

26/5
2010/2819/T.
Genet, Timothy

From: Hutson, Alex
Sent: 26 May 2010 09:11
To: Planning and Public protection; Genet, Timothy
Subject: FW: TPO application
Attachments: FLAC 29-1011 TPO application.pdf

Hi,

Please find attached an application for the removal of a Poplar in the front garden of 35c Fairhazel Gardens NW6.

Regards,

Alex Hutson
Trees and Landscape Officer

Telephone: 020 7974 5939

From: JFL* [mailto:jfl@flac.uk.com]
Sent: 26 May 2010 06:12
To: Fisher, Kevin; Hutson, Alex
Subject: TPO application



Forbes-
Laird
Arboricultural
Consultancy

FLAC Instruction ref. RC29-1011
FAIRHAZEL GARDENS

Good morning both, I trust this finds you well.

Please see attached our TPO application in respect of the tree listed in C727 / 2007. Kindly confirm whether you are able to register it based on this electronic submission to yourselves. Feel free to telephone me to discuss if you would consider that helpful.

Best wishes,

Julian.

26/05/2010

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Julian Forbes-Laird BA(Hons), MICFor, MEWI, M.Arbor.A, Dip.Arb(RFS)
Chartered Arboriculturist & Registered Consultant of the Arboricultural Association
Director & Principal Consultant, FLAC

01767 641648
07813 786283

www.flac.uk.com

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26/05/2010

Application for tree works: works to trees subject to a preservation order (TPO)
and/or notification of proposed works to trees in conservation areas (CA).

Town and Country Planning Act 1990

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

2. Agent Name and Address

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

3. Trees Location

Full address/location of the site where the tree(s) stand (including full postcode where available)

Unit:		House number:	35	House suffix:	c
House name:					
Address 1:	Fairhazel Gardens				
Address 2:					
Address 3:					
Town:	London				
County:					
Postcode (if known):	NW6 3QN				

If there is not a full postal address, describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Main Road') or provide a grid reference:

Easting:	
Northing:	

Description:

The subject tree stands in the front garden of its host address

4. Trees Ownership

Is the applicant the owner of the tree(s): ☒ Yes ☐ No
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title:		First name:	
Last name:			
Company (optional):			
Unit:		House number:	
		House suffix:	
House name:			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			

Telephone numbers

Country code:	National number:	Extension number:
Country code:	Mobile number (optional):	
Country code:	Fax number (optional):	
Email address (optional):		

5. What Are You Applying For?

Are you wishing to carry out works to tree(s) in a Conservation Area (CA)? ☐ Yes ☐ No

Are you seeking consent for works to tree(s) Subject to a Tree Preservation Order (TPO)? ☒ Yes ☐ No

6. Tree Preservation Order Details

Do you know the title of the Tree Preservation Order (TPO)? ☒ Yes ☐ No

If Yes, please provide the title of the TPO:

C727 2007

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Enter the species of the tree(s) and include a sketch plan showing position(s) of the tree(s) in relation to buildings, named roads and boundaries.
If the trees are protected by a TPO, if possible please number them as shown in the First Schedule to the Tree Preservation Order (for example T3 Oak; two Beech and one Birch in G2; seven Ash in A1; sycamore in W1).

Trees and proposed works:

Tree: T1 Poplar (black Italian poplar *Populus x canadensis* 'Serotina')

Proposal: Fell

Please see attached plan

11/10/11 10:11 AM
574566

You might find it helpful to consult a tree surgeon to clarify what needs to be done.

Please state the reference number you have given the plan: TLP 29-1011.01

8. Trees - Reasons For Works

This section only needs to be completed if you are seeking consent to trees under a Tree Preservation Order (TPO)

Please state the reasons for carrying out the proposed works on the tree(s):

The subject tree has had its crown framework removed by pollarding (previously consented work) and is currently standing as a 10m high stump with sparsely scattered shoots. Its stem has severely outgrown the available space such that it is causing severe damage to various adjacent structures including pedestrian access to host dwelling, boundary wall to highway frontage, front gate and highway pavement.

These problems are not addressed by the recent pollarding as incremental stem growth continues, evidenced by increasing crack widths noted on damaged structures. Felling is proposed because:

1. The tree has been assessed as to amenity value using the Helliwell System. The outcome confirms that following the previously consented crown removal the tree no longer merits a TPO due to having, now, very low amenity value
2. It has quite obviously outgrown its setting and will continue to cause progressive damage to adjacent structures
3. The nature and extent of the damage is expected to cause a danger due to potential for collapse of the boundary wall onto the pavement and potential trip hazard due to surface distortion
4. Given the current and foreseeable very low (at best, eventually, low) amenity value of the tree, there is no proportionate remedy for this present and increasing difficulty except felling

Finally, although currently less urgent than the direct damage already described, the subject tree has recently been implemented in indirect damage (subsidence) to neighbouring properties, as Camden LBC are well aware. Clearly, there is potential for this to recur.

