

# Appeals Panel

## Agenda

### Date

Wednesday 10 February 2021

### Members of the Appeals Panel

The Panel will comprise the 3 Members highlighted in bold below

**Cllr S Lawn**  
**(Chairman)**

**Cllr A D Adams**  
(Vice Chairman)

Cllr S J Catchpole  
Cllr K Lawrence  
Cllr M L Murrell  
**Cllr S M Prutton**  
Cllr M D Snowling MBE  
Cllr J L Thomas

### Time and Place:

10:00 am  
To be hosted remotely

### Contact

Dawn Matthews tel (01603) 430404

Broadland District Council  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich NR7 0DU

E-mail: dawn.matthews@broadland.gov.uk



If any member wishes to clarify details relating to any matter on the agenda they are requested to contact the relevant Director / Assistant Director.



@BDCDemServices

### Public Attendance

This meeting will be live streamed for public viewing via the following link:

<https://www.youtube.com/channel/UCZciRgwo84-iPyRlmsTCIng>.

If a member of the public would like to attend to speak, please email your request to [committee.services@broadland.gov.uk](mailto:committee.services@broadland.gov.uk) no later than 5.00pm on Friday 5 February 2021

## **A G E N D A**

**Page No**

- |          |  |           |
|----------|--|-----------|
| <b>1</b> | <b>To receive declarations of interest under Procedural Rule no 8</b>                      |           |
| <b>2</b> | <b>Apologies for absence</b>   |           |
| <b>3</b> | <b>Minutes of meeting held on 20 November 2020</b>   | <b>5</b>  |
| <b>4</b> | <b>The Broadland District Tree Preservation Order 2020 (No 6)<br/>19 Millgate, Aylsham</b> | <b>12</b> |
|          | To hear and determine objections to the making of the Order                                |           |
|          | A copy of the procedure to be followed is attached   | <b>10</b> |

Trevor Holden  
Managing Director

## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

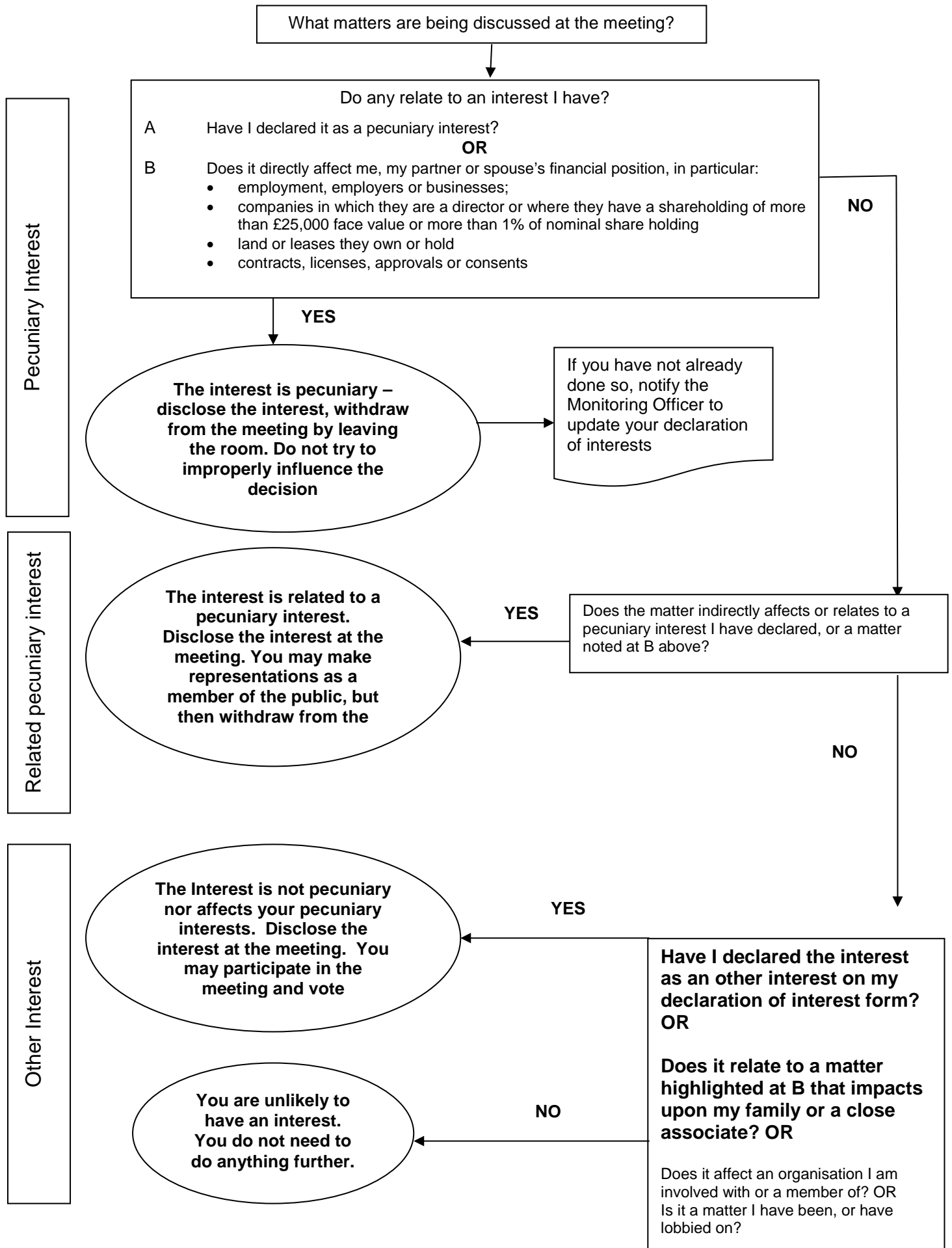
If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER  
IN THE FIRST INSTANCE**

# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF





Minutes of a meeting of the **Appeals Panel** held remotely on **20 November 2020 at 10:00am**.

The following were present:

Cllr S Lawn – Chairman

Cllr K Lawrence

Cllr S M Prutton

Also in attendance were:

The Conservation Officer (Arboriculture & Landscape) – presenting the case for the Order; Malcom Allsop – Wroxham Parish Council – supporting the Order; the Governance Manager and the Democratic Services Officer (DM) – advisors to the Panel.

**7 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8**

No declarations were made.

**8 APOLOGIES FOR ABSENCE**

No apologies were received.

**9 MINUTES**

The minutes of the meeting held on 29 January 2020 were confirmed as a correct record and signed by the Chairman.

**10 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2020 (NO 5)  
– 66 CHARLES CLOSE, WROXHAM**

The Chairman welcomed everyone to the meeting and explained the procedure for the Hearing which had been adapted where necessary to accommodate the restrictions imposed as a result of COVID-19, in particular, the site meeting referred to in the procedure had not taken place and, instead, members had viewed the tree by way of photographs and had each individually visited the site and viewed the tree from the public highway.

One formal objection had been received to the making of the order from the owners of the tree, who were unable to attend the meeting but had agreed to the meeting proceeding in their absence. Following receipt of the agenda papers for the Hearing, the owners had been invited to submit a statement for consideration by members and this had been circulated to all members of the

Panel and read out at the Hearing. The statement was as follows:

*"We would like to make the additional comments relating to the correspondence. For ease of reading, these comments will be in the order set out in the correspondence. We kindly ask if you would bring these comments to the attention of the Appeal Committee."*

**Page 15** refers to the canopy having potential to provide nesting sites for many species of garden birds. We have lived at this property for 17 years and not once observed a nest of any description. We are keen wildlife supporters, have been members of the Norfolk Wildlife Trust for many years and have several bird boxes in our rear garden where birds do nest in our trees, holly, pyracantha and boxes. We actually placed a Woodpecker Nesting Box in the Atlas Cedar several years ago to encourage nesting, but this didn't happen. And we feel that this is because the open aspect of the foliage of the tree is not conducive to nesting.

