



Appeal Decision

Site visit made on: **28 April 2016**

By: Jim Unwin BSCFor MICFor FArborA CEnv.

an Arboricultural Inspector appointed by the Secretary of State for Communities and Local Government.

Decision date: 02 June 2016

Appeal Ref: APP/TPO/X5210/5103
No 20 Highfields Grove, London, N6 6HN.

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order (TPO).
 - The appeal is made by Dr Paul Simpson, against the decision of the London Borough of Camden.
 - The application Ref: 2015/6160/T dated 03 November 2015, was partially refused and partially granted by notice dated 31 December 2015.
 - The work appealed is refusal of consent for felling seven sycamores, T2-6 and T9 & T10 of the TPO.
 - The relevant Tree Preservation Order is the *London Borough of Camden Tree Preservation Order C1160 of 2015 (Land in the rear and front garden of 20 Highfields Grove London N6 6NN)*, which was confirmed on 31 December 2015.
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Decision

1. I grant the appeal to fell four sycamore trees, numbered 12 (T3 of TPO), 14 (T4 of TPO), 16 (T6 of TPO) & 17 (T10 of TPO) on Simon Jones Associates' (SJA) plan dated October 2015 ref SJA TWP 15275-01, subject to the following conditions:-
 - i) The felling for which consent is hereby granted shall be implemented within two years of the date of this decision.
 - ii) Felling shall comply with *BS3998:2010 British Standards Tree Work – Recommendation*, section 4, in order to minimise damage to retained trees.
 - iii) The appellant is to notify the Council in writing or email giving five working days of the proposed day of felling, in order to provide the Tree Officer with the opportunity to meet the contractor if he/she so wishes.
2. The appeal to fell three sycamore trees is refused, numbered 11 (T2 of TPO), 15 (T5 of TPO), & 18 (T9 of TPO) on Simon Jones Associates' plan dated October 2015.

Preliminary matters

3. There are several similar trees within the garden of No 20, and SJA used two numbering systems. Therefore, I numbered the seven appeal sycamores with

discrete green paint numbers at their bases. The numbering used was Simon Jones Associates' plan dated October 2015 ref SJA TWP 15275-01, not the TPO numbering which is less clear. I informed the appellant at my site visit of my action. An extract from the SJA plan is appended to this decision.

Main Issues

4. I consider the main issues in this appeal are:
- the impact the proposals would have on the appearance and character of the locality, and
 - whether the reasons given for felling some or all of the sycamores are sufficient to justify that course of action.

Reasons

Appearance and character of the locality

5. Highfields Grove is located within a large area of individual and very varied domestic properties, just east of Kenwood House and Hampstead Heath, and within Highgate Village Conservation Area. The whole area lies within a shallow valley dropping gently to the south.
6. No 20 is within a discrete development, as a nearly-rectangular plot dropping south west from the private access road. The house and garage occupy the eastern end giving a very small front garden, mainly parking. The rear garden drops from the levelled house plinth, as lawn, paths, shrubbery and trees. The south-western (end) boundary drops in a vegetated bank to The Hexagon cul-de-sac access road, which has houses set close to its south-west side.

Amenity value of the appeal trees

7. The whole locality is well endowed with trees, being a mixture of copses such as the sycamore copse occupying the compound adjacent to No 20's north-west (side) boundary, and belts of trees between properties and along roads, such as the belt of trees including limes, horse chestnuts and sycamore in the boundary between The Hexagon and the end of No 20. There are also many trees retained in gardens when houses were built, such as occurred at Highfields Grove.
8. There is much discussion within this treework application and appeal from the appellant, Frank Spooner of SJA his arboricultural consultant, the Council and two neighbours about the landscape value of the appeal trees and their surroundings. The surroundings are a very 'sylvan' or wooded landscape, which is an important characteristic of the Highgate Village Conservation Area.
9. I consider that the appeal sycamores T11, 12, 14, 15 & 16 are generally slender (etiolated from mutual competition for light) trees with small canopies, but 17-18m tall, which have grown up to form a belt of high foliage bracketed by oak T9 at the south-eastern end and sycamore T19 at its north-west end. They contribute to the wooded character of the area.
10. Sycamores T17 & T18 are taller with bigger canopies, and closer to the house. They also contribute to the wooded character of the area.

