

Application ref: 2024/0758/T
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Broad Oak Tree Consultants Ltd.
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Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)

PART OBJECTION TO SECTION 211 NOTICE OF WORKS TO TREE/S IN A CONSERVATION AREA

Address:

**30 Elsworthy Road
London
NW3 3DL**

Proposal:

FRONT GARDEN 1 x Himalayan Cotoneaster (T1) - Fell to ground level.
1 x Tree of Heaven (T2) - Fell to ground level.
Group of Escallonia (G3) - Fell to ground level.

The Council has considered your notification of intended works to trees dated 26 February 2024 and decided to **OBJECT** to the following work:

1 x Himalayan Cotoneaster (T1) - Fell to ground level.
1 x Tree of Heaven (T2) - Fell to ground level.

Reasons for objection:

- 1 A s.211 notification has been submitted to remove two trees (one Himalayan Cotoneaster, referred to as 'T1' and a Tree of Heaven, referred to as 'T2') and a shrub group (Escallonia, Referred to as 'G3') in the front garden of a private residence on Elsworthy Road, situated within the Elsworthy Conservation Area. An Arboricultural report submitted as part of the s.211 alleges that the trees and group are the cause of subsidence damage to the steps from the street up to the front door of the property.

T2 is an early-mature deciduous species, approximately 12m tall, and being a large-canopied tree is plainly visible from:

- Elsworthy Road
- at the junction of Elsworthy Road and Lower Merton Rise approximately 70m to the west
- at the junction of Elsworthy Road and Elsworthy Rise approximately 40m to the east

T1 and the other implicated vegetation (G3) is evergreen and 3-3.5m tall, and somewhat visible from the same locations.

All of the vegetation makes a significant and positive contribution to the verdant character and appearance of the conservation area.

Apart from the Arboricultural report no other evidence has been submitted, though the report does reference information supplied to the report author that comprised the following:

- Letter report, dated 29th September 2022, produced by David Carr Consulting Engineers Ltd.
- Geotechnical Report, dated 6th January 2023, produced by Herts & Essex Site Investigations.

Within that information it is stated that:

- that level monitoring of the site is supposed to have occurred but no results of any monitoring have been provided at the time of reporting

Without the evidence of level monitoring to show that there are varying amounts of vertical, seasonal cyclical movement (characteristic of the influence of vegetation on the moisture content of the soil) around the area of damage, it is considered that the evidence provided is not robust enough to implicate T1 and T2. There were no roots found that correspond to the family (Rosaceae) of T1.

The removal of T1 and T2 would result in a significant reduction of the amenity that the trees provide in the street scene.

The Council does not object to the removal of G3 as it does not fit the criteria for protection under a TPO - Authorities may only use an Order to protect anything that may ordinarily be termed a tree. This would not normally include shrubs, but could include, for example, trees in a hedge or an old hedge which has become a line of trees of a reasonable height.

The Council objects to the removal of T1 and T2, and it is recommended that a Tree Preservation Order be served to protect the amenity the trees provide, to preserve the character and appearance of the conservation area.

A Tree Preservation Order has been served on the tree/s and no work should be carried out without the prior consent of the Council.

However, the Council would not have any objection to the carrying out of the following works:

Group of Escallonia (G3) - Fell to ground level.

Informative(s):

- 1 This notice is valid for two years from the date of this letter or until the work is completed, whichever is the sooner.

- 2 You are advised that the appropriate standards for tree work are set out in BS 3998: 2010. Failure to ensure that the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
- 3 Please note that any approval given by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), or any other Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests from construction works. For further information contact Natural England on 0300 060 3900 or www.naturalengland.org.uk.

Yours faithfully



Daniel Pope
Chief Planning Officer

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our online survey at the following website address: www.camden.gov.uk/dmfeedback. We will use the information you give us to help improve our services.