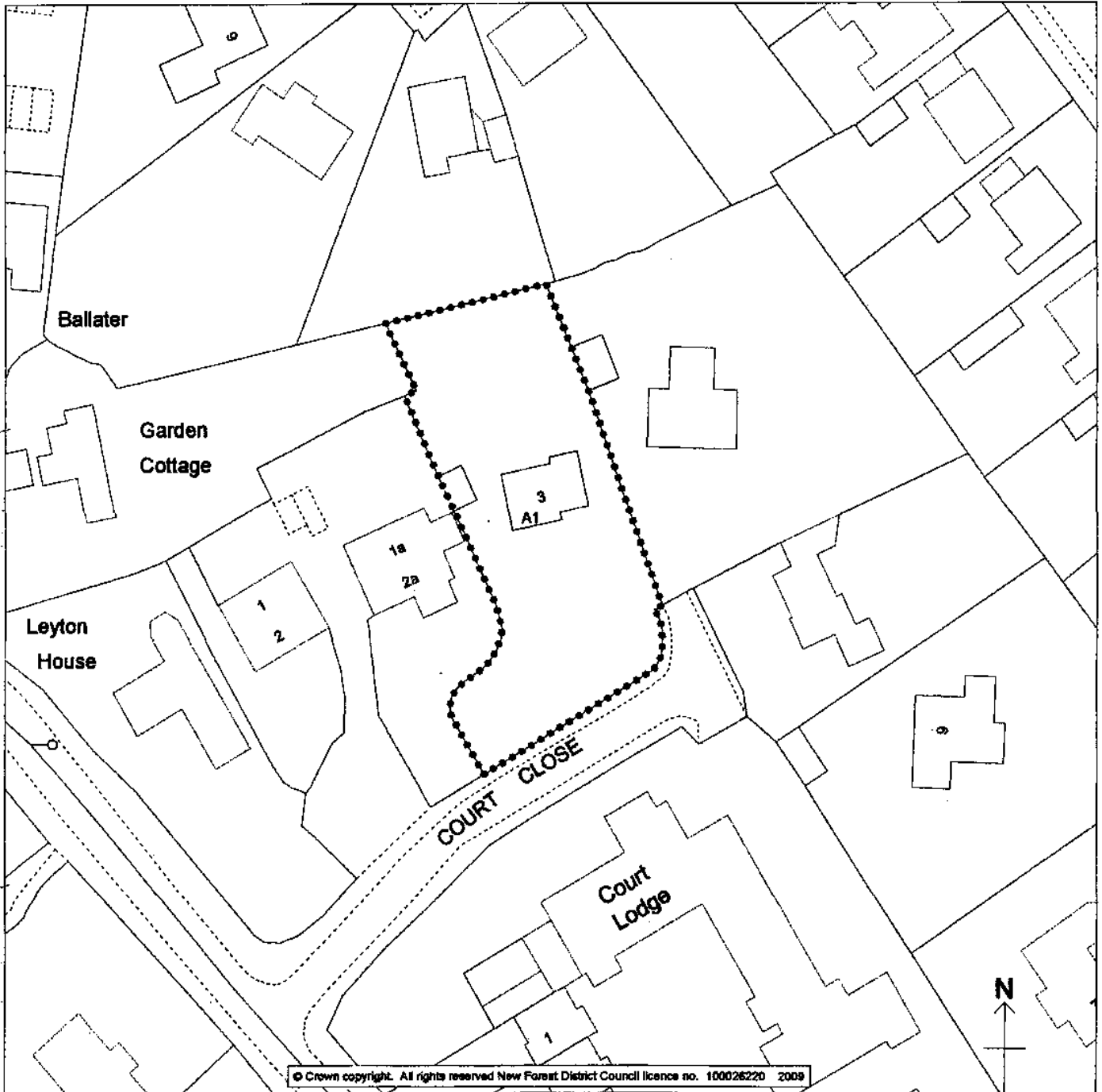
Reference on map	Description	Situation
A1	All trees of whatever species within the area marked A1 on the plan.	Land of 3 Court Close, Lymington. As shown on plan.