Impact of tree removal on local amenity value and the character of the Conservation Area

11. Removal of the seven appeal trees would leave a significant gap in the local tree canopy. I accept that it might not be visible in distant views, but it would be seen from closer by. It would erode the wooded character of this part of the Conservation Area. Strong justification would be required to remove the trees.

Garden improvement

12. The large garden of No 20 wraps around the western end of the house, and is very enclosed by trees, both within and beyond its boundaries. However, it has been well-planted with shade-bearing plants, and at my site inspection did not appear unkempt. This garden would always have a wooded character even if all the appeal trees were removed. Therefore, whilst being sympathetic to the appellant's desire to open the garden, I do not think it justifies such extensive tree removal as proposed.

Tree condition

13. The trees at No 20 have generally grown up closely-spaced, and now many have insufficient canopy space to develop. Much has been made in this appeal about the method of tree inspection and safety assessment. My silvicultural experience of thinning out dense broadleaved woodland stands suggests that a stem diameter-to-height ratio is a pessimistic arbiter of tree stability in a stand of trees which provide mutual shelter. I further agree with the Council that the assessment of all the appeal trees as 'poor' or 'indifferent' is perhaps lacking in clarification or differentiation.
14. T11 is a slender upright tree with good potential. T12 leans south over off-site limes. It has less potential. T14 has no space to develop. T15 has a small crown but it has some space around it, and has potential to develop. T16 has a bent stem with limited potential. T17 is only 10.5m from the corner of the house. Although like all of the appeal trees it is set on lower ground which reduces its dominance, is already almost touches oak T9 and beech T7. T18 has a narrow fork at 5m height, but the main stem below has sufficient thickness to support both upper stems. It has room to develop, being about 12.7m west from the corner of the house.

Trees for retention

15. Based on the brief discussion of the trees above, I consider T11, T15 and T18 are suitable for longer-term retention. Removal of the other four appeal trees will provide them, and other trees, with more space to develop, and allow more light to the garden below.

Replacement tree

16. The appellant has proposed oak and beech as replacement trees if the appeal is granted. Replanting with beech might be appropriate insofar as it tolerates overhead and side shade. However, within a few decades the level of shading and over-bearing would be worse than the sycamores they would replace. Oak

is less shade-tolerant than beech, but would soon develop a dense canopy, and would be equally unsuitable in this garden.

17. The tree removal I am permitting in this decision is effectively a thinning operation. The retained trees will expand their canopies laterally. Therefore, there is insufficient space for replanting. So replacement trees are not required.

Other matters

Protection of retained trees

18. The trees to be removed are close to retained and protected trees. Therefore, it is important the trees are felled and removed in a manner to avoid damage. BS3998:2010 provides guidance on this, which should be followed.