**On Page 16** of the correspondence, the Tree Officer states that during his recent site visit to photograph the tree from the public footpath approximately 8 metres away he could not identify any significant structural defects. It is regrettable that he didn't let us know of his intention to do this as had he viewed the tree from a northerly aspect (not in any photographs) he would clearly have seen bark shedding on the side of a large branch, and evidence of at least two fairly large diameter branches that have jagged edges from where they have broken off. We would have been happy to meet with him and indeed we asked to do this in our original letter, (last paragraph of our letter dated 2nd June states 'May we, therefore, ask if you would arrange for a Council member to telephone us when we could arrange to have some dialogue and we could be given the opportunity to discuss our concerns'. Social distancing would obviously have taken place.

In essence, therefore, we don't feel that the Tree Preservation Officer has viewed the tree in a way that enables him to state his findings in a satisfactory way.

**Page 17** refers in its first line to the observation of 'some dead wood' within the tree canopy that appear to be mostly tertiary branches'. Again we wish to emphasise that we feel the Tree Officer would have seen more evidence had he viewed the tree more closely.

The **second paragraph of Page 17** says about our concerns concerning the tree failing and being blown over. We wish to point out that in no correspondence have we actually said that. We have only stated in our original letter dated 2nd June and subsequent email to the Tree Officer about this meeting's attendance, that it is the top of the tree that we are concerned about breaking off.

*We consider the Tree Officer's statistical details in paragraph three and four of Page 17, therefore, to be totally irrelevant.*

*In **paragraph six on Page 17** the Tree Officer refers to a section of the upper canopy lost in the garden of No 48 The Avenue in Storm Doris of the same species of tree. We would like to ask if he actually viewed that section as we think he only saw the remaining part of the tree when he was approached in April 2018 by new owners of the property to have the remainder of the tree felled? We think this because we knew the very elderly man who subsequently had to pay for the damage to our garden and obviously arrange to clear the debris of the tree in his garden and he and us estimated this to be about 20ft, not just a section of the upper canopy. Sadly, the man referred to has since died.*

*In **paragraph 10 of Page 17**, the Tree Officer states that in his opinion the tree has a compact form and the canopy doesn't appear excessively unbalanced. He then refers to remedial pruning to reshape the canopy in the future. Surely this is a contradiction! How far in the future is he thinking about?*

*In the **last paragraph of Page 17**, it is stated that Atlas Cedars are widely planted as decorative ornamental garden and parkland trees. We don't consider this to be a decorative ornamental tree now that it is 52ft by 42ft (as measured by the Tree Officer), and as written in our original letter of 2nd June, this area did used to be parkland when the tree was planted, but is now residential.*

*In **paragraph two on Page 18** it states that the tree within the front lawn will constrain the type of plants grown due to the shade (a 42ft canopy) and water intake of the tree. This emphasises our comments that we find our front garden very difficult to manage.*

*The Tree Officer's conclusion states that the tree should have a remaining lifespan exceeding 10 years. May we, therefore, draw attention to the statement at the top of the photograph taken by Piers Ranson, the Professional Agent we approached initially, (**Page 35**) that the damaged parts and more importantly his referral to 'DIE BACK' totally contradicts that.*

*In conclusion, and referring to **Page 18**, we accept the Tree Officer's expertise about the importance of 'future proofing' our tree populations, and whilst we have stated in both our original letter and subsequent email that we would be happy to replace the tree, we would be pleased to do this with a non-native tree. The only criteria we would ask for is size and less dependency on water."*

*The Panel then heard from the Conservation Officer who explained that the Order (PTPO) had been made on 26 May 2020 after the Council received, on*

24 March 2020, a s211 Notification (No. 20200686) to fell an Atlas Cedar tree (*Cedrus Atlantica*) located in the front garden of 66 Charles Close. The Order was made to safeguard the significant visual amenity value offered by the tree to the immediate and the wider environment. The species of tree was widely used in domestic gardens and a range of similar species existed in neighbouring gardens on Charles Close which contrasted well the Atlas Cedar. At the time of making the Order the country had been subjected to a lockdown arising from the COVID-19 pandemic and in the absence of a protocol for holding site meetings, no site meeting had taken place at that time. Discussions had been held with the agent which was normal practice.

A recent inspection of the tree had been undertaken but had not included a view of the tree from the northern aspect. In his extensive experience of conducting tree inspections (36+ years), this inspection did not raise any concerns regarding the structural integrity of the tree. The tree did have a degree of dead wood which could be dealt with as part of management of the tree. The tree had potential to grow considerably (up to 40m in height) in its native environment but was unlikely to reach that height in its current location despite being well suited to the changing UK climate. With regard to the objectors' concerns about the difficulties of using their front garden, it was acknowledged that the tree was in competition with other plants for moisture and there was some degree of seasonal nuisance from needle fall but he felt this was not unreasonable and was to be expected as a result of having a large tree in a domestic garden and it was not an overriding factor or significant enough to justify removal of the tree. With regard to nesting birds, as the tree matured and provided a larger canopy with cavities and hollows it was more likely to provide a nesting site for birds. It was accepted that the species could shed branches on occasions for example when covered in heavy snow. The tree was situated in a large garden some 14m from the property and sat well in the local landscape. The objectors had offered to replace the tree with a more appropriate species but this would result in the loss of a mature tree and its significant visual impact and its replacement with a tree which would take decades to have the same value in the landscape. It was estimated that the tree was in the region of 40 years old and had probably doubled in size over the last 16 years. With regard to the die-back in the tree, the Conservation Officer advised that this was tertiary dead wood which usually formed as a result of overshadowing from the newer outer canopy of the tree and was a natural process with this species.

The Panel then heard from Mr Malcolm Allsop – Vice-Chairman of Wroxham Parish Council who stated that the Parish Council was urging the Council to reject the appeal and confirm the order. All four members of the Parish Planning Group had viewed the tree as had the member with responsibility for tree and conservation matters and were all unanimous in their support of the Conservation Officer's assessment of the tree. The removal of the tree would be contrary to the Wroxham Local Plan, which aimed to enhance the Conservation Area, and would be detrimental to the area. Mr Allsop emphasised that Charles Close formed an Article 4 Direction Conservation

Area which was the most stringent level of conservation area and that this applied to Charles Close due to the trees and the parkland setting of the close. The Parkland had existed for over 50 years and all 90 properties on Charles Close housed sizeable trees within their plots which is what made the area so special. He did not feel the grounds put forward for removing the tree were justifiable and would destroy the main feature of the Article 4 Conservation Area. He invited the Panel to confirm the Order.

The meeting was then adjourned to allow the Panel to deliberate its decision and the Conservation Officer and Mark Allsop left the meeting. They were then readmitted to the meeting and Chairman announced the Panel's decision.

