

Delegated Report

Officer

Liam Vincent

Application Number(s)

2024/0322/T

Application Address

23 Belsize Crescent, London NW3 5QY

Proposal(s)

REAR GARDEN: 1 x Lime (Tilia x europa) (T2) - Reduce overhang back to the boundary, removing around 3m - 4m.

Recommendation(s):

No Objection to Works to Tree(s) in CA

Application Type:

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

Consultations

Adjoining Occupiers:

No. notified

5

No. of responses

1

No. of objections

0

Summary of consultation responses:

The council received one response which is summarised as follows:

- The application has been made for works to a tree...of which I am the owner.
- The applicant has not attempted to contact or consult the owner...
- Please ensure the tree is correctly identified for appropriate consideration to be given to the works.
- I do not object to these works PROVIDED THAT the removed parts of the tree are disposed of by the applicant and that the following issues do not arise as a result of the approval or the undertaking of the works:
 - 1. The stability of the tree is not put at risk by the tree being cut back on one side only...
 - 2. Any approval of these works does not prejudice the approval of further works to cut back the tree. It is the owner of the tree's intention to submit an application for approval for works to the tree in due course.

CAAC/Local groups* comments:

*Please Specify

None received.

Assessment

A s.211 notification has been received to carry out works to a tree in the rear garden of a residential property that is situated within the Belsize Park Conservation Area.

The proposed works are to prune the material overhanging a neighbouring property by 3-4m.

In response to the consultation response received:

- A notification to carry out works to a tree can be made by anyone, irrespective of ownership. The proposed work – to prune the tree canopy back to the boundary is permissible under common law, and though it is usually best if neighbours consult each other first, there is no legal obligation to do so.
- Works carried out to the tree are the responsibility of the person(s) carrying them out and as such may be held responsible for any damage caused if the tree or parts of the tree should fail as a result of those works.
- Each notification (or application for trees covered by a TPO) is considered upon its own merits.

The tree is somewhat visible above the rear boundary wall from Daleham Mews and shows signs of lateral limbs having been pruned previously. It is not an exemplary specimen, is not a rare or unusual species, or considered to be of any cultural or historic value.

The proposed crown reduction though somewhat significant is not considered detrimental to the long-term health of the tree and the amenity the tree provides.

It is not expedient for the council to serve a TPO. The council does not object to the proposed works.