

Delegated Report

Planning Ref: 25/00597/TPO

Applicant: Mr Nunn

Ward: Newbold Verdon With Desford & Peckleton

Site: Shady Trees, 19 Station Road, Desford



**Hinckley & Bosworth
Borough Council**

Proposal: T1 Giant Redwood Raise canopy to 5m.

Reason: To allow more light under canopy to first floor windows

Case officer: Rudi Simpson

1. Recommendations

- 1.1. Refuse consent for the reasons at the end of this report

2. Planning Application Description

- 2.1 The application seeks planning consent for the following works at Shady Trees, 19 Station Road, Desford
- T1 Giant Redwood Raise canopy to 5m

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a two-storey detached residential dwelling in the settlement boundary of Desford.
- 3.2. The tree(s) affected by the proposed work is protected by the Hinckley and Bosworth Borough Council Desford (19 Station Road) Tree Preservation Order 1997 (97/00001/TPORD)

4. Relevant Planning History

01/00686/TPO

- CABLE BRACING AND CROWN RAISING OF ONE TURKEY OAK TREE
- WDN
- 16.07.2001

01/00727/TPO

- REMOVAL OF TURKEY OAK TREE
- TPOPER
- 23.08.2001

03/00053/TPO

- REMOVAL OF ONE ATLANTIC CEDAR
- TPOPER
- 28.02.2003

11/00364/TPO

- WORKS TO BEECH TREE

- TPOPER
- 05.07.2011

21/01007/TPO

- Fell one Beech tree (T1)
- PERTPO
- 11.11.2021

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. No comments have been received

6. Consultation

- 6.1. Arboricultural Officer

“The requested crown lift to 5 metres would represent a significant reduction in the tree's lower canopy and is not considered arboriculturally appropriate at this time. It is also noted that the property is named 'Shady Trees' which implies a valued association with the respective tree cover.”

7. Policy

- 7.1. Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
- 7.2. National Planning Policies and Guidance:
 - National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
- 7.3. Other Relevant Guidance:
 - Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
 - Impact upon the amenity of the area
 - Whether the application is justified

Impact upon the amenity of the area

- 8.2. Policy DM10 of the SADMP requires that consideration be given to the impact of the proposal on amenity and the character of the surrounding area. The tree is subject to a tree preservation order and is therefore considered to have a high level of amenity value.
- 8.3. Paragraph 136 of the National Planning Policy Framework (NPPF) (2024) states

that existing trees make an important contribution to the character and quality of urban environments and should be retained wherever possible.

- 8.4. The Giant Redwood (T1) occupies a large space and is situated to the front of the application dwelling. The property is largely screened from the highway due to the vast number of trees present on site.
- 8.5. The Tree Preservation order provides protection for 8 individual trees of varying species including Wellingtonia, Cedar, Beech, Oak and Poplar. In addition, the order also includes two small groups of trees on site comprising of Pines, Sycamore, Horse Chestnut and a number of Holly trees.
- 8.6. Whilst previous applications have permitted the removal of several trees on site, a vast majority of those originally protected still remain.
- 8.7. The name of the property 'Shady Trees' stresses the importance of the relationship between the property and surrounding landscape.
- 8.8. This application seeks to allow more sunlight to the first floor windows of the dwellinghouse. However, the Arboricultural officer feels that the works are not sufficiently justified and are not in the best interests of the tree.
- 8.9. On balance, it is felt that the proposed works are unnecessary and would therefore be harmful to the overall character and appearance of the area.

Whether the application is justified

- 8.10. The proposal has been assessed by the HBBC Arboricultural Officer who feels that the works are inappropriate at this time.
- 8.11. The works are therefore considered to be unnecessary and have the potential to cause harm to a protected tree without adequate justification.
- 8.12. By virtue of the above it is considered that the work would have a significant negative impact upon public amenity and is therefore not acceptable.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application

9.3. There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. Overall the proposed works would have a significant, negative impact upon the overall character, appearance and visual amenity of the area and would result in potential harm to a protected tree without adequate justification. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 136 of the National Planning Policy Framework.

11. Recommendation

11.1. **Refused subject to the reasons at the end of this report**

11.2. **Reasons**

The proposed works would have a significant, negative impact upon the overall character, appearance and visual amenity of the area and would result in unnecessary harm to a protected tree without adequate justification. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 136 of the National Planning Policy Framework (2024).