

NOTICE OF MEETING

Meeting: APPEALS PANEL

Date and Time: THURSDAY, 9 DECEMBER 2021, AT 3.00 PM*

Place: TOTTON AND ELING COMMUNITY CENTRE (LILAC ROOM), CIVIC CENTRE BUILDINGS, LIBRARY ROAD, TOTTON, SO40 3RS

Enquiries to: E-mail: andy.rogers@nfdc.gov.uk
Andy Rogers

PUBLIC PARTICIPATION:

PLEASE NOTE: The Hearing will be preceded by a visit to the site. Please meet at the place indicated on the attached plan at 2.15pm. (47 Sylvia Crescent, Totton, SO40 3LP)

Colin Read
Interim Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA
www.newforest.gov.uk

This Agenda is also available on audio tape, in Braille, large print and digital format

AGENDA

Apologies

1. ELECTION OF CHAIRMAN

To elect a Chairman for the meeting.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

3. TREE PRESERVATION ORDER NO. 0009/21 - LAND OF 47 SYLVIA CRESCENT, TOTTON SO40 3LP (Pages 5 - 36)

To consider objections to the making of Tree Preservation Order 0009/21 relating to land of 47 Sylvia Crescent, Totton SO40 3LP.

4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

To:

Councillors

Alan Alvey
Philip Dowd
Barry Dunning

Councillors

Neville Penman
Derek Tipp

**NEW FOREST DISTRICT COUNCIL
DETERMINING TREE PRESERVATION ORDERS WHERE OBJECTIONS TO THE
ORDER HAVE BEEN MADE**

Procedure at the Appeals Panel for Tree Preservation Orders

1. INTRODUCTION

- 1.1 Regulations oblige local authorities to take into consideration any duly made objections before deciding whether to confirm a Tree Preservation Order. A duly made objection must be sent to the Council in writing. Whether this objection is made by letter or by e-mail it will be considered to be a public document that is open to inspection on the file and may, in the event of an Appeal, be published in full.
- 1.2 At New Forest District Council, objections are considered by a Panel drawn from the Appeals Committee.
- 1.3 Meetings of the Appeals Panel are formal meetings of the Council. The Panel is supported by a legal advisor and a Committee Administrator. The Panel will consider all the evidence that has been submitted in respect of the Order. All of the evidence and representations received are published and in the public domain.
- 1.4 The Appeals Panel will hear the cases put forward objecting to the making of the Order and also in support of confirming the Order. The Members of the Panel will balance the evidence before them, in the light of the statutory constraints and guidance that apply.
- 1.5 The process is designed to be as open as possible and to make it as easy as possible for objectors and supporters of the Order to represent their point of view. They may therefore choose to have someone with them for support; or have their case presented by a friend, relative or professional advisor; and they may call such professional advisors as they feel necessary.

2. GUIDELINES FOR MEMBER ATTENDANCE

- 2.1 If a member of the Panel represents the area in which the contested Tree Preservation Order has been made as the local Ward Councillor, in accordance with the District Council's Code of Conduct, that Panel member must determine for themselves whether or not they have an interest within the terms of that Code and consequently whether they should take part in the decision making process.