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

Reference on map	Description (including number of trees in the group)	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: 24/09

Approximate Scale: 1:750

Date Printed: 30/06/09

Chris Elliott
 Head of Planning and Transportation
 Community Services Directorate
 Appletree Court
 Beaulieu Road
 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

OBJECTION TO TREE PRESERVATION ORDER NO. 24/09

LAND OF 3 Court Close, Lymington, Hampshire

REPORT OF COUNCIL'S TREE OFFICER

1 TREE PRESERVATION ORDER HISTORY

- 1.1 Tree Preservation Order (TPO) 24/09 was made on 1 June 2009. The TPO plan and first schedule are attached as Appendix 1 to Report A. The Order currently protects all trees sited within the curtilage of 3 Court Close, Lymington, designated as area A1.
- 1.2 The TPO was made following the submission of a planning application (09/94178) which sought consent to build an extension onto the existing property along with a large conservatory to the rear, porch to the front and a carport. The conservatory was sited within the root protection area of a mature Beech tree, while other works required containment in order to prevent damaging further significant mature trees within the site.
- 1.3 The Council's Tree Officer inspected the trees and concluded that they make a positive contribution to the landscape of the immediate and surrounding area. It was felt that the trees had not been considered as a site constraint, and as such were potentially under threat. It was therefore considered to be expedient to protect the trees via a TPO.
- 1.4 One original letter objecting to the making of the TPO has been received from Mr Woodford, one of the neighbours (Appendix 4).
- 1.5 However, following discussions with the Mr Cox, the current owner of 3 Court Close, it was agreed that the representation period for objections would be extended to the 25th August 2009 in which time to a draft modified site plan and 1st schedule would be drawn up and sent to all those households served with the original Order. This was done (See Appendix 3) and since then only one further objection has been received, from Mr Cox. (Appendix 4). Mr Woodford has not made any further comment regarding the amended schedule and plan.

2 THE TREES

- 2.1 The trees in question are predominantly mature Sycamore, Pine, Beech and Oak located within the rear garden, with occasional Birch located adjacent to the property's front garden boundaries. The trees, and particularly the Sycamore in the rear, have been heavily crown lifted prior to Mr Cox owning the property. It is understood from Mr Cox that a number of trees and shrubs have been recently removed in order to further open up the rear garden as it was very overgrown. Due to the lack of previous tree management, the now exposed trees have asymmetrical crowns.

- 2.2 The trees offer a good level of visual amenity to the immediate and surrounding area, and can be seen from public vantage points, as well as by the residents of the Court Close and Gilbert Close.

3 THE OBJECTIONS

Copies of the objection letters are included in Appendix 4 of Report A.

The grounds for objection include:

- The TPO needs to be made clearer.
- Some of the trees are of insignificant value for amenity.
- The Sycamores either lean over boundaries or are a very odd shape.
- The TPO unfairly targets the homeowner just because a planning application was made.
- The TPO prevents the ability to maintain the trees as seen fit.
- The trees are under good management.
- The trees have not been correctly assessed and would not meet the criteria for protection.

4 OBSERVATIONS ON THE GROUNDS OF OBJECTION

- 4.1 In response to trees being placed under threat, be that immediate or not, or to ensure trees are fully considered as a site constraint in relation to planning applications, the Council has the ability to make a TPO. In this case with an initial Area designation. This designation is only a temporary measure and generally, upon confirmation, it is considered to be good practice to amend the TPO to cover specifically identified trees, be they individuals, groups or trees within woodlands. As stated in paragraph 1.5 of this statement, after the original Area TPO was served, a revised site plan and schedule was drawn up and sent to Mr Cox and his neighbours. A number of trees included within the original Area have been excluded.
- 4.2 It is correct that a number of the trees, generally the Sycamores, have asymmetrical crowns and lean across boundaries. However, upon inspection, there is no evidence to suggest that the trees are dangerous, or likely to fail in the foreseeable future.
- 4.3 The vast majority of TPO's are served as a direct result of planning applications being submitted to the Council. Usually, as was the case here, where the presence of any trees in the site have been completely ignored. The TPO does not prevent the landowner managing the protected trees, so long as the work is reasonable. A tree works application will have to be submitted to the Council and consent sought before proceeding with any works. There is no additional cost to the applicant.
- 4.4 There is no suggestion that the trees are not been looked after, and it is agreed that, up until the making of the TPO the trees were not protected. Why previous tree officers considered a TPO unnecessary is unclear, as the trees should have been protected in order to ensure that they were fully considered as part of any previous, current or future planning application.
- 4.5 With respect to the objection on the grounds of the preparation of a Tempo form in respect of the trees collectively rather than individually, in accordance with the Town and Country Planning Act Regulations 1999 there is no requirement to assess the trees and record that assessment, be that as an area or individually. So long as the

trees are clearly identified, preferably on an up to date Ordinance Survey Map and are described within the 1st schedule accurately, which they clearly are.

