

Application ref: 2024/4673/T
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Date: 6 December 2024

Development Management
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Tree Matters Ltd.
31 Grasmere Road
London
N10 2DH

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (Tree Preservation Order) Regulations 1999

REFUSAL OF CONSENT FOR WORKS TO TREE/S UNDER A TREE PRESERVATION ORDER

Address:
7 St. Mark's Crescent
London
NW1 7TS

Proposal:
(TPO REF: C1173 2016) REAR GARDEN: 1 x Birch (T2) - Fell to ground level.

The Council has considered your application dated 24 October 2024 and decided to refuse consent for the following reason(s):

Reason(s) for Refusal

- 1 The tree is highly visible from the canal towpath and adds considerable visual amenity value to the area, helping to soften the built structures behind it in a similar fashion to the other rear garden trees nearby. It also greatly contributes to the natural habitat along the canal side, which is a fragile and important area for nature conservation within a highly and densely populated and built area of the borough.
- 2 The reasons given for the proposed removal are that the tree's roots are causing damage to the wall of the canal and destabilising foundations of a garden building; it

is casting a shadow into a neighbour's garden; and that the 'need to prune the tree in itself reduces its beauty and thus its benefit to passers-by on the canal towpath'.

A historic s211 notification to remove the tree due to the damage that it is allegedly causing to the canal wall was objected to due to a lack of robust evidence (e.g., from a structural engineer) and resulted in the TPO being served to protect the tree and its contribution to the conservation area. Similarly, in this application there has been no evidence submitted to support the need to remove the tree. An engineering solution to address any issues with the foundations of the garden building should be explored.

- 3 Other reasons given are not robust enough to justify the tree's removal. Removal of the tree would have a significant and negative impact upon the character of the conservation area.

If you are unhappy with the Council's decision you may appeal within 28 days of the date of this notice by writing to The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Yours faithfully



Daniel Pope
Chief Planning Officer

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