

Delegated Report		Analysis sheet	Expiry Date:	01/01/2024
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Nick Bell			2023/4740/T	
Application Address			Drawing Numbers	
73 Aberdare Gardens London NW6 3AN				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
FRONT GARDEN: 1 x Oak (T1) - Fell to near ground level and treat stump to inhibit regrowth.				
Recommendation(s):		Approve application for works to tree(s) covered by 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	32	No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>The council received three objections to application which are summarised below:</p> <ul style="list-style-type: none"> • I strongly object to this application to fell the oak tree. • The justification for the TPO still stands. • The reports show slight cracking and cyclical movement. • Many properties in the area have seasonal movement. Removal of the vegetation could cause heave. • The same agent has submitted many applications for tree removal in the area. Pruning is proposed as an option, only felling. • It appears disingenuous that many trees are proposed to be felled via separate applications. • The tree should be manage by repeat pruning. • I strongly object to this application. The trees in South Hampstead contribute importantly to the unique nature of the neighbourhood, as evidenced by the Tree Preservation status. Each tree we lose in the front gardens of the houses detracts permanently from the environment and ambience of this area. • If there is an issue with this tree, have all other remedies been tried? 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>CRASH submitted the following objection:</p> <ul style="list-style-type: none"> • CRASH strongly objects to this re-newed application to fell the now TPOd oak tree in the front garden of no. 73 Aberdare Gardens. • CRASH supported the TPO when it was served in 2020. • The technical support show only slight cracking and many properties in the area show signs of cyclical movement. • The agent has submitted other applications for the removal of nearby trees. • Other nearby trees have been lost which were beneficial to climate change and the conservation area. • A replacement tree should be required if permission is granted however there is limited space for a replacement tree which may not be enforced due to the pressure tree officers are under. 					

Assessment

The TPO tree works application is for the removal of an oak tree from the front garden of a residential property that is situated within the South Hampstead Conservation Area. The application has been submitted by a loss adjuster and alleges that the tree is contributing to property damage at a neighbouring property.

The small, semi-mature oak tree is highly visible from the public realm and contributes to the character and appearance of the conservation area. The tree has been poorly pruned historically. A TPO was served to protect the tree in response to s.211 notification ref. 2020/3047/T. The justification for the TPO still stands however the evidence submitted with the s.211 notification to implicate the tree as a causal factor in property damage was not considered to be comprehensive.

The documents submitted demonstrate that oak tree roots have been found adjacent to foundations in two trial pits. Level monitoring data has been submitted which demonstrates seasonal movement, highly likely to be vegetation related. On the balance of probability it is considered that the information submitted demonstrates that the oak tree is a causal factor in the property damage.

The agent is a loss adjuster which regularly submits tree works application for trees across the borough. The submission has been split into different applications as each application must be registered to the address at which the trees are located, which is standard procedure. An agent is within their rights to apply for whatever trees works they deem appropriate.

It is recommended that the application be approved and a replacement tree secured via a replacement planting condition.