- 4.6 Following the circulation of the revised map and schedule of trees, further consideration had been given to the condition of Tree T14, a birch tree on the western boundary of 3 Court Close. Upon reflection, it has now been concluded that this tree does not warrant protection on the grounds that it is of a poor quality and form and will not add to the immediate landscape of the area in the longer term. On this basis it is proposed to further amend the Order by the deletion of this tree.

5 CONCLUSION

- 5.1 The trees are a feature of the area and are located in a prominent position. After due consideration of the objection received, it is felt that the trees should remain the subject of a modified Tree Preservation Order with the exception of the Beech T14. The map and schedule of trees which it is recommended should be protected by the Order are attached as Appendix 5 to Report A

6 RECOMMENDATION

- 6.1 It is recommended that TPO 24/09 is confirmed with amendment to protect Trees T1 –T13, as specified in the proposed revised schedule and plan attached as Appendix 5 to Report A.

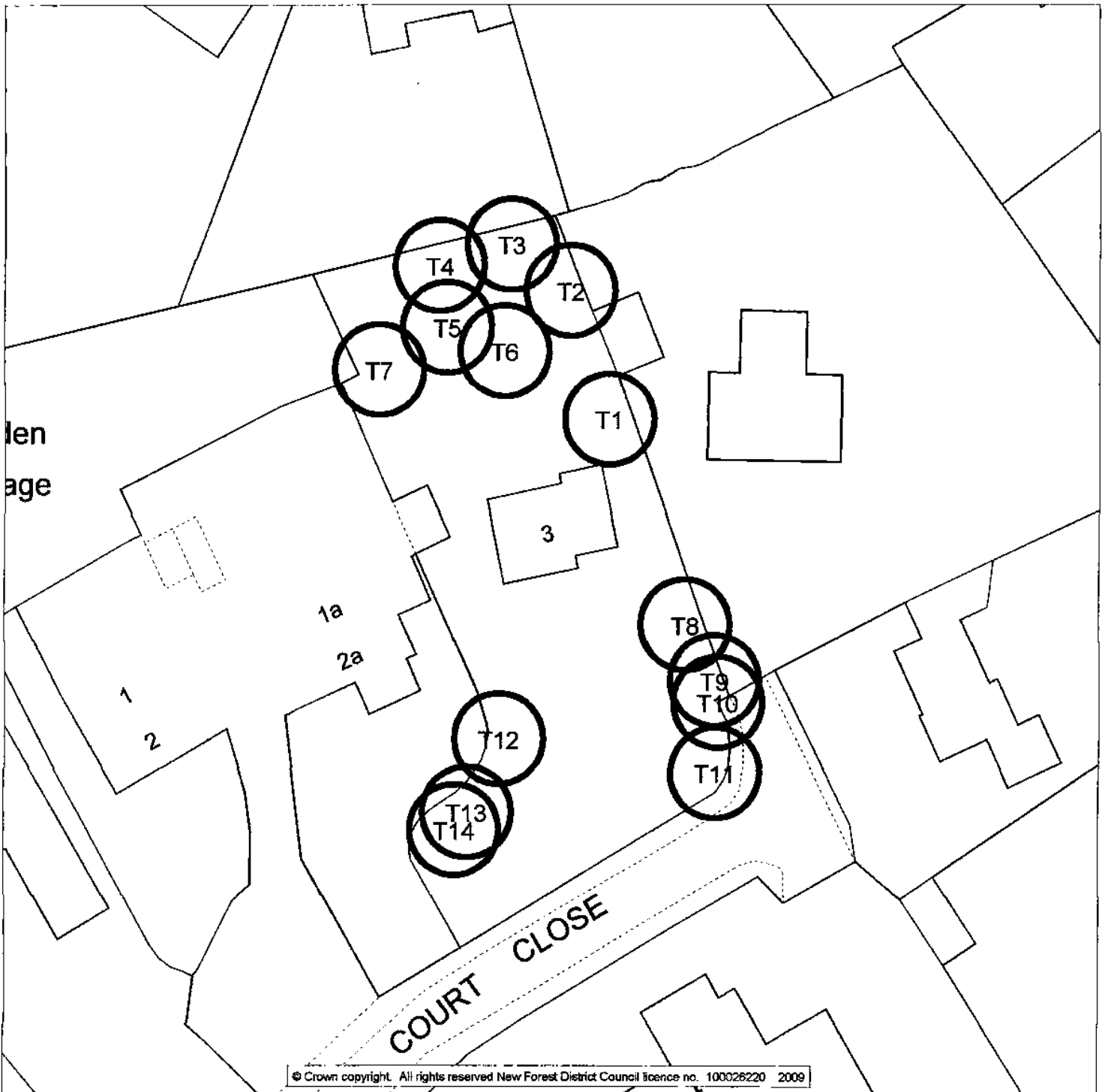
For Further Information Please Contact:

