

Delegated Report

Officer

Liam Vincent

Application Number(s)

2023/3665/T

Application Address

58 Belsize Park Gardens
London
NW3 4ND

Proposal(s)

REAR GARDEN: 1 x Ash (T1) - Fell to ground level.

Recommendation(s):

No objection to notification of intended works to tree(s) in a conservation area.

Application Type:

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

Consultations

Adjoining Occupiers:

No. notified

11

No. of responses

1

No. of objections

1

Summary of consultation responses:

The Council received an objection to the proposed tree work specification, summarised as follows:

- *The Ash in question provides privacy for my property.*
- *No additional information has been provided as to why this tree should be felled.*
- *I vehemently oppose the removal of this tree.*

CAAC/Local groups* comments:

*Please Specify

None

Assessment

The Section 211 notification is a proposal to fell a large mature Ash tree in the rear garden of a residential property that is within the Belsize Park conservation area.

The felling proposal has been made as a result of a health and safety inspection, prompted by the recent appearance of a fruiting body produced by the tree pathogen *Inonotus hispidus*. This is a wood decay fungus capable of significantly affecting the structural integrity of the tree.

The presence and extent of the decay has been confirmed through detailed investigation carried out by an arboricultural consultant, using specialist equipment to quantify the presence of the decay, and therefore what the outcome could be.

The pathogen *I.hispidus* is known for weakening trees rapidly before the timber shows visible signs of decay.' The arboricultural consultant has concluded that due to the type and extent of decay, 'brittle failures' (a loss of compressive and tensile strength in the wood) are possible, and that the low durability of Ash timber means that the pathogen could easily overcome the trees natural defences. The mentioned lack of visible signs of decay within the tree could lead to an unexpected catastrophic failure, and 'given the tree's size and location any failure in the lower trunk would cause considerable damage.'

The consultant further recognizes that a recent 'crown reduction was done to a good standard and will have reduced weight and wind loads on the tree, but it would need to be recut regularly in order to maintain the benefit. That would give some safety margin, but the decay would continue to spread, and the tree would grow back, so it would need intensive monitoring and management as long as it was retained. Camden's approval would be needed each time it was worked on.'

The council has no powers to add conditions, relating to replacement planting or otherwise, when determining s.211 notifications. The council supports replacement planting where possible.

The tree has low / negligible visibility from the public realm – the top of the canopy (approximately 2m) can be seen above the roof of the property from the street on Belsize Park Gardens but the tree is mostly visible only from the adjacent rear gardens of properties on Belsize Park Gardens and Primrose Gardens. The tree is not of an unusual or rare species and is of no known cultural or historical significance. The tree is not considered to be a noteworthy example of its species.

Loss of privacy cannot be used as a reason to refuse works as there is no legislature to protect this.

It is not expedient for the Council to serve a Tree Preservation Order to object to the works.