

Delegated Report

Officer

Liam Vincent

Application Number(s)

2023/2513/T

Application Address

19 Steele's Road, London NW3 4SH

Proposal(s)

REAR GARDEN: 1 x Magnolia (Magnolia spp) (T1) - Fell to ground level by sectional take down.

Recommendation(s):

No Objection to Works to Tree(s) in CA

Application Type:

Notification of Intended Works to Tree(s) in a Conservation Area

Consultations

Adjoining Occupiers:	No. notified	13	No. of responses	7	No. of objections	4
<p>Summary of consultation responses:</p>	<ol style="list-style-type: none"> 1. "Tree is a mature, very healthy tree; It is of considerable value and beauty in an existing CA; It poses no danger to property or any person; The proposed removal is because of the intended purchaser plans to build an extension out into the garden - The sale of the property is dependent on application for removal of the tree." 2. "The tree is about forty years old and as a mature tree it provides welcome shade in the garden during the summer heat as well as other environmental benefits which are essential given the changing climate; When in bloom it has given untold pleasure to me and other neighbours as well as the current owner whose much loved wife planted the tree. Trees and gardens are important for our wildlife as well as our emotional support and should be protected; I understand the sole basis for the application is because a potential buyer of the flat wishes to extend into the garden which does not seem to be a valid reason. There is no guarantee that the purchase will go ahead and, if it did, the proposal to build into the small garden will potentially result in loss of light in neighbouring properties." 3. "This tree has been a beautiful contribution to our back garden which is next door. I think it would be a tragedy to cut it down." 4. "The tree is in a designated conservation area, and it unquestionably makes a positive contribution to the character and appearance of the area and surrounding properties given its size, outstanding natural beauty, and the shade and cooling impact it provides to residents of the building and surrounding properties; Trees are linked to many positive psychological benefits including lower levels of depression, anxiety, and stress; and better personal wellbeing and neighbourhood wellbeing. Removing an adult tree is not supportive of desirable outcomes to the mental health of residents; Applying the Council's tree Policy to this application, as the Council's Guidance suggests, determines that this application does not meet the standards set out in the Policy for approving the removal of trees as part of a private development; Approving the removal of the tree is completely incongruent with the Council's declaration of a climate emergency and the objectives of the 2025 CCAP, and the Council should be setting an example to residents by rejecting the unnecessary removal of adult trees given they adversely impact these objectives; Removing the tree would unquestionably impact the Flat and surrounding properties by eliminating the privacy benefit that the tree affords and as it would take in excess of 40 years for a new tree to replace these benefits of the current tree." 					
<p>CAAC/Local groups* comments: *Please Specify</p>	<p><i>Response from The Belsize Society:</i> "This is a mature magnolia tree that is clearly highly valued by residents in the neighbourhood. No evidence has been provided that the tree needs to be felled. Over and above the visual benefits of the tree to the neighbourhood, it forms part of a green corridor at the back of Steeles Rd and Eton Rd, providing an environmentally friendly green canopy in an area close to the traffic noise and air pollution of Haverstock Hill.</p>					

	We object to the felling of this tree and request that it is given the protection of a TPO.”
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Assessment

The S.211 notification is to carry out removal of a Magnolia tree in the rear garden of a residential property on Steele's Road, situated within the Eton Conservation Area. The reasons for the removal of the tree have been given as:

"This tree has out grown its location very close to property and drainage system it also majorly blocks light to the property, and to allow for construction works with a view to re-plant a similar tree in a more sensible location in garden."

There have been a number of objections to the proposed removal and a request that the tree be protected by the serving of a Tree Preservation Order (TPO). There are several criteria that must be considered when assessing the suitability of a tree for a TPO which can be broken down as follows (taken from the current planning practice guidance that LPAs use when assessing a tree):

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

In this case, the Magnolia tree in question is not visible or has very low visibility from a public place, it is not considered to provide significant visual amenity to the public.

Individual, collective, and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*

The Magnolia is not a particularly large tree, it is not in any way a noteworthy example of its species. Historic pruning has reduced the amenity the tree currently provides.

- *future potential as an amenity;*

Due to the trees position relative to adjacent buildings, ongoing pressure to prune the tree will prevent it from reaching its full potential, and / or ever becoming visible from a public place.

- *rarity, cultural or historic value;*

The Magnolia is not of a rare species or of any known cultural or historic value.

- *contribution to, and relationship with, the landscape;*

It is acknowledged that the tree makes a reasonable contribution to the landscape to the rear of the properties, however the lack of visibility from the public realm significantly reduces the weighting that this can be given when considering a TPO.

- *contribution to the character or appearance of a conservation area.*

The tree is considered to make a reasonably positive contribution to the character of the conservation area however this is limited to the rear gardens.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

- The tree offers some benefits in terms of reducing pollution, absorbing CO2 and habitat provision; however, the current legislation does not put sufficient weight on to these factors to justify serving a TPO.
- Future planning applications are not a consideration when assessing the suitability of a TPO.
- The question of privacy for the building and views toward Eton Road are cited – that the privacy screening would be lost. Unfortunately, as with when an application to prune a tree is made with the reasoning being that it blocks a view, this is not a strong enough reason alone to grant permission. In this case the inverse must also be true – that screening alone is not a sufficient reason to serve a TPO.

For the reasons outlined above, it is not considered expedient to TPO the tree and we do not object to the works. Whilst replacement planting is always encouraged in these cases, we do not have any legal remit to require it. However, this alone is not a reason to object to an application.