The Panel decided, having regard to all the concerns raised and having regard to the criteria used to make the Order, to confirm the Order. The reasons for the decision were that the tree was under threat, it added to both the visual amenity and biodiversity of the Wroxham Conservation Area, it was not considered to be in an unsafe condition at this time, it had a life span in excess of 10 years barring unforeseen circumstances, and it was not felt that the tree would cause a nuisance which would be considered unacceptable or impractical to manage. The provisional TPO had been implemented and served in a just and appropriate manner.

It was, accordingly,

**RESOLVED** to confirm the Broadland District Tree Preservation Order (TPO 2020 No 5) 66 Charles Close, Wroxham, Norwich, Norfolk.

All present were advised that if any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

*The meeting closed at 11.00am*

## **Appeals lodged against the making of tree preservation orders (TPOs)**

The panel comprises three district councillors. At least two members of the panel must be present at each hearing.

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### **Notes on procedure**

#### **1. Site Visit**

1.1 Before or on the day of the hearing, members of the appeals panel may visit the site to inspect the trees subject of the appeal. If the trees are not visible from the highway, arrangements will be made with the objector, for members to gain access to the area.

1.2 Where it is not possible to hold a site visit, photographs of the tree will be made available to Members.

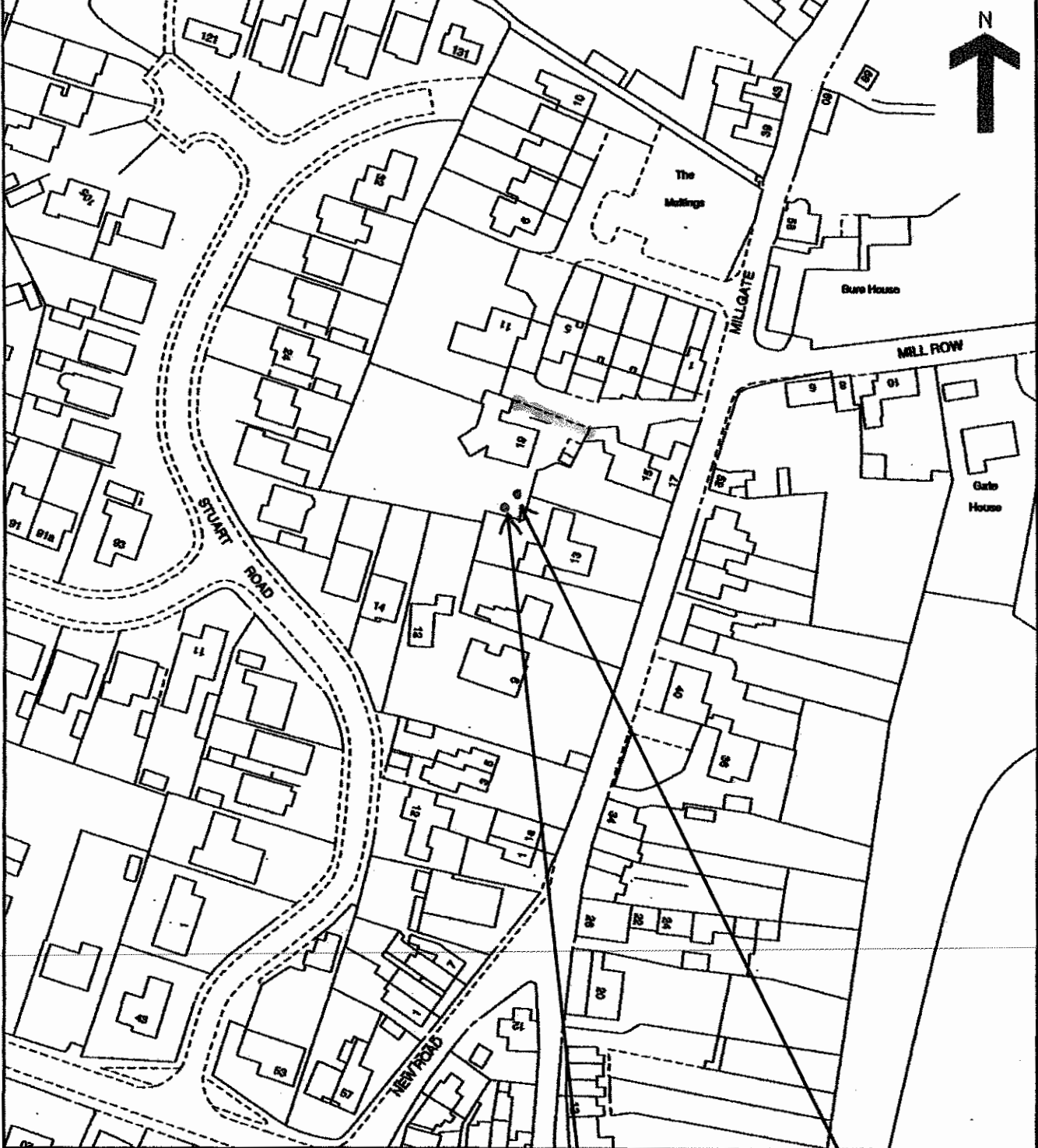
#### **2. The Hearing**

2.1 Procedure for the hearing:

- (1) All parties may attend the meeting, which will be held in public. If any party cannot attend the meeting, they may appoint someone to act on their behalf or they may submit written representations.
- (2) The chairman of the panel formally opens the hearing.
- (3) The objector is asked to put his case for appealing against the making of the order and to call any witnesses in support of his case.
- (4) The objector (if he gives evidence as opposed to an opening address) will present their opening statement / evidence. The Panel will then have an opportunity to question the objector in relation to the opening comments followed by the relevant officer who is given the opportunity to respond to the Objectors opening comments.
- (5) The chairman of the panel invites members of the panel to ask the objector or his witness any questions which they consider relevant to the appeal, having heard the objector's case for appealing against the order.
- (6) The relevant officer introduces the council's case for the making of the order and then calls other officers as witnesses, who can then be questioned by the objector.(7) The chairman of the panel invites members of the panel to ask the relevant officer any questions they consider relevant to the appeal, assisting them in deciding whether or not the order should be confirmed, modified or not confirmed.

- (8) The chairman then asks if any parish council representative, or any district councillor (who is not a member of the panel) or member of the public present, wishes to say anything to the panel. If a parish council representative, district councillor (who is not a member of the panel) or member of the public does make a statement then he can be questioned by the representative of the party to whom that statement is adverse and then by members of the panel. Each statement will be fully dealt with, including questioning of its maker, before the next statement is dealt with.
- (9) The relevant officer and then the objector are requested to make their respective closing statements.
- (10) Panel members will then have the opportunity to seek clarification on any outstanding issues before retiring to consider their decision.
  - (a) In virtual meetings all members of the public and officers will be removed to the waiting room and live streaming will be halted whilst the Panel deliberates their conclusions in private.
- (11) During its deliberations the panel will be advised on procedural matters by the assistant director governance business support or his appointed representative.
  - (a) In virtual meetings, all members of the public and officers will be returned to the meeting and live streaming will recommence.
- (12) The panel will announce its decision in public with a summary of the reasons for making its decision.
- (13) The chairman will advise the objector of rights of appeal, as follows:
  - If any person is aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

If the objector does not appoint an agent to act on his behalf and cannot attend the meeting, his written representations will be received by the Panel and no cross questioning will be allowed of any party.



