



Est. 1897

# The Heath & Hampstead Society

**President** Lord Hoffmann **Vice-President** Martin Humphery **Chair** Marc Hutchinson  
**Patrons** Lady Hopkins Sir Simon Jenkins Bill Oddie OBE Tom Oliver Sir John Tusa

The Society examines all Planning Applications and tree Notices of Intent relating to Hampstead and Hampstead Heath Fringes, and assesses them for their impact on conservation and on the local environment.

## To London Borough of Camden, Development Control Team

**Planning Ref:** 2019/2155/T

**Address:** 2 Cannon Place

**Description:** **Proposal** REAR GARDEN: 1 x Portuguese Laurel (T1) - Fell to ground level. 1 x Yew (T2) - Fell to ground level. 1 x White Bean [sic] (T3) - Fell to ground level. 1 x Viburnum (T4) - Fell to ground level. 3 x Yew hedge (T5) - Multi stem - Fell to ground level. 1 x Garrya (T6) - Fell to ground level. 1 x Hazel (T7) - Fell to ground level.

**Case Officer:** Tree Officer Tom Little

**Date:** 14th May 2019

The importance of the trees to local amenity and their retention has been mentioned in several recent previous planning applications:

## 2018/0847/P Previously refused & appealed planning application

### Delegated Refusal Report

Officer: Alyce Keen

3.4. The host dwelling is situated on a prominent corner site in Hampstead conservation area. Due to the dwellings layout and location on a corner, the western side elevation is prominent and clearly visible from various vantage points.

3.5. The site is adjacent to three listed buildings, Christ Church Primary School, Children's Nursery and no.1 Cannon Place. Therefore the impact of the proposal on the setting of these listed buildings is of concern.

3.10. Council acknowledges that a reasonable sized garden would be retained. However, the oblique footprint of the extension projecting out into the garden at an angle is not considered appropriate in respecting the open character and relationship between the building and existing garden. This oblique footprint in combination with the form and detailed design, results in an increase to the extension's prominence and visibility.

### 5. Trees

5.1. The existing Cherry Tree is proposed to be retained. If the scheme were considered to be appropriate a Tree Protection Plan would have been conditioned to ensure the Cherry Tree will be preserved.

Following the refusal, a **Householder Appeal** was lodged:

**'Grounds for Appeal'** on behalf of the applicant by Kristian Kaminski, architectural historian:

The house is located on the south side of Cannon Place on the corner of Christchurch Hill and forms part of a pleasing group of mid-19th century semi-detached villas and other historic



*buildings. The house has a sizeable front, side and rear garden. The side and rear garden is enclosed by a brick wall and fencing as well as being heavily planted so that it is screened from the street. Consequently, there are limited public views of the side and rear garden.*

This is an argument for why the taller trees that overlook the wall are important.

*The house has a sizeable front, side and rear garden. The side and rear garden is enclosed by a brick wall and fencing as well as being heavily planted so that it is screened from the street. Consequently, there are limited public views of the side and rear garden. Consequently, 2 Cannon Place makes a positive contribution to the significance of the Hampstead Conservation Area by virtue of its age, quality