

APPEALS PANEL – 22 AUGUST 2017

**OBJECTION TO TREE PRESERVATION ORDER TPO/0021/17
LAND OF 36 ALDER HILL DRIVE, TOTTON SO40 8JB
REPORT OF THE NATIONAL PARK AUTHORITY TREE OFFICER**

1. TREE PRESERVATION ORDER HISTORY

- 1.1 Tree Preservation Order TPO/0021/17 was made on 11th April 2017. The Order protects one individual Oak tree situated in the rear garden of 36 Alder Hill Drive, Totton.
- 1.2 The Order was made following a request from an individual to consider protecting the tree as the owner of the property was intending to fell it.
- 1.3 The Authority's Tree Officer visited the site on 11th April 2017. It was considered that the tree makes a positive contribution to the visual amenity of this area of Totton.
- 1.4 Three objections have been received:-
 - Mr & Mrs Farminer, the owners of 36 Alder Hill Drive the property affected by the TPO, submitted an objection to the TPO dated 1st May 2017 and 16th June 2017.
 - Ms Kempsey the owner of 35 Alder Hill Road, a neighbour to the tree, submitted an objection to the TPO dated 19th April 2017.
 - Mr O'Prey owner of 7 Lapwing Drive, Totton submitted an objection dated 17th April 2017.
- 1.5 On 5th June 2017, the Authority's Tree Officer met Mrs Farminer, to discuss their concerns. The Authority's Tree Officer discussed the tree at length and suggested various management options that could be taken to prune the tree to reduce its dominance to the rear garden and the property. It was also noted and agreed on site that at the time of the meeting the tree was in good structural and physiological health.
- 1.6 Following letters of response to Ms Kempsey and Mr O'Prey dated 6th June 2017, a deadline was set asking them to confirm whether they wished the matter to be put before the Objections Panel. No further correspondence has been received from either of these two objectors.

2. THE TREE

- 2.1 The Oak tree is situated close to the rear boundary of 36 Alder Hill Drive, with some encroachment of the crown into neighbouring gardens in Alder Hill Drive and Lapwing Drive to the rear. The tree's is 18 m tall with a crown spread of 10m and is considered as mature.

- 2.2 The physiological condition of the tree is good. The tree has been both crown lifted and crown thinned in the past.
- 2.3 The tree is clearly visible from Alder Hill Drive and Lapwing Drive where it forms an attractive verdant backdrop to the houses.

3. OBJECTIONS TO THE ORDER

3.1 Mr & Mrs Farminer wrote objecting to the Order on 1st May and 16th June 2017.

3.2 Mr and Mrs Farminer grounds for objection are as follows:

- They purchased the property in December 2016 on the understanding that the tree was not protected by a Tree Preservation Order.
- The protected tree is on private property and is not fully visible from a public vantage point.
- They had discussed with their neighbours about removing the tree and they all welcomed the removal of the tree.
- The tree is too large and has become unmanageable.
- They are concerned about the safety of their two young children, stating debris is often falling from the tree.
- Concerned about damage to their property caused by falling branches or debris in particular in relation to a glass roofed conservatory at the rear.
- The tree increases the maintenance costs for maintaining the property in window cleaner and gutter clearing costs.
- The tree as caused damage to the rear boundary fence.
- Roosting pigeons in the tree are defecating in the garden causing damage to outdoor furniture and a health hazard to their family.
- The tree is too close to their house and could cause major damage to their property should it fail.
- Mature oak trees are too large to be within suburban rear gardens.

3.3 Ms Kempsey objected to the TPO by letter dated 19th April 2017.

3.4 Ms Kempsey's grounds for objection are as follows:

- The tree blocks light to her garden.
- The tree is damaging her next door neighbour's fence.
- Removal of the oak tree would not adversely affect the amenity of the area.

3.5 Mr O'Prey objected to the TPO by letter dated 17th April 2017.

3.6 Mr O'Prey's grounds for objection are as follows;

- The tree is too large for the modest sized garden it is in.

4. COMMENTS ON THE GROUNDS FOR OBJECTION

- 4.1 The mature oak tree, at the time of inspection on the 5th June 2017, was in good structural and physiological condition. No defects were noted that would necessitate secondary investigation or raise concerns that the tree is not safe to retain. The tree is therefore not considered to pose a hazard to their homes or users of the garden.

- 4.2 Although the tree was not protected at the time Mr & Mrs Farminer purchased the property there is no legislation or guarantee that the tree would not be protected in the future.
- 4.3 It is true that the interface between the ground level and the tree's lower stem is not visible from a public vantage point. However, the tree's crown is visible and arguably provides the most value in terms of creating a verdant backdrop to houses on Alder Hill Drive and Lapwing Drive in what is a built-up area.
- 4.4 Although some neighbours supported the tree owner in their plan to remove the tree at least one neighbour did not agree and asked the Local Planning Authority to consider placing formal protection on the tree.
- 4.5 The imposition of the TPO does not prevent future management and during the site meeting the Local Authority's Tree Officer had discussed with Mrs Farminer various pruning operations such as a 2m crown reduction which would alleviate some of the objector's concerns.
- 4.6 The costs that the objector has stated that they will incur due to the presence of the tree are similar to the costs of general maintenance of any property with or without trees in close proximity.
- 4.7 Whilst on site the Local Authority's Tree Officer did not note that there was any current obvious damage caused by the tree to the rear boundary fence. Any future damage can be repaired with minor alterations to the fence.

5. SUPPORT FOR THE ORDER

- 5.1 One email of support has been received from a local resident.

6.0 CONCLUSION:

- 6.1 The Authority's Tree Officer takes the view that the protected Oak tree makes a positive contribution to public amenity the character of the area.

7.0 RECOMMENDATION

- 7.1 For the above reasons it is recommended that Tree Preservation Order 21/17 be confirmed without modification.