



Quaife Woodlands

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Mr A. Hutson,
Arboricultural and Landscape Officer,
London Borough of Camden
Environment Department,
5th Floor, Camden Town Hall,
Argyle Street,
London, WC1H 8EQ

159 Broadhurst Gardens, West Hampstead, London NW6 3AU

Tree Preservation Order C1108 2013 – Application to Remove a sycamore tree in the rear courtyard

Dear Mr Hutson,

In response to a Section 211 Notice being issued to your Council (ref: 2013/7294/T on the 12th November 2013 in respect of the Conservation Area, a decision was issued on the 4th December 2013 citing the making of a Provisional Tree Preservation Order. The reference of the TPO is C1108 2013 in relation to Land at or Adjacent to 159 Broadhurst Gardens, London NW6 3AU and it was made on the 27th December 2013.

The application was to fell to ground level a sycamore to the rear of the property and the reasons given in the application are as follows:

Section 7 *Large Sycamore in rear garden of 159 Broadhurst Gdns.
Removal of tree in question to as close to ground as possible.
Tree has outgrown its space, client is concerned about root damage to foundations and drainage.*

Your Council objected to the removal of the sycamore in the following terms:
Reasons for Objection:

1. *The tree is considered to provide a good level of visual amenity and to make a positive contribution to the character of this part of the conservation area. Its removal would be detrimental to this. No evidence has been submitted to demonstrate the tree to be causing structural damage.*

With the TPO having been made I am instructed by Kilburn and District Houses Ltd to seek consent for the removal of the sycamore. I have attached photographs at Appendices A and B.

The Site

1. The sycamore is identified in the First Schedule of the TPO as T1, being the only tree in the TPO, and is situated in the rear garden of 159 Broadhurst Gardens, London, NW6 3AU. The rear courtyard is hard surfaced and has an outbuilding abutting the southern boundary, which is with a large brick building. The tree is growing in a position between the eastern elevation of the outbuilding and the boundary wall (photograph 5, Appendix A). This wall retains the soil level and root collar of the tree at a higher level in No.159's garden, but has been displaced by the diameter growth of the tree's lower stem and root bole (photographs 6 and 7, Appendix A).

2. The tree is in good condition with no indications of disease, decay or instability. It is approximately 16 metres tall (photograph 1, Appendix A) and I estimated the stem diameter at 1.5 metres to be about 38 centimetres (photograph 7, Appendix A).

3. The rear garden of No.159 is surrounded buildings of various heights, all of which predate the tree. I believe it to be quite clear that the tree was very unlikely to have been planted, and as a naturally-seeded specimen it has been allowed to grow. I have no information as to why it had been allowed to grow, but in all likelihood it was probably not obtrusive in semi-maturity. However, as is so often the case in such confined circumstances where the only access is through a building, as it became larger the sheer practical difficulties of dealing with it were and are unduly onerous.

TPO Expediency

4. For a tree to merit protection with a TPO a local planning authority must be satisfied that it is expedient to do so. The 2012 Regulations are guided by Planning Practice Guidance issued in March 2014 and to justify expediency the LPA's consideration comprises five distinct components:

- i) The LPA should have a structured and consistent way of assessing amenity value. This is not limited to visibility which should be significant and although the condition and appearance of a tree should be satisfactory, the main criterion is the impact upon the character and appearance of the area were the tree to be removed.
- ii) The LPA must demonstrate that a reasonable degree of public benefit would be brought in the present or future.
- iii) The LPA must assess the wider impact and specific importance of the tree. This must be considered in terms of:
 - a, Size and form
 - b, Future potential as an amenity
 - c, Rarity, cultural or historic value
 - d, Contribution to and relationship with the landscape
 - e, Contribution to the character and appearance of a conservation area
- iv) The LPA must weigh the balance between the benefits that a tree may have and the compromises to the private amenity it may cause to the owner and/or those affected by it.

Public Amenity Value

5. I shall take each of the points in paragraph 4 above in turn.
- 5.1 **4. i)** Camden Council's assessment method. As far as anyone involved can recall the site of the tree was not visited by a Council officer. All that can be seen for any public viewpoint is the very top of the tree's crown. In the absence of a site visit an officer would have been unable to evaluate at the elements of a TPO assessment, and thus cannot have completed a formal and objective assessment. No evidence of any such assessment has been provided and clearly any form of retrospective assessment could not be objective.
- 5.2 It is also incumbent upon the Council to assess whether the tree's removal would have a significant impact upon the local environment. In this instance the landscape impact of the sycamore's removal would be very low. Yes there is visibility of the top of the crown from the south-eastern quadrant, but in other directions it is indiscernible. At Appendix B I have attached photographs from various viewpoints from street level which illustrate clearly that the visibility of the sycamore is restricted to views of the top of its crown from the south-east with glimpses from the east.
- 5.3 **4. ii)** The current public amenity benefit is small, but full consideration should be given to the tree's potential. Is there a likelihood that the tree would live out its maximum potential size and lifespan in this location? I do not think that anyone would say so and therefore the tree would inevitably have to be pruned. As an operation which would have to be carried out from time to time it would be proportionately expensive. The limited parking affects all contractors, but each part of the tree would need to be painstakingly carried through a building. If such pruning were envisaged it would make sense to reduce the tree by a significant extent to make the operation worthwhile (in relative terms). This would have to include a reduction in height which would diminish if not remove the already low visibility of the tree's crown.
- 5.4 The obvious conclusion is that if an application were to be made to prune the tree Camden would have no reasonable grounds to refuse it, not least because the species is very tolerant of pruning, but also in recognition of the necessity. It follows therefore that as the tree's low public visibility is at its maximum now and would average out at even less, the future public benefit is dubious.
- 5.5 **4. iii)** In the absence of an assessment of the specific importance of the sycamore by Camden Council, I have set out my own opinions.
- a, The size and form of the sycamore is typical for such a growing position. The shade it causes to the rear courtyards is considerable and it is become disproportionately large.
- b, I have presented the future potential public amenity in paragraphs 5.3 and 5.4 above, and it is of dubious value.
- c, Sycamores are not rare but in fact ubiquitous. As an exotic introduced species it has no cultural value and historically the subject sycamore is a self-seeded specimen which has grown largely through neglect – it has no historical value.

