

Delegated Report

Officer

Tom Little

Application Number(s)2024/0850/T 2024/0849/T 2024/0848/T 2023/4700/T
2024/0851/T**Application Address**11, 17, 19, 23, 29 Jeffrey's Street, London, NW1
9PS**Proposal(s)**

To reduce the parts of trees in rear gardens overhanging the parking area of Farrier Street properties back to the most appropriate pruning points on or adjacent to the boundary line.

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		No. of responses	2	No. of objections	2
Summary of consultation responses:	<p>The owner of each property was consulted on the tree works at their address. A number of objections were received to the applications which are summarised below:</p> <ol style="list-style-type: none"> 1. Origin have indicated ownership of the trees when this is not the case 2. Previous justification for pruning the overhang was to prevent detritus falling on residents cars; this has been remedied with car ports 3. The trees predate the housing association flats and have minimal impact on the light levels in the flats as well as providing screening 4. Previous repeated pruning has left the trees lopsided which is not in line with best practice and renders the trees more vulnerable to strong winds 5. Camden places a high value on the environment and these trees are a valuable resource in a built up area. They are important for filtering air pollution, wildlife and are a valuable part of the Jeffrey's street CA 6. The willow at 23 has fungal infection and has been reduced to make it safe, the removal of further branches may kill the tree 7. 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>The Jeffrey's Street CAAC submitted the following comments:</p> <p>The JS CAAC was not notified of the applications - where they exist trees are an important part of the character of a Conservation Area. The Jeffreys Street Conservation Area is no exception. We ask that in future the CAAC is notified of any tree works.</p> <p>Our objection is that the applicant has not entered into any dialogue with the owners of the trees over the extent of the works they are proposing to carry out. Irrespective of any rights they may have to cut back branches overhanging their land, it is not clear to the owners of the trees or to the CAAC just how much cutting back will actually take place and to what extent if any access will be required to their land to carry out the work. The trees to be pruned are an important part of the Conservation Area and clearly define a section of its northern boundary and are widely visible from within the CA.</p> <p>We urge Council to request the Origin Housing Association to contact the owners of the trees that they wish to prune to establish the extent of the cutting back, how the works will be undertaken and to what extent that work will require access onto the respective owners land.</p>					

Assessment

The trees in the rear gardens of the Jeffrey's Street properties are not covered by a TPO but are subject to a section 211 notification of intended works to trees in a conservation area, unlike a TPO application there is no requirement to give reasons for the proposed works. A section 211 notification gives the LPA six weeks to consider objecting to the proposed works. If the LPA wishes to object then it must serve a tree preservation order on the relevant trees. There are several criteria that must be considered when assessing the suitability of a tree for a TPO which can be broken down as follows (taken from the current planning practice guidance that LPAs use when assessing a tree):

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

In this case, the trees in question are visible from a short section of Farrier Street. They provide some visual amenity to a public place, although this is relatively limited.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*
The trees are medium sized trees, they have been managed by regular pruning which has impacted the form to some degree.
- *future potential as an amenity;*
The trees provide a reasonable degree of amenity and unless the trees are removed or heavily pruned this is likely to continue
- *rarity, cultural or historic value;*
The trees are not rare species or of any known cultural or historic value.
- *contribution to, and relationship with, the landscape;*
The trees make a reasonable contribution to the character and appearance of the area, they form a band along the rear of the rear gardens of the properties providing screening and greenery.
- *contribution to the character or appearance of a conservation area.*
The trees make a reasonably positive contribution to the character of the conservation area providing some greenery.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

The trees offer some benefits in terms of reducing pollution, absorbing CO2 and wildlife habitat however the current legislation does not put sufficient weight on to these factors to justify serving a TPO.

The proposed works to the trees are in line with the previous management of the trees, while this may not be ideal in terms of the form of the trees, it is generally considered to be good practice to repeat pruning on trees every three to ten years in order to reduce the risk of failure in more weakly attached regrowth. It is not considered that the removal of overhanging material to close to the boundary line would significantly impact the visual amenity the trees provide to a public place in the long term.

The ownership of trees and negotiating between neighboring landowners is not part of the council's remit where tree ownership is concerned, this would be a civil matter. The council's decision in no way prejudices the rights of the owner of the property and does not confer any right to access property without the consent of the owner.

The Council does not wish to object.