

22 JULY 2010

**NEW FOREST DISTRICT COUNCIL**

**APPEALS PANEL**

Minutes of a meeting of the Appeals Panel held in the Meeting Room, Town Hall, New Milton on Thursday, 22 July 2010.

**Councillors:**

p Ms L C Ford  
p J A G Hutchins  
p Mrs A M Rostand

**Councillors:**

p Lt Col M J Shand  
p R Wappet

**Officers Attending:**

Miss J Debnam, A Douglas, Ms T Putnam and E Williams.

**Also Attending:**

Mr Smith and Mr Herman – Residents of Kennard Court

**5. ELECTION OF CHAIRMAN.**

**RESOLVED:**

That Cllr D Harrison be elected Chairman for the meeting.

**6. MINUTES.**

**RESOLVED:**

That the minutes of the meeting held on 30 June 2010 be signed by the Chairman as a correct record.

**7. DECLARATIONS OF INTEREST.**

There were no declarations of interest made by any member in connection with the Appeal.

**8. TREE PRESERVATION ORDER NO. 06/10 (REPORT A).**

The meeting had been preceded by a visit to the site to allow Members of the Panel to assess the health of the trees, their relationship to other geographical features and also the amenity value that they provided within the surrounding area. Members had been advised that the objectors would not be attending the hearing. The opportunity was therefore taken to specifically view each of the trees, individual tree T1, two trees within Group 1 and one tree with Group 2, to which objection had

been raised. Members had with them the written grounds for submission and assessed each tree in the light of the specific objection.

In accordance with the normal procedure at hearings, Members noted the objection submitted in writing, which had already been assessed, without discussion, during the site visit, so that each Panel member was aware of the specific grounds for objection in respect of each tree.

Mr Douglas, the Council's Arboriculturist, drew Members' attention to the written grounds for objection, in particular as set out in the schedule to the letter from Strutt & Parker. Mr Douglas did not agree with the classification assigned to the health and value of the trees which were subject to objection. The trees had been classified against British Standard BS 5837 and Mr Douglas felt that the assigned category was inaccurate. Tree T1 (noted as T006 in the Strutt & Parker Schedule) had been classified as Category "R" suggesting that it would be lost within 10 years. The tree was covered in ivy which meant that it was impossible to fully assess its health and condition. It was however large and vigorous showing no signs of deterioration. In his view the tree was within Category A or Category B in the BS classification. With respect to the trees within Groups G1 and G2, each individual tree need not necessarily be the best specimen. What was important was the collective value of the group and the degree to which the group was an important landscape feature. The sycamore tree (tree T018 in the Strutt & Parker schedule) overhanging the pavement of Kennard Court was very significant when viewed along the road, while T008 was the largest tree within Group 1 and very obvious from local viewpoints. In group G2, the sycamore (T004 in the Strutt & Parker schedule) was a large specimen overhanging Kennard Road. Its loss would leave a significant gap in the frontage of the site and reduce the feelings of separation and privacy for its occupiers. In each case the trees were heavily covered in ivy which needed to be addressed. The trees themselves were however in good health and showing no signs of disease.

In answer to questions from members of the Panel, Mr Douglas confirmed that if the ivy was allowed to continue to proliferate over the trees it had the potential to prejudice their long term health and wellbeing. This could easily be remedied by removing the ivy. The trees were healthy in themselves. The Council could not however require the landowner to remove the ivy. This was the responsibility of the landowner. He also confirmed that, in his view, the trees in the groups contributed very significantly to the character of Kennard Court and Kennard Road. The trees collectively softened the development and improved the sky line. The trees were unlikely to have been planted as a landscaping scheme for Kennard Court. The oak trees were older than the development, which was built in the 1960's, while the various sycamores were younger, most like self set.

Mr Douglas also confirmed that trees deemed to be in poor condition by the objectors could not be considered to be dead, dying or dangerous and were therefore eligible for protection through a tree preservation order.

Mr Smith, one of the occupiers of Kennard Court, confirmed that the residents paid for the maintenance of the grounds and had to seek consent for any additional works, such as the clearance of ivy, to be carried out on their behalf. Ivy clearance may carry additional financial implications for them as the work was not standard within the maintenance contract.

In summing up the case for confirming the Order, Mr Douglas considered that it was obvious that the trees, both the individual tree T1 and protected trees in Groups G1 and G2, added very significantly to the character of the site and provided significant amenity value within the wider area. The trees were not dead, dying or dangerous and should continue to be protected within the tree preservation order.

The hearing was then closed.

Members were satisfied that all 4 trees that were the subject of objection warranted continuing protection through a tree preservation order. Tree T1 was individually significant, while the 3 sycamores in Groups G1 and G2 were an integral part of those groups' contribution to the character of the area. The loss of any of the trees would create unsightly open patches and have a significantly adverse impact on the character of the area.

**RESOLVED:**

That tree preservation order number 06/10 relating to land of 1-4 Kennard Court and 29 Kennard Road, New Milton be confirmed without amendment.

CHAIRMAN

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