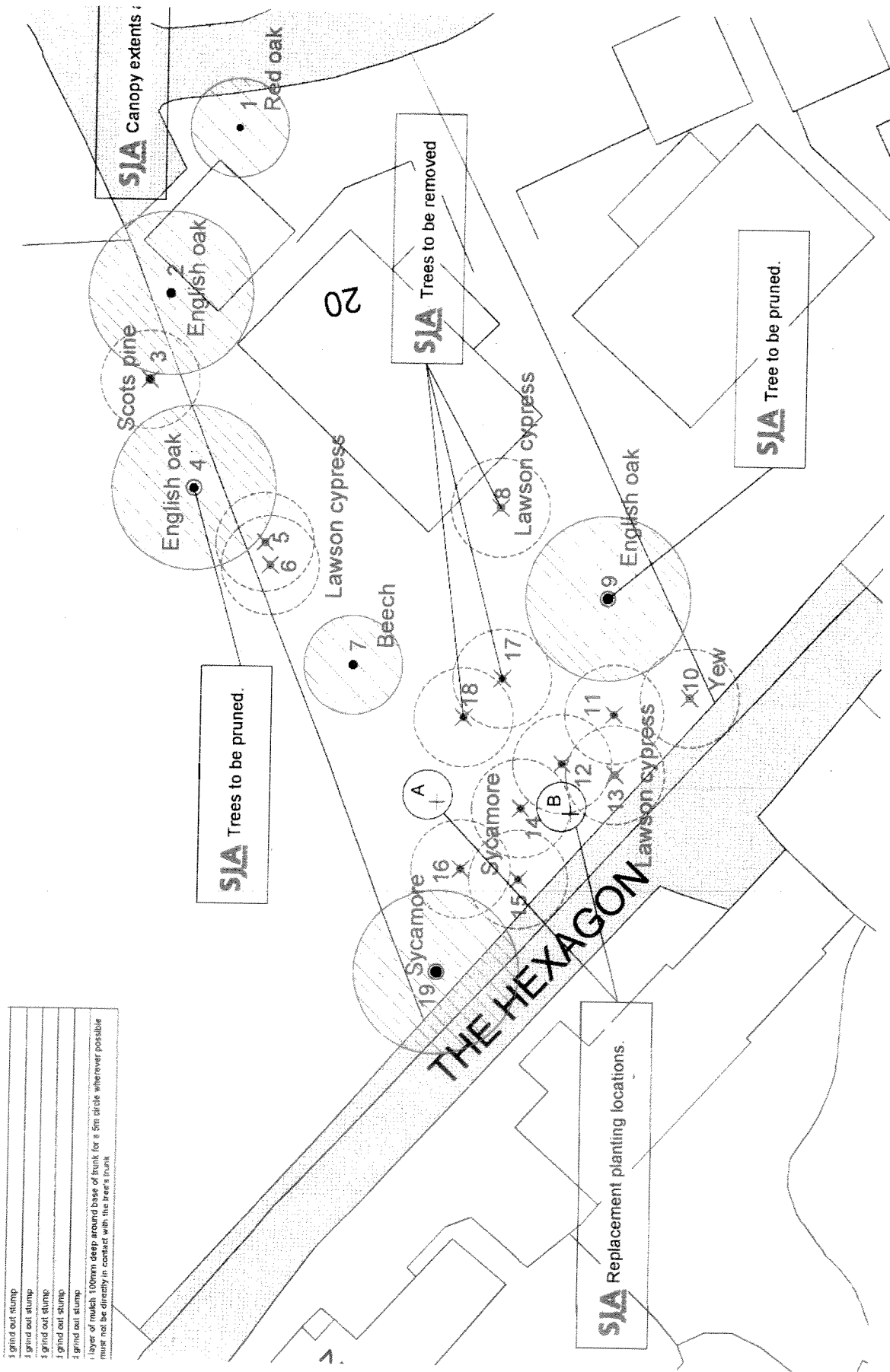
Conclusions

19. The appeal sycamore do add to the wooded character of the surrounding of No 20 Highfields Grove, and add to the character of Highgate Village Conservation Area. However, there are too many trees in the garden, and they are competing for space and light.
20. Removal of all the appeal trees is not required to improve the garden. Therefore, I grant the appeal to remove four sycamores, subject to conditions. I dismiss the appeal to remove three other sycamores.

Jim Unwin

Arboricultural Inspector.

Appended overleaf: extract from Simon Jones Associates' plan dated October 2015 ref SJA TWP 15275-01, showing tree numbering used in this decision.



- 1 grind out stump.
- 2 grind out stump.
- 3 grind out stump.
- 4 grind out stump.
- 5 grind out stump.
- 6 grind out stump.
- 7 layer of mulch 100mm deep around base of trunk for a 5m circle wherever possible must not be directly in contact with the tree's trunk.