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the documents specified.

Health or safety of the tree(s) - e.g. it is diseased, fears that it might break or fall:

☐ Yes ☒ No

If Yes, information required - report by a tree professional (e.g. arboriculturist, horticultural adviser).

Alleged subsidence damage:

☐ Yes ☒ No

If Yes, Information required: Full report by an engineer or surveyor, together with one from a tree professional - to include date and description of property damage; sub-soil type and shrinkage potential; location of any roots found and their identification; history of ground and building movement through a distortion survey and/or level or crack monitoring over suitable period; other vegetation in the vicinity and its management since discovery of the damage.

9. Trees - Additional Information

Are you providing additional information in support of your application?

☒ Yes ☐ No

If Yes, please provide the reference numbers of plans, documents, professional reports etc in support of your application:

1. Tree location plan ref. 29-1011.01

2. Copy of FLAC written Advice to client dated 03.04.09, under instruction ref. RC29-1011

Note on Advice dated 03.04.09:

Further to statements within this text on the uncertainty as to the tree's dead / alive status, the 2009 growing season later confirmed that the tree is alive. All other observations, especially those in paragraphs 7 - 10 remain current, as do the features identified in photographs P1 & P2

3. Helliwell System amenity valuation of subject tree

4. Statement from the Applicant dated 16th May 2010

10. Application For Tree Works - Checklist

Please use this checklist to ensure that the form has been completed correctly and that all relevant information is submitted. For works to trees protected by a Tree Preservation Order, failure to supply sufficiently precise and detailed information may result in your application being rejected or delay in dealing with it. In particular, you MUST provide the following:

3 copies of a completed and dated application form. ☐

3 copies of a sketch plan showing the location of all tree(s). ☐

3 copies of a full and clear specification of the works to be carried out. ☐

3 copies of a statement of reasons for the proposed work. ☐

- evidence in support of statement of reasons. In particular, you should provide:

3 copies of a report by a tree professional (e.g. arboriculturist or horticultural adviser) if your reasons relate to the health and/or safety of the tree(s). ☐

3 copies of a report by an engineer or surveyor, together with one from a tree professional (arboriculturist) if you are alleging subsidence damage. ☐

For works to trees in conservation areas, it is important to supply precise and detailed information on your proposal. You may, therefore, wish to provide the following:

3 copies of a completed and dated form, with all questions answered. ☐

3 copies of a sketch plan showing the precise location of all tree(s). ☐

3 copies of a full and clear specification of the works to be carried out. ☐

Whether the trees are protected by a TPO or in a conservation area, please indicate which of the following types of additional information you are submitting (3 copies of each need to be provided):

- photographs. ☐

- report by a tree professional (arboriculturist) or other. ☐

- details of any assistance or advice sought from a Local Planning Authority officer prior to submitting this form. ☐

11. Declaration - Trees

I/we hereby apply for consent/give notice as described in this form and the accompanying plans and additional information.

Signed - Applicant:

Or signed - Agent:

Julian Forbes-Laird

Date (DD/MM/YYYY):

26.05.10

(date cannot be pre-application)

12. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

13. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

jfl@flac.uk.com

Forbes-
Laird
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Consultancy

FLAC TLP 29-1011.01

Tree Location Plan showing
Subject tree, T1 of TPO ref. C727/2007 at
35c Fairhazel Gardens NW6



Camden

© Crown copyright All rights reserved
Licence number: 100019726. Year: 2006.

Scale 1/1250 Date 16/10/2007

Centre = 525947 E 184546 N

Forbes-Laird Arboricultural Consultancy Ltd

• Planning • TPO • Safety Inspection • Subsidence • Litigation • Design

ADVICE

To Gill Scampton
Mode of Transmission Via email as PDF
Date 03.04.09
Instruction Fairhazel Gardens
FLAC Instruction ref RC29-1011
Client Addressee
Subject Findings & recommendations arising from site visit

Further to my site visit of 20.03.09, I write to set out our written advice in connection with the matter referred above, as follows:

