

9 MARCH 2022

NEW FOREST DISTRICT COUNCIL

APPEALS PANEL

Minutes of a meeting of the Appeals Panel held on Wednesday, 9 March 2022

Councillors:

- * Alan Alvey
- * Barry Dunning
- * Neville Penman

Councillors:

- * Derek Tipp
- * Neil Tungate

*Present

Officers Attending:

Andy Rogers, Hannah Chalmers, Richard Davies and Barry Rivers

Apologies

7 ELECTION OF CHAIRMAN

RESOLVED:

That Cllr Tipp be elected Chairman.

8 DECLARATIONS OF INTEREST

For transparency purposes, Cllr Dunning declared he was the local ward member for the TPO property, but he did not feel he had an interest and therefore participated fully in the decision making process.

9 TREE PRESERVATION ORDER NO. 0011/21

The hearing had been preceded by a visit to the site to allow members to view the tree at Dendemoya, Ridgeway Lane, Pennington of Tree Preservation Order 0011/21 (the TPO). The tree was viewed from various standpoints, including the road and the garden in which it stood.

Members noted the tests that should be applied in considering whether or not to confirm the TPO, as set out in the report to the Panel. The Appeals Panel was advised that it might confirm the TPO if it considered that it was expedient and in the interests of amenity to do so.

Mrs Lawton, the sole objector to the TPO and owner of the tree, explained that she had bought the property in September 2021. Mrs Lawson had objected to the TPO, believing that it would make it more difficult to undertake work on the tree. She explained that her husband had experience of managing trees under TPOs in another county, and had found this problematic. She explained that although she had referred to 'pollarding' in her submission, she actually meant 'prune'.

Mrs Lawton accepted a point made in submissions of support for the TPO from the

Pennington and Lymington Lanes Society, that having a TPO on the tree might hinder potential developers' proposals for realignment of the road. Mrs Lawton stated that she just wanted to give the TPO tree a 'trim' and had no intention of felling the tree. Mrs Lawton explained that should she ever need to have work done on the tree, she would take expert advice.

In answer to a question, Mrs Lawton confirmed that she had taken professional advice regarding the work undertaken on trees at the rear of her property, and a willow tree had been pollarded. The contractor had advised her that having a TPO on her tree would not be as 'traumatic' as she might have expected.

In his submission, the Tree Officer stated that the subject tree was a large mature Oak tree of good form which appeared to be in good overall condition. It had a good level of public visual amenity value, being prominent in the street scene. It was a significant feature in the locality of Ridgeway Lane and provided a positive contribution to the verdant character of the area. With regard to considering the expediency element, he explained there was development pressure in the area and recently a property had changed hands on the adjacent Lower Pennington Lane leading to the pre-emptive tree felling of unprotected trees. With this in mind, and in light of the information received regarding a potential change in hands of this property, he felt that the TPO was justified and expedient on a precautionary basis.

A number of members of the Panel explained that they had trees on their properties which had TPOs attached to them, and reassured Mrs Lawton that this did not complicate work being undertaken, and the process of communicating with the Council was straightforward.

Reference was made to the proximity of the tree to electricity / telephone cables, and it was noted that utility companies had legal powers to prune trees under the Public Utilities Regulatory Authority, where there was a risk to public safety or interruption of supply.

After all parties had given evidence and everyone had had the opportunity to ask and answer questions, the hearing was closed.

Members agreed unanimously that there was significant amenity value in the tree and it was expedient to confirm the TPO.

RESOLVED:

That Tree Preservation Order TPO/0011/21 relating to land of Dendemoya, Ridgeway Lane, Pennington be confirmed.

CHAIRMAN