

Delegated Report

Officer

Liam Vincent

Application Number(s)

2024/3895/T

Application Address

29 Briardale Gardens NW3 7PN

Proposal(s)

REAR GARDEN: 1 x Magnolia (T3) - Reduce branches overhanging garden at no. 29 back to boundary with no. 31 only.

Recommendation(s):

No objection to notification of intended works to tree(s) in a conservation area.

Application Type:

Notification of Intended Works to Tree(s) in a Conservation Area

Consultations

Adjoining Occupiers:

No. notified

1

No. of
responses

2

No. of
objections

1

Summary of consultation responses:

The Council received one response to the proposed works:

- *We are the residents at 31 Briardale Gardens and we have neither been consulted by the neighbour nor aware of this application so am furious that Camden council allows planning applications on a property without the residents consent.*
- *We do not consent to having any impact on the tree without a full report by an independent arborologist on the impact to the tree and no equipment or any materials impinging on our property or the tree on our property.*
- *We completely object to this as this tree is significantly important to the wildlife in the area and has several bats reside in the tree which could be harmed.*
- *This tree has a TPO and has been subject previously to significant protection measures requested by the Council. We ask that the Council reviews all the previous planning application on 31 Briardale Gardens in 2019 where there were significant comments on the tree including from 29 Briardale Gardens under application and the tree was subject to considerable protection measures.*
- *The Council should request the applicant for a full tree report on the impact to the tree as a result of the pruning which we would like to see and agree to prior to any decision on the application.*
- *We object to any pruning on the side of 29 Briardale Gardens as 2m is excessive. We object to any equipment or workers on the tree or near the perimeter of our property and completely object to the pruning. This is a significant important tree in the neighbourhood and expect the Council to act accordingly.*

CAAC/Local groups* comments:

*Please Specify

None received.

Assessment

This s.211 notification is to prune a magnolia tree (T3) growing in the rear garden of a private residence on Briardale Gardens, which is within the Redington Frogna Conservation Area. The proposed operation is to prune the branches overhanging the neighbouring property rear garden back to the shared boundary only.

- Anyone can notify via a s.211 notice or apply to carry out works to a tree irrespective of ownership.
- Under Common Law, the overhanging branches of a tree in a conservation area can be removed back to the boundary only; other operations (e.g., height reduction or accessing the tree to carry out works for example by climbing), can only be carried out with the permission of the owner, which must be sought by the applicant and/or their agent. This will be made clear within the decision notice to be sent to the applicant, the agent and a copy to the owner.
- There is no record of any TPO at either address – confirmed or otherwise.
- The Council cannot insist on a report for this type of work.

T3 is not readily visible from a public place.

T3 is not of a rare species and from photographic evidence submitted by the applicant, is not considered a noteworthy example of its species.

T3 is of no known cultural or historical significance.

Given these considerations, it would not be expedient to serve a TPO to object to the proposed pruning operations.

The Council does not object to the proposed works.