12 T2

T1



## **STATEMENT OF CASE**

**Tree Preservation Order (TPO 2020 No.6)**

**Address 19 Millgate, Aylsham, Norfolk, NR11 6HX.**

### **BACKGROUND TO THE MAKING OF TPO (2020 No.6)**

No.19 Millgate is located slightly to the west of the main Millgate Road, with the trees in question being significant to the visual amenity of the immediate and surrounding landscape and contributing to the setting of the Aylsham Conservation Area (CA).

The Provisional Tree Preservation Order (PTPO) was made on the 17 August 2020 after the Council received, on the 3 July 2020, a s.211 Notification (No.20201300) to fell two Scots Pine trees (*Pinus sylvestris*) located in the garden of 19 Millgate.

This tree work notification was passed to the Council's Conservation & Tree Officer for consideration. The works applied for were discussed with the tree owners via e-mail correspondence and also by telephone.

A site visit was undertaken following the Council's COVID 19 site visit protocol, and the trees were inspected from within the garden of the property and also from the highway on Millgate, to determine the trees suitability for protection.

The Council decided to make the PTPO in order to protect the two Scots Pine for the reasons stated within the Regulation 5 Notice shown below:

*'The Council has made the order to safeguard the significant visual amenity value offered by the trees to the Aylsham Conservation Area and the wider environment'.*

### **THE CASE FOR MAKING TPO (2020 No.6)**

Taking the above points into consideration, please note the following:

**How does the tree, subject of this report, make a significant contribution to the local environment?**

The two Scots Pine trees at 19 Millgate are significant due to their size and location, being a feature of the skyline and clearly visible, when viewed from the highway on Millgate and the highway and public footpaths on Stuart Road.

Their age and form contributing to the mature landscape, which complements the setting of the Aylsham Conservation Area and the historic buildings within it.

**Is there a reason to fear any of the trees may be dangerous?**

No evidence to show that the trees would be considered to be in a poor structural or physiological condition or any diagnostic information, to demonstrate that they would be considered dangerous, has been provided.

The risk of serious harm resulting from tree failures has been calculated; through research undertaken by the Centre for Decision Analysis and Risk Management (DARM) on behalf of the National Tree Safety Group (NTSG) as extremely low, at about 1 in ten million.

**What is the expected lifespan of the trees, barring unforeseen circumstances?**

At the present time the trees would be considered as mature and if maintained appropriately should have a remaining life span of between 100 to 150 years.

**Do the trees, in their present location, show signs of causing a nuisance in the future which is unacceptable or impractical?**

The tree is located within the front garden of the property, with the trees centre being approximately 14 m (46 ft.) from the front elevation, it appears to be of a relatively compact form and not causing any significant encroachment or overshadowing to No.66 or any neighbouring properties.

I would envisage that this situation can be maintained by the sympathetic pruning or crown lifting of any longer or low branches through a Tree Work Application to seek consent to undertake such remedial pruning works and that the future management of the tree will not be the cause of a nuisance that is unacceptable or impractical.

**How do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?**

Scots Pine are a native species of the UK and are acknowledged to have important biodiversity value, supporting ninety-one associated insect species and one hundred and thirty-two Lichen species.

As well as nesting sites, shelter and a food source for our garden wildlife.

## **OBJECTIONS AND SUPPORT TO THE MAKING OF THE TPO AND TREE OFFICERS RESPONSE:**

The Council has received two formal objection letters to TPO (2020 No.6) one from Mr. & Mrs. Anderson the owners of No. 19 Millgate, Aylsham and a second from Mr. Stanford a neighbor who lives at No. 13 Millgate, Aylsham.

### **The objections of Mr & Mrs Anderson.**

**You will note that to date we have had 19 trees blown over/deemed unsafe in our garden. I wonder how many other gardens in Millgate have had this absolute devastation- hardly any we believe. With the severe winds we are now experiencing and the position of our property in relation to our garden (property is in a dip), we believe it is only a matter of time before our Scots Pine T1 & T2 are blown over/deemed unsafe.**

**We sincerely hope that after reading the document you will reconsider and allow us to fell these two Scots Pine. They are now far more exposed since the Scots Pine T3 in their grouping has been felled and we feel that they constitute a serious safety risk to our property. We were allowed to fell 2 Scots Pines in 2006 for precisely the same reason that we wish to fell T1 & T2 now i.e. their height and proximity to our property constituted a safety risk to us and our property. Why not now when these 2 trees tower over our property?**

**The social benefits of having trees as mentioned in your advice note is to make life more pleasant and make you feel tranquil and peaceful, Hardly.**

**The worry and anxiety to us and our neighbours in 15 Millgate and The Bungalow is immense. We are in our 70 and 80's. Please reconsider placing a TPO and allow us to fell these 2 Scots Pine – We would willingly replant and would welcome your advice on the type of trees you recommend.**

Tree Officer Responses to these objections are:

The main points of Mr. & Mrs. Anderson's objections focus on that the trees are not safe.

Having inspected the trees from the highway and the rear garden, I could not identify any significant structural defects, which would raise concerns that the trees would be considered dangerous.

As stated in my previous comments on if the trees would be considered dangerous, and the risk they pose of causing serious harm, is very low.

Concerns have been raised about the consequences if the trees should totally fail and be blown over, this appears very unlikely as there is no evidence that the trees

stability has been compromised, which would result in a catastrophic event of the trees being blown over.

Whilst it must also be acknowledged that even healthy and structurally sound trees do get blown down during extreme weather events, the risk of death or serious harm from trees in the UK has been calculated by the Centre of Decision Analysis & Risk Management at Middlesex University as an overall risk of approximately one in ten million (National Tree Safety Groups publication).

When compared with other risks we all take, going about our daily lives, it is evident that the risk of harm, from falling trees or branches is very low and the removal of healthy and structurally sound trees '*just in case they fail*', would be a disproportionate action and would also remove the many benefits that trees provide, which is becoming increasingly important, due to global warming.

### **The objections of Mr I B M Stanford.**

**I object to this order because T1 branches are within 12 ft of our main bedroom where we sleep. We live in constant fear when the wind is strong they will come down and fall onto our bungalow.**

**They give of a dust pollen which affects our health.**

**Tree T2 some branches have fallen onto our garden and have embedded into the ground a good six inches or more and could have killed someone had they been there at the time.**

**We are constantly cleaning out our guttering's as it is always being blocked with needles and cones (this is not ideal we are both in our eighties) climbing up ladders.**

**We both love trees and all wildlife but not when they are in danger of falling on our house. I hope you will reconsider.**

The main points of Mr. Stanford's objections again focus on that the trees are not safe, as in my previous comments no evidence has been provided to show the trees are structurally compromised and unsafe and the risk the trees pose of causing serious harm is extremely low.

Also seasonal inconveniences of needle and cone drop blocking gutters is a nuisance which is not considered impractical to resolve, if prevention is used in the form of the installation of gutter guards.

The small period of the year when the tree releases pollen is relatively short and would be justification to fell a protected tree.

## **CONCLUSION**

The two Scots Pine trees identified within the Provisional Tree Preservation Order (PTPO) contributes to both the visual amenity and biodiversity of the Aylsham Conservation Area.

The trees are not considered to be in an unsafe condition at this time.

The trees should have a remaining lifespan exceeding ten years, barring any unforeseen circumstances.

I do not believe the trees will cause an increase in nuisance which would be considered unreasonable or impractical to abate in the future.

This PTPO has been implemented and served in a just and appropriate manner.

Therefore, I recommend that the order is confirmed.

Considerations may also be made by the members of the Appeals Panel that the trees are not worthy of protection and the panel may decide, that the trees should not continue to be protected and allow the order to lapse and the trees to be removed.