3. SITE VISITS

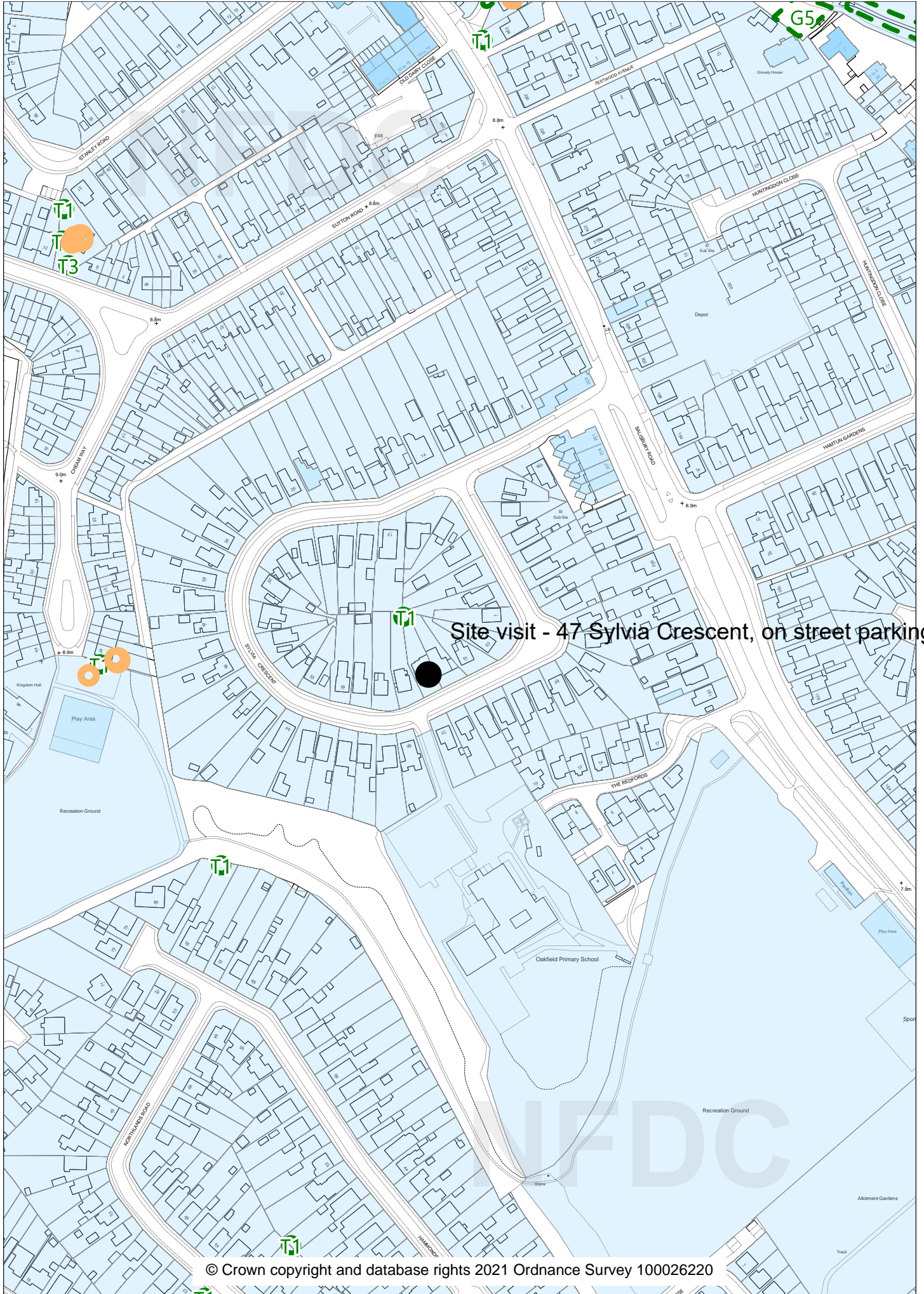
- 3.1 Members meet on site before the meeting to view the tree(s) covered by the Order. The objector(s), arboriculturist, Local Ward Councillor(s) and a representative of the Parish or Town Council are also invited to the site visit. No discussion on the merits of the Order may take place at the site visit. The purpose of the visit is for Members to familiarise themselves with the site and the tree(s) and for the arboriculturist and the objector(s) to point out any features of the tree(s).

4. OBJECTION MEETING

- 4.1 The Chairman will explain that this is a procedure adopted by the Council for determining objections to Tree Preservation Orders.
- 4.2 The procedure for the meeting will be as follows:-
1. The objector(s) will explain the reasons for objection. They may expand on their written objection and may call any expert witnesses. They may also choose to have their case presented on their behalf by a friend or a professional advisor. They may also have a friend or other supporter with them for the hearing.
 2. The Council's arboriculturist may ask questions of the objector(s) or their representatives.
 3. Members of the Panel may ask questions of the objector(s).
 4. Supporters of the objector(s) may be heard, following the same procedure as in 1, 2 and 3.
 5. The Council's arboriculturist will put the case for preservation.
 6. The objector(s) may ask questions of the arboriculturist.
 7. Members of the Panel may ask questions of the arboriculturist.
 8. The supporter(s) of the Order may be heard. They may ask questions of the objector(s) and the arboriculturist. The supporters of the order may also choose to have their case presented on their behalf by a friend or a professional advisor. They may also have a friend or other supporter with them for the hearing.
 9. The local member may be heard.
 10. The Town or Parish Council may be heard.
 11. Members of the Panel may ask questions of the supporter(s).
 12. The arboriculturist may sum up.
 13. The objector(s) may sum up.
- 4.3 At the conclusion of the objection meeting the Chairman will declare the hearing closed.
- 4.4 The Panel will then discuss the matter on the basis of the evidence that has been presented to it. No additional information will be sought once the hearing has been closed. The press and public may remain while the decision is made.
- 4.5 The decision of the Panel will be conveyed in writing to the objector(s) and all other persons originally served with a copy of the Order as soon as possible following the meeting.

PLEASE NOTE: ALL REPRESENTATIONS THAT ARE TO BE TAKEN INTO ACCOUNT IN HEARING AN APPEAL WILL BE PUBLISHED IN FULL IN ACCORDANCE WITH THE COUNCIL'S NORMAL PROCEDURES FOR PUBLISHING DOCUMENTS FOR MEETINGS.

