

To Tree Officer 17/03/2016

25, Nassington Road

17/03/2016

planning@camden.gov.uk

Dear Tree Officer,

We would like to make strenuous objections to yet more applications to cut parts of trees in the gardens of 25 and 27, Nassington Road. Our view is that these applications, both relating to trees with Tree Preservation Orders, are clearly not for the health of the trees but to provide more light and sun to the basement flat swimming pool. This does not seem a valid reason to reduce and thin beautiful trees with TPO's which should have been able to develop to their full potential for the benefit of the public travelling on the railway and to provide screening to the railway from the residents in the upper floor flats at nos. 25 and 27. Provision of light is not a valid reason certainly in Camden's policy for its own trees:

Policy 6 – Tree Pruning

The following reasons will not constitute grounds for the pruning or removal of trees by the Council.

Obstruction of light, and or view

Where a tree is perceived to be too large

Some of the original objections to the swimming pool, in this special conservation area close to the Heath, related to the potential loss of and damage to trees involved. Camden council, in its desire to protect the trees, in granting permission (not having been made aware of the need for sunlight and the unsuitability of siting the pool in this position surrounded by trees) nevertheless stated:

"All trees on the site or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council" the reason given "that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area....."

In respect of the Ash tree in the garden of no. 25 we would argue that following a failed application to have it removed, the tree has been under a constant process of attrition since the swimming pool was built. This has made the tree considerably smaller and less attractive as a landscape feature. This is particularly compounded by the thinning of the tree and removal of the overhang of bottom branches. All of this loss of screening has opened up the view of the railway for the residents of the 6 flats in the upper floors of the buildings of nos. 25 and 27. It is not unrealistic to imagine that given this process of gradual attrition the tree will become so poor that permission will be granted to remove it! We object to the proposed works to the Ash tree as they will accelerate the erosion of the beauty of this tree and its remaining usefulness as a screen from the railway for the upper 6 flats. The works are unnecessary for the health or well being of the tree and are entirely to provide more light to the swimming pool which is unsuitable for its site. They constitute a loss of amenity for the other occupants of nos. 25 and 27 and for the general public.

In respect of the Oak tree, this is a very beautiful tree and a previous Tree Officer had promised the neighbours at 25 and 27 that no permission would ever be given for unnecessary cutting, pruning, lopping of this tree. However, some unnecessary lopping /pruning has been carried out since. No further work should be allowed. The present application is completely unnecessary and is, yet again, not for the health or well being of the tree but to provide light to the garden. Again the works constitute a loss of amenity as above. We therefore oppose this application for works. I would also like to express concern about the positioning of a garden shed and general garden rubbish in the root area of the Oak tree.

I would also like to take this opportunity to raise the issue of the apple tree which was recently pruned as we can find no application for this work.

Creepers have been specifically grown around the apple and cherry trees and are clearly detrimental to the health of these trees. Please see the attached reports in respect of the cherry tree.

Prior to the construction of the swimming pool there had been no applications for tree works in the gardens of nos. 25 and 27. Since the construction of the swimming pool there have been 16 all of which were not for the health or well being of the trees. I think that speaks for itself.

Please find attached a letter to our councillor in 2012 outlining our position and a list of all the planning applications in respect of the trees. Also, I attach 2 reports in respect of the Cherry tree and creepers grown over it for your information. I think the loss of trees and parts of trees needs to be brought to a halt in these gardens.

Thank you for your attention,

Kind Regards,

Christine Spence, Olivier and Kim Guignabaudet

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25, Nassington Road,
London NW3 2TX.

20/04/2012

Dear Linda,

We spoke on the telephone on Tuesday in respect of the tree works taking place in the garden of no 25, Nassington Road. Thank you very much for your help.

I was very concerned that, as the Freeholder of No. 25, I had not even been informed of the application for these works. The first thing I knew was when the works began. The extent of these works, in my view and in that of the neighbours at 27 to whom I have spoken, goes beyond the planning permission granted and certainly beyond the previous reduction to this tree.

