

Delegated Report

Officer

Liam Vincent

Application Number(s)

2023/4415/T

Application Address

130 Greencroft Gardens, London NW6 3PJ

Proposal(s)**Original proposal:**

FRONT GARDEN:

1 x Lime (T1) - Fell to ground level.

1 x Lime (T2) - Fell to ground level.

Amended proposal:

FRONT GARDEN:

2 x Lime (T1 & T2) - Crown reductions - Agreed, final cut locations shown on annotated image.

Recommendation(s):

Approve works to Tree(s) covered by a Tree Preservation Order

Application Type:

Application for works to Tree(s) covered by a TPO

Consultations

Adjoining Occupiers:	No. notified	15	No. of responses	9	No. of objections	8
<p>Summary of consultation responses:</p>	<p>The Council received nine responses to the application, and one comment, which are summarised as follows:</p> <ul style="list-style-type: none"> • <i>'similar threads a few years ago...a review by the council resulted in the establishment of a relevant preservation order protecting the trees. Since then, the trees have been maintained regularly, always with the advice of our tree surgent.'</i> (sic) • <i>'It is not clear how the same issue can be re-examined by the council in such a short period of time...with no striking new evidence.'</i> • <i>'Experts' advise we got during the previous application was that route intrusion in neighboring properties and not ours, had most probably to do with bad maintenance of the neighboring building's infrastructure (leading sewage, water pipes etc.), unfavorable soil conditions and/or poor construction, more than the condition of any trees or planting in the vicinity.'</i>(sic) • <i>'The idea that these trees, however many hundreds of years old could be fell (sic) because of minor damage (of which i see no proof of) to the outside front garden area of a neighbouring property is a travesty'</i> • <i>'The foundations of these properties are deep, the risk to our houses is little to none'</i> • <i>'there is no substantial evidence to suggest a causal relationship between the trees and the reported damage in 128 Greencroft Gardens. On the contrary, the rigidity of the suggestion, alongside the persistent rejection of any alternative offered solution, for example regular pruning or root barriers, convey an underlying motive to the application.'</i> • <i>'there is a lack of evidence in the reports provided to justify the felling of the trees'</i> • <i>'The steps structure were built without the necessary foundations required when building on London Clay. It is the London Clay which is the overwhelming cause of the cracking in the steps structure. London Clay swells when wet and reduces in volume when dry even changing to a powder in very dry conditions. London Clay does this whether or not there are present the roots of Trees or other Vegetation.'</i> 					
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>The following objection (summarised) was submitted on behalf of the Collective Residents Active in South Hampstead (CRASH):</p> <ul style="list-style-type: none"> • <i>CRASH trusts that Camden will uphold its decision in 2021 when the same application was submitted to refuse permission.</i> • <i>the damage is minimal...Camden Tree Officers should look at evidence to see whether trees are a significant factor</i> • <i>CRASH notes that (no) offset replanting has taken place in the CRASH area</i> • <i>The trees are regularly maintained and form an important part of the streetscape in Greencroft where many front trees have already been removed</i> • <i>CRASH is concerned that Camden will be unable to track/enforce any replanting</i> 					

Assessment

This application was to carry out works to two Lime trees covered by a Tree Preservation Order (TPO) ref C1257 2021 in the front garden of a private residence on Greencroft Gardens, situated within the South Hampstead Conservation Area.

The proposed works were to fell the trees to ground level.

The lime trees are highly visible from the street, they are considered to provide a high level of visual amenity and to make a positive contribution to the character and appearance of the conservation area. The trees appear to be in good condition and have a significant safe useful life expectancy.

The application alleges that the trees are a contributory cause of clay shrinkage subsidence in the property.

A s.211 notification to fell the trees previously submitted in 2021 (Planning ref 2021/0970/T) resulted in a TPO being served to protect the trees, as it was decided at the time that the evidence submitted was not robust enough to justify their removal.

The evidence submitted in 2021 included details of the damage occurring and data from trial pits and boreholes. The evidence demonstrated the presence of live lime roots below the foundations. However, no data from crack or level monitoring was submitted demonstrating cyclical movement associated with seasonal water uptake by vegetation.

This current application has been submitted *with* level monitoring data, which does show the cyclical movement associated with the influence of vegetation.

The evidence submitted at this time does now demonstrate that, on the balance of probabilities, the trees are a contributory factor to the damage.

As noted above the trees provide a high level of amenity within the street-scene, and the large number of objections gave some merit to the idea of enquiring whether a compromise could be found, retaining some of the value the trees offer rather than complete loss. A proposal to carry out significant crown reductions rather than removal was suggested by the Council. Part of the reasoning behind the proposal to reduce the trees rather than remove them was given in an email to the agent:

'...there are hundreds of Lime and Plane trees in very similar circumstances in the surrounding streets of Woodchurch Road, Priory Road, Canfield Gardens, Aberdare Gardens, Fairhazel Gardens, i.e., at distances of 3m or less from the nearest building of similar design, some also with steps of the same design. These are crown reduced on a regular basis, being species that are robust enough to be maintained in this fashion. As a whole the visual and nature habitat amenity they provide they add to and have become part of the character of the South Hampstead conservation area; they vary in size and form from those that are larger than the trees at 130 Greencroft Gardens, to low (~3m) pollarded stems. As these are co-existing with the built environment through this accepted maintenance, I would like to ask that the possibility of further significantly reducing the trees is considered. The Lime trees could be greatly reduced, removing the vast majority of their photosynthetic area, and thus the ability to abstract moisture from the soil, as suggested in the annotated picture below:



This severe crown reduction would be in line with the BRE report Controlling Water Use Of Trees To Alleviate Subsidence Risk Horticulture LINK project 212 which cites the necessity to reduce tree crowns in the region of 70-90% of area to be effective. It follows that this heavy pruning could lead to an amount of soil moisture recovery which would enable building repair to the steps which will need to be undertaken anyway, without the need to underpin the front of the whole building as has been suggested, or indeed the complete loss of the trees and the amenity they provide. Their retained but significantly reduced canopies would still be more valuable in CO2 emission offsetting than the newly replaced trees which would be required (via statutory obligation) to be replanted.

I would also like to state that I am not categorically rejecting tree removal at this time but wish to explore with you whether this type of proposal would be agreeable.

Thank you for your consideration in this matter and I look forward to your response.'

The applicant via the agent has agreed to the proposed crown reductions.

The council does not object to the proposed works.