Agenda Item 3



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**OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER -
TPO/0009/21, LAND OF 47 SYLVIA CRESCENT, TOTTON**

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 are made under Section 198 of the Town and Country Planning Act 1990 (the Act). The Act is supported by guidance issued by the Department for Communities and Local Government on 6 March 2014 entitled “Tree Preservation Orders and trees in conservation areas” (“the DCLG Guidance”).
- 2.2 New Forest District Council is responsible for tree matters within its area, as a local planning authority. The National Park Authority remains responsible for tree matters within the confines of the National Park.
- 2.3 Where a Tree Preservation Order is made, it has immediate provisional effect to protect the tree. This provisional effect will last for six months, or until the Order is confirmed by the planning authority, whichever is earlier.
- 2.4 The Order contains a schedule (which includes a map) specifying which tree or trees are protected by the Order.
- 2.5 Once the Order has been made, it is served, together with a Notice, on all persons with an interest in the land affected by the Order. It will also be made available for public inspection. Other parties told about the Order include the Town or Parish Council and District Council ward members. The District Council may also choose to publicise the Order more widely. The Notice will state the reasons that the Order has been made, and will contain information about how objections or representations may be made in relation to the Order.
- 2.6 The procedure allows for written objections and representations to be made to the District Council.
- 2.7 Where an objection is made to the Order, in the first instance, the Tree Officers will contact the objector to see if their concerns can be resolved. If they cannot, then, the objection is referred to a meeting of this Council’s Appeals Panel for determination.
- 2.8 The Appeals Panel must consider any duly made objections and representations, and must decide whether to confirm the Tree Preservation Order, with or without modifications.

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 protect one or more individual trees, groups of trees or woodlands or, more rarely, refer to an area of land.
- 4.2 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 overall impact and quality of the group should merit protection.
- 4.4 A woodland order would protect woodland as a whole. 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. A woodland order would protect trees and saplings which are planted or grow naturally after the order is made.
- 4.5 An area designation can be used to protect trees dispersed over a specified area. It may protect all trees in that area, or only trees of a particular species. 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 individual or groups of trees.

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 **Amenity value**

This term is not defined in the Act, but the DCLG Guidance advises:

- Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public.
- There should be a reasonable degree of public benefit in the present or future.
- When assessing amenity value, the authority might take the following into consideration: -
 - i. **Visibility:** The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.
 - ii. **Individual, collective and wider impact:** Public visibility alone will not be sufficient to warrant an Order. The authority should also assess the particular importance of an individual tree, or groups of trees or woodlands by reference to its or their characteristics including: -

- a. Size and form;
 - b. Future potential as an amenity;
 - c. Rarity, cultural or historic value;
 - d. Contribution to, and relationship with, the landscape; and
 - e. Contribution to the character or appearance of a conservation area.
- iii. **Other factors:** Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an order.

5.3 Expediency

Again, this is not defined in the Act, but the DCLG Guidance is as follows:

Although some trees or woodlands may merit protection on amenity grounds it may not be expedient to make them the subject of an Order. For example it is unlikely to be necessary to make an Order in respect of trees which are under good arboricultural or silvicultural management.

It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect the trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

6. THE EFFECT OF THE ORDER

- 6.1 Once the Order has been made, it is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy the protected tree or trees without first gaining consent from the Council through a tree works application, unless such works are covered by an exemption within the Act.
- 6.2 There is no fee for a tree works application. If consent is refused for tree works, the applicant has the right of appeal to the Secretary of State.

7. CONSIDERATION

- 7.1 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. Members should reach a decision, based on their own observations, any evidence presented, and any objections and representations made, whether it appears to them to be expedient in the interests of amenity to confirm the Order.

7.2 The written evidence that is attached to this report is as follows:

Appendix 1 The Tree Preservation Order.

Appendix 2 The report of the Council's Tree Officer, setting out all the issues (s)he considers should be taken into account, and making the case for confirming the Order.

Appendix 3 The written representations

Appendix 4 TEMPO Assessment

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 Order. There are more significant costs associated with the need to respond to any Tree Work Applications to lop, top or fell the trees as the officers will normally visit the site and give advice on the potential work.

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' owner.

8.3 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that a person will be entitled to receive compensation from the Local Planning Authority for loss or damage caused or incurred in consequence of: -

- (a) The refusal of any consent required under the Regulations;
- (b) The grant of any such consent subject to conditions;
- (c) The refusal of any consent, agreement or approval required under such a condition.

8.4 A claim to compensation cannot be made where: -

- (a) More than 12 months have elapsed since the Local Planning Authority's decision (or, if the decision has been appealed to the Secretary of State, from the date of determination of the appeal);
- (b) The amount of the claim would be less than £500.

8.5 Compensation is NOT payable: -

- (a) For loss of development value or other diminution in the value of the land. 'Development value' means an increase in value attributable to the prospect of developing land, including the clearing of land;
- (b) For loss or damage which, having regard to the application made, and the documents and particulars accompanying the application, was not reasonably foreseeable when consent was refused, or was granted subject to conditions;
- (c) For loss or damage which was (i) reasonably foreseeable by the person seeking compensation, and (ii) attributable to that person's failure to take reasonable steps to avert the loss or damage, or to mitigate its extent;

- (d) For costs incurred in appealing to the Secretary of State against the refusal of any consent required under the Regulations, or the grant of such consent subject to conditions.