1. The tree which you asked us to inspect is a mature black Italian poplar (*Populus x canadensis* 'Serotina') that has recently been pruned hard to what resembles a pollard form (please see photograph P1, below). The tree stands 9.8m in height and has a stem diameter of 980mm at 1.5m above ground level. It is situated hard up against the boundary fence and wall (P2) and is 5.4m from the nearest point on its host dwelling.
2. We are advised that the tree is subject to a Tree Preservation Order though have not had sight of documentation confirming same. It is the case, however, that the subject tree and its host property stand within the London Borough of Camden, thereby being under its jurisdiction in relation to statutory tree protection.
3. We are further advised that the tree was pollarded with consent from said local authority.
4. We are asked to provide advice on the present condition of the tree, its future growth potential and on any apparent effects it may be having on adjacent man-made structures.
5. In truth, the present condition of the tree was not ascertainable at the time of our inspection: it has been pollarded towards the end of or, more probably, after the 2008 growing season. The pollard treatment removed all live shoots, reducing the tree to a simple structure comprised only of truncated primary scaffold limbs; at the time of our site visit it had not put on new growth since this treatment.
6. The foregoing being so, it is presently not possible to say whether or not the tree is alive (i.e. whether it has survived the pollarding); the 'foliage' apparent in photograph P1 is actually ivy that is utilizing the tree as a support. Should the tree, in fact, be alive, it is the case that its future growth potential is moderate to high. Observations made on site, and as recorded in photograph P2, confirm that what is termed secondary thickening of the stem (i.e. incremental diameter growth of woody parts) is already distorting and disrupting the structural integrity of adjacent structures.

Principal Consultant

Julian Forbes-Laird
BA(Hons), MLCFor, MEWI, M. Arbor. A. Dip. Arb. (RFS)
T/F 01767 641648
E jfl@flac.uk.com
W www.flac.uk.com



Registered Office:
Dendron House
74 Barford Road • Blunham
Bedford • MK44 3ND

Company Number 5253618

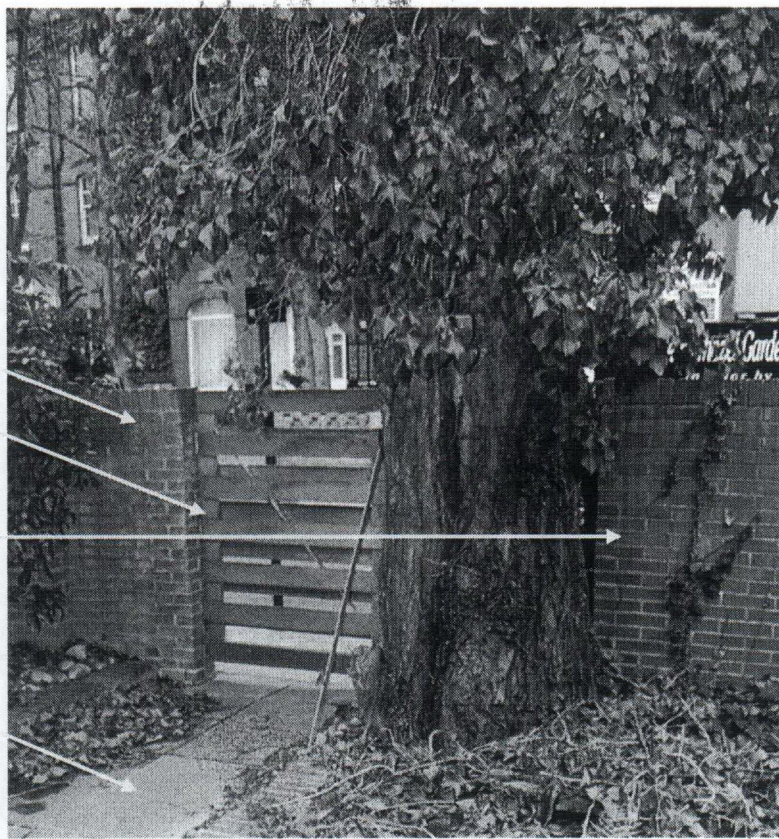
Photograph P1: pollard form of subject tree following recent pruning (note ivy giving the appearance of foliage)



7. Those being damaged by the tree include the wall forming the boundary with the footway [1]; the entrance gate to the pedestrian access [2]; and the path to the dwelling [3]. Notwithstanding my professional limitations, I feel comfortable noting that the serviceability of these structures appears to have been impaired by direct action of the subject tree (for further details please refer the matter to a consulting engineer). Due to the incremental nature of the problem, this situation will worsen over time probably requiring, in the near future, comprehensive reconstruction of the structures suffering damage
8. Turning to the question of the tree's statutory protection, this was imposed by dint of a Tree Preservation Order (TPO) some time prior to the pollard treatment, as confirmed by the need for consent to prune the tree. The power to make a TPO derives from s198 of the Town and Country Planning Act 1990 (as amended). This states that LPA's can make TPOs where they consider it 'expedient in the interests of amenity' to do so