Date: 02 February 2021

Mark Symonds – Conservation & Tree Officer (Majors Team)

# Appendix

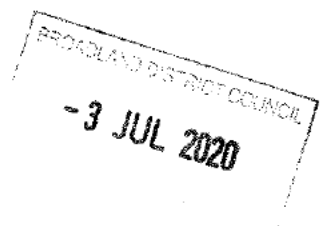
- THE CASE FOR MAKING A TREE PRESERVATION ORDER (TPO)
  - Within Chapter 8, Part VIII, Special Controls, Chapter I under Sections 197, 198 & 201 of the Town and Country Planning Act 1990 the Council has powers to protect and plant trees where it appears 'expedient in the interest of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order'.
  - 'Amenity' is not defined in law, so authorities need to exercise judgement when deciding whether it is within their powers to make an order.
  - However, in March of 2014 the Department for Communities and Local Government (DCLG) issued a guide to all LPAs on TPOs entitled – Tree Preservation Orders and trees in conservation areas. This guide indicates that:
    -
- A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interest of amenity.
- An order can be used to protect individual trees, trees within an area, groups of trees or whole woodlands. Protected trees can be of any size or species.
- Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit in the present or future would accrue before TPOs are made or confirmed. The trees, or at least part of them, should normally be visible from a public place such as a road or footpath.
- The risk of felling need not necessarily be imminent before an Order is made. Trees may be considered at risk generally from development pressures or changes in property ownership, even intentions to fell are not often known in advance, therefore precautionary Orders may be considered to be expedient.
- The guidance also indicates that LPAs are advised to develop ways of assessing the 'amenity value' of trees in a structured way, taking into account the following criteria:
  - Visibility
  - Individual & collective impact
  - Wider impact
  - Other Factors
  - Size and form;
  - Future potential as an amenity;

- Rarity, cultural or historic value;
  - Contribution to, and relationship with, the landscape; and
  - Contribution to the character or appearance of a Conservation Area.
- 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.
  - The guidance further indicates that it is important to establish a consistent approach, therefore the following points are considered before recommending a TPO:
    - Does the tree that is the subject of this report make a significant contribution to the local environment?
    - Is there a reason to fear that any of the trees may be dangerous?
    - Can the trees be expected to live for longer than ten years, barring unforeseen circumstances?
    - Do the trees in their present locations show signs of causing a nuisance in the future which is unacceptable or impractical?
    - Do the trees contribute to the biodiversity of the immediate area and/or offer a habitat for wildlife?

Daisy Cottage  
19 Millgate  
Aylsham  
Norfolk  
NR11 6HX

Telephone [REDACTED]

20201300



Dear Sir/Madam,

Would you please find attached a completed "Application for Notice of Works to Trees in a Conservation Area" for our property address above.

We have 2 large Scots Firs which we would like to have felled as they seem to get bigger and bigger and give us sleepless nights when we have storms and high winds. Indeed when we have severe winds no one will sleep in the front bedroom of our house as they are too frightened. Their cones and pine needles play havoc with our pantiles and guttering and cleaning these out up ladders when you are in your 70's is no mean feat!!!

We were under the misapprehension that you would not look favourably on a request for them being felled as they were in a Conservation Area, however, our neighbour at the bungalow number 13, Millgate has been given approval (application number 20200942) to fell his Fir tree shown as T3 in photo C attached which is no more than 6 feet from our tree referenced as T2. Indeed our tree T1 is nearer to the bungalow than T3.

We do hope you will look favourably upon our request as we honestly fear they could cause catastrophic damage should they get blown over, to not just our home but to the Bungalow as well. Should we get your approval we would welcome advice on what type of trees to replant.

Yours faithfully

[REDACTED]

---

Enclosed:

Application Form

Photo A with attached Land Registry Map used as a Sketch Plan

Photo B fallen branch

Photo C attached to this letter showing our 2 trees T1 and T2 and our neighbour's tree T3 (now felled)



20201300

# Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

## Town and Country Planning Act 1990

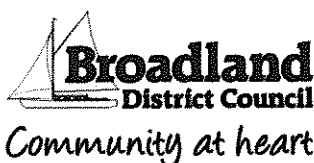
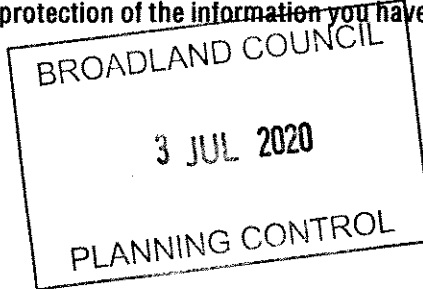
### Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to the Local Planning Authority in accordance with the legislation detailed on this form.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

### Local Planning Authority details:


[www.broadland.gov.uk](http://www.broadland.gov.uk)


**Planning Department**  
Thorpe Lodge  
1 Yarmouth Road  
Norwich  
NR7 0DU  
Tel: 01603 430113  
email: [planning@broadland.gov.uk](mailto:planning@broadland.gov.uk)

### Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

When printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

### 1. Applicant Name and Address

Title:	MR			First name:	DAVID		
	MRS			First name:	CHRISTINE		
Last name:	ANDERSON						
Company (optional):							
Unit:		House number:	19	House suffix:			
House name:	DAISY COTTAGE						
Address 1:	MILL GATE						
Address 2:							
Address 3:							
Town:	AYL SHAM						
County:	NORFOLK						
Country:							
Postcode:	NR11 6HX						

### 2. Agent Name and Address

Title:		First name:	
Last name:			
Company (optional):			
Unit:		House number:	
		House suffix:	
House name:			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			

7. Trees Location

If all trees stand at the address shown in Question 1, go to Question 1. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

8. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? ☐ Yes ☐ No

Are you wishing to carry out works to tree(s) in a conservation area? ☒ Yes ☐ No

9. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

WE WOULD LIKE TO FELL 2 SCOTS FIR TREES TO THE SIDE OF OUR HOUSE IDENTIFIED AS T1 AND T2 ON ATTACHED PHOTO A. THEY ARE APPROXIMATELY 60-70 FEET HIGH AND T1 IS ABOUT 20 FEET FROM OUR HOUSE AND T2 25 FEET. WE HAVE HAD NUMEROUS 22 BRANCHES FALL FROM

7. Trees Ownership

Is the applicant the owner of the tree(s): ☒ Yes ☐ No  
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title:  First name:

Last name:

Company (optional):

Unit:  House number:  House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code:  National number:  Extension number:

Country code:  Mobile number (optional):

Country code:  Fax number (optional):

Email address (optional):

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

NO TPO ORDERS

THESE TREES (EXAMPLE PHOTOS) OVER THE PAST YEARS CAUSING DAMAGE TO FENCES, A SHED AND BBQ (FORTUNATELY WE WEREN'T COOKING ON IT AT THE TIME AS WE WOULDN'T BE HERE NOW). THEY SWAY FRIGHTENINGLY IN HIGH WINDS AND SHOULD EITHER BE BLOWN OVER THE DAMAGE TO OUR PROPERTY AND POSSIBLY NO. 13 + 15 MILLGATE WOULD BE IMMENSE - COULD CAUSE LOSS OF LIFE! WE WOULD BE HAPPY TO REPLANT TWO TREES AND WOULD WELCOME YOUR ADVICE ON THE TYPE OF TREES SUITABLE.