9. ENVIRONMENTAL IMPLICATIONS

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

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 (under the First Protocol of the European Convention on Human Rights) peacefully to enjoy his possessions. Such interference is capable of justification if it is 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 (under Article 8 of the European Convention on Human Rights) to respect for his private and family life and his home. Such interference is capable of justification if it is in accordance with the law and necessary in a democratic society for the protection of the rights and freedoms of others.

12. RECOMMENDED:

- 12.1 That the Panel consider all the evidence before them and determine whether to confirm Tree Preservation Order TPO 0009/21 relating to land of 47 Sylvia Crescent with, or without, amendment.

For Further Information Please Contact:

Andy Rogers
Committee Administrator
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Background Papers:

Attached Documents:
TPO 0009/21
Published documents

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HUMAN RIGHTS ACT 2000

I have been asked to exercise the power delegated to me by the Authority to make the following Tree Preservation Order:

TPO/0009/21 LAND OF 47 SYLVIA CRESCENT, TOTTON

Having considered the Tree Officer's reasons for making the TPO, I make the above TPO.

In coming to this decision, I have carefully considered Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998.

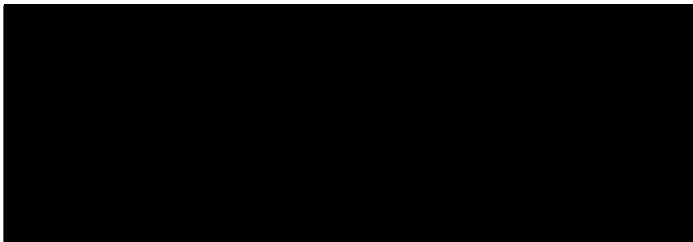
Whilst I recognise that the decision to make the TPO may interfere with the 2 aforementioned rights, I believe it is necessary to do so in the public interest (so that others can enjoy the considerable amenity value and benefits afforded by the tree(s) and likewise necessary for the protection of the rights and freedoms of others (i.e. the inhabitants of the area) to enjoy the tree(s) in their present settings. I also consider such action to be proportionate to the overall aim.

Signed:



Claire Upton-Brown
Executive Head of Planning, Regeneration and Economy

Date: 24 June 2021



24/6/21

Dave Norm

Development Manager

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER TPO/0009/21

LAND OF 47 SYLVIA CRESCENT, TOTTON

The New Forest District Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order TPO/0009/21
Anyone wishing to undertake works to trees protected by TPO should apply in writing to the Authority clearly identifying the tree(s) and the work intended. A decision will usually be issued within six weeks. Application forms are obtainable from the Authority's website.

Citation

1. This Order may be cited as the TPO/0009/21 - LAND OF 47 SYLVIA CRESCENT, TOTTON.

Interpretation

2. (1) In this Order "the authority" means the New Forest District Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall -

(a) Cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 24th day of June 2021

Signed on behalf of New Forest District Council

.....
Authorised by the Authority to sign in that behalf

SCHEDULE

**SPECIFICATION OF TREES
TPO/0009/21**

Trees specified individually

(encircled in black on the Plan attached to this order)

Reference on map	Description	Situation
T1	Oak tree	Situated in rear garden of 47 Sylvia Crescent, Totton. As shown on plan.



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Tree Preservation Order Plan





Town and Country Planning Act 1990

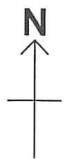
TPO Number: TPO/0009/21

Scale: 1:1250

Date Printed: 23/06/21

Key

-  Individual trees covered by TPO
-  Area of trees covered by TPO
-  Groups covered by TPO
-  Woodland of trees covered by TPO



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
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APPEALS PANEL – 9 NOVEMBER 2021

OBJECTION TO TREE PRESERVATION ORDER - TPO / 0009/21 - LAND OF 47 SYLVIA CRESCENT, TOTTON

1. SUMMARY OF MAIN ISSUES

The key issues are:

1. The public amenity value of the tree and its value to the wider community.
2. The expediency to protect these trees

2. TREE PRESERVATION ORDER HISTORY

The tree is situated in the rear garden towards the rear boundary of 47 Sylvia Crescent. The tree is centrally located within the crescent on encroaches a number of neighbouring gardens.

The order was made as result of request from a member of the public who was concerned that due the property being sold, that the tree would be removed.

A TPO was made in June 2021.

The incoming owner of the site, Mr Curtis, put in writing his objections to the order and a further 6 neighbours also objected to the order.

3. The Tree

The Tree Preservation Order covers a single individual mature English oak. The tree is visible from around Sylvia Crescent.

4. Objections to the Order

Mr Curtis put his objections in a letter received on 08 July 202. The main points are summarised below:

- Amenity – local people do not consider this tree to have public amenity.
- The tree shades/dominates at least 5 gardens.
- Falling acorns, leaves and small branches are a nuisance.
- Concern that the roots of the tree are/have the potential to damage the garden.
- It is unfair to place the tree under TPO now, the tree has been here a long time and was not previously protected. Mr Curtis only bought the property on the understanding that the tree was not protected.
- The tree is unsuitable for the location it is situated in.

