

Delegated Report		Analysis sheet	Expiry Date:	22/06/2017
		N/A / attached	Consultation Expiry Date:	
Officer			Application Number(s)	
Nick Bell			2017/2692/T	
Application Address			Drawing Numbers	
37 Roderick Road London NW3 2NP				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
REAR GARDEN: 1 x Willow - Fell				
Recommendation(s):				
Application Type:	Notification of Intended Works to Tree(s) in a Conservation Area			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	06	No. of responses	02	No. of objections	01
			No. electronic	00		
Summary of consultation responses:	<p>The Council received one objection, which can be summarised as:</p> <ol style="list-style-type: none"> 1. For all the reasons stated in these representations, in the circumstances it is expedient in the interest of amenity to make a TPO over the Willow tree. 2. The loss of an established tree within the conservation area is directly contrary to the Council's management plan for the area, and represents harm to the Conservation Area. 3. A TPO would be in keeping with the Council's stated aim of resisting loss of soft landscaping in rear gardens whereas permitting the tree to be lost would be counter to this aim. 4. The evidence in support of the application to fell is flawed for several reasons. <p>One letter of support was received which can be summarised as:</p> <ul style="list-style-type: none"> • Strongly support felling this tree. Too big for its location, overshadowing neighbouring gardens. • Owners have done their best to prune back but it is a monster! 					
CAAC/Local groups* comments: *Please Specify	None received					

Site Description

Relevant History

Relevant policies

LDF Core Strategy and Development Policies

Assessment

Due to alleged vegetation-related property damage at 39 Roderick Road the insurance provider of the property owner has submitted a s.211 notification to remove a tree. The supporting documents allege that a tree at 37 Roderick Road is the likely cause of the damage.

The tree the notification relates to is a middle-aged willow tree situated within the rear garden of 37 Roderick Road, a residential property situated within the Mansfield Conservation Area. The tree appears to be of normal vitality for its species and in good physiological and structural condition. The tree has been maintained by crown reduction on a cyclical basis.

The engineer's report submitted with the notification states that the level of damage to the single storey rear extension at 39 Roderick Road is "slight" (Category 2 – cracks less than 5mm in width) in line with BRE Digest 251 "Assessment of damage in low buildings". The BRE document goes to state in relation to this type of damage:

"Cracks easily filled. Recurrent cracks can be masked by suitable linings".

The arboricultural report states that:

"level monitoring is in place however readings are not yet available".

No level monitoring has been submitted with the notification to demonstrate that the movement is cyclical in nature and therefore likely to be vegetation related. The arboricultural report states that:

"Whilst we have given consideration to pruning as a means of mitigating the vegetative influence of the above, this has been discounted. Pruning is generally ineffective and in the context of the current claim we consider the above vegetation too large and close for pruning to be effective."

Should it be demonstrated that the movement is vegetation related, it is unclear why heavy pruning has been discounted as viable method to control the movement. Willow trees are able to tolerate heavy pruning due to their genetic high vigour and in this case the owner of the tree actively manages the tree by pruning it back to previous points of the reduction on a cyclical basis. Pruning the tree beyond the existing reduction points and establishing a biennial pruning programme back to these points could be an effective method of controlling the moisture the tree is removing from the soil with the need to remove the tree.

The information submitted is not considered sufficient to implicate the willow tree as the likely cause of

the property damage.

Current tree preservation order (TPO) guidance states that:

“The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.”

The tree is visible to residents of some properties on Roderick Road and Lisburn Road but not to the public. Trees in other rear gardens block the view of the willow tree from some properties that would otherwise have views of the tree. The guidance goes on to state that:

The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape; and*
- *contribution to the character or appearance of a conservation area.*

The tree is of a medium size, approx. 10m in height. The future potential of the tree to reach its natural, unrestricted, ultimate form is considered inhibited by the building immediately to the south, to which the tree is in close proximity. The tree is of no known rarity, cultural or historic value. The tree is considered to contribute to the character or appearance of the conservation area to some degree but its removal is not considered harmful to the character of the conservation area due an overall low level of visibility. The Council will resist the loss of trees within the Mansfield Conservation Area in line with the Mansfield Conservation Area Appraisal. However, this does not mean a TPO will be served for every rear garden tree that is proposed to be removed. The Council will serve TPOs in the interests of amenity on trees that that are considered significant to the character of the conservation area. However, in this case it is not expedient for The Council to serve a TPO.

The Council does not wish to object to the proposed works.