

## APPEALS PANEL

Minutes of a meeting of the Appeals Panel of Broadland District Council, held on Thursday 19 January 2023 at 9:45am at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich.

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

**Officers in Attendance:** The Conservation and Tree Officer (M Symonds) – presenting the case for the Order and the Democratic Services Officer (D Matthews)

Observing the meeting: the Assistant Conservation and Tree Officer( B Appleby)

**Others in attendance:** Phil Mayo – objector (site meeting only)  
Chris Yardley - Landscape Survey & Design – promoter of the order – supporting  
Mr Stuart Dwire-Skate - supporting  
Mr Karl Mckeever - supporting

### PERSONAL REFERENCE

The Chairman referred to the recent sad death of Cllr S Prutton, Vice-Chairman of the Panel, and those present observed a minutes silence in tribute to Cllr Prutton.

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

No declarations were made.

### 10 APOLOGIES FOR ABSENCE

No apologies were received.

## 11 MINUTES

The minutes of the meeting held on 10 November 2022 were confirmed as a correct record and signed by the Chairman.

## 12 PROVISIONAL TREE PRESERVATION ORDER (TPO 2022 No 10) 17/18 HILLY PLANTATION, THORPE ST ANDREW

The Chairman welcomed everyone to the meeting. Prior to the meeting, the Panel had taken the opportunity to visit the site. They had viewed the trees from the public highway and from within the gardens of numbers 17 and 18 Hilly Plantation. Mr C Yardley, Mr S Dwire-Skate and Mr K McKeever were in attendance at the site meeting and the Hearing. Mr P Mayo was in attendance for the site meeting only.

Mr Mayo was unable to attend the hearing and the following statement was read out on his behalf:

*Essentially there are 3 trees in contention. The pine we are disputing in the front of the property is a tree that's grown from the 1987 storm. It's not very attractive, will grow taller and could be replaced with one in a more suitable location and one which will allow the tree to flourish in a more suitable location.*

*There are 2 pines at the rear that have caused numerous problems internally and externally to the property.*

*\* These include cracks in the outside rendering of the property to the left rear.*

*\* Cracks internally to the plastering in the left rear of property.*

*\* Constant blockage to rear guttering and drains cause internal dampness and guttering issues.*

*\* loss of light to the only kitchen window on that aspect of house.*

*\* The rear paved patio has been disrupted by having 2 large trees close together in proximity to the house.*

*\* The trees are large, not particularly attractive and present a danger to the property in the event of storm force winds given the raised elevation.*

*Again could a compromise be reached for potentially replacement for a more suitable species which would be deeper rooted?*

*Further points relate to the CO2 implications and Mark's view on this. I think it is not really an issue as 3 Pines have limited foliage and would have little or no impact on Norwich's CO2 issues for or against.*

*It's quite important that the panel are aware the 2 pines at the rear in contention, have been identified as being very close to the property which exacerbates the points I have made.*

In presenting his case, the Conservation and Tree Officer stated that the provisional order had been made following a request from Mr Yardley. An area order had initially been made covering the boundaries of numbers 17 and 18 Hilly Plantation to protect all trees within the boundary. Following a site

visit by officers and an assessment of the trees, a modification was put forward to the area order to include only the largest and most significant trees – namely trees T1 to T37 as set out in the schedule attached to the papers. He drew attention to the fact that the objection to the order related to the inclusion of three trees: T24, T32 and T33.

The Conservation and Tree Officer went on to outline the options available to the Panel with regard to the order which included confirming the order as modified to include trees T1 to T37, confirming the order with modification to include/ exclude specific trees within the original area order or to not confirm the order as none of the trees warranted protection. The Conservation and Tree Officer recommended the Panel confirm the modified order to include trees T1 to T37. These trees were all mature specimens which offered many benefits to the local landscape and biodiversity of the area. They were a prominent feature on the landscape. He added that the pine and fir trees in particular formed a cohesive group and removal of one or more of the trees from the group could impact on the stability of the remaining trees in the group due to prevailing winds.

