



# Quaife Woodlands

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21<sup>st</sup> March, 2016

Our Ref: AR/3492L/jq

Mr G. Oxford,  
Planning Arboricultural Officer,  
London Borough of Camden,  
Town Hall,  
Judd Street,  
London. WC1H 9JE

[gerry.oxford@camden.gov.uk](mailto:gerry.oxford@camden.gov.uk)  
0207 974 4983

**Town and Country Planning (Tree Preservation)(England) Regulations 2012**  
**Application under Tree Preservation Order C761**  
**in respect of the proposed removal of a tree at 3 Frognal Lane NW3 7DY**

Dear Mr Oxford,

I am instructed by Kelly Harlock to submit an application for the removal of a lime at the address above for the reasons I have set out below.

You will be aware that the TPO was made in the first place because the subject tree had been implicated in subsidence damage to a neighbouring property, but this was not demonstrated and the tree was retained. However, subsequently the owner became concerned that the tree was inappropriate for the circumstances of the site and proposed to remove it and replace it with two indigenous trees of naturally modest mature height. This was the subject of a formal application reference 2014/6425/T, which was refused consent on the 4<sup>th</sup> November 2014 on the basis of there being a lack of evidence to support the proposal.

## **The Subject Tree**

1. The subject tree is located in the front garden of No.3 immediately behind the road frontage wall on land approximately 2.3 metres higher than the level of the roadside pavement.
2. The tree is a mature common lime about 15 metres in height with an estimated stem diameter at 1.5 metres (over burs) of 75 centimetres. The crown has an average spread radius of 9 metres with asymmetry away from the adjacent lime in the front garden of No.1, and has been pruned on several occasions in the past, see photograph A on page 2. I have marked on this photograph the apparent past pruning points, with what appears to be the original pollard at approximately 4 metres, a second major truncation at about 8 metres, and the last pruning which reduced the crown overall. There may well have been other pruning events but the profuse ivy growth obscures any clear view.

- The tree is in a healthy and sound condition and does not present any unacceptable level of risk.

**Proposed Work**

- The proposal is to remove the subject tree and to grind out the roots and/or kill them with an appropriate herbicide used in accordance with the manufacturer's recommendations.
- A replacement trees is to be planted in a position and of a species to be agreed with you, although the intention is to choose a tree with a naturally modest mature size.

**Reasons for the Proposed Removal**

- The tree has become an unreasonably onerous maintenance obligation for the property and is unnecessarily oppressive in combination with the other road frontage trees.
- The tree and its roots are in contact with the wall and are beginning to exert pressure. There is no visible cracking (photograph B), although the upper part of the wall is obscured by ivy. There is pronounced cracking on the wall fronting No.1 (photograph C).
- Although the wall at No.3 is not compromised at present, given the same circumstances of the lime and wall at No.1 there can be no doubt that the occurrence of similar cracking is foreseeable. If the tree were removed now it would prevent the otherwise inevitable damage to the wall.



View of the subject lime looking from the house with the entrance from the pavement arrowed in yellow.

- 1<sup>st</sup> pollard
- 2<sup>nd</sup> truncation
- last crown reduction



### **Justifications for the Proposed Removal**

9. I have reproduced an extract from the Council's Redington and Frognal Conservation Area, sub area 7 Statement below insofar as it relates to Frognal Lane.

Whilst Frognal Lane is of a generally uniform and consistent character on its southern side, to the northern side there is a wide mix of quality and styles of architecture. The three storey late Victorian red brick houses towards the eastern end of the road (Nos. 15-19), and the neo-Georgian houses at Nos. 9-13 Frognal Lane, contribute to the street. Nos. 1 & 3 Frognal Lane and Bracknell Gate are well set back from the road and their main contribution to the character and appearance of the street is the original boundary wall which is partly constructed from "lava" bricks – misfired bricks from the local brickfields. Bracknell Lodge at the junction with Bracknell Gardens has been radically altered over the years and its corner entrance feature has been diminished as a result. At the junction with Finchley Road is the listed United Reform St Andrew's Church c 1902-4, by Pile and Balfour. In coursed, snecked rusticated rubble with Bath stone dressings and slated roofs it forms an entrance to the Conservation Area. Roadside trees on Frognal Lane help to maintain the residential feel of this well used east-west route. At its eastern end Frognal Lane lies within the Hampstead Conservation Area and is described in the Hampstead Conservation Area Statement.

The consistency of architectural style within this sub area is not matched by a consistency in character of the three constituent roads. The Finchley Road is a busy and noisy environment and is quite unlike the roads that lead off it. The houses lining the eastern side of this road provide a fine backdrop to a comparatively poor environment.

#### **Buildings and features that detract from the character of the area and would benefit from enhancement**

- Roof additions to No.10 Langland Gardens.
- Flue at front of 6 Frognal Lane
- Painted brickwork at 240 Finchley Road

#### **Elements of streetscape that make a positive contribution to the Conservation Area**

- **Street trees are sporadic on Frognal Lane.**
- Low walls on the south side of Frognal Lane
- Boundary walls to the frontages of Nos.1 and 3, and Bracknell Gate, Frognal Lane are original and incorporate **"Lava" bricks.**
- Trees and hedges within the front gardens of Langland gardens junction.
- Where boundary walls **remain intact** there is consistency in character in the street.