d, The tree's relationship with and contribution to the landscape is marginal as it has minor visibility in terms of public amenity.

e, The tree's contribution to the character and appearance of the conservation area is negligible. A conservation area should be designated on the basis of built form, and the protection afforded to trees is in recognition of the setting they provide to architecture. The subject sycamore was not an inclusion in the original building design and layout, indeed there was no serious inclusion of soft landscaping in terms that one would normally associate with an amenity space. The surrounding buildings dominate the courtyards. If one were tasked with designing a soft garden design, anyone would not select a sycamore, and certainly not with a view to letting it grow to a fully mature size. The sycamore post-dates the buildings and is an entirely inappropriate tree. It is only there because of indifference by successive owners, and given the complications of managing it, one can fully understand that approach.

- 5.6 **4. iv)** The public amenity value of the sycamore is demonstrably low. The inconveniences it causes to the owner and those affected by it is primarily to do with shade, but also the localised environment it creates. Whereas clearing the autumnal leaf fall is tedious for many, in the specific site circumstances of the subject sycamore the proportional volume of leaves is high, and there is no opportunity to compost them - there is no use for compost in this courtyard. All such material has to be removed by carrying it out through a building.
- 5.7 There are also the honeydew aphid deposits to consider. At certain times of year it makes the courtyard unusable. Where such deposits only affect a limited area of a garden it can be avoided, but the small size of the courtyard means that there is no real escape. The proportion of the courtyards affected is unreasonably high.
- 5.8 The sycamore completely dominates the rear courtyard and the tangible effects of this alone as a compromise to the reasonable private enjoyment of the space outweighs the low public amenity.
- 5.9 However, in addition there is the problem with the boundary wall. This has been dislodged and damaged by the tree's root bole and buttress diameter growth (photographs 6 and 7, Appendix A). This growth has now crossed the boundary into the neighbouring property and prevents the reconstruction of the wall on the boundary line. The raised brick beds (photograph 7, Appendix A) were built to encompass more extensive damage at the base of the wall, which is now hidden. It is quite clear that the intention of planting these beds has been unsuccessful due to the shade.

Conclusions

- 6.1 There are several factors which support the removal of the subject sycamore. There is no evidence that the Council's assessment of the tree did any more than register its limited public visibility. Certainly no structured and consistent assessment taking account of all the material factors has been provided.

- 6.2 Had the necessary full assessment been conducted, taking account of the specific site circumstances, the future amenity prospects of the tree, the unreasonable compromises it places upon the owner and neighbours, and the onerous management obligations which have lead understandably to the tree being ignored, the conclusion that this tree is completely inappropriate for the location would have been reached.
- 6.3 With no cognisance of these factors the Council was unable to weigh the balance between public and private amenity, and in that context arrive at the opinion that the very restricted public visibility is the only public benefit but acutely outweighed.
- 6.4 Consent to remove the sycamore should be granted for the positive reasons I have set out, but in addition the only potential ground of refusal is the modest public visibility, and even this is weak because if the tree were to be removed the impact on the character and appearance of the conservation area would be very minor.
- 6.5 The tree simply cannot be allowed to achieve its full growth potential and is thus demonstrably unsustainable.
- 6.6 As the public amenity value of the sycamore is so low, it follows that there is little public amenity value to replace and so there is no justification for a condition to plant a replacement tree. To achieve greater public visibility than the subject sycamore, a replacement tree would need to grow tall enough, and would thus replicate the very conditions and compromises which justify the removal of the subject sycamore. If the species of a replacement tree were to be chosen with a modest mature height commensurate in scale with the small courtyard, it would never achieve any public visibility at all.
- 6.7 I have given very careful consideration to all the factors which are pertinent to this application and I am satisfied that the justifications for the removal of the subject sycamore T1 are obvious and persuasive.

The subject sycamore is the wrong tree in the wrong place and utterly inappropriate.