It was noted that a number of other orders were already in place to protect trees in the area and other trees had protection as they were located within a conservation area.

The Conservation and Tree Officer then answered questions from members of the Panel. He stated that he believed the mature pine and fir trees were likely to be between 50 – 80 years old. He confirmed that the pine and fir trees all had biodiversity value providing shelter and nesting for birds and insects and the seeds from the trees provided a source of food for birds. He confirmed that the confirmation of the order did not prevent works being carried out to the trees such as tip reductions but these would need to be the subject of an application, would need to be necessary and would need to meet British Standards before being approved. Pine and fir trees did not respond well to heavy crown reductions as they did not regenerate from old growth. It was noted that the owner of number 17 could currently remove overhanging branches back to the boundary line but if the order was confirmed, permission would be needed for this.

In supporting the making of the Order Mr K McKeever advised the Panel that he had engaged the services of Chris Yardley - Landscape Survey & Design after accepting an invitation from Mr Mayo to visit number 18 to discuss future development proposals for no 18. Mr McKeever had been concerned about the potential implications of the development proposals for the trees which potentially involved the relocation of the garage and extension to the house. Mr Mayo had commented that the needles from the fir trees were a nuisance and these trees prevented his development plans. Mr Dwire-Skate and Mr McKeever had asked Mr Yardley to assist them with proposals to protect the trees due to their wider public benefit, their amenity value and the shelter they provided from prevailing winds. Mr McKeever said he did not feel the trees should be removed to allow development.

Mr McKeever then answered questions from members. He confirmed that that at the time number 17 had been purchased, the property had been neglected for some time and many of the boundary trees were overgrown. He had worked amicably with the owner of no 18 to remove some of the overgrowth. At that time, the owner of no 18 has stated she did not want to see any trees removed from the garden. Mr Mayo had subsequently asked Mr S Dwire-Skate and Mr K McKeever if they could remove one of their trees as it prevented the potential extension of the single storey element of no 18 to a second storey.

In summing up, the Conservation and Tree Officer addressed the comments raised by the objector as detailed in the representation above. With regard to the references of cracks to the interior and exterior walls of number 18, no evidence had been provided that these were caused by the trees. If such evidence were provided appropriate action could then be considered even if the order had been confirmed. With regard to blocked gutters and drains, there were reasonable measures which could be taken to help resolve this issue without resorting to removal of the trees. With regard to alternative planting to replace some existing trees, the existing trees were very mature specimens and it would take a considerable number of year for the benefits of the existing mature trees to be replaced. With regard to the fir trees' contribution to CO2 reduction, the trees were of significant size and maturity and collectively provided a considerable contribution to the capture of CO2. The Conservation and Tree Officer invited the Panel to confirm the order as modified to include the named 37 trees.

In summing up for the supporters of the order, Mr Yardley stated that the trees had significant value in the landscape of the ridge and to the properties to the south of the trees. They were very prominent in the local landscape. The three fir trees formed a significant group and served an important role in the location, softening development on the ridge.

In answer to a question, the Conservation and Tree Officer confirmed that the removal of Trees T33 and /or T32 would have an impact on tree T30. The three trees each contributed to form a large single canopy and, mindful of the direction of the prevailing wind, the removal of any one of the group would leave the remaining trees at risk of failure and would be detrimental to the visual amenity of the canopy. The root morphology of these trees would have adapted to the environment and would have a growth pattern which reflected the existing environment. Changes to the dynamics of the group of mature trees would have an impact and make them more vulnerable to wind blow.

Mr C Yardley, Mr S Dwire-Skate, Mr K McKeever, the Conservation and Tree Officer and the Assistant Conservation and Tree Officer then left the meeting whilst the Panel deliberated its decision. They were 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 as modified. 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 10) 17/18 Hilly Plantation, Thorpe St Andrew as modified.

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 10.30am)

---

Chairman