## 8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

### For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

### For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall: ☐ Yes ☐ No  
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives. ☐ Yes ☐ No  
If YES, you are required to provide for:

#### *Subsidence*

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

#### *Other structural damage* (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

### Documents and plans (for any tree)

Are you providing separate information (e.g. an additional schedule of work for Question 7)? ☐ Yes ☐ No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

PHOTO A AND ATTACHED LAND REGISTRY MAP, USED AS SKETCH PLAN  
PHOTO B - BRANCH DOWN  
PHOTO C - ATTACHED TO COVERING LETTER SHOWING OUR TWO TREES T1 + T2 AND OUR NEIGHBOURS T3.

## 9. Authority Employee / Member

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "relating to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or agent? ☐ Yes ☒ No

With respect to the authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

If Yes, please provide details of their name, role and how you are related to them.

C. Application for Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

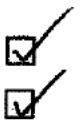
Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)



For all trees  
see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out



For works to trees protected by a TPO  
see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
  - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
  - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
  - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?



1. Declaration - Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed:  signed - Agent: 

Date (DD/MM/YYYY):

01/07/2020 (This date must not be before the date of sending or hand-delivery of the form)

2. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):



13. Agent Contact Details

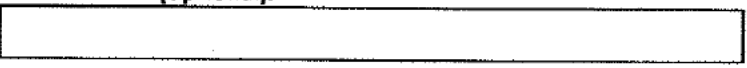
Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):





APPLICATION  
FOR  
DAISY COTTAGE  
9 MILLGATE  
AYLSHAM

PHOTO A



T1

T2

BUNGALOW  
13 MILLGATE

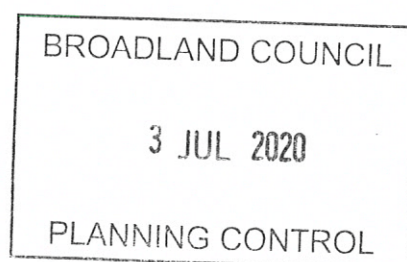
15, MILLGATE

19 MILLGATE  
(CORNER OF  
HOUSE)

SKETCH PLAN

20201300

PLEASE SEE LAND REGISTRY MAP  
ATTACHED  
TG1927SE ~~ENCLOSED~~ INDICATING  
POSITIONING OF TREES T1 AND  
T2.





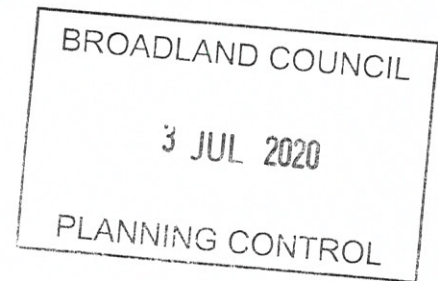
20201300

Photo B

APPLICATION FOR  
"DAISY COTTAGE"  
19 MIL LGATE  
AYLSHAM



— OUR PROPERTY  
19 MIL LGATE





APPLICATION  
FOR.  
DAISY COTTAGE  
19 MILLGATE  
AYLSHAM

PHOTO C.

T1

T2



T3

IN GARDEN  
OF  
13 MILLGATE  
THE BUNGALOW

NOW  
FELLED.

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING ACT (Tree Preservation) (England) Regulations 2012**

**The Broadland District Tree Preservation Order 2020 (No. 6)**  
**Broadland District Council**

To: Owner/Occupier, Mr & Mrs Anderson, 19 Millgate, Aylsham, NR11 6HX

THIS IS A FORMAL NOTICE to let you know that on 17 August 2020 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: A Guide to Tree Preservation Procedures*, produced by the Department of Transport, Local Government and the Regions.

The Council has made the order to safeguard the significant visual amenity value offered by the trees to the Aylsham Conservation Area and the wider environment.

The Order took effect, on a provisional basis, on 17 August 2020. It will continue in force on this basis for a maximum of 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations (*including your support*) about any of the trees, groups of trees or woodlands covered by the order.

If you would like to make any objections or other comments, please make sure we receive them in writing by 17 September 2020. Your comments must comply with regulation 6 of the Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Mr P Courtier (Head of Planning) at the address given below. All valid objections or representations are carefully considered before a decision on whether to confirm an order is made. Any comments you make will be available for public inspection. Therefore please be advised that any letter received could not be treated in confidence.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Mark Symonds at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU. Telephone (01603) 430509.

Dated this 17 day of August 2020

**Helen Mellors**  
Assistant Director of Planning



**COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING ACT  
(Tree Preservation) (England) REGULATIONS 2012**

Objections and representations

6(1) Subject to paragraph (2), objections and representations –

- (a) shall be made in writing and –
  - (i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or
  - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected

Mr & Mrs Anderson  
19 Millgate  
Aylsham  
NR11 6HX

**IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY**

Dear Sir/Madam

**Town and Country Planning Act, 1990**  
**Town and Country Planning (Tree Preservation) (England) Regulations 2012**  
**The Broadland District Tree Preservation Order 2020 (No. 6)**  
**TWO Scots Pine located at No.19 Millgate, Aylsham, NR11 6HX.**

The Council, as Local Planning Authority, has decided that it is expedient in the interests of amenity to ensure the preservation of certain trees on land of which you are the owner and/or occupier, or an owner and/or occupier of adjoining land on which the trees stand.

It is deemed necessary to serve a Preservation Order to cover trees as set out in the First Schedule and Map of the attached Order, to ensure their protection.

The trees in question have been made the subject of a Tree Preservation Order under Section 198 of the Town and Country Planning Act, 1990. A copy of the Order is enclosed, together with a formal Notice of its making.

The Order is of immediate effect. You have the right to object or endorse the Council's actions in protecting trees within your Parish. Particulars are given in the formal Notice.

Yours sincerely

**Helen Mellors**  
Assistant Director of Planning



## **TOWN AND COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012**

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### **Town and Country Planning Act 1990 The Broadland District Council Tree Preservation Order 2020 (No.6)**

The Broadland 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—

#### **Citation**

1. This Order may be cited as the Broadland District Tree Preservation Order 2020 (No.6)

#### **Interpretation**

2. (1) In this Order “the authority” means the Broadland 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, 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 17 day of August 2020

The Common Seal of the Broadland District Council  
was affixed to this Order in the presence of—