However, the problem for the trees in the gardens of Nos. 25 and 27 goes beyond the three recent applications and I consider begins with the planning permission granted for Ms Scott-Moncrieff's swimming pool. It seems to me that Ms Scott-Moncrieff is flouting the conditions of the swimming pool permission by stealth and "gradualism".

I attach the planning decision for easy reference and have outlined the salient parts. If I may, I also give a brief history of the issue as follows: -

1/ Unilateral removal by Ms Scott-Moncrieff of the boundary fence between Nos. 25 and 27. As Freeholder, I regularized this with a retrospective Licence based on Ms Scott-Moncrieff's assurance that there would be no development in the garden and that the fence removal was only to landscape and make the garden more attractive for all of us.

2/ Application made by Ms Scott-Moncrieff for planning permission for the construction of a swimming pool across the gardens of 25 and 27.

3/ Planning permission granted. As you know, the swimming pool was granted permission despite the objections of all the other residents of this building (three other flats) and the neighbours of No. 27, all of whom overlook the gardens. One of our main objections was the general loss of amenity involved in the destruction of trees in a special conservation area on the edge of the Heath and, for us in the upper three floors of the building, the additional loss of screening from the railway.

4/ Planning conditions appeared to have been made to address to some of these objections i.e. *"All trees on the site or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council"*. The reason given *"that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area..."* Our understanding was that two trees would be felled to make way for the swimming pool and the rest saved and protected. When I drew Mr Hutson's attention to the conditions of the planning permission, he told me this clause only referred to tree protection during works. This would seem to me to make a nonsense of the planning permission conditions.

5/ Followed by "officer's discretion" the pool was significantly increased in size. We were given no right to object. However, at this time Mr Thuairé specifically reminded Ms Scott-Moncrieff of the need for tree protection before commencing works.

- 6/ Un-notified major excavation works start on the land with no protection of any sort in place for the trees.
- 7/ No action taken by Council. Residents of 25 and 27 have to seek a court injunction to stop the works until tree protection in place.
- 8/ Injunction granted.
- 9/ Works commenced without tree protection to British Standards and to Camden's requirements.
- 10/ Expert concerns over raising the ground level around the Ash tree. Ms Scott-Moncrieff raises level but fortunately tree does not appear to have been damaged.
- 11/ 2006: the pool was constructed. Followed by a series of applications to prune/lop/remove trees (list attached).
- 12/ Concerned by the continuing loss of trees and, in particular, Ms Scott- Moncrieff's application to remove the Ash tree, residents of 25 and 27 apply for TPOs on Ash and Oak.
- 13/ Ms Moncrieff objects to TPOs
- 14/ TPO's granted
- 14/ Continuing applications to lop and pruned trees. On-going.

Ms Scott-Moncrieff moved into 25 Nassington Road in 1998. In the 8 years of her occupation until 2006, the date at which she constructed the swimming pool, she made no applications whatsoever for tree works. In the following 5 years, she has made 14 applications relating to tree works. All of which involve lopping/ pruning/ removing trees to give light to her garden. (see attached list). Highly relevant, I believe, to all of this is the fact that in 2006 this type of swimming pool was a new concept masquerading as "ecological" which it clearly was not. No one we spoke to at the time understood how it worked including it seems the council officers. However, what Ms Scott-Moncrieff failed to mention and we only discovered later was that this type of pool was not recommended for shady areas where there were mature trees. The pool system needs sunlight for satisfactory functioning. This fact, I believe, is highly relevant to the constant tree works and the continuing attrition of the trees. This seems to me to be development by stealth. Would the council have agreed to a pool over almost half the garden as opposed to 10% as in the original application ? Would they have agreed to the actual level of tree loss ?

Looking at Ms Scott-Moncrieff's three most recent applications, none of these are to promote the health of the tree - on the contrary they are expressly stated by Ms Scott-Moncrieff to be to remove shade from her garden. I just note that one of these three applications was to remove a major branch from the Oak tree in No. 27. I am surprised by this as my recollection was that Kevin Fisher had assured us that she would not be allowed to lop the Oak tree.

