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The Director of Planning
London Borough of Camden
Camden Town Hall
Judd Street
London WC1H 9JE

23rd October 2015

Our Ref: SJA s211 15275-01

Dear Sir/Madam

Town & Country Planning Act 1990, Section 211
Town & Country Planning (Tree Preservation)(England) Regulations 2012
Trees at No. 20 Highfields Grove, Highgate N6

I write to inform you of our client's intention to undertake tree works at their property: No. 20 Highfields Grove, Highgate. The property is within the Highgate Village Conservation Area and the trees are not covered by a Tree Preservation Order. A survey schedule (including a schedule of tree works) and a tree works plan are attached and are to be read in conjunction with this letter.

After a description of what our client intends to achieve on this site, each tree, or groups of trees (where considerations are similar) is/are discussed in turn with more general discussions on the amenity value of the trees on this site hereinafter:

Overall intentions for the site

The garden at this property has been untended for many years and was very over-grown when our client came to buy the property. The sheer number and over-bearing nature of the trees in the garden inhibit our client's reasonable use and enjoyment of their new property. On the other hand our client has lived on the Highfields Grove Estate for over 20 years and enjoys its wooded character and appearance.

Our client's intention is to strike a balance between the reasonable use and enjoyment of their garden whilst maintaining, protecting and where possible enhancing the character and appearance of the site and Conservation Area. To do this they would like to remove the smaller and poorer quality trees and shrubs, retain and enhance the better specimens and plant two new large growing trees in keeping with the landscape but towards the west and north boundaries. Removing the poor quality trees and shrubs will crater a larger more open central area to the garden with the only significant shade being cast by the oak no. 9 and from off-site trees where this is unavoidable. The retained trees will be managed holistically with a view to enhancing their vitality.

The new trees to be planted are an English oak and a beech, they will be planted so that they have sufficient space to mature to their full potential but to the west and northern boundaries of the site so that the shade they cast is not detrimental to the rest of the garden. The new trees will be planted as 'heavy standards' as this strikes the best balance between establishment success, instant visual impact and practicality (in terms of physically getting the new trees to the planting sites). The species selection is in keeping with the trees to be retained and with the, predominantly native, wooded character of the estate and Conservation Area.

Scots pine tree (no. 3) - Fell

This tree is in decline and has noticeable physiological and structural defects that mean it poses a risk of harm to my client's property. The tree is not dead but its canopy is suppressed by larger more dominant oak trees to the west and east, it has sparse foliage and very limited future potential. Structurally the tree has sustained a significant tear out wound in the past and there are woodpecker holes in the tree's trunk implying potentially significant decay in these locations. **Photographs 1 and 2**, below, help to illustrate these points:



Photographs 1 and 2: showing the tear-out wound in the tree's canopy and woodpecker hole in the tree's trunk

Considering the decline of the tree and its limited potential we believe its removal would benefit the future growth and development of the mature oak trees either side of it.

Our client is aware of the fact that this tree is in the neighbouring property and is also aware of the fact that this does not preclude him from applying for the tree's removal. It is understood that if the LPA do not object to the removal of this tree, the work would be subject to the agreement of its owner, which our client has already obtained verbally.

Oak tree no. 4 – Remove three specific branches and reduction of others

The three specific branches to be removed are the lowest limb on the south side and two lowest branches on the west side. The other works include the reduction of other, higher, branches on the south side to provide 2m clearance between the tree's canopy and the roof of the property. We understand that reduction of a tree to provide 2m clearance from a property is generally considered by LPAs to be acceptable.

The reason for removing the lowest branch on the southern side of the canopy is because there are no suitable growth points on the limb to reduce it back to, to provide suitable clearance. Truncating a limb in this way is not in line with BS 3998:2010 '*Tree Work – Recommendations*' as it would leave a long and un-branching stub that is likely to either die or produce prolific and unattractive epicormic growth. **Photograph 3**, below, helps to illustrate these points:



Photograph 3: showing limb to be removed because reduction is not practicable

The two other limbs to be removed are on the west side of the crown growing into canopies of the adjacent cypress trees. The shading from the dense canopies of the cypress trees has virtually killed these limbs and they should be removed in the interests of good practice. This oak tree is also in the neighbouring property and the same principals for permission to work on the tree apply as discussed above.

