

## APPEALS PANEL

Minutes of a meeting of the Appeals Panel of Broadland District Council, held on Thursday 10 November 2022 at 10.30am at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich.

**Committee Members Present:** Councillors: N J Brennan (Chairman), K Lawrence and S Prutton

**Officers in Attendance:** The Conservation and Tree Officer (MS) – presenting the case for the Order and the Democratic Services Officer (DM)

### 5 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

No declarations were made.

### 6 APOLOGIES FOR ABSENCE

No apologies were received.

### 7 MINUTES

The minutes of the meeting held on 19 July 2022 were confirmed as a correct record and signed by the Chairman.

### 8 PROVISIONAL TREE PRESERVATION ORDER (TPO 2022 No 8) 87 CAWSTON ROAD, AYLHAM, NR11 6ED

The Chairman welcomed everyone to the meeting. Prior to the meeting, the Panel had taken the opportunity to visit the site. They viewed the trees from the public highway and from within the gardens of no: 83 and no: 87 Cawston Road. Mrs Barwick was in attendance for that part of the site meeting within the garden of no: 83 Cawston Road. The owners of No 83 and no 87 did not attend the formal meeting.

In presenting his case, the Conservation and Tree Officer stated that the provisional order had been made following a request by the owner of the trees

for an order to protect the trees because of the unknown future of the property. Her family had originally planted the mix of native tree species at the site and were keen to see them retained in the future. Objections had been received to the order in relation to two of the twelve trees: T6 - Beech tree and T7 - Silver Birch tree. The objections related to the impact of tree T6 on the boundary treatment and the overhanging from both trees. The Conservation and Tree Officer stated that reasonable measures could be taken to mitigate the objections. These included an application to undertake remedial works to reduce the impact of any overhanging and aligning any boundary treatment around the trunk of the tree. He did not therefore feel the trees caused an unreasonable nuisance. He stated that, whilst trees T6 and T7 were not as visible from a public vantage point as other trees in the order situated to the front of the site, they were still visible and formed a significant feature on the skyline and had amenity value.

In response to questions from members, the Conservation and Tree Officer confirmed that remedial works could include reductions to branch length and a canopy lift. He also confirmed it was not uncommon for trees to be located on property boundaries.

The Conservation and Tree Officer invited the Panel to confirm the Order.

With regard to the overhanging branches, members noted the significant distance from the property and main garden area at no 83 and the location of trees T6 and T7. They also noted the nature of the use of the area of land at the rear of no 83 adjacent to the trees.

The Conservation and Tree Officer then left the meeting whilst the Panel deliberated its decision. He was subsequently readmitted to the meeting and the Chairman announced the Panel's decision.

Having regard to all the information before them, both written and oral, and having regard to the criteria used to make the Order, the Panel decided (unanimously) to confirm the Order. The Panel was satisfied that the provisional TPO had been implemented and served in a just and appropriate manner and was expedient in the interests of amenity to make provision for the preservation of the trees. The Panel was also satisfied that the Council's criteria for making the Order had been met: the trees made a significant contribution to the local environment, there was no reason to believe they were dangerous, they had a life span in excess of 10 years, they did not present an unacceptable or impracticable nuisance and contributed to the biodiversity of the immediate area.

It was, accordingly,

**RESOLVED** to confirm the Broadland District Tree Preservation Order 2022 (No 8) 87 Cawston Road, Aylsham

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 concluded at 11.35am)

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Chairman

DRAFT