

Delegated Report

Officer	Application Number(s)
Liam Vincent	2024/0758/T

Application Address	
30 Elsworthy Road, London NW3 3DL	

Proposal(s)
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.

Recommendation(s):	Part grant, part refuse works to Tree(s) in CA
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Application Type:	Notification of Intended Works to Tree(s) in a Conservation Area
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Consultations						
Adjoining Occupiers:	No. notified	10	No. of responses	1	No. of objections	1

Summary of consultation responses:	The Council did not receive any responses from adjoining occupiers to this notification.
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CAAC/Local groups* comments: <small>*Please Specify</small>	One response from Belsize CAAC was received, which can be summarised as follows: <ul style="list-style-type: none">• (no) photographic evidence of the damage.• An important feature of the Elsworthy CA is the green front gardens and the street trees.• The photos of no. 30 demonstrate how the hard standing for car parking, the concrete path to the front steps and the paved side passage have all meant that there is very little permeable area left for the tree.• there has been considerable neglect since the tree was last pollarded and the bushes are all overgrown.• The evidence for the cracks seems to date from a period of drought. Since then London has experienced some of the wettest months on record and the problem may no longer be solved by the tree's removal.
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Assessment

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.