

8 Burn Close, Oxshott, Leatherhead, Surrey KT22 0HF

Clare Smith
Trees, Landscape & Heritage Manager
Civic Centre
High Street
Esher
Surrey
KT10 9SD

20 July 2018

Dear Ms Smith

Tree Preservation Order ("TPO") EL:18/13

We write further to your letter dated 18 July advising of TPOs on Land at Mallows House.

We would be keen to understand why these TPOs have been made. We suspect that this will have been at the request of the owners at Mallows House, in a vindictive response to a reasonable request that we made for them to reduce the height of their leylandii hedge (which runs between T1 & T2). We also recently cut back the branches from T1 which were overhanging our property. This was prior to the aforementioned TPO and has not affected the 'amenity value of the tree to the wider area'. However, we assume this and the hedge trimming request are what triggered the application for these TPOs.

We notice from the Elmbridge TPO map that, despite there being a huge number of trees in The Chase and wider Knotts Park Estate area, many of which are far more mature than T1-T4, there are no other TPOs in the area. TPOs are therefore clearly not required to maintain the 'amenity value' of the area so please can you explain the rationale to make orders on these four trees and how the request to make them arose? We would object to the TPOs, in principle, on the basis that there is no need to make an example out of these 4 trees.

Making TPOs on these trees simply absolves the owners from the need to carry out any maintenance work to them and, further, prevents neighbours from carrying out basic work to branches from these trees that overhang their properties.

More specifically, in respect of the Tree Preservation Order on T1 which borders and impacts our property at 8 Burn Close (circled on the attached), our questions and objections would be as follows:

- a) What is the rationale for making a TPO on this horse chestnut tree which has leaf disease and is in a position where it will soon be blocked from view by the wider area by the Mallows House property extension? We would question the amenity value of a diseased tree, a value which will be further diminished by the current extension build?
- b) The owners at Mallows House have never, in the 6 years that we have resided in Burns Close, knowingly to us maintained this or other trees. T1 has consequently grown unchecked until we recently trimmed the branches over-hanging our property.
- Overhanging or falling branches from this tree potentially cause damage to the shed at the end of our garden – highlighted on the attached. Would the council be willing to accept any repair costs of damage the property caused by the tree if the inability to carry out maintenance work (without the need for what might be a protracted LPA/council request/approval process) to it caused such damage?
 - The tree and its overhanging branches block light into our garden. We appreciate that the tree was there when we bought our property but 6 years' further growth requires basic maintenance to maintain the amenity value from our perspective.
 - The tree overhangs the storm drain (open 'burn') and falling debris results in the need for regular maintenance of the burn which we willingly carry out ourselves. Maintenance of the tree and reduced debris would make this more manageable.
 - Falling branches and the tree's root system may damage this burn. Would the council be willing to accept any repair costs to the burn if the inability to carry out appropriate maintenance work to the tree (without the need for council request/approval process) caused such damage?

In summary, we have no objection to this tree being protected to some extent if that's what deemed necessary. We have no expectation or desire that this tree should ever be severely cut back but **we do think it should be maintained properly on a regular basis**. This would include:

- 1) Our right to be able to cut back branches that overhang our property reducing the potential damage to shed, garden and burn.
- 2) A requirement for the tree owners (assumed to be Mallows House owners if the tree is proven to be on their property – see paragraph below) to maintain the tree at a fair height.

Finally, in respect of this tree, your order refers to these TPOS being in respect of trees on land at Mallows House. Please can you provide evidence that T1 is on Mallows House land as the tree does not sit within the wooden fence to the property

at Mallows House; and there has been some lack of clarity as to where the property boundary is.

We look forward to hearing from you.

Yours sincerely


Greg & Deborah Broadbent