Andrew Douglas
Senior Arboricultural Officer
Tel: (023) 8028 5205
E-mail andrew.douglas@nfdc.gov.uk

Background Papers:

Tree Preservation Order No. 24/09

APPENDIX 3



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Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 24/09

Approximate Scale: 1:500

Date Printed: 28/07/09

Chris Elliott
 Head of Planning and Transportation
 New Forest District Council
 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

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)		
Reference on Map	Description	Situation
T1	Beech	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T2	Sycamore	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T3	Oak	Northern boundary of 3 Court Close, Lymington. As shown on plan.
T4	Sycamore	Northern boundary of 3 Court Close, Lymington. As shown on plan.
T5	Sycamore	Adjacent to the northern boundary of 3 Court Close, Lymington. As shown on plan.
T6	Pine	Adjacent to the northern boundary of 3 Court Close, Lymington. As shown on plan.
T7	Sycamore	Western boundary of 3 Court Close, Lymington. As shown on plan.
T8	Birch	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T9	Birch	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T10	Birch	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T11	Birch	Southern boundary of 3 Court Close, Lymington. As shown on plan.
T12	Ash	Western boundary of 3 Court Close, Lymington. As shown on plan.
T13	Birch	Western boundary of 3 Court Close, Lymington. As shown on plan.
T14	Beech	Western boundary of 3 Court Close, Lymington. As shown on plan.

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 3 Court Close, Lymington. 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		

APPENDIX 4

James Cox

3 Court Close

Lymington

Hampshire

SO41 8FR

Monday 24th August 2009

Andrew Douglas

Senior Arboriculture Officer

Appletree Court,

Beaulieu Road

Lyndhurst

SO43 7PA

REF: TPO 24/09

Dear Mr Douglas,

Further to your letter dated 29th July 2009, I wish to object to the proposed TPO 24/09, as I have multiple issues with this. These are as follows:

1 – I object to being unfairly targeted, just because I made a planning application for a side extension and front porch.

Making a planning application appears to be all that distinguishes me from my neighbours or anyone else in Lymington for that matter, and using this as justification to initiate a TPO being placed, is an abuse of power. I am clearly not a developer and the building work I have permission for will only have a negligible effect on my trees.

I also note that it is inconsistent to apply a TPO, as previous applications for planning on my property (i.e. an application for 6 flats was made by the previous owner in 2005!) and neighbouring properties (two applications for comparable work were made in 2005) did not result in TPO's being placed ? Why am I therefore being targeted now ?

2 – I strongly object to loosing the freedom to maintain and enjoy my trees as I see fit.

This is fundamental to my sense of freedom and the over kill approach to applying this TPO to fourteen of my trees will interfere with my right to enjoy these possessions freely. These trees are also on my private property and the making of such a widespread TPO shows disrespect for my family life and my property. Evidently this is of little or no concern to you as in your letter dated 29th July 2009 you even suggested that "the presence of the TPO will in effect change very little". This is totally incorrect. For me, it will change an awful lot! Not least because I will have to apply for consent to perform even minor work on the trees. This will be tedious, time consuming and prone to dispute.

