

APPENDIX 3

Mr Paul Hocking
Enforcement and Trees Manager
Town Hall
Avenue Road
Lymington
SO41 9ZG

9 Highlands Close
Dibden Purlieu
Southampton
SO45 4HZ

24th October 2017

Reference: TPO/0052/17

Dear Mr Hocking

With regards to the above TPO, I have concerns about trees in section G4 in your Tree Preservation Plan. In particular, two of the oak trees are close to my property. I am in regular contact with Hythe Hospital concerning the roots damaging the foundations of my property, as well as damage from branches breaking off, not only to my property but injuring children who visit. They also block out a lot of natural light at the back of my house.

The trees are not pruned often enough and when they are, too little is removed.

The only amenity value and benefits afforded by these trees is to us and we would prefer them to be removed.

Yours

R.B.S. van Hal



Mr Van Hal
9 Highlands Close
Dibden Purlieu
Southampton
SO45 4HZ

11 December 2017

Dear Mr Van Hal

TREE PRESERVATION ORDER No: TPO/0052/17
SITE: LAND OF HYTHE AND DIBDEN WAR MEMORIAL HOSPITAL, BEAULIEU ROAD, HYTHE

Dear Mr Van Hal

Further to our telephone conversation this morning I wanted to outline the following points you have raised regarding the trees on the land Hythe and Dibden War Memorial Hospital that have been recently protected by the above Tree Preservation Order (TPO) .

- Over the years you feel that the NHS trust has carried out minimal works to these trees and these trees require further pruning. As you consider these trees to significantly overhang your garden and shade your property.
 - The TPO does not prevent reasonable management or pruning of trees. Although anyone wanting to carry out works to these trees will need to make a tree work application. The Local Planning Authority would not refuse reasonable pruning works. Therefore the TPO does not prevent the NHS pruning these trees in the future.
- You believe the roots from these trees have the potential to reach the foundations of your house and cause damage.
 - If these trees are causing any damage to built structures on your property then please provide evidence of this. Usually in the form of photographs and possibly a structural engineers report.
- You are concerned that people could be harmed in your garden from falling branches from these trees.
 - The NHS as the land owner has a duty of care to ensure that the trees on their land are not endangering people or property on neighbouring land. The Tree Preservation Order does not prevent the NHS from pruning the trees for health and safety and does not change their duty

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of care as neighbouring land owners. The landowner will still need to regularly survey their trees and act upon any recommendations made in that survey.

- You stated that if I 'got' the NHS to prune these trees back more from your property then you would remove your objection to the TPO.
 - A local authority cannot enforce a land owner to carry out works to their trees unless the trees are posing an immediate risk to a third party. These trees have been surveyed by the NHS and they have carried out some works as a result of this survey. The land owner has no legal obligation to prune trees for any other reason other than health and safety. Therefore they are not obliged to prune back branches encroaching over your garden nor are they obliged to prune the trees due to the shading they cast on your property. However, as I mentioned in our telephone conversation, you can arrange to have the trees pruned at your expense you would require consent by applying through the tree works application process, but, as stated above, the local planning authority would not object to reasonable pruning works such as pruning overhanging branches. The presence of the TPO does not change this situation in terms of your ability to prune the trees or the obligations of the land owner and the situation is the same as it was before these trees were formally protected.
- Finally you stated you wished to formally object to the TPO as you would like to see the trees "gone".
 - These trees are part of a significant tree belt that surrounds the current hospital site. The Tree Preservation Order was made as this site has recently been subject to planning application for a new hospital and a housing development to ensure that these trees are not inadvertently or deliberately damaged during any development or construction on site. They are an important landscape feature in the centre of Dibden Purlieu which help break up the housing estates and main roads surrounding this site. The trees help to reduce local air pollution and attenuate rain fall by slowing rain water runoff into surrounding storm drains. They are highly prominent to the surrounding area and form an important back drop to the hospital site. There has been numerous studies that show the presence and view of green space and trees in hospital sites aid and speed up patient recovery. For this reason these trees on this site have particular importance to the area and the local community.

From the points you raised I believe most of your concerns can be addressed through reasonable pruning of these trees which as stated above is not precluded by the Tree Preservation Order on the trees. I would be willing to meet you and discuss this on site and how they managed to address your concerns please contact me at the below address to arrange this.