I have just re-read some of the documentation I received at the time of the TPO decision and found, under "Provisions of the Town and Country Planning Act 1990, that section 75 states "Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) ensure for the benefit of the land to which the Order relates and of all persons for the time being interested in it.

We have had considerable trouble and cost in trying to protect the remaining trees but nonetheless there is a continuing attrition and none of the trees lost have been replaced.

The works carried out on Tuesday, we believe, go beyond what we understand was agreed with the tree officer. I would like to see an enquiry into why, given the planning conditions and the fact that we are in a conservation area on the edge of the Heath, that this constant attrition has been allowed and continues to be.

Many thanks for agreeing to look into our problem.

Best Regards,

Christine Guignabaudet

P.S. Just a small point. In respect of the planning application form, who is the "owner" of a tree ? Is it the Freeholder or the Leaseholder of the land on which the tree grows ? Ms Scott-Moncrieff claims on her form that she is the owner as well as the applicant. Is this so ?



Helping bees, plants & people

19th October 2015

To: Christine Guignabaudet
25, Nassington Road
London
NW3 2TX

Re: Cherry Tree in garden at above address



Dear Christine,

Following a repeat assessment of the health of the Cherry Tree in the garden I report that it continues to be badly overgrown with Jasmine and Wisteria plants which have not been maintained and consequently the tree is now in imminent danger from being smothered by these climbing plants. These are preventing sunlight from reaching most of the leaves of the Cherry Tree and also starving its roots of moisture and nutrients. Even if the Jasmine and Wisteria are now pruned back or removed from the Cherry Tree it will have suffered permanent damage and may even die as a result of the lack of proper maintenance.

If you have any further queries relating to this matter please do not hesitate to get in touch.

Your Sincerely,

Alan Hulme

*Alan Hulme M.Sc. Dip.Hort.(Kew)Hons Director
Urban Organic Community Interest Company
136 Whitegate Drive, Blackpool, Lancashire FY3 9ES UK*





Helping bees, plants & people

3rd July 2014

To: Christine Spence
25, Nassington Road
London
NW3 2TX

Re: Cherry Tree in garden at above address

Dear Christine,

After assessing the health of the Cherry Tree in your garden I report that it is badly overgrown with both a Jasmine and also a Wysteria plant smothering most of its branches and leaves. These are preventing sunlight from reaching most of the leaves of the Cherry Tree and also starving its roots of moisture and nutrients. If the Jasmine and Wysteria are not pruned back or removed from the Cherry Tree as soon as possible then permanent dieback or possibly death of the tree will occur.

If you have any further queries relating to this matter please do not hesitate to get in touch.

Your Sincerely,

Alan Hulme

*Alan Hulme M.Sc. Dip.Hort.(Kew)Hons Director
Urban Organic Community Interest Company
136 Whitegate Drive, Blackpool, Lancashire FY3 9FS UK*

ANNEX

Trees Nassington Rd Annex

2006/2982/T

25 Nassington Road, London, NW3 2TX GARDEN: 1 x Cherry Plum - Fell to ground level. 1 x Cherry - Fell to ground level. 1 x Ash - Crown reduce by 30%. WITHDRAWN 03-07-2006
Withdrawn Decision

2006/3301/T

25 Nassington Road, London, NW3 2TX REAR GARDEN: 1 x Cherry Plum - Fell to ground level.
REAR GARDEN, ALONG LEFT HAND SIDE BOUNDARY: 1 x Cherry - Fell to ground level.
REAR GARDEN, ALONG REAR BOUNDARY: 1 x Ash - Reduce overhanging branches of one ash by up to 30%, thin by up to 15% and shape (amendment agreed and confirmed via email from Dick Tomlinson on 17/08/2006)FINAL DECISION 20-07-2006 No Objection to Works to Tree(s) in CA