3 - My trees are not under threat of premature removal and are under good arboriculture management. They therefore do not require protection.

Any tree work I have previously done was essential and I have always consulted professional tree surgeons before this was done. In 2007, I spent thousands of pounds having a number of dying / damaged trees and ivy removed. Prior to undertaking this work, I also informed your department of it and received written confirmation that none of my trees were protected by TPO. When the work was being done, I didn't receive any complaints from the NFDC or my neighbours and the net effect has been to significantly improve the light into my and my neighbour's gardens. Since performing the tree work in 2007 I have also planted around sixty new trees on my property.

4 - The trees have not been thoroughly or accurately assessed by the NFDC and almost all wouldn't meet standard criteria for protection.

I have also not received proper justification for the placement of the individual TPO's despite requesting this on several occasions. All I received from you was a single TEMPO form that was supposed to cover 14 trees that are spread out over a 1/3 acre site ! This is totally inadequate and in my view, unprofessional and a cynical response to my request. The assessment of the trees should have been done systematically and thoroughly and not in such a subjective and undocumented way. I was very disappointed and frankly surprised at this and I therefore asked Barrell Tree Consultancy to do an independent assessment. In relation to the assessment of the trees by the NFDC and the justification for TPO's, Barrell Tree Consultancy made the following comment in their Report:

".....You have also provided me with a copy of the Tempo amenity evaluation sheet, provided to you by the council, which they have used to justify the TPO. It scores 12 making it 'possibly merits a TPO' however this covers all 14 trees which is unrealistic. If the council use Tempo then I do believe they should use an individual sheet for each tree when they used an individual designation TPO. On this basis I believe you could argue a score of 1 (section b) for trees 13 and possibly 10. In addition, you have told me that you had no intention of prematurely removing the trees which would change the score of part 2 to a score of 1. This would mean a total score of 10, 'does not merit a TPO (for trees 10 & 13). In addition, I believe you could score trees 1-7 in the rear garden as 'medium trees or large trees with limited view only' (section C) and using the 'precautionary only' in part 2 this would change the score for trees 1-7 to a 10, again 'does not merit a TPO. The council should be consistent in their assessment and I do not think they have in this case."

With regard to the condition of the trees, Barrell Tree Consultancy also identified several trees with obvious defects. An extract from their Report is also presented below.

☐ *Tree 4: A mature sycamore growing adjacent to the rear boundary with an asymmetric crown. It is in reasonable condition, I did note a wound on the south side of the main stem at approximately 2m. There is no sign of major decay associated with this wound although I would suggest that it is monitored on a regular basis.*

☐ *Tree 6: This mature Scots pine grows central to the rear garden. It leans to the north east and has a high crown. I did note dead branches within the upper crown, these are not indicative of crown die back but is a natural accumulation of dead wood. These may naturally fall out and you may want to consider removing the dead branches as a safety precaution, this work is exempt from the TPO but you should give the council notification of when you intend to carry out the work. There are also several ribs near the base of the tree, I could not find any cracks associated with these ribs but they can sometimes indicate*

internal decay. You should consider commissioning a more detailed investigation in the near future which may involve a form of non invasive internal decay detection. In any event, simply due to the size of the tree, the lean, ribs and position central to the garden you should have this tree inspected on an annual basis to monitor any changes in its condition.

- Tree 7: This mature sycamore grows adjacent to the western boundary with the neighbouring garden. Several of the lower branches have been removed over the years resulting in several wounds to the main stem. I did note two wounds at approximately 6m on the southern aspect that are showing signs of decay. My view from ground level is that this is not, at this stage, sufficient to present a significant structural defect but I would advise it is looked at more closely and monitored.*
- Tree 9: A birch growing immediately adjacent to the eastern boundary. From my observations it appears to be leaning directly against the boundary brick wall. The stem diameter is only 27cm and clearly this will increase and will result in direct damage to the wall. As the tree naturally sways in the wind it is also likely to cause direct damage. In view of the high risk of direct damage to the boundary wall and its limited amenity value simply because larger trees grow directly adjacent to it, I do not believe it is suitable for inclusion within the TPO.*
- Tree 10: Mature birch growing adjacent to the eastern boundary. It is in reasonable condition although I did note that the crown is sparse with small leaves which may indicate early decline, I suggest the tree is monitored to detect any further changes.*
- Tree 11: A mature birch growing adjacent to the access drive. It is in reasonable condition, I did note exposed roots where the drive has been constructed, these are not showing any signs of decay at present but should be monitored.*
- Tree 14: This is a young beech growing in close proximity to tree 13. The tree is of poor form with two stem at 2m, it really has very little potential to improve and is not in my opinion worthy of inclusion within the TPO. "*