Mr & Mrs Prout – 13 Sylvia Crescent

- Dominates property
- Alleged damage to raised vegetable bed and patio.
- Leaf fall is convenient.
- Shading of gardens and dwellings.
- Potential damage to buildings through the action of the roots of the tree.

Mr Dunn – 41 Sylvia Crescent

- Does not contribute to amenity
- Leaf fall is inconvenient.
- Acorns are dangerous to pets.
- Potential damage to buildings through the action of the roots of the tree.

Mr Whitehorn – 7 Sylvia Crescent

- Tree over dominates
- Shading of gardens and dwellings.
- Leaf fall is inconvenient.
- Concerns of safety of the tree.

D. R. Scorey - 45 Sylvia Crescent

- Shading of gardens and dwellings.
- Leaf and acorn fall are inconvenient.

D Maidment - 9 Sylvia Crescent

- Does not contribute to amenity
- Shading of gardens and dwellings.
- Leaf and acorn fall are inconvenient.

C Cashmore - 53 Sylvia Crescent

- Shading of gardens and dwellings.
- Leaf and acorn fall are inconvenient.

5. COMMENTS ON THE GROUNDS GIVEN FOR OBJECTION

- Amenity – this is not defined within the TPO legislation although it has become accepted that it generally means that that a tree, group of trees or woodland are visible from a publicly accessible place. The individual Oak tree subject to this Tree Preservation is clearly visible from the public highway.
- The tree is a large specimen English oak tree. This tree does overhang several rear gardens within Sylvia Crescent and will cast shade to adjoining gardens. However, all the properties affected by this benefit from generous gardens and no dwelling is within 20m of this tree.
- Natural debris such as falling leaves, acorns and small twigs are a natural consequence of living close to trees.
- 'The imposition of the TPO is unfair, the property was only purchased on the understanding that the tree was not protected and could be removed' - Throughout the district there are significant trees that are not protected, either because it has

not been deemed expedient to protect the tree, (there is no known threat to the tree) or they have just not come to the attention of the tree department and assessed. The concern about the removal of this tree was raised by a member of the public who was aware that the property was being sold and this made the tree team aware that this mature Oak tree was not protected and was possibly under threat of removal.

- 'Damage to buildings from the tree'. No evidence or signs of damage caused by the tree have been submitted. Adopting the strategy of removing a tree for the potential to cause damage without any evidence or analysis of the likelihood in the future would result in the removal of all trees in residential gardens and would significantly reduce the verdant character and wellbeing of urban and suburban residents. If evidence of any damage is submitted in the future then removal of the tree could be consented through a tree work application.

6. POLICIES

Relevant Legislation

Town and Country Planning (Tree Preservation) (England) Regulations 2012

7. PLANNING HISTORY

None

8. PARISH / TOWN COUNCIL COMMENTS

Totton and Eling Town Council: No comments submitted

9. COUNCILLOR COMMENTS

None

10. CONSULTEE COMMENTS

None

11. OTHER REPRESENTATIONS RECEIVED

Mr Billenge - 49 Sylvia Crescent

- Tree is in need of attention but would like to see it retained.

Mr Grapes - 3 Sylvia Crescent

- Supports wildlife and is a beautiful tree.

12. RECOMMENDATIONS

A local planning authority may only make a tree preservation order where it appears to the authority that it is expedient to protect a tree or woodland in the interests of amenity.

This Oak tree clearly contributes to the amenity of the area and it is clear that the new owner of the property would remove this tree if it was not protected and therefore in the interest of public amenity it is recommended that this Tree Preservation Order be confirmed.

For further information contact:

Hannah Chalmers
Senior Tree Officer
023 8028 5477
Hannah.chalmers@nfdc.gov.uk



Mr M Curtis
59 Oldbarn Close
Calmore
Southampton
SO40 2SY

5th June 2021

Planning
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

RE: Tree Preservation Order No TPO/0009/21
Site: Land of 47 Sylvia Crescent, Totton

Dear Sir/Madam

I have recently become aware of a Provisional TPO being placed on the tree at the location listed above.

I am writing you this letter to show that I strongly object to this TPO being put in place. I have consulted all residents in the crescent who are affected by this tree and residents who are not. The overwhelming consensus is that this tree should not have a TPO placed on it, and I feel I have enough evidence to support taking this TPO off.

The tree offers no local 'amenity' to the residents, amenity is something you cannot determine without consultation with residents, it is evident that this has not happened before the TPO has been put in place, although I have not received the letter from the NFDC office, it would seem that you are looking to determine if the tree has local amenity retrospectively, and if the residents do not object you will assume that the local amenity exists, this in itself is backward. I **have** consulted residents on this matter and as stated above the tree offers **no** local amenity, both visually and environmentally. I'm sure you have already received objections stating this.

The tree in question also blocks the sun out of at least 5 gardens on the north and east faces of the crescent as you can see from the image to the right the path of the sun follows the yellow arc and varies in position within the yellow shaded area. All residents in the shadow of this tree have explained a lack of growth or difficulty growing plants/flowers.