Lawson cypress trees nos. 5, 6, 8 and 13 and yew tree no. 10 – Fell

These are all small coniferous specimens that are out of keeping with the deciduous wooded character of the estate and surrounding areas. Our client's garden is heavily shaded and dominated by trees. Removing the coniferous species is part of the overall plan to make the garden more manageable and low-maintenance whilst maintaining the character and appearance of the estate and the wider landscape value of the Conservation Area.

As discussed below, negligible public amenity value can be attributed to any of the trees on the site but even less can be attributed to these five conifers that are currently smaller in stature than the surrounding deciduous trees.

Cypress tree no. 8 deserves further mention as it is so close to the property that before long it will start to impact directly upon the roof and nearby paving. It is only because the tree is still young that its proximity to the property has not yet caused any problems.

Oak tree no. 9 and sycamore no. 19 – Crown thin the oak by 20% and lay mulch around both trees

The oak tree (no. 9) is a large specimen and despite its dominance in the garden and the shade it casts the proposed works are primarily for the tree's own benefit. The tree is stressed, as evidenced by the poor extension growth throughout the canopy and abundant epicormic growth along all branches and within the canopy. The cause of the stress is not known but is quite likely a symptom of its age and the general pressures mature trees face in the built up environment. The thinning works are intended to remove a small proportion of the epicormic growth along the branches favouring the retention of the stronger, more dominant, shoots. It is hoped that thinning the canopy will improve the airflow through the canopy which in turn will improve transpiration rates. **Photograph 4**, below, helps to illustrate these points.



Photograph 4: showing abundant epicormic growth throughout the canopy of the oak tree
(implying stress of limited severity)

Sycamore tree no. 19 has already been thinned, pursuant to a recent Conservation Area Notice. As the sycamore is also somewhat stressed, due to competition from adjacent trees, and has noticeable structural defects in its trunk such as large diameter historic pruning wounds with poor occlusion and degradation of exposed wood, it too would benefit from the application of mulch. Mulch will be applied around both the oak and sycamore (nos. 9 and 19) in circular area at least 5m in radius – unless this conflicts with boundaries or internal footpaths. Laying mulch will improve root activity and increase the proportion of organic matter available to each tree. Laying mulch also aids in the decompaction of the soil and suppresses other vegetation that may be competing for resources. I believe more extreme decompaction measures (such as the use of a terra-vent or air-spade) are not necessary and disproportionate in this instance. These works are intended to improve the quality and condition of the existing trees that are of longer term potential to allow them to continue to thrive and develop.

Sycamore trees nos. 11, 12 and 14-18 - Fell

The seven sycamore trees our client would like to fell are all tall slender specimens with high and narrow canopies. Based on information supplied by our client, that this garden has been unmanaged for many years, certainly at least 20 years, it is quite likely that the sycamores are self-seeded. The lack of management in the garden has meant the trees have had to compete with each other and developed tall slender trunks. All seven trees are at risk of failure due to slenderness; Mattheck's formula for estimation of failure due to slenderness is $H/D > 50 = \text{Hazard}$. Sycamore tree no. 17 has the lowest hazard rating of $H/D = 50$ and tree no. 11 has the highest rating of $H/D = 80$. **Photograph 5**, below, helps to illustrate how slender these trunks are:



Photograph 5 – Showing the draw-up and slender trunks of the sycamore trees

As an aside, **Photograph 5**, above, also helps to illustrate just how heavily shaded the garden of this property. The clear bright sky on the day this photograph was taken can be seen through the canopy of the horse chestnut tree in the within the grounds of The Hexagon in the background.

Prior to my visit to the site I understand a significant covering of ivy had been removed from these trees. There is no restriction on the removal of ivy from trees in a Conservation Area but the time and effort required to do so is an indication of our client's commitment to getting the best from this garden. However, I am concerned that the removal of ivy from these trees has removed any mass-damping effect it would have had and this has increased the risk of these trees failing.

