

Delegated Report

Planning Reference 26/00298/TPO
Applicant(s) Miss Rachel Herbert
Ward Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Application Site Land to The Rear of 44 And 45
Bosworth Close Hinckley Close

Proposal Oak (T1 and T2) - 20-30% Crown reduction to allow more
light into neighbouring gardens

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

1.1. **Refuse consent** subject to reasons at the end of this Report.

2. Planning Application Description

2.1. This application seeks consent for the following works at land to the rear of 44 and 45 Bosworth Close, Hinckley:

- Oak (T1 and T2) - 20-30% Crown reduction to allow more light into neighbouring gardens.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to two Oak trees located to the land rear of No 44 and 45 Bosworth Close and on land south of Kinross Way within the settlement boundary of Hinckley. The trees affected by the proposed work are protected under T29 and T30 of the Borough Council of Hinckley and Bosworth (Clifton Way) Tree Preservation Order 76/00003/TPORD, which protects a variety of trees.

4. Relevant Planning History

- | | | | |
|-----|---|-----------|--------------------------|
| 4.1 | 09/01001/TPO
Works to 3 oak trees | Permitted | (determined: 12.04.2010) |
| 4.2 | 09/00563/TPO
Works to one oak tree (T30 on TPO) | Refused | (determined: 17.09.2009) |
| 4.3 | 09/00562/TPO
Works to oak tree (T29 on TPO) | Refused | (determined: 17.09.2009) |

5. Publicity

- 5.1 Sections 16 and 17 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 does not include any requirement to consult third parties on applications for consent under a Tree Preservation Order. Nevertheless, the application has been publicised by sending out letters to local residents and a site notice has been posted within the vicinity of the site. No responses have been received.

6. Consultation

- 6.1 The Council's Arboricultural Officer stated:

'I object to the proposed works. The trees are prominent features that make a significant contribution to the landscape character. A 20–30% crown reduction is not consistent with recognised arboricultural best practice and is likely to result in physiological stress to the trees. Furthermore, given their northerly aspect relative to the gardens, adequate light levels are likely to be maintained, and the amenity value of the space would not likely be materially compromised.'

- 6.2 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):

- No relevant policies.

- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- National Design Guide (2019)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The key issues in respect of this application are the impact of the proposal upon the amenity of the area, and whether the proposed works are justified

- 8.2 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3 The affected trees are subject to a Tree Preservation Order and are therefore considered to have a high level of amenity value. The trees (T1 and T2) are situated to the land rear of No 44 and 45 Bosworth Close, Hinckley. Due to the size and position of these trees, they are considered to play an important part for the character and the appearance of the local area.
- 8.4 The proposed works have been assessed in conjunction with the Council's Arboricultural Officer, who has advised that the proposed works would not be consistent with recognised arboricultural best practice and would be likely to result in physiological stress to the protected trees. Therefore, the extent of the proposed works would be considered to be unnecessary and would result in a significant and detrimental impact upon the protected trees and the character and appearance of the surrounding area, to which the trees positively contribute to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the SADMP, and Paragraph 136 of the NPPF.

9. Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) 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 In conclusion, the proposed works would be considered to be unnecessary and result in a significant and detrimental impact upon the protected trees and the character and appearance of the surrounding area, to which the trees positively contribute to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

11. Recommendation

- 11.1 **Refuse consent** subject to reasons at the end of this Report.

11.2 Reasons

1. The proposed works would be considered to be unnecessary and result in a significant and detrimental impact upon the protected Oak Trees T1 and T2, and the character and appearance of the surrounding area, to which the trees positively contribute to. By virtue of these factors, the proposal would be contrary to, and in conflict with, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 136 of the National Planning Policy Framework (2024).

a. Notes to Applicant(s)

1. The application has been determined in accordance with the following submitted details:
 - Application Form (submitted: 03.04.2026)
 - Site Location Plan (submitted: 03.04.2026)