I therefore intend to confirm this Tree Preservation Order as it stands. However, if you wish to maintain your objection please inform in writing by **12 January 2018**. I will then arrange for your objection to be heard by the Tree Preservation Order Objection Panel which is made up of local councillors please be advised if this is the case then you will be required to present your case to the panel and provide any evidence of damage to your property.

Yours sincerely

Hannah Chalmers
Tree Officer
Tel: 01590 646674
Email: trees@newforestnpa.gov.uk

Hannah Chalmers
Tree Officer
Town Hall
Avenue Road
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Reference: TPO/0052/17



9 Highlands Close
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22nd December 2017

Dear Ms Chalmers

With regards to the above TPO, and your letter dated 11th December 2017, I feel the trees could be maintained to a better standard without the constraints of a TPO. Because of the poor maintenance of these trees over many years the small amount that is allowed to be removed, because of the TPO, is insufficient. These trees need considerable pruning.

As far as the roots causing damage to my property, I would need to dig up my path and patio next to the house to check for damage. I have been told, by a tree surgeon, that the roots of oak trees spread out at least as far as the overhanging branches and therefore will be under my foundations.

Falling branches from these trees could cause injury. We do have branches falling from time to time which are a danger to people in the garden.

With regards to the trees being removed, they are not seen from the main road and as stated, the only people who see them are the residents in our road and I am sure they would be happy to see them gone.

I therefore continue with my objection to this preservation order and would like you to forward it to the Objection Panel.

Yours faithfully,

R.B.S. van Hal

APPEALS PANEL – 13 MARCH 2018

**TREE SURVEY AND PLAN BY INDEPENDENT ARBORICULTURAL
CONSULTANT**

Tree No	Species	Ht (m)	Single/Mult-Stemmed (S or MS)	Stem Diam (mm)	Root Protection Area (m²)	Root Protection Distance (m)	Branch Spread (m)	Ht of Crown AGL (m)	Life Stage	Physiological Condition	Structural Condition and General Observations	Preliminary Management Recommendations	Est. Rem. Contrib. (Yrs)	Cat
G3.7	Pedunculata Oak	-	S	1110	557	12.3	-	-	Mature	-	Major deadwood in crown Growing on bank	Remove major deadwood	40+	A1+2+ 3
G3.8	Common Beech	-	S	900	366	10.8	-	-	Mature	-	Bifurcated at 4m above ground level Growing on bank	None required at time of survey	40+	A1+2+ 3
G3.9	Pedunculata Oak	-	S	630	180	7.6	-	-	Mature	-	Bifurcated at 4m above ground level Major deadwood in crown Growing on bank	Remove major deadwood and stubs	20+	B1+2
G3.10	Pedunculata Oak	-	S	650	191	7.8	-	-	Mature	-	Growing on bank	None required at time of survey	20+	B1+2
G3.11	Pedunculata Oak	-	S	480	104	5.8	-	-	Mature	-	Weighted and leans north east	None required at time of survey	10+	C1+2
G3.12	Pedunculata Oak	-	S	490	109	5.9	-	-	Mature	-	-	None required at time of survey	20+	B1+2
G3.13	Silver Birch	-	S	630	180	7.6	-	-	Mature	-	Growing on bank	None required at time of survey	20+	B1+2
G3.14	Common Beech	-	S	1250	707	15.0	-	-	Mature	-	Bifurcated at 3m above ground level Growing on bank	None required at time of survey	40+	A1+2+ 3
G3.15	Common Beech	-	S	540	132	6.5	-	-	Early Mature	-	Growing on bank	None required at time of survey	20+	B1+2
G3.16	Scots Pine	-	S	650	-	-	-	-	Mature	-	Standing stump	None required at time of survey	N/A	U
G3.17	Strawberry Tree	-	S	650	-	-	-	-	Mature	-	In major decline Low crown density Major deadwood in crown	Advise removal for reasons of sound arboricultural management	<10	U
G3.18	Wallingonia	-	S	2400	707	15	-	-	Mature	-	Ivy on trunk Deadwood and stubs throughout	None required at time of survey	40+	A1+2+ 3