Photograph P2: man-made structures being damaged by subject tree

- Cracking to wall section A
- Gate jamming due to aperture distortion
- Cracking to wall section B (being pressed into increasing lean towards highway footpath)
- Uneven surface / slab lifting to domestic footpath (hazard to pedestrian access)



9. However, the amenity value of a tree has been held by the courts to relate in significant part to its visual appearance, whereby works to a tree can – and have been determined to – destroy its value as a thing worthy of protection [by TPO]
10. Applying this principal to the present case, I consider that, by allowing the recent pollarding of the tree, the LPA have consented to the effective, if temporary, destruction of its amenity value. If this is examined in light of the obvious direct damage the tree is causing to adjacent man-made structures, it is reasonable to conclude that its removal is defensible
11. This being the case, we recommend that the dead / alive status of the tree is confirmed (through passage of time) and, should it be alive, that an application to remove it on the grounds set out above is submitted to the local authority. We would be happy to act for you in this respect should you wish

This completes my advice on this matter.

Julian Forbes-Laird

JULIAN FORBES-LAIRD

Director

VISUAL AMENITY VALUATION OF TREES, USING THE HELLIWELL SYSTEM (Arboricultural Association Guidance Note 4)

35c Fairhazel Gardens Poplar tree TPO ref. C727/2007 - T1

1) Size (crown size, m²)

- 0 less than 2
- 0.5 very small 2-5
- 1 small 5-10
- 2 10-20
- 3 20-30
- 4 medium 30-50
- 5 50-100
- 6 large 100-150
- 7 150-200
- 8 very large 200+

2

2) Life Expectancy (years)

- 0 0-2
- 1 2-5
- 2 5-40
- 3 40-100
- 4 100+

2

3) Position

Either: Private Assessment

- 0 no importance: trees not visible from any public vantage point
- 0.25 little importance: trees on remote parts of country estates
- 0.5 some importance: garden trees in groups of no particular importance
- 0.75 considerable importance: prominent garden trees
- 1.0 great importance: main feature or focal point

Or: Public Assessment

- 0 no importance: trees not visible from any public vantage point
- 0.5 very little importance: trees only seen with difficulty, or by a very small no. of people
- 1 little importance: most trees in woodlands, back gardens, or in groups of trees, etc
- 2 some importance: individual roadside trees. Trees close to busy roads or footpaths/in public parks, in grounds of hospitals/colleges, etc.
- 3 considerable importance: prominent individual trees in well-frequented places, such as town/ shopping centres, etc
- 4 great importance: trees which are the principal feature of a public place

2

<u>4) Presence of other trees</u>	
0.5 woodland: more than 70% of the visual area covered by trees, and at least 100 trees in total	
1 many: more than 30% of the visual area covered by trees, and at least 10 trees in total	
2 some: more than 10% of the visual area covered by trees, and at least 4 trees in total	
3 few: less than 10% of the visual area covered by trees, but at least one other tree present	
4 none: no other trees present in the area under consideration	2
<u>5) Relation of species to setting</u>	
0 totally unsuitable	
0.5 moderately unsuitable	
1 just suitable	
2 fairly suitable	
3 very suitable	
4 particularly suitable	0.5
<u>6) Form, or shape</u>	
0.5 trees which are poor form or which are ugly	
1 trees of average/indifferent form	
2 trees of good form	0.5
<u>7) Special factors</u> (Always score 1, then add from list if applicable)	
1 great rarity	
1 historical association	
1 exceptional landscape value	
1 screening unpleasant view	
1 important in larger composition	1
Total score	4
Value (From 2010 value calculated as £25.87 per unit x Score)	£103.48

Helliwell amenity value categories (JFL banding)

Score range	Word summary	TPO considerations	Possible BS5837 grade
0	None	No amenity value: TPO should not be applied	R
< 6	Very low	TPO indefensible	R or C
6 – 47	Low	Does not merit TPO	C
48 – 119	Low-moderate	TPO only as a means of securing replacement planting	C or B
120 – 323	Moderate	TPO defensible if no contra-indications	B
324 – 575	Moderate-high	Good quality tree definitely meriting TPO	B or A
576 – 1133	High	Important tree – retention a priority	A
> 1134	Very high	Extremely important tree – retention paramount	A*