The inclusion of T14 (Beech) is particularly questionable due to its size, obscured position and proximity to birch T13. This in particular raises serious questions about the credibility of your assessment which is clearly inconsistent.

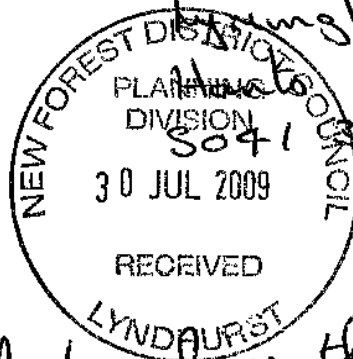
In addition to the defects described above, it is also obvious that many of the trees are too old (i.e. most of the birches) and also not significant in terms rarity or in their provision of wildlife habitat, to be protected by TPO's. The assessment of relative public visibility has also been over stated. I live in a secluded position towards the end of Court Close and as such my trees are largely shielded from public view and can only be seen properly by the immediate neighbours. Glimpses of the tallest trees are also only visible from a few places in the neighbourhood (i.e. in gaps between houses) and road users are certainly not in a position to appreciate the trees. I should also add that two of my neighbour's have also expressed their objection to the placing of TPO's due to their loss of freedom to prune as they see fit and this should also have been taken into consideration.

To conclude, the placement of such a far reaching TPO on my property is unreasonable, unjustified and excessive and I strongly object to it.

Yours Sincerely,

James Cox

of Gilbert Close



Tree Preservation order NO 24/09
land off 3 Court Close Lyndhurst

Dear Mr Douglas,

With regard to the above order, I would like to confirm that I object to the idea of all trees in this garden being subjected to a preservation order, as some are of insignificant value for amenity purposes. Particularly the sycamores/yew + Holly.

The Beech & Oaks I can understand, however the others are either

a) One sycamore leaning over my boundary, a part of the tree is damaged & causes me concern regarding my property safety if it was to fall down.

b) Second Sycamore on the west boundary being very oddly shaped & of little amenity value.