Falling acorns, leaves and branches also have a huge impact on the residents, many residents are elderly and struggle to keep up with the amount of clearing up they have to do with this tree in place. A resident explained and showed me that his outbuildings are consistently being damaged by dropping acorns and branches, clogging up his gutters and killing his grass and plants. One resident showed me images of the last clean up and it was 4 trips to the local refuse centre, another resident explained that the clean up job is costly as they can no longer do it themselves.



Removing the TPO and allowing the tree to be safely removed would be a god send as a lot of the residents have described. You should also consider that as stated above many residents are elderly, acorns and wet leaves can be a serious hazard making floors slippery and uneven.

The roots of this tree have also got to be considered, as I'm sure you are aware oak trees expand under the ground to the same radius as the tree is tall, and if you consider this tree is maybe 60ft tall the roots will be under/near a lot of the bungalows in the crescent, I have seen the damage to outbuildings and walls that the roots are causing, meaning residents have to pay out for what can be costly repairs. This is not something that should be decided for them. Oak trees a large amount of water on a daily basis and given that the tree will be in every garden in the crescent to a certain degree it will also take away a lot of the moisture in the ground meaning that yet again the prospect of growing large amounts of plants could be difficult.

I will be the owner of this tree soon as we are currently going through the process of buying the bungalow at the location above. I feel that it is unfair to place a TPO on this tree that has evidently been here for a long period of time, I bought the house on the principle that there was no TPO on it. I enquired legitimately via reputable tree surgeons about the possibility of removing it to bring in more light and stop potential lawsuits that could occur by it causing damages to other people's property, it seems that you are penalising me by now placing a TPO on the tree just because I have enquired. I feel the tree is no longer suitable for the area it has been growing.

I am not somebody who dislikes tress/nature in fact I enjoy spending a lot of time in nature and in our amazing woods, I just feel that this tree is just not suited for a crescent environment and will at some point cause either massive injury to somebody or massive damage to bungalows and outbuilding.

I have previously emailed my concerns to Hannah Chalmers, but I do not see this logged in the online documents form. I am also aware of 2 more objections which have been sent in which are also not listed, I wonder if this can be checked?

I implore you to seriously consider these concerns, I feel it is completely unreasonable of this office to continue with this TPO.

Yours Sincerely

Matt Curtis

Ms Claire Upton-Brown,
New Forest District Council,
Appletree Court,
Beaulieu Road,
Lyndhurst,
SO43 7PA,

25th June 2021,

Dear Ms Upton-Brown,

OBJECTION TO PROPOSED TREE PRESERVATION ORDER No. TPO/0009/21, 47 SYLVIA CRESCENT, TOTTON.

We are writing to formally object to the proposed Tree Preservation Order No. 0009/21, 47 Sylvia Crescent, Totton. The proposed Order relates to the Oak tree in the garden backing on to our property.

Our reasons for the objection are as follows:

- i. The oak tree dominates not just our property, but about 7 adjacent properties. The tree has a substantial crown spread and has been untouched for at least 18 years we know about and more. Indeed, were it to fall, there are a number of properties upon which this tree could land which could potentially cause significant damage.
- ii. Over the years we have replaced many panes of glass to our greenhouses and replaced a number of the heavy duty timbers to our shed roof, and re-roofed it twice, due to falling branches.
- iii. The small brick wall, we had built around our vegetable plot, has a number of sections, where the mortar has broken away due to root damage.
- iv. The amount of leaves we and other neighbours have to remove from our gutters is getting ridiculous. We ourselves picked up over 30 bags of leaves from our garden last year and took them to the local recycling centre.
- v. The tree has been allowed to grow bigger and bigger each year, and now our garden, when the tree is in full bloom with leaves, we have no sunlight in our greenhouse, vegetable patch and half our garden for about 4 hours of the day now, and part of our garden has NO sun at all.
- vi. Our patio has become uneven and all the mortar between the paving slabs is becoming loose.
- vii. As well as damage already apparent to adjacent properties above ground, there are tree roots causing unseen damage below ground.

For these reasons we do not agree that the Council should have the last say in determining whether the potential damage is acceptable or not, or indeed whether the tree should be felled or not. We do not consider that the TPO 0009/21, on 47 Sylvia Crescent should be imposed.

Yours Sincerely,



Mr & Mrs Prout



Mr R Dunn
41 Sylvia Crescent
Totton
Southampton
SO40 3LP

25th June 2021

Planning
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

RE: TREE PRESERVATION ORDER No TPO/0009/21
SITE: LAND OF 47 SYLVIA CRESCENT, TOTTON

Dear Sir/Madam

I have been made aware that the Authority has made a provisional TPO on the tree on the land of 47 Sylvia Crescent. Having been a resident at number 41 since 1988, I have witnessed this tree constantly growing to the point where it has become dangerous and an eyesore.

I strongly oppose and object to this action for the reasons mentioned below. The TPO has been applied to inflict maximum disruption and misery on the residents of Sylvia Crescent.