When considering what trees or buildings may be sheltering these hazardous trees from the prevailing south-westerly's it is clear that only the trees and residential buildings on The Hexagon offer any shelter. The buildings are several metres lower than the tops of the trees and the trees are situated on higher ground. The largest off-site tree to the south-west is a horse chestnut which has lost all of its leaves (through the activity of the leaf miner *Cameraria ohridella*) thus reducing any sheltering effect it might otherwise afford the slender sycamores at this time of year. A combination of these factors leads me to conclude that there is a moderate to high risk of one or more of these sycamores failing now that the ivy has been removed. As soon as one fails the support it affords the other trees is removed and the risk of the remaining trees failing increases.

Amenity value and visibility from the public realm

In considering these proposed works in the context of the Conservation Area within which the trees stand the LPA have two realistic options for each tree to which the application relates. Those are to either make a TPO to prevent the work or to allow the work to proceed and this consideration should be for each tree rather than the application site as a whole.

When considering the making of a new TPO, LPAs can make a new TPO if it appears to them to be '*expedient in the interests of amenity to do so*' (Section 198 of the Town and Country Planning Act 1990, as amended). On the Government's website 'Planning Practice Guidance' they answer the question '*what does amenity mean in practice?*'. Their answer is as follows:

“Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

The relevance of this statement to this notice is that we believe there is negligible ‘public’ benefit to be gained from any of the trees on this site. Highfields Grove, Fitzroy Park and The Hexagon are all private roads; even if the LPA were to place significant weight on what private benefit can be gained from these trees as viewed from these roads none of the trees to be removed are individually distinguishable.

The combined effect of the group of sycamore trees can be seen from Highfields Grove in front of our client’s property as shown in **Photograph 6**, below. However, Highfields Grove is a gated estate with access exclusively for residents and their visitors. The public cannot access Highfields Grove as the gate is manned and/or locked at all times.



Photograph 6: showing what private amenity would be lost if the trees were to be removed

The Beech tree no. 7 and oak tree no.9 either side of the group of sycamores (and visible in **Photograph 6**, above) are to be retained, therefore, the loss of private benefit would be very low as such a small proportion of the trees’ combined canopy can be seen. The public benefit lost by their removal would be negligible (this is discussed in greater detail below).

The only public benefit gained from the trees on Highfields Grove is from nearby Hampstead Heath. Views from the heath are well established and very important. So much so that the reason why the dwellings on Highfields Grove were built with dark bricks and roof tiles was so that they did not stand out when viewed from the heath. I understand the LPA believe the trees on Highfields Grove play an important role in screening the dwellings from public views. The views from the heath are an important factor to consider and provides justification for the LPAs willingness for careful consideration of Conservation Area Notices for works that might be detrimental to those views.

However, none of the trees our client intends to remove are individually distinguishable from the heath and even when considered collectively they do not form a significant proportion of the overall canopy. If views from Hampstead Heath are the only public benefit of the trees on Highfields Grove then we believe it would only be reasonable for the LPA to consider the strategic impact of this Conservation Area Notice in terms of loss of canopy cover rather than the loss of individual specimens. In any event, our client is only seeking to remove the poor quality and or self-seeded specimens.

To summarise:

Our client's intention is to create a balance between their reasonable use and enjoyment of their property whilst maintaining the well treed character and appearance of the estate and Conservation Area. To do this they intend to remove all the coniferous trees (nos. 5, 6, 8, 10 and 13) that are not in keeping with the deciduous character of the site and the sycamore trees (nos. 11, 12 and 14-18) that are over-bearing, self-seeded, slender and at risk of failure in high winds. They also intend to holistically manage the mature oak and sycamore trees (nos. 9 and 19) at the rear of the site as they appear somewhat stressed. No works are proposed to the oak trees nos. 1 and 2 and beech tree no. 7 that do not appear stressed and do not pose a significant risk of harm.

We believe the proposed works would result in negligible loss of public amenity, only minimal loss of private amenity value and negligible loss to the overall character and appearance of the site or the Conservation Area.

I trust this information, along with the attached schedule and plan is sufficient for your purposes; but please do not hesitate to contact me if there is any further information you require.

Yours faithfully,

Frank Spooner

SJA Trees