

Providence Corner
Well Road
London NW3 1LH

Tree Section
Planning and Public Protection
London Borough of Camden
Camden Town Hall
Argyle Street
London WC1H 8ND

By email to

planning@camden.gov.uk
gerry.oxford@camden.gov.uk

For the attention of Mr. Gerry Oxford

21 October 2015

Dear Mr. Oxford

**26 Christchurch Hill: Application 2015/5533/T
Applications to fell Lime Tree**

I write with regard to the above application ("the Application") in respect of 26 Christchurch Hill, London NW3 1LG ("the Property") to fell the Lime Tree designated T7 currently situated in the garden of the Property ("the Tree").

I am the owner of, and live at, Providence Corner, Well Road, the property situated opposite the north east of 26 Christchurch Hill.

On Wednesday of this week, I inspected the Tree from inside the garden at the Property in the presence of the Owner's architect Erica Jong. I now submit the following comments in relation to the Application.

In summary, unless the Council is satisfied both that the Tree is liable to fail in the foreseeable future and that trees of equal size and amenity value will be planted permanently to replace the Tree, I oppose the Application.

First, the Tree is a mature lime tree which is both very tall (estimated to be 15m in 2013) and with a wide spread. It has a very substantial amenity value both for the neighbourhood and the streetscape generally and, for the screening it provides between the house at the Property and my house (and Cannon Cottage) which are directly opposite on the other side of Well Road. As regards general amenity, I suggest that, given the loss some years ago of the very large horse chestnut tree on the street just the other side of the fence to the Tree, it is important that there is no further loss of substantial mature trees in this location. As regards screening between the owner's house and my property, if the Tree was lost, there would be direct line of sight between the first floor of my property and several of the windows to the owner's house. At our meeting

this week, Ms Jong indicated that her client, the owner at the Property was also concerned to ensure continued screening between our two properties. I very much welcome that indication.

Secondly, whilst this is a matter for arboricultural expertise, including that of the Council's tree officer, there does appear to be little if any evidence to support the felling of the Tree. The only evidence put forward by the Owner is that contained in the Additional Information report prepared by Mr Sherlock of Barrell Tree Consultancy. He asserts that the Tree "is not sustainable in the long term" on the basis that it has a very large limb over the garden and is more exposed. I will leave it to the Council's tree officer to consider what is meant by "not sustainable in the long term" and whether there is any evidence to support a risk that the tree is diseased or might fail, in the foreseeable future, for some other reason. I would add only the following on this issue. First, I have been advised informally by a tree surgeon currently working for me on another matter that he could see no disease and no evidence that the Tree might fail. Secondly, at the site visit this week, I was told by Ms Jong that Mr Sherlock of Barrell Tree Consultancy was not present as he had indicated to Ms Jong that he did not wish to get involved. (I should add that my own initial inquiry about the Application was sent to Mr Sherlock who merely referred me to Ms Jong). Thirdly, whilst Ms Jong indicated at the site meeting that there was an earlier tree report relating to the property which had previously been submitted for a planning application and which indicated a problem specifically with the viability of T7, that report has not been submitted in support of the Application.

Thirdly, if the tree officer is satisfied that there are concerns about the stability and viability of the Tree, may I suggest that remedial action, short of felling, should be considered - for example reducing the weight on the leaning trunk of the Tree or some other form of pruning

Fourthly, we were told by Ms Jong that if the Tree is felled, the Owner's intention is to replace it with at least two trees of equal height so as to provide amenity to the neighbourhood and screening, both to an equivalent level. Again, this is a matter for the tree officer and the Council to consider. I ask that careful consideration be given to the feasibility of such replacement trees being found and planted. Will it be possible to find a tree of the same height and spread as the Tree? How easy will it be to plant such a tree in the location once the trunk and roots of the Tree are removed? Obviously if it is possible to replace the Tree with trees of equivalent height, spread and appearance and as long as these replacement trees remain in place for the future, then I do not object to the felling of the Tree.

Finally, I would draw to the Council's attention the recent history of planning applications at the Property and most particularly in relation to the area close to the Tree, including the studio outbuilding and the provision of vehicular access from Well Road. I set out in the Annex to this letter a summary of that history which I have gathered from the Council's planning portal. The current position is that there is an existing planning permission (2013/1740/P) to convert the studio back into a garage and to lower the kerb on Well Road to allow vehicular access into *that* building. Ms Jong informed me that it is the Owner's intention to proceed with that proposal. That permission does not appear to have any impact upon the Tree.

However, given the nature of the previous planning applications, which were either withdrawn or granted subject to conditions, I have a concern that, following the removal of the Tree pursuant to the Application, there might be a renewed application for *on-site* parking (other than in the garage) and *wider* vehicular access along the lines of the two previously withdrawn applications in 2012 and 2013. I would respectfully ask the Council to be satisfied that the Application is not being made for the purpose merely of enabling greater vehicular access and

on-site parking to be implemented and that the tree related concerns raised in those earlier applications should not be circumvented by the felling of the Tree pursuant to this stand-alone application

I would be happy to provide any further information, should you so require.

In the meantime I thank you for your kind attention.

Yours sincerely

Stephen Morris

ANNEX

26 CHRISTCHURCH HILL, NW3

PREVIOUS RELEVANT PLANNING APPLICATIONS

The Owner currently has planning permission to use the existing studio as a garage and to put in vehicular access into that garage (2013/1740P). My representations on that application are on the public file. Whilst not objecting to that proposal in principle, I raised the issue of protection of Tree T7.

Earlier relevant applications have been as follows.

- | | |
|-------------|--|
| 2010/4767P | Planning permission was granted for the construction of an orangerie next to the house and studio. That was granted subject to two conditions for the purpose of protecting the existing trees at the property, including T7. |
| 2012/1132/P | Decision approving the detail of the tree protection scheme, set out in an Arboricultural Method Statement dated 10 February 2012. Setting out how T7 and its roots were to be protected during the course of work relating to the orangerie. It was thus a condition of that permission that T7 should be retained. |

The Owner then made two application for permission in relation to the provision of car parking on site and vehicular access from Well Road.

- | | |
|-------------|---|
| 2012/4428/P | Application for permission for a 3 car on site parking. This was supported by the same Arboricultural Method Statement dated 10 February 2012, which proceeded on the basis of retention and protection for T7. The proposal was for a sliding entrance gate in Well Road next to the studio and much closer to T7 rather than converting the studio into use as a garage. The application was withdrawn, for reasons unknown to the writer. |
| 2013/2125/P | Application for permission for a 1 car on site parking. This was supported by the same Arboricultural Method Statement dated 10 February 2012, which proceeded on the basis of retention and protection for T7. In addition a further report, directed specifically at Tree T7 and its protection, was submitted in support of this application: Wassells Arboricultural Services dated 15 April 2013. Again the proposal was for a sliding gate next to the studio and much closer to T7 rather than converting the studio into use as a garage. The application was withdrawn, for reasons unknown to the writer. |