

Delegated Report

Officer

Liam Vincent

Application Number(s)

2023/3527/T

Application Address

30 Eton Avenue, London NW3 3HL

Proposal(s)

REAR GARDEN:

- T1 Ash (Common) - Fell and treat stump with eco plugs as implicated as causing subsidence damage to 30 Eton Avenue, London, NW3 3HL
- T13 Hawthorn Fell and treat stump with eco plugs to address health and safety risk as noted by Arborists

Recommendation(s):

Part grant, part refuse works to Tree(s) in CA

Application Type:

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

Consultations

Adjoining Occupiers:	No. notified	22	No. of responses	6	No. of objections	0
Summary of consultation responses:	<p>Several responses were received, which are summarised as follows:</p> <ul style="list-style-type: none"> • The trees are mature, healthy and contribute to the natural beauty and the biodiversity of the area. • provide a vital visual barrier between the properties on Eton Avenue and Lancaster grove. • There are bats roosting in the area and no bat report has been submitted. • the impact on wildlife and diversity. • no evidence presented as to the nature, extent or location of the supposed subsidence. • no explanation specific to the trees/ property... why pruning (or other less obtrusive steps) would not potentially resolve the issue. 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Response from the Belsize Society, comments are summarised as follows:</p> <ul style="list-style-type: none"> • we object to the felling of T1...(as it is) a mature and healthy Ash tree...visible from the street...(and a) positive contributor to the character of the Belsize CA. (It is) part of a valuable green area at the back of Eton Avenue and Lancaster Grove, providing privacy and mitigating air and noise pollution...(and) encourages biodiversity. • No evidence (of) the level of structural damage...level monitoring should be carried out to clarify the extent of any ongoing problem. • Arboricultural Report notes that neither of the 2 trees proposed for felling has been subject to "significant recent management"...pruning should be carried out (to check if) effective in preventing future structural damage. • The Council should consider granting TPO status to this Ash tree. 					

Assessment

The s.211 notification is to remove two trees in the rear garden of a private residence on Eton Avenue, situated within the Belsize Park Conservation Area. The proposed works are to:

1. fell a large mature Ash tree which is (allegedly) causing subsidence damage to no.30 Eton Avenue. The stump would be treated with eco-plugs to prevent regrowth, and
2. fell a Hawthorn which has a structurally compromised stem and represents a health and safety concern. The stump of this tree would also be treated with eco-plugs to prevent regrowth.

1. Rear garden – proposed removal of Ash tree due to alleged subsidence damage

The justification for the removal of the ash tree is due to its implication in subsidence damage affecting no.30 Eton Avenue. An arboricultural assessment report produced by a loss adjuster has been submitted. A London plane tree in the rear garden of no.22 Lancaster Grove has also been implicated as causal in the damage to no.30 Eton Avenue and is subject to another s.211 notification 2023/3530/T as it is located at a different property.

The Arboricultural Assessment Report describes in basic terms the ability of vegetation to desiccate soils and to affect (by causing movement to) building foundations leading to damage within the building structure. Included within the report are the findings of the tree survey undertaken for the report. This survey has recorded that the Ash tree is 14m tall with a 12m wide canopy spread, a stem diameter of 470mm, and the base of the tree is 12.2m from the building. It also states that the roots of the tree are implicated but does not explain on what basis. The survey records the condition of the tree as 'fair', and that it has been 'subject to past management', (but) 'no significant recent management'. A site plan of no.30 Eton Avenue provides a basic illustration of the location of the damage to the building, and the trees and shrubs within the rear gardens of no.30 & 32 Eton avenue and no.18 & 22 Lancaster Grove.

The Arboricultural Assessment Report concludes on a 'preliminary basis' that the building failure is related to differential subsidence damage caused as a result of the action of the vegetation...and 'where a factual geotechnical report has been completed...(it) will describe the below ground foundation design, soil and geotechnical conditions, as well as any root identification where available.'

No other report or supporting evidence has been submitted, i.e., no detailed description of the type and severity of the damage that the alleged subsidence is causing; no root identification of the tree species implicated or of any kind; no factual investigation of the characteristics of the soil itself that would its likelihood to undergo volumetric change and no monitoring of the movement of the building itself (which would illustrate or not the cyclical patterns of desiccation and wetting of the soil beneath

the foundations which are indicative of vegetative influence on soils).

No other course of action (e.g., crown reduction to reduce the implicated trees moisture uptake from the soil) to mitigate the issue has been considered or offered.

The large mature Ash tree is visible from the public realm from Eton Avenue and Lancaster Grove, with visibility above the rooflines of the properties. The tree contributes to the verdant character and appearance of the conservation area. The tree provides some level of amenity to the public.

The tree has not been inspected by the Council, and so no assessment of its physiological condition can be made.

From aerial photography it is apparent that the tree forms a significant part of the group of trees in the rear gardens of properties on Eton Avenue and Lancaster Grove, a wedge shaped green corridor running from the east to where it meets the tree lined Strathray Gardens to the west. The Ash tree is a large spreading canopy species, particularly suited to this type of location and offers significant habitat provision while helping to mitigate the effects of climate change. The tree is yet to achieve its ultimate size and form, and the level of public amenity it provides will increase over time as its stature increases.

The evidence submitted is not considered to demonstrate on the balance of probability that the tree is contributing to the damage.

The council objects to the proposed removal of the Ash tree, and it is recommended that a tree preservation order be served to protect the amenity the tree provides and to help preserve the character and appearance of the conservation area.

2. Rear garden – proposed removal of Hawthorn tree due to health and safety concern

Also included in the proposed works is the removal of a Hawthorn tree also in the rear garden of no.30 Eton Avenue, due to a structurally compromised stem.

Photographs within the Arboricultural Assessment Report do show the stem of the tree with what appears to be a significant level of decay.

The council does not object this element of the proposed works.

Conclusion

It is recommended that this s.211 notification be part granted/part refused and a tree preservation order be served to protect the Ash tree.