

Delegated Report

Officer	Application Number(s)
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Liam Vincent	2024/0961/T
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Application Address

35B Fairhazel Gardens, London NW6 3QN

Proposal(s)

(TPO RE. C727-2007) FRONT GARDEN:
1 x Poplar (T1) - Fell to near ground level and treat stump to inhibit regrowth.

Recommendation(s):	Approve works to Tree(s) covered by a Tree Preservation Order
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Application Type:	Application for works to Tree(s) covered by a TPO
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Consultations

Adjoining Occupiers:	No. notified	20	No. of responses	3	No. of objections	1
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Summary of consultation responses:	<p>The Council received three responses to the application, including two objections to the removal, which are summarised as follows:</p> <ul style="list-style-type: none"> <i>SUPPORT</i> <i>...strongly support this application...very concerned that the tree is in poor condition... If the tree or part of it were to fall it could partially demolish houses and crush people or cars...The tree continues to damage the boundaries of our property...the boundary wall has been rebuilt a number of times after the tree has caused structural failure...If the tree in question is sufficiently unhealthy to warrant being felled, Is the proposal to replace it with a substantial silver birch feasible and enforceable?</i> <i>OBJECTIONS</i> <i>The request to prevent any regrowth and explicitly no plans to replace the tree would leave that entire side of the road without any trees...tree hasn't been maintained for years.</i> <i>We write with respect to the attached...We love the poplar. It seems a felling to ground is a bit of a last resort operation. The poplar hasnt been pruned for years! Why not trying that first? If not - what are the replacement proposal? Would be nice to have more trees on this side of the road</i>
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CAAC/Local groups* comments: <small>*Please Specify</small>	<ul style="list-style-type: none"> This tree provides fantastic visual amenity due to its size and location. CRASH notes that it has rather outgrown its location and has caused damage to the surrounding wall and fencing however I understand from previous refusal of applications by Camden that damage to walls/fencing is not a reason why an application should be granted. However, CRASH accepts that the tree is showing signs of decay. Given that the tree, for good reason, is subject to a TPO a replacement mature tree should be planted in the same or very close location. If this is to be achieved full grinding of the stump would be necessary as part of the consent.
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Assessment

The application is to carry out works to a Poplar tree covered by a Tree Preservation Order (TPO) ref C727-2007 in the front garden of a private residence on Fairhazel Gardens. The property is situated within the South Hampstead conservation area.

The proposed work is to fell the tree to ground level due to a significant area of decay in the stem.

The Poplar tree is highly visible from the street, and despite being severely 'pollarded' in the past, it is considered to provide a reasonable level of visual amenity and makes a positive contribution to the character and appearance of the street. Like many streets in Camden, trees have historically been maintained in this way to retain them.

The application has been made on the basis that the decay in the stem represents a structural issue. Within the report it is noted that there is a fungal fruiting body (FFB) of a decay fungus species, possibly *Rigidoporus ulmarius*. The photos show the FFB within a cavity just above the union of the two main stems, at approximately 3.5m above ground level. The FFB in the photo is also largely similar in appearance to *Ganoderma australe*. Both of the possible species of decay fungus are notable by their significance of causing unpredictable stem fracture failures.

The option to retain the tree is viable only if the decay is quantified through further detailed (invasive) investigation, to check if it has enough remaining sound structural wood and the tree is severely reduced – e.g., all regrowth removed. A characteristic of Poplar wood is the rapid decay of structural wood when under attack by a decay fungus, so given the location of the fungal fruiting bodies noted in the supplied report, the likelihood of failure of the regrowth and or fracture of the stem in that area is quite high. The regrowth would have to be removed on an ongoing basis, and the remaining tree would be of much lowered visual amenity. This style of management is more suited to an environment such as parkland, less so to a suburban street environment.

There is no mention within the report of the replacement of the tree should the work to remove it be approved, and no mention of a 'substantial Silver Birch'. There is a requirement under s.206 of the Town & Country Planning Act 1990 to replace trees covered by a TPO when removed: *'it shall be the duty of the owner of the land to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.'*

Therefore, the condition for replacement within the decision notice will stipulate that a tree species of comparable mature size and visual amenity yet is more suited to the spot in which it will grow, will be required to be planted within the next planting season.

The council does not object to the proposed works to remove the tree.