

X

Ross, No 9 Burn Close

Oxshott

KT22 0HF

Mr and Mrs Morris

06 August 2018

Dear Sirs,

TREE PRESERVATION ORDER – EL:18/13

Objection

On the behalf of my husband and myself, I enclose the objection on one tree of the tree preservation order.

This objection concerns the oak tree in the back garden of Mallows House, the Chase Oxshott, Surrey, KT22 0HR, identified as T2 on the plan accompanying the order.

I also enclose some pictures of the oak tree from my back garden. Unfortunately, my back garden is too small for me to get picture of the whole tree.

I also enclose some picture of the Mallow house when purchased in 2006 with no overgrown trees or conifers.

The position of the oak tree T2 in relation with our property is South West facing blocking sun light in afternoon.

We are Myriam and Anthony Morris. We are living at Ross No 9 Burn Close Oxshott, since

12th August 1999.

In the formal notice we received on the 18<sup>th</sup> July 2018 the owners of Mallows house requested the TPOs to be put on only after a request for the conifers on the boundaries to be reduced in height and width.

You will notice the maintained size of the trees and conifers on the picture dated from 2006 by the previous owners of Mallows House.

"A tree owner has a duty of care under the owners and occupiers act to prevent harm coming to property or person from trees in their ownership and/or management. Tree owners are responsible for having their trees inspected and maintained to an acceptable level of risk to prevent foreseeable harm or damage occurring. If a property owner is concerned about the safety of a neighbour's tree, they need to inform the owner in writing of their concerns."

We looked to Elmbridge Borough Council website page on "Protecting a tree" and the reason behind the TPO

*We have an obligation to consider making Tree Preservation Orders (TPOs) to protect trees where it is considered expedient and to review applications for tree works made under these Orders.*

*Trees must meet the following criteria before we can consider making a Tree Preservation Order:*

- 1. The tree must be of public amenity and not only of private benefit (it must be visible from a public space like a road or park).*
- 2. The tree must not have been mutilated in the past in a way that has removed its arboricultural amenity value.*
- 3. The tree is does not pose an unacceptable or un-manageable risk.*
- 4. The tree is capable of a reasonably long life.*
- 5. The tree is not located so close to a building that it would be unreasonable to refuse its removal if requested.*
- 6. The tree is under some form of threat, such as by proposed development, heavy pruning or removal.*

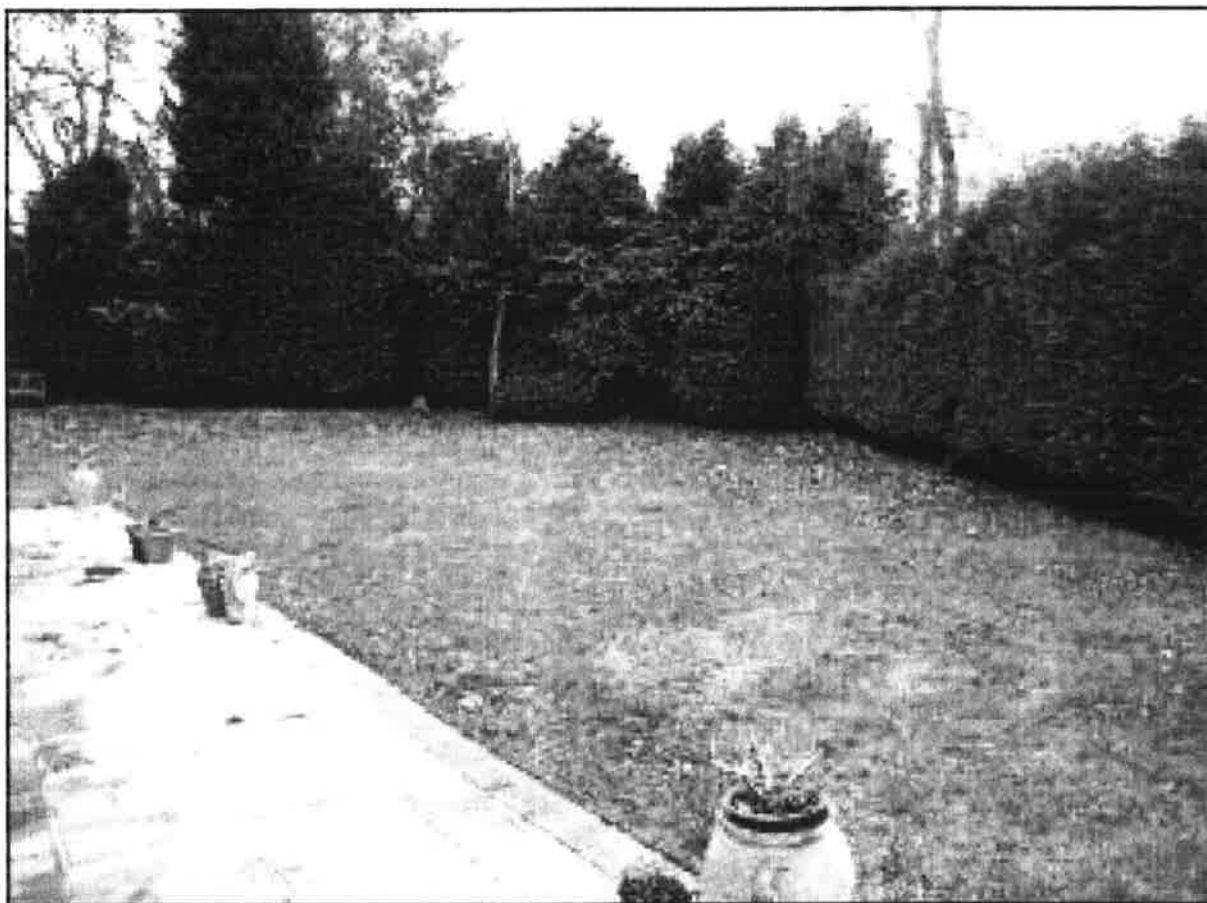
**Which the oak tree T2 is not of any of those bullet points**

ELMBRIDGE BOROUGH COUNCIL

TREE PRESEVATION ORDER EL: 18/13

OBJECTION

Mallow House 2006 back garden



Ross 9 burn close back garden look toward Mallow house oak tree and conifers



**We object to the Tree Preservation Order EL:18/13 made by Elmbridge on the 18<sup>th</sup> July 2018 and request that it be not confirmed.**

**We note that Elmbridge has the power to vary the order. If it does decide to confirm the order, we would request that it be varied to exclude the garden tree T2**

**Yours truly,**

**Mr Anthony Morris**



**Mrs Myriam Morris**