Deputy Monitoring Officer



8047

**BROADLAND DISTRICT**  
Tree Preservation Order  
**2020 No.6**

**Key**

- Individual Trees 
- T1 Scots Pine
- T2 Scots Pine



Scale as shown

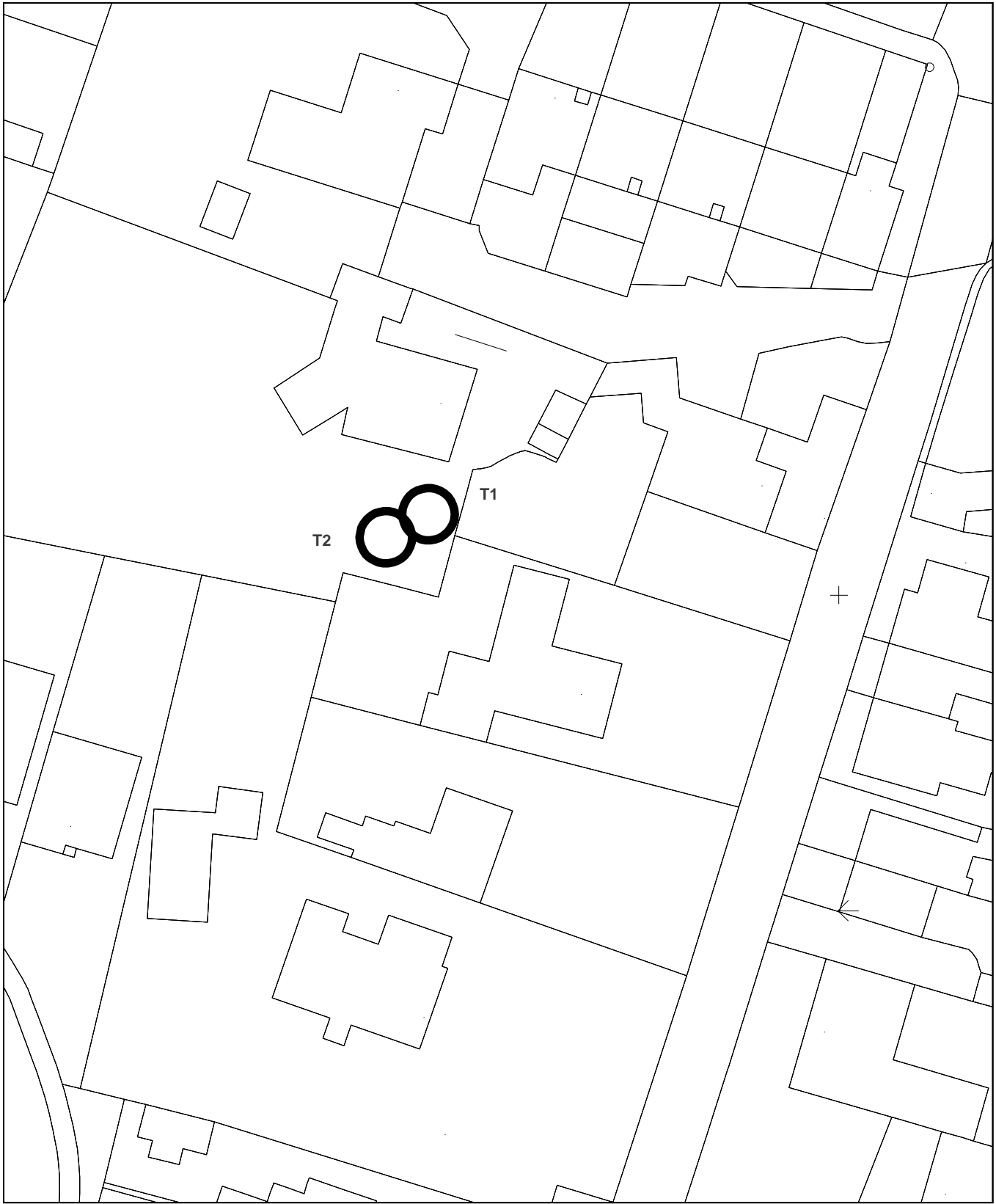


Thorpe Lodge, 1 Yarmouth Road  
Thorpe St Andrew, Norwich, NR7 0DU.  
Tel (01603) 431133  
E-mail conservation@broadland.gov.uk

**Tree Preservation  
Order**

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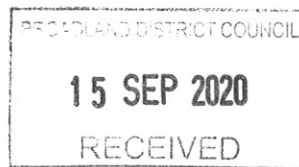
**Aylsham**



**Tree Preservation Order 2020 No. 6**

**Address, 19 Millgate, Aylsham, NR11 6HX.**

**Scale 1:500**



Mr P Courtier  
(Head of Planning)  
Broadland District Council  
Thorpe Lodge  
1 Yarmouth Road  
Thorpe St Andrew  
Norwich  
NR7 0DU

12<sup>th</sup> September 2020.

Dear Mr Courtier,

19 Millgate, Aylsham, Norwich, NR11 6HX  
Ref. Town and Country Planning Act (Tree Preservation) (England)  
Regulations 2012. No. 20201300

TPO Order 2020 No. 6 – **T1** Scots Pine and **T2** Scots Pine

Would you please find enclosed our objections and comments regarding the above.

You will note that to date we have had **19** trees blown over/deemed unsafe in our garden. I wonder how many other gardens in Millgate have had this absolute devastation – hardly any we believe. With the severe winds we are now experiencing and the positioning of our property in relation to our garden (property is in a dip), we believe it is only a matter of time before our Scots Pine **T1** and **T2** are blown over/deemed unsafe.

We sincerely hope that after reading the document you will reconsider and allow us to fell these 2 Scots Pines. They are now far more exposed since the Scots Pine T3 in their grouping has been felled and we feel that they constitute a serious safety risk to us and our property. We were allowed to fell 2 Scots Pines in 2006 for precisely the same reason that we wish to fell **T1** and **T2** now i.e. their height and proximity to our property constituted a safety risk to us and our property. Why not now when these 2 trees tower over our property?

The social benefits of having trees as mentioned in your ADVICE NOTE is to:  
make life more pleasant  
make you feel tranquil and peaceful

## **HARDLY**

The worry and anxiety to us and our neighbours in 15 Millgate and The Bungalow is immense. We are in our 70s and 80s. Please reconsider placing a

TPO and allow us to fell these 2 Scots Pine – we would willingly replant and would welcome your advice on the type of trees you recommend.

Thank you for your assistance in this matter and should you or your Committee wish to visit our property or speak with us, our phone number is detailed below.

David and Christine Anderson  
19 Millgate  
Aylsham  
Norwich NR11 6HX

Enclosed:

Objections and Comments Document (2 pages)

PHOTO A	shows Scots Pines <b>T1</b> , <b>T2</b> and T3
PHOTO B	shows proximity of Scots Pines <b>T1&amp; T2</b> to properties 15 & 19 Millgate and The Bungalow
PHOTO C	a very large branch fallen onto our garden from <b>T2</b>
PHOTO D	shows the trunk of <b>T2</b> which has hardly any branches left only stubby bits of wood
PHOTO E	some of the trees down in our garden February 2007
PHOTO F	some of the uprooted trees



19 Millgate, Aylsham, Norwich, NR11 6HX  
Ref. Town and Country Planning Act (Tree Preservation) (England)  
Regulations 2012. No. 20201300

Our Objections and Comments regarding TPO Order 2020 No. 6 – *T1* Scots Pine and *T2* Scots Pine

1. We feel strongly that now the Scots Pine in the garden of 13 Millgate, (hereinafter referred to as The Bungalow) has been felled, that it now takes away the protective element that was there when the predominant SW high winds hit the group of what was then 3 Scots Pine trees.

**PHOTO A** refers and shows the 3 Scots Pine trees – hereinafter referred to as *T1 & T2* in the garden of 19 Millgate and *T3* in the garden of The Bungalow

2. Both us in 19 Millgate and the occupants of The Bungalow find the close proximity of the remaining 2 Scots Pines (*T1 & T2*) to both our properties dangerous and certainly very intimidating during high winds. They are approximately 60 – 70 feet high and *T1* is about 20 feet from our house and *T2* 25 feet. *T1* is even closer to The Bungalow – the trunk being about 20 feet away, but lower branches 10 feet from Mr & Mrs Sandford's bedroom window. With the height and proximity to both our properties and 15 Millgate there would be catastrophic damage should they blow over, a view felt by our neighbour Miss Diana Grellier in 15 Millgate as well.