2007/0245/T

25 Nassington Road, London, NW3 2TX DDD - REAR GARDEN: 1 x Cherry Plum - Fell - DDD
FINAL DECISION 22-01-2007 No Objection to Emergency

2007/1034/T

25 Nassington Road, London, NW3 2TX REAR GARDEN: 1 x Ash (Self-Seeded) - Remove.
WITHDRAWN 05-03-2007 Withdrawn Decision

2007/1389/T

27 Nassington Road, London, NW3 2TX REAR GARDEN: 1 x Bay - Cut the tree back to about 1.5m. FINAL DECISION 26-03-2007 No Objection to Works to Tree(s) in CA

2007/1462/T

25 Nassington Road, London, NW3 2TX REAR GARDEN: 1 x Ash - Reduce in height to 6m.
WITHDRAWN 28-03-2007 Withdrawn Decision

2007/4139/T

25 Nassington Road, London, NW3 2TX REAR GARDEN: 1 x Ash - Reduce the top of the crown by no more than 1.5m and lightly reshape the crown to leave a natural outline. This will involve pruning back a few overlong branches only. FINAL DECISION 29-08-2007No Objection to Works to Tree(s) in CA

2008/5117/T

25 Nassington Road, London, NW3 2TX REAR GARDEN: 1 x Apple - Reduce to previous points.
FINAL DECISION 31-10-2008 No Objection to Works to Tree(s) in CA

2010/0459/T

25 Nassington Road London NW3 2TX REAR GARDEN: 1 x Apple Tree - Remove 1 dead branch, 1 competing leader on main branch and 1 low crossing branch. FINAL DECISION 27-01-2010 No Objection to Works to Tree(s) in CA

2011/5261/T
25 Nassington Road London NW3 2TX (TPO Ref: C753) REAR GARDEN: 1 x Ash - Reduce close to the previous reduction points. Remove dead wood and reshape. Remove one large limb.
FINAL DECISION 19-10-2011 Part Granted/Refused

2011/5263/T
25 Nassington Road London NW3 2TX REAR GARDEN: 1 x Apple - Reduce close to previous reduction points. Remove deadwood and reshape. 1 x Cherry - Remove 2 x branches. 1 x Unspecified Tree - Remove 1 x branch. FINAL DECISION 19-10-2011
No Objection to Works to Tree(s)

2011/5265/T
27 Nassington Road London NW3 2TX (TPO Ref: C753) REAR GARDEN: 1 x Oak - Raise crown by removing the lowest branch. FINAL DECISION 19-10-2011 Approve Works

2014/7179/T
25 Nassington Road London NW3 2TX WITHIN GROUNDS: 1 x Cherry - Remove wisteria, reduce back from building by 1.5m and remove branch growing to the Goat Willow. 1 x Goat Willow - Remove 2 x low branches & 1 x sub lateral, thin crown by 20%. 1 x Apple - Open up and thin 20%. 1 x Cherry - Grind the major root 300mm below soil. FINAL DECISION 18-11-2014 No Objection to Works to Tree(s) in CA

2014/7178/T
25 Nassington Road London NW3 2TX (TPO Ref: C753 T1 2008) WITHIN GROUNDS: 1 x Ash - Remove low lateral to the right, reduce left back to 3m. Prune back to previous reduction points. Remove dead or dying wood.

2016/1081/T
27 Nassington Road London NW3 2TX (TPO REF. C753-T2 2008) REAR GARDEN: 1 x Oak T2 - remove 1 low limb over compost heap at 3m - max cut size 2 inches, remove 1 low limb over shed at 5m - max cut size 4 inches and remove 2 low limbs over garden at 6m - max cut size 4 inches.
REGISTERED 26-02-2016

2016/1048/T
25 Nassington Road London NW3 2TX (TPO REF. C753-T1 2008) REAR GARDEN: 1 x Ash T1 - thin all regrowth by 50% and remove 6 to 8 small limbs from the upper crown to thin and rebalance.
REGISTERED 26-02-2016