Every time we have winds the tree can be heard creaking and groaning often resulting in whole branches landing in our garden 3 doors away. The acorns are a nuisance and dangerous to our pet dogs who will try to eat them and the clearing up operation every winter when the leaves fall is becoming a herculean task. The tree has never been maintained and completely out of control. It has never been trimmed or treated but simply allowed to impact on our lives. The tree has become so big it is blocking out natural light and I imagine the roots have grown to the point where they will soon cause damage to surrounding property resulting in structural damage, and our properties becoming uninsurable.

I am extremely disappointed that the council has decided to do this now having failed to act or acknowledge the tree has existed for the 33 years I have lived in the Crescent. Why Now?

You also state in your letter that you consider this tree an amenity to the local environment. This comment is challenged by me and the residents of Sylvia Crescent who consider this tree a nuisance and certainly not an amenity. The word amenity is a noun meaning desirable or useful and the tree in question is neither desirable nor useful. In fact, is undesirable and useless.

You also use the phrase Visual Amenity and again this is challenged on the grounds the tree is NOT visually pleasing to the eye and to see the sky and the clouds or even daylight more clearly is certainly more visually appealing.

It is without doubt that you are using these emotive phrases to justify the TPO. In this case the tree needs to be maintained or preferably removed before larger branches start to fall posing a danger to people. I believe that the state the tree is in it could very easily become a danger to life.

It is wrong and undemocratic that you are imposing this order which will impact on the lives of the residents who live on the inner circle of Sylvia Crescent.

Finally, the tree in question is so out of control it will soon be overhanging my property and I reserve the right to protect my property against intrusion by any one and anything where damage is a possibility.

I am also intrigued to know why only selected properties have received notification of the impending TPO when it affects all residents within the inner circle. Is there a justifiable reason why the majority have been excluded?

I trust you will see this TPO will impact on the lives of the residents and will be detrimental to us and our properties. May I politely invite you to gauge opinion from those impacted by your decision. I think an inspection may be useful to you and I recommend you view the situation from the properties of all individuals impacted.

Yours faithfully

A solid black rectangular box redacting the signature of Robert Dunn.

Robert Dunn

7 Sylvia Crescent
Totton

Southampton.

SO40 3LP.

3rd July 2021.

Dear Ms. Chalmers,

Re: TPO No: TPO/0009/21

Site: 47 Sylvia Crescent, Totton

I refer to the letter from NFDC Planning dated 24th June 2021.

I object to the placing of a TPO on this tree (reference and site as above) for the following reasons:-

The tree in question has become over-dominant in height and girth for the position it is situated in. Not only does it block light from my garden but the falling leaves in Autumn, from such a large tree, cause problems with having to constantly clear them up, as well as having to clear them from my garage roof; plus acorns.

Falling debris is also a problem in the garden - twigs etc, especially in high winds. My concern is that a larger branch may come down and cause damage to property or persons - either in my own garden or those of surrounding neighbours.

Please could you consider this objection with a view to removing the TPO.

Yours sincerely

Ryan Whitchorn



45 Sylvia Crescent
Totton
Southampton

5th June 2021

Planning
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

RE: Tree Preservation Order No TPO/0009/21 - Land of 47 Sylvia Crescent, Totton

Dear Sir/Madam

I have recently been made aware by yourselves of the TPO being placed on the tree located at the above location.

I would like you to remove this TPO.

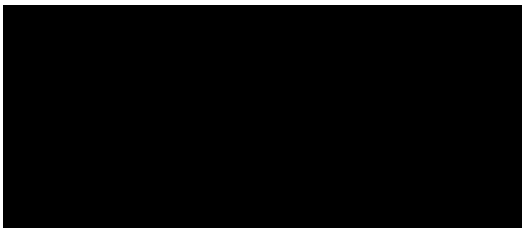
My garden is one of the worst affected gardens in the crescent and I have been asking for a long while for this tree to be taken down. I was overjoyed when the new owners suggested they were looking to take the tree down, to the stage where I offered the use of my garden and driveway if the required it.

The tree makes the rear of my garden very dark all year round, I have had to replace the roof on my workshops numerous times of the years due to falling branches and layers upon layers of wet damp leaves and acorns. I can no longer keep up with the maintenance of the garden when the autumn comes, and the tree makes the job completely unachievable.

The tree is just not useful at all for anyone in the crescent. The tree needs be removed. I do not like seeing the tree and the damage it creates in my garden and on the roofs of my buildings, I also grow concerned that some serious damage will be caused sooner rather than later.

I urge you to remove this TPO sooner rather than later.

Many Thanks





9 Sylvia Crescent
Totton
Southampton

5th June 2021

Planning
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

RE: Tree Preservation Order No TPO/0009/21
Site: Land of 47 Sylvia Crescent, Totton

Dear Sir/Madam

I have recently been made aware by yourselves of the TPO being placed on the tree located at the above location.

