Horsham District Council

Mr Edward Wright
The Tree Men
Bamborough Close
Horsham
RH13 9XF

Application Number: DC/24/1439

TOWN & COUNTRY PLANNING (Tree Preservation) (England) Regulations 2012

On behalf of: Mr Stephen Monk

In pursuance of their powers under the above-mentioned Regulations, the Council hereby notify you that they REFUSE to permit the works specified hereunder, that is to say:

**Surgery to 1x Lombardy Poplar and 1x Silver Birch.**

**10 Leonard Way Horsham West Sussex RH13 5JA**

as shown on Plan and Application Number DC/24/1439 submitted to the Council on 18/09/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The level of proposed works would considerably alter how the trees are viewed within the local landscape thus resulting in harm to the character and amenity of the locality, an action which appears to be is unjustified for the reasons stated.

Note to Applicant
The Officers full report is attached for your information.

Catherine Howe
Head of Strategic Planning

Date: 16/12/2024

**ADDITIONAL INFORMATION**

**Right of Appeal**
If you are aggrieved by the decision to refuse permission for the proposed works or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

You must appeal within 28 days of the date of the decision notice for an application for works to trees subject to a tree preservation order. Please note, only the applicant possesses the right of appeal.

The details of how to appeal together with the form which must be used can be obtained from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or on-line at www.gov.uk/planning-inspectorate.

**Compensation**
If you suffer any loss or damage as a result of this refusal of consent, you may be entitled to recover compensation from the Council. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to the address at the head of this notice.

# DELEGATED APPLICATIONS

## ASSESSMENT SHEET

APPLICATION NO:**DC/24/1439: 10 Leonard Way, Horsham, RH13 5JA.**

CONSTRAINT:
TPO 0913 Confirmed 22/08/97 *(Application refers to tree T3- Birch and T11 - Lombardy poplar )*

RELEVANT PREVIOUS HISTORY:

| | | |
|---|---|---|
| HU/192/97 | Erection of 13 houses and garages | Application permitted |
| HU/355/01 | 2-storey side extension and porch | Application refused |
| HU/260/02 | 2-storey side extension and porch | Application refused |
| DC/05/1260 | Fell 3 silver birch trees | Application Permitted |
| DC/14/0200 | Single storey side extension | Application Withdrawn |
| DC/14/0224 | Single storey side extension (Certificate of Proposed Lawful Development) | Application permitted |
| DC/22/2286 | Surgery 1 x Birch 1 x Poplar | Application Permitted |

REPRESENTATION AND CONSULTATION RESPONSES:
No representations have been received in respect of this application.

ASSESSMENT:
1. The trees the subject of this application are located in a prominent position at the front of the applicant's property, which is situated in a central location within the Cul-de-sac Leonard Way. The trees were formally protected by TPO/0913 on 22/08/1997 when the area was developed for residential use in the late '90s. Due to the high level of public visibility, the trees in question are considered to have a very good level of amenity worth when viewed within the local landscape context.

2. The trees are a semi-mature silver birch and a mature Lombardy poplar. The birch is the last remaining. protected tree of this species at the property, with three birch trees having been felled at the property in 2005 under application DC/05/1260. In 2014 a single-storey extension was built on the western side of the property; this has resulted in a poor relationship between the tree and the built form of the dwelling. The tree is located around 1.5m to 2m from the southern flank wall of the extension. It is in fair condition and has a relatively compact form it is recovering well from the works permitted under DC/22/2286, but it has only put on around 0.5 to 1m of new growth in places.

3. The poplar is located around 7m from the front of the property and has a tall but compact form typical of the species; it stands at 15m in height and was last reduced by 7m in 2022 under application DC/22/2286; the tree is recovering well from these works, but it has only put on around 0.5 to 1m of new growth since the works were completed.

4. The applicant seeks consent to crown reduce the birch by 2m due to concerns with the tree's proximity to the property. The works proposed to the poplar are to reduce it in height by 15m to 10m due to concerns with the height of the trees and its proximity to the property.

5. Guidance on the determination of applications for works to protected trees (Planning Practice Guidance – Tree Preservation Orders and Trees in Conservation Areas) advises that consideration as to whether proposed works are justified and should be considered in the light of the assessment of how the tree is viewed within the local landscape context in terms of the amenity value of the tree **" the likely impact of the proposal on the amenity of the area"**. It advises that "**in general terms, it follows that the higher the amenity value of the tree or woodland and the greater the negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted."**

5. The prosed works to the birch, do not conform with Industry best practice as set out in BS3998 Tree Work Recommendations (2010), due to the works exceeding the established growth points, and the size of the pruning wounds that would be left from a 2m reduction. In addition, they would drastically alter the appearance of the tree and would give rise to harm to the character and amenities of the area, an action which appears unjustified for the reasons stated and the TPO is designed to uphold.

6. As with the birch, the proposed works to the poplar would bring the height of the tree well below the previous growth points established in 2020 and would result in substantial pruning wounds that do not conform with Industry best practice, as set out in BS399. It is acknowledged that this tree species could tolerate the level of proposed work. However, this level of reduction would severely diminish the excellent level of amenity value that the tree provides to the area and is unjustified for the reason given.

RECOMMENDATION:
**Refuse consent;** the level of proposed works would considerably alter how the trees are viewed within the local landscape thus resulting in harm to the character and amenity of the locality, an action which appears to be is unjustified for the reasons stated.

**DELEGATED**

Authorising Officer sign…….ANBU……., ***Arboricultural Officer (Development).***

Date……13 Dec 24