Yours sincerely,



Jim Quaife

Attachments: Appendix A – Photographs taken by me (4 pages A4)
Appendix B – Photographs supplied to me (2 pages A4)

Photographs of Sycamore T1 taken on the 21st August 2014



Photograph 1.

View of the subject tree looking to the south-west showing the full tree's height.



Photograph 2.

View of the subject tree looking to the south-east showing the spatial relationship to the property No.153 beneath.

Photographs of Sycamore T1 taken on the 21st August 2014



Photograph 3.

View of the subject tree looking to the north-west showing the spatial relationship to the property No.151.



Photograph 4.

View of the subject tree looking up to the south showing the crown form.

Photographs of Sycamore T1 taken on the 21st August 2014



Photograph 5.

View of the subject tree looking to the south between the outbuilding and the boundary wall.



Photograph 6.

View of the subject tree looking to the south showing the deflection of the boundary wall (arrowed).

Photographs of Sycamore T1 taken on the 21st August 2014



Photograph 7.
View of the subject tree looking to the west showing the damage to the boundary wall.

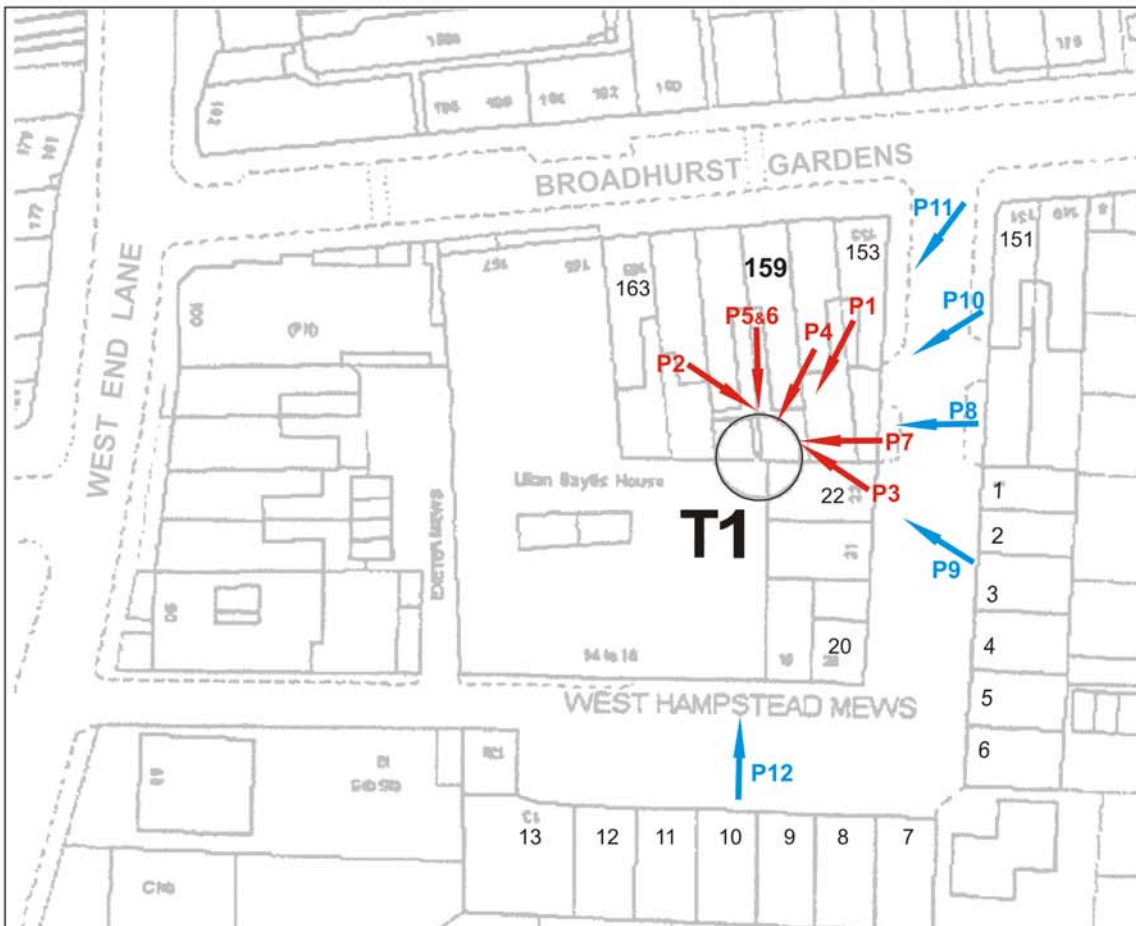


Figure 1.
Extract from the TPO plan showing the positions from which the photographs were taken.
RED - Appendix A
BLUE - Appendix B

Photographs of the Subject Sycamore taken from West Hampstead Mews



See the Plan at Appendix A, Page 4
for the photograph positions

Photograph 8.
View of the subject tree looking to the west

Photograph 9.
View of the subject tree looking to the north-west



Photograph 10.
View of the subject tree looking to the south-west

Photographs of the Subject Sycamore taken from West Hampstead Mews



See the Plan at Appendix A, Page 4
for the photograph positions

Photograph 11.
View of the subject tree looking to the sou-sou-west



Photograph 12.
View of the subject tree looking to the north