

2 SEPTEMBER 2010

NEW FOREST DISTRICT COUNCIL

APPEALS PANEL

Minutes of a meeting of the Appeals Panel held in Committee Room 1, Appletree Court, Lyndhurst on Thursday, 2 September 2010.

Councillors:

p Ms L C Ford
p Mrs S I Snowden

Councillors:

p R Wappet
p P R Woods

Officers Attending:

Miss J Debnam, A Douglas and Ms T Putnam.

Also Attending:

Mrs Randall and Mr Southgate – Supporters of the Order.

9. ELECTION OF CHAIRMAN.

RESOLVED:

That Cllr Woods be elected Chairman for the meeting.

10. MINUTES (REPORT A).

RESOLVED:

That the minutes of the meeting held on 22 July 2010 be signed by the Chairman as a correct record.

11. DECLARATIONS OF INTEREST.

It was noted that Cllrs D Harrison and Lt Col Shand, who had originally been asked to sit on the Panel, had declared personal and prejudicial interests in this matter, on the grounds that they knew Mrs Randall from her former role as a County and District Councillor, and also because they had a pre-determined view on whether the Order should be confirmed. Consequently they had both stood down from the Panel and Cllr Snowden had been appointed.

None of the Councillors present at the meeting declared any interest in this matter.

12. TREE PRESERVATION ORDER NO. 11/10 (REPORT B).

The meeting had been preceded by a visit to the site to allow Members of the Panel to assess the health of the tree, its relationship to other geographical features, and in particular the degree to which it overhung the neighbouring objector's garden. They also viewed the amenity value that the tree provided within the surrounding area.

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.

Mr Douglas, the Council's Arboriculturist, drew Members' attention to the high visual amenity provided by the tree when viewed from the surrounding roads. The tree was a very significant feature within the street scene. He advised the Panel that the neighbouring objectors had made a number of suggestions that indicated that they aspired to do work to the tree that would threaten its health and consequently its long term retention.

In answer to questions from Members of the Panel, Mr Douglas advised that leaf fall from the tree was unlikely to be an unreasonable nuisance to the neighbouring objectors. He also advised that dead wood within the canopy of the tree was exempt from the Order and the lower dead branches that Members had observed during the site visit could be removed without requiring consent. There was a long lower branch, on the opposite side of the tree to the neighbouring objector, which might be shortened to balance the tree. That work would require consent through a Tree Works Application, which was free of charge to the applicant. In addition, there was very little danger that the oak tree would fall under normal weather conditions, and it was suited to its position in the rear garden, as demonstrated by its vigorous growth. The tree was very visible within the area and a key feature within the road. It was the only tree of such prominence in the vicinity.

As the owner of the tree and supporter of making the Order, Mrs Randall welcomed the site visit to view the tree. Subject to cost, she accepted in principle that she would undertake such work as was necessary for the well being of the tree. Mr Southgate, her son, similarly accepted the owner's responsibility for managing the tree.

Mr Southgate advised the Panel that he had planted the tree some 50-55 years ago, as a sprouting acorn, when he had been visiting his grandfather who then owned the house.

In answer to questions from Mrs Randall, she was advised that the Order would not prevent normal social activities within the garden. Normal domestic activity could continue unhindered. The effect of the Order was merely to control any work to the tree that might damage it or prejudice its health or appearance.

An e-mail from Cllr Lagdon, one of the local ward councillors, was submitted to the meeting. Cllr Lagdon supported the protection of the tree and the confirmation of the Order, without amendment.

Members noted that the oak tree was only one of the trees within the garden of 305 Salisbury Road, and that another tree, a variety of plum, was more significant in overhanging the neighbouring objector's garden than the oak tree. They wondered whether the source of the neighbour's concerns was in fact the plum tree and not the oak.

In summing up, Mr Douglas considered that this was a good specimen tree which could be seen from a number of public viewpoints. The tree had a significantly long healthy lifespan before it. The tree did not prevent the normal recreational use of the domestic gardens.

The Hearing was then closed.

Members were satisfied that the tree offered significant amenity value to the local area, when seen from a number of public viewpoints. The tree was of good form and healthy and should remain a significant feature in the local landscape for many years to come. The tree was also the only one of such scale in the vicinity and its value was increased by its rarity. As such they were satisfied that the tree was worthy of protection by a Tree Preservation Order.

The Panel then discussed whether it was expedient to make the Order. They were satisfied that there was likely to be pressure to remove the tree or to do works to the tree that would prejudice its long term health and retention, as a result of likely development in the vicinity. It was therefore expedient to confirm the Order.

RESOLVED:

That tree preservation order number 11/10 relating to land of 305 Salisbury Road, Totton be confirmed without amendment.

CHAIRMAN