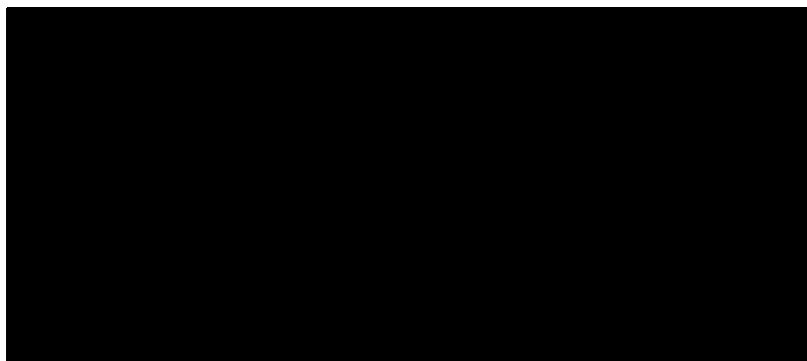
I am writing this to voice my objection to the above TPO on the grounds listed below.

This tree does not provide local amenity, we believe that the tree is an eyesore, its all we can see when looking out of our garden. It blocks all the mid-day and evening sun from our garden depending on the time of year meaning we cannot sit out to enjoy the evening for very long.

Although we do not have any part of the tree directly in our garden, we are forever cleaning up leaves and acorns. In the winter we also get a lot of broken branches from the tree.

I believe this tree is more of a hinderance than a help, we do not enjoy the tree being there and would very much like you to remove the TPO you have placed on this tree.

Many Thanks





53 Sylvia Crescent
Totton
Southampton

5th June 2021

Planning
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA

RE: Tree Preservation Order No TPO/0009/21 - Land of 47 Sylvia Crescent, Totton

Dear Sir/Madam

I have recently been made aware by yourselves of the TPO being placed on the tree located at the above location.

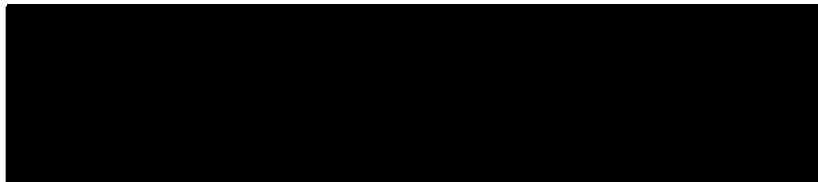
I strongly object this TPO.

I can no longer keep up with the clearing up of the leaves and acorns. This tree is too big for a residential area and would be more suited to a park or common area.

The tree is not attractive and occupies a lot of the sky although it does not affect my sunlight the image of the tree is unattractive.

I ask you to remove this TPO as soon as possible.

Many Thanks



C. CASHMORE

From:Hannah Chalmers
Sent:1 Jul 2021 08:28:53 +0100
To:Hayley Roppolo
Subject:FW: TPO/0009/21-47 Sylvia Crescent

Hi Hayley

Please can you attach this to TPO/0009/21

Thank you

Hannah

Hannah Chalmers
Senior Tree Officer

New Forest District Council
Tel: **02380 285477**

Email address

www.newforest.gov.uk



From: kevin billinge [REDACTED]
Sent: 30 June 2021 20:55
To: Hannah Chalmers <Hannah.Chalmers@NFDC.GOV.UK>
Subject: TPO/0009/21-47 Sylvia Crescent

Dear Hannah.

We live at 49 Sylvia Crescent Totton so40 3lp and although the tree is in need of attention (which was promised when we purchased our property) we see no need for the complete removal. It is a substantial oak tree which assist in the drainage of the excessive rainfall waters which does cause concern.

From:Hannah Chalmers
Sent:7 Jul 2021 11:30:47 +0100
To:Hayley Roppolo
Subject:FW: TPO/0009/21- 47 Sylvia crescent.

Good morning Hayley

Please can you log a support comment against the above TPO.

Many thanks

Hannah

Hannah Chalmers
Senior Tree Officer

New Forest District Council
Tel: **02380 285477**

Email address

www.newforest.gov.uk



From: A Grapes [REDACTED]
Sent: 07 July 2021 11:28
To: Hannah Chalmers <Hannah.Chalmers@NFDC.GOV.UK>
Subject: TPO/0009/21- 47 Sylvia crescent.

I am writing to support the Tree Protection Order that has been placed on the oak tree in 47 Sylvia crescent, as one of the properties effected , I do no wish to see the tree removed, it has a wealth of benefits for the local population. There is plenty of wildlife including birds who use the tree for nesting and also squirrels.

It's a beautiful tree that has survived time and provides a good environment for the local population .

Andrew Grapes

3 Sylvia Cres

Totton

Southampton

SO403LP

[Sent from the all-new AOL app for iOS](#)

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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 22.6.21	Surveyor: HC
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Tree details	
TPO Ref (if applicable):	Tree/Group No: Species: Oak
Owner (if known):	Location: 47 Sylvia Crescent

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes	5
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* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes	4
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*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes	4
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d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes	1
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Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes	5
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Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:	19
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Decision:	make TPO
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