

Delegated Report		Analysis sheet	Expiry Date:	05/12/2023
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Nick Bell			2023/4309/T	
Application Address			Drawing Numbers	
22B Harley Road London NW3 3BN				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
REAR GARDEN: 1 x Tree of Heaven (T1) - Fell to ground level.				
Recommendation(s):		Refuse application for works to tree(s) covered by a TPO		
Application Type:		Application for Works to Tree(s) covered by a TPO		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	15	No. of responses	02	No. of objections	02
			No. electronic	00		
Summary of consultation responses:	<p>The council received two consultation responses summarised as:</p> <ul style="list-style-type: none"> • Conservation Area: Our community is designated as a conservation area, and it is essential to maintain the principles of conserving our natural heritage. The removal of this mature tree contradicts the unique character of our locality <ul style="list-style-type: none"> ▪ Biodiversity and Environmental Benefits: The tree provides a vital habitat for various wildlife, including squirrels, birds, and insects. Its removal risks disrupting these ecosystems, leading to a loss of biodiversity in our neighbourhood ▪ Privacy: The tree has already been pruned heavily, reducing our privacy. Its complete removal would further diminish our sense of privacy and tranquillity. Importantly, it also maintains the privacy of the school next door from neighbouring houses. The presence of the trees were recognized as crucial when the school was built ▪ Excellent Condition: It is worth noting that the tree is in excellent condition and poses no risk of falling. Its health and stability ensure they do not endanger the houses or neighbours ▪ Damage and Cracking in 22a Harley Road are Categorized as "Moderate" (according to The Technical Report from Crawford in April 2022) and not "severe" nor "very severe." The cracking is consistent with most houses of this age. I believe that an alternative solution should be explored to address the subsidence issue, such as root pruning or other methods that do not necessitate the removal of T1. Additionally, the cracks in the house can be addressed with basic refurbishments and repairs, such as filling and painting, as this is a typical maintenance practice for houses of this age. • Removal of the tree would create instability in clay substructure on which the surrounding properties sit. The tree's subsystem for part of a settled ground system on which the surrounding residential properties (14, 16, 18, 20, 22, 24 Harley Road, NW3) rely for structural support. The main structure of 22 Harley Road and the surrounding properties are more than 100 years old. These main structures show signs of their age, however, have not subsided. Removal of the Tree of Heaven "T1" risks upsetting this settled ground system. This could occur through unpredictable heave (where water previously removed from the soil now remains and causes the ground to swell) or unpredictable collapse (where the density of the soil provided by the tree root system no longer exists). <ul style="list-style-type: none"> o Unsettling the ground system puts the surrounding 100-year-old structures, key to the heritage of the Elsworthy conservation area, at unnecessary risk. 					

	<p>The tree provides amenity to the surrounding properties and has a positive impact on the Elsworthy conservation area.</p> <ul style="list-style-type: none"> o In section 3.27 of the Elsworthy conservation area appraisal and strategy document (July 2009), 'planting in public and private open space' is noted as a defining characteristic of the conservation area. The strategy for the area states that "Loss of trees either within property boundaries or..." could "impact on the character of the area". Within this local strategy, and the wider London environmental context, it is clear that trees should only be felled if absolutely necessary. o In summer, the tree in question provides important amenity to the surrounding residential property. The shade cast by the tree is important for reducing the impact of temperature and ultra-violet fluctuations on the characteristic woodwork (timber sash windows and doors) of the properties. Removal of the tree would require more frequent replacement of these features, also key to the quality of the conservation area, for some residents. The Tree of Heaven "T1" and surrounding trees and planting provide an important wildlife corridor in the urban environment. Bird species, not often seen in the centre of London such as Eurasian Jay, Greater Spotted Woodpecker, and Green Woodpecker have all been spotted in the last 12 months utilising this corridor. o In the event that the tree is felled, there is no indication in the planning application that the tree would be replaced with one that provides similar amenity – this should be a requirement. <p>3. Alternative remedies exist that do not require removal of the tree.</p> <ul style="list-style-type: none"> o Given the lack of subsidence to any of the surrounding older structures, including the main 100-year-old structure at 22 Harley Road, it is highly likely that the movement in the conservatory and bay window is due to these additions not having adequate foundations for the soil structure on which they have been built. o Rebuilding the foundations of the window and conservatory is highly likely to be required, even if the tree was removed. If adequate foundations / underpinning was in place for the soil, as is clearly the case for the main building due to a lack of subsidence, then the issue would be resolved. Removal of the tree is not necessary to undertake this work. o Regular pollarding is noted as an option for managing the amount of the water the tree removes from the soil. A suitable frequency of pollarding would be much less likely to unsettle the ground system on which the surrounding 100 year old structures rely.
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>None received.</p>

Assessment

The TPO tree works application is for the removal of an *Ailanthus altissima* tree from the rear garden of a residential property that is situated within the Elsworthy Conservation Area.

This large, mature tree is visible from the public realm and contributes to the character and appearance of the conservation area. The tree is visible between buildings, the tree provides amenity to the public. The tree has been crown reduced historically but has retained a broadly spreading, attractive crown.

The documents submitted with the application allege that the tree is contributing to property damage at a neighbouring property. Crack monitoring data has been submitted with the application, however only two readings have been included which were taken on 04/08/22 and 03/10/22. The data is considered inconclusive and is not comprehensive enough to demonstrate cyclical movement which is typically vegetation-related.

The consultation responses demonstrate there is local support for the retention of the tree.

It is recommended that the application be refused to protect the amenity the tree provides and the character and appearance of the conservation area.