



---

## Appeal Decision

Site visit made on 10 October 2023

**by D Fleming BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 November 2023**

---

**Appeal Ref: APP/TPO/X5210/8679**

**Flat 1, 10 Adamson Road, London NW3 3HR**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a failure to give notice within the prescribed period of a decision on an application to undertake work to a tree protected by a Tree Preservation Order.
  - The appeal is made by Mr J Tims.
  - The application Ref: 2021/2547/T, is dated 21 May 2021.
  - The work proposed is to fell 1 No lime.
  - The relevant Tree Preservation Order (TPO) is known as TPO Reference Number: C1205 2019, which was confirmed on 27 September 2022.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the removal of the lime tree on the character and appearance of the locality and whether sufficient justification has been demonstrated for its removal.

### Reasons

3. The appeal site is situated on the southern side of Adamson Road, close to the junction with Eton Avenue. These roads and the surrounding area are designated as the Belsize Conservation Area, a distinctive residential area comprising in the main large villas with front and rear gardens containing mature trees. The amenity created by the garden trees is enhanced by mature street trees, such as the cherry trees along Adamson Road, as well as mature hedging marking many of the front boundaries visible along Eton Avenue.
4. The lime is growing in the rear garden of the appeal site, on the boundary with No 58 Eton Avenue. The first few properties along the southern side of Adamson Road are not directly bounded by any buildings in Eton Avenue, due to the shape of the building plots. As No 58 has no rear garden, only a side and front garden, the neighbouring trees to the rear of Adamson Road are more prominent in the street scene. In particular, there is a mature plane tree in the adjacent garden of No 12 Adamson Road and a horse chestnut in the adjacent garden of No 8 Adamson Road. Although the trunks of these trees are several metres apart, the crown of the lime extends into these trees, which creates a pleasing dense block of greenery.

5. Although there are trees to the side of No 58, the crown of the lime is visible above No 58 and when viewed from the entrance to Eton Avenue, it adds to the tree canopy in this area. The lime is a mature tree, which is slender in appearance and I find it makes an important contribution to the visual amenity, character and appearance of the area, having regard to its location, height and spread.
6. As such, the loss of the tree would diminish the mature and verdant street scene of Eton Avenue and would result in considerable harm to its character and appearance. Given that, any reasons submitted to justify the removal of the tree need to be conclusive and convincing, which leads me to my second issue.
7. The appellant submits that the roots of the lime tree have caused severe damage to the boundary wall situated between the appeal site and No 58. At the site visit I saw that the wall has largely now been removed. The appellant requires the removal of the tree in order to rebuild the wall with proper foundations. He submits that the existing wall had no foundations and to replace it would involve the construction of foundations that would harm the roots of the tree.
8. I accept that the appellant has submitted a report from a structural engineer. However, the report does not explore other options for rebuilding the wall, other than the removal of the tree. This appears to be an excessive response to solve a simple dilemma. The erection of a fence is dismissed as this would also involve some foundation work for the fence posts. However, it seems to me that a fence may be an option worth exploring, especially as the number of fence posts would be limited, would occupy minimal ground area and could be carefully placed with regard to the location of tree roots.
9. With any application to fell a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the felling of the tree would result in considerable harm to the character and appearance of the area and, in my judgement, insufficient justification has been demonstrated for the proposed works.

## **Conclusion**

10. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

*D Fleming*

INSPECTOR