10. The presence of **"sporadic" street trees** is stated by the Council as a positive contribution to the Conservation Area. Given that Conservation Areas are designated for architectural reasons and the protection afforded to trees is in relation to the setting they provide, this is a perfectly understandable comment as had trees been more frequent they would have obscured the very built form that is the subject of the Conservation Area. Gaps in the trees reveal the buildings to good effect and to the benefit of the visual amenities of the street.

11. The subject tree clearly post-dates the house and in the absence of records to describe the original tree planting design and any subsequent removals, if that has been the case, one may assume that it was not part of the original design concept. I can understand why the Conservation Area Statement values the gaps and the removal of the subject tree would be entirely consistent with conserving the character and appearance of the street.



12. The "lava" brick road frontage wall to 1 and 3, and Bracknell Gardens is of special mention, in which its originality and type of brick is a specific criterion of the value of the Conservation Area - so much so that their intactness is a specific objective.
13. The intermittent street trees of Frogmal Lane, the "lava" brick road frontage wall, and its intactness form three of the five positive contributory factors in the Conservation sub Area Statement, and these apply directly in relation to No.3.
14. As they stand these three factors alone are sufficient justifications for the removal of the subject tree. Fortunately the structural integrity of the road frontage wall has not been compromised, but the risk to it is clear, inevitable and foreseeable.
15. The presence of the subject tree is not consistent with the description of the Conservation Area's value in the specifically described terms, and as a more recent and evidentially incongruous addition to the street scene, it should be removed.
16. Whereas the removal of the subject tree is consistent with the requirements of the Conservation Area Statement, its loss is mitigated by the mature trees to each side. The removal of the subject tree will only be apparent when passing by No.3, as the oblique views from the east will be against the backdrop of the tree in No.1, and that same tree will hide the views from the west – see the two photographs below..



View of Frogmal Lane looking to the east showing the subject tree screened by the yew



View of Frogmal Lane looking to the west showing the subject tree screened by the lime

### Replacement Tree

17. The owner's intention had been to provide a replacement tree. This would not have been a requirement had this application been a Section 211 Notice in respect of proposed tree works within a Conservation Area, but the tree is the subject of the TPO and the Council has the discretion of requiring a replacement tree to be planted.

18. With due consideration of the specific criteria of the Conservation Area in relation to No.3, a replacement tree even of a species of modest mature size, would in time inevitably replicate the problem caused by the subject tree.
19. The fundamental requirement for a replacement tree for a TPO is to ensure that the public amenity value of the removed tree is not lost. Indeed in the consideration of making a TPO one of the essential appraisal factors is whether the removal of the tree would detract from the public amenity of the area. Public amenity is not specifically described in the Act but is understood to centre upon visibility to which the other benefits of trees (aside from those aspects covered by other legislation) are ancillary.
20. In the particular circumstances of the subject tree, it is misplaced in the terms described in the Council's Conservation Area Statement. As its removal would accord with that Statement, as a consequence there is no imperative to plant a replacement tree.
21. The owner's offer to plant a replacement tree in the 2014 TPO work application was in respect of the different reasons advanced to justify the removal of the subject tree. This application is completely different.
22. With reference to the conservation of the road frontage boundary wall this has the prospect with attentive maintenance of lasting the lifetime of several trees. As such it is clearly more valuable. However, the owner's intent to plant a replacement tree was genuine.
23. However, there is no pragmatic or policy directive to plant a replacement tree for the various reasons I have set out above, but that is not to say that the owner is indifferent to the presence and value of trees. There is no requirement necessarily for a TPO replacement tree to be of the same species or in the same position, or even on the same property as the removed tree. Accordingly the owner would be very happy to sponsor the planting of a tree elsewhere in the Conservation Area in a position and of a species of the Council's choice. This is not an uncommon solution to this type of situation.

## **Conclusions**

The subject tree is in good condition and structurally sound, and it does not present any appreciable level of risk to persons or property other than to the road frontage wall. This wall is of immense importance to the character and appearance of the street, as described specifically in the Conservation sub Area Statement.

This statement sets out five factors which contribute positively to the merits of the Conservation Area and three relate directly to this proposal;

- the desirable gaps between trees so that the conserved architecture is visible,
- the intrinsic value of the "lava" brick road frontage wall, and
- the avoidance of anything which might compromise the intactness of the wall.

The subject tree obscures the building which has stated architectural value as a significant component of the Conservation Area. Its loss will not be injurious to or diminish the character and appearance of the street, but will be an improvement to the Conservation Area.

The subject tree will in time inevitably damage the wall and as the wall is clearly more valuable to the Conservation Area, the tree should be removed before any appreciable damage occurs. There is currently no evidence of damage but it would be fundamentally wrong and irresponsible to wait until it has. The eventual compromise to the wall is clearly foreseeable.

Whereas the removal of a TPO protected tree almost invariably requires a replacement tree to be planted by default, in this instance a new tree is not desirable in this position as it would be contrary to the Conservation Area Statement in the same way as the subject tree. It could conceivably be planted farther back from the wall but that does not alleviate the issue of the visibility of the building.

If there should be any questions please direct them to me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jim Quaife". The signature is written in a cursive style with a large initial "J" and a prominent "Q".

Jim Quaife