**PHOTO B** refers showing the proximity of *T1 & T2* trees to properties 15 & 19 Millgate and The Bungalow

3. We have had numerous branches from *T1* and *T2* - large and small fall onto ours and The Bungalow's land causing damage to fences, nearby wooden sheds and a BBQ. It has only been pure luck that no one has been injured.

**PHOTO C** refers showing a very large branch fallen onto our garden

**PHOTO D** refers and shows that *T2* has had numerous branches fall – approximately three quarters of the trunk is bare.

4. In September 2006, Mr Chesney Beales you're then Conservation Officer allowed us to fell 2 Scots Pine as their proximity to our property would constitute a danger should they blow over. They were about 30 feet from our garden room and not as tall as our two trees *T1* and *T2* mentioned in **number 2** above). This was most fortuitous as in February 2007 we had **14** trees blow over in our back garden – a mixture of Scots



Pines, Silver Birch and various others. From memory 10 trees were actually uprooted and of those 8/9 were Scots Pine. Had we not been able to fell the 2 Scots Pines back in September 2006 they would definitely have blown over and caused catastrophic damage to our property.

**PHOTOS E & F** a couple of photos showing the devastation in our garden in February 2007 – photo F showing uprooted trees.

5. The day after we had the **14** trees blown down we had to fell a group of **4** Scots Pine as they had been destabilized and deemed unsafe by Mr Chesney Beales. This group of 4 were approximately 20 feet away from those stated in **number 1** above.
6. Two weeks ago we had to fell a Goat's Willow tree that had split in half in the high winds – your Council were notified and a photo sent (we received your acknowledgement).

To date we have had a total of **19 trees blown over/deemed unsafe** in our garden. We are now experiencing even more high winds and it would seem that where our property is situated is causal to a funnelling effect (mini tornado ?) This therefore does not bode well for our property and the 2 Scots Pine we wish to fell **T1 & T2**. We appreciate that as yet they do not show any signs of instability or disease but how long will it be before another mini tornado hits our garden and for them to be blown over/become unsafe we cannot say but they will. Our property and possibly The Bungalow, and 15 Millgate will then be decimated.

It says in your ADVICE NOTE under what TPO'S do:

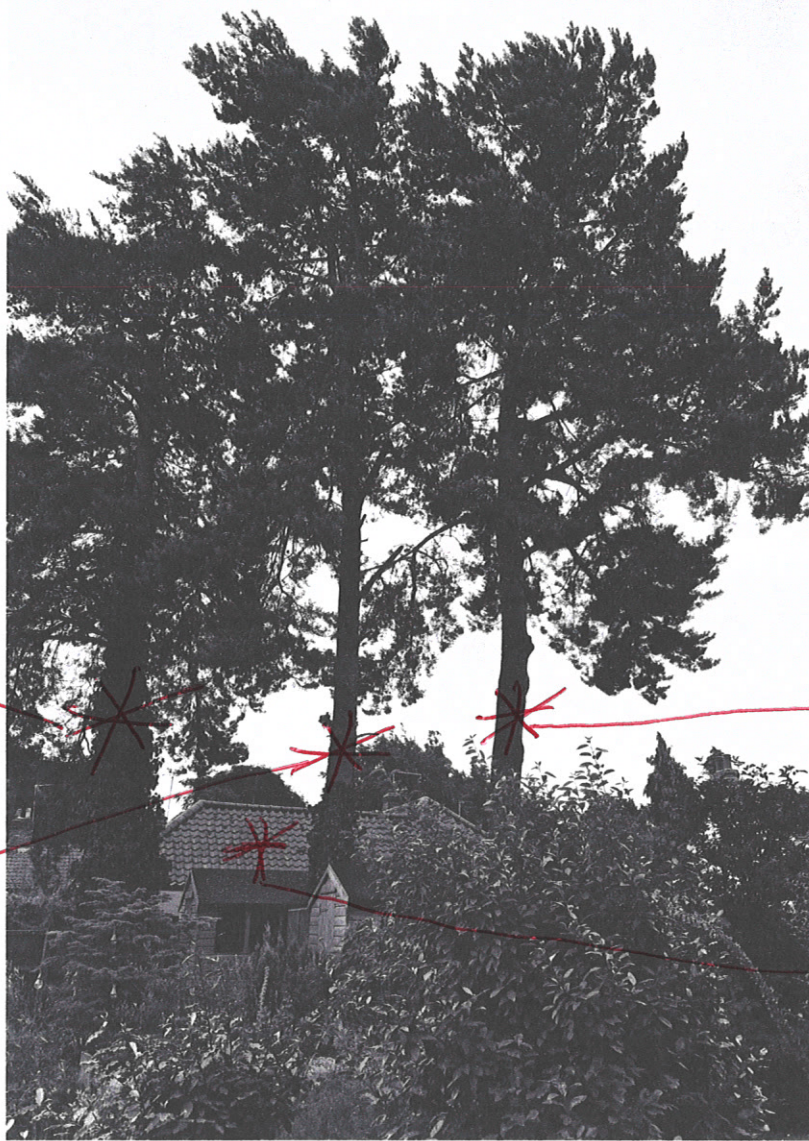
“protect tree/s which are particularly attractive”

---

With the best will in the world these are not particularly attractive, indeed the view from The Bungalow's garden (**PHOTO D refers**) of **T2** shows a trunk which hardly has any branches only stubby bits of wood.



Photo A



T3  
IN GARDEN  
OF  
THE  
BUNGALOW  
13 MILLGATE  
NOW  
FELLED

19 MILLGATE

20201300



Photo B.

15, MILLGATE



T2

THE  
BUNGALOW

19 MILLGATE

19 MILLGATE

20201300



Photo C.

— 19 MILLGATE

Photograph  
of a fallen branch  
(length approx 10 feet)



19 MILLGATE  
2020 1300





PHOTO 1

T2

T1

19 MILLGATE

PHOTOGRAPH TAKEN FROM THE GARDEN  
OF THE BUNGALOW AND SHOWS  
HOW BARE THE TRUNK IS OF T2.  
(DUE TO FALLEN BRANCHES).

19 MILLGATE  
20201300



Photo E



DEVASTATION IN OUR

GARDEN FEBRUARY 2007

19 MILLGATE  
2020 1300

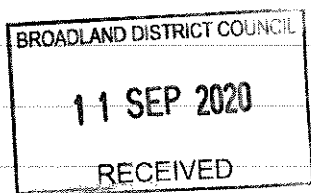


Photo 7.



DEVASTATION IN OUR  
GARDEN FEBRUARY 2007  
NOTE TREES UPROOTED  
19 MILL GATE 42 20201300





13 Millgate  
Aylsham  
NR11 6HX  
10-09-2020

### Tree Preservation Order

Re Conservation order 2020 No 6

Trees at No 19 Millgate Aylsham  
I object to this order because T1

Branches are within 12 feet of our main bedroom where we sleep. We live in constant fear when the wind is strong they will come down and fall onto our bungalow.

They give off a dust pollen which affects our health

Tree T2

Some branches have fallen onto our garden and have embedded into the ground a good six inches or more and could have killed someone had they been there at the time.

We are constantly cleaning out our guttering as it is allways being blocked with needles and cones (this is not ideal we are both in our eighties) climbing up ladders

P.T.O

we both love trees and all wild life  
"but" not when they are in danger of  
falling on our house.

I hope you will reconsider

yours faithfully,

IBM, Stanford

IBM STANFORD