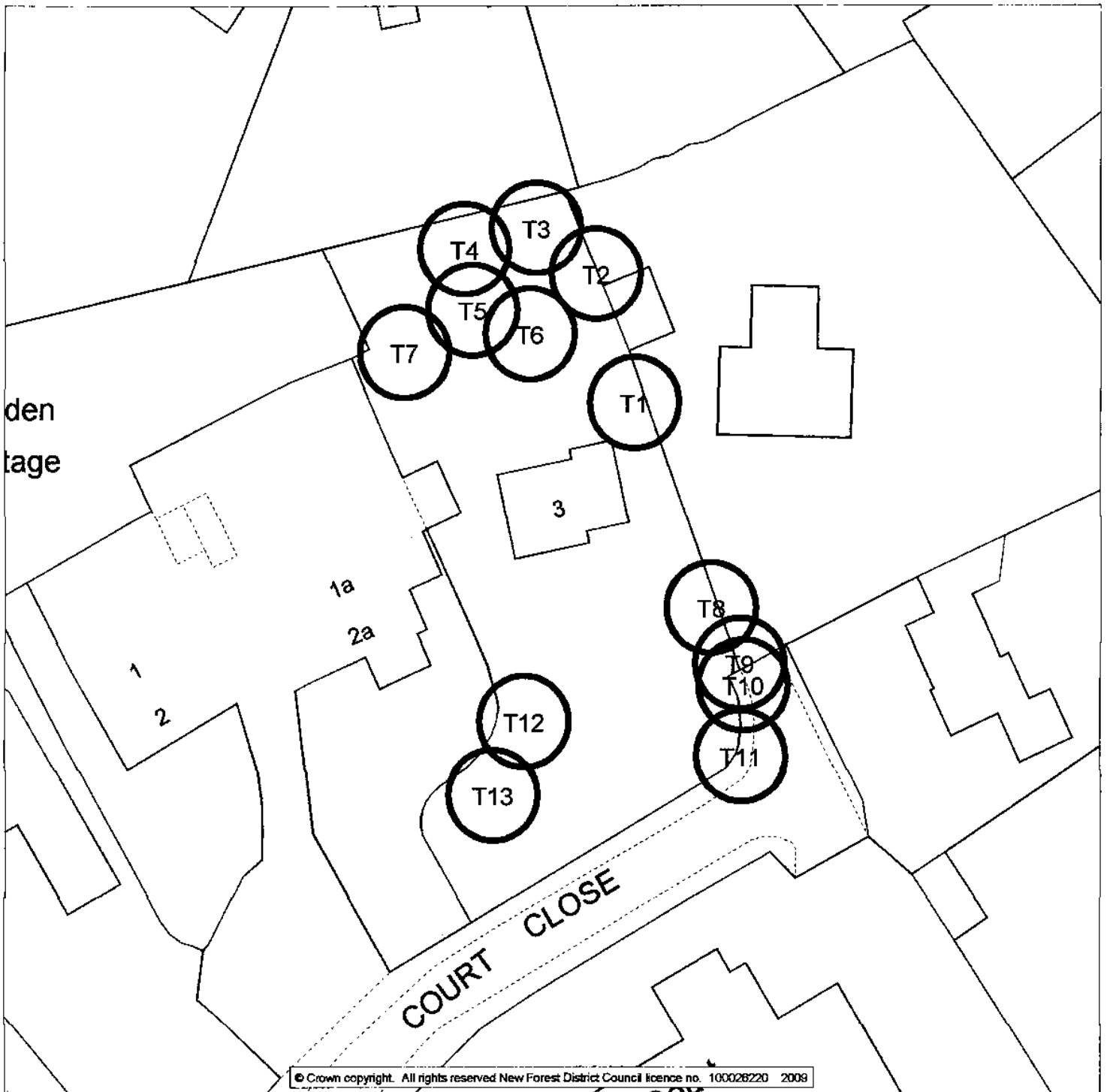
c) Yew being of insignificant value within the total area of trees which runs from Garden Cottage in Ridgeway Lane along nos 1-2-1a-2a-3 & 4 Court Close.

In my opinion it would serve better to select the best trees i.e. Oaks in nos 4-2a Chestnuts or Conifers trees in Garden Cottage & preserve these to keep the Skyline that can be seen from the High Street.

I do not believe any of the trees surrounding the proposed extensions are in any danger of root damage etc & therefore this order needs more specific clarification & not done in black

Yours sincerely
H P 17

APPENDIX 5



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Tree Preservation Order Plan

Town and Country Planning Act 1990

T.P.O Number: 24/09

Approximate Scale: 1:500

Date Printed: 29/10/09

Chris Elliott
 Head of Planning and Transportation
 New Forest District Council
 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



AN AUTHORISED SIGNATORY

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)		
Reference on Map	Description	Situation
T1	Beech	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T2	Sycamore	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T3	Oak	Northern boundary of 3 Court Close, Lymington. As shown on plan.
T4	Sycamore	Northern boundary of 3 Court Close, Lymington. As shown on plan.
T5	Sycamore	Adjacent to the northern boundary of 3 Court Close, Lymington. As show on plan.
T6	Pine	Adjacent to the northern boundary of 3 Court Close, Lymington. As shown on plan.
T7	Sycamore	Western boundary of 3 Court Close, Lymington. As shown on plan.
T8	Birch	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T9	Birch	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T10	Birch	Eastern boundary of 3 Court Close, Lymington. As shown on plan.
T11	Birch	Southern boundary of 3 Court Close, Lymington. As shown on plan.
T12	Ash	Western boundary of 3 Court Close, Lymington. As shown on plan.
T13	Birch	Western boundary of 3 Court Close, Lymington. 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		
