

Delegated Report

Officer

Liam Vincent

Application Number(s)

2024/0885/T

Application Address

33 Broadhurst Gardens, London NW6 3QT

Proposal(s)**REAR GARDEN:**

1 x Ash (T2) - Prune back overhang to 10 Canfield Gardens by up to 3m - 4m.

1 x Ash (T3) - Prune back overhang to 10 Canfield Gardens by up to 3m - 4m.

1 x Holly & Cherry Laurel (G1) - Prune back overhang to 10 Canfield Gardens by up to 2m back to boundary line with 10 Canfield Gardens.

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

4

No. of responses

3

No. of objections

3**Summary of consultation responses:**

The Council received three responses which can be summarised as follows:

- The trees do not overhang by 3-4m into the boundary of 10 Canfield gardens - pruning back by the proposed length will result in the trees being pruned back into the boundary of 33 Broadhurst Gardens which would be illegal. The trees are also protected within the South Hampstead conservation area and pruning back by such a significant amount would seriously impact the trees appearance, balance and health.
- the trees are in good health, long standing and provide much needed seclusion & privacy between 33 Broadhurst Gardens and the properties behind on Canfield Gardens.

CAAC/Local groups* comments:

*Please Specify

None received.

Assessment

A s.211 notification has been submitted to prune two trees (T2 & T3, both Ash) and one group (G1, consisting of a Holly and a Cherry Laurel), in the rear garden of a private residence on Broadhurst Gardens, situated within the South Hampstead Conservation Area.

The reason for the work is to prune the tree canopies back from the rear garden of an adjacent property to the south-west.

Under established 'common law' branches and roots can be pruned back to a boundary, with or without the owner's consent. There is a legal duty, however, to take 'reasonable care' whilst undertaking the works, and

the undertaker may be liable if the neighbour's tree is damaged or causes it to become unstable. It should also be noted that parts cut off from the tree remain the property of the tree owner, so they should be offered back.

Not objecting to the proposed works does not grant any permission to prune the trees beyond the boundary or permit access for the applicant to the owner's property to carry out works. Should the works require access, this should be sought by the applicant. The applicant will be reminded of these aspects within the decision notice regarding this s.211 notification.

The aspect of the tree canopies that would be pruned is of very low or negligible visibility from a public place, the trees are not of rare or unusual species or any known cultural or historic importance.

It is not expedient for the Council to serve a Tree Protection Order to protect the trees.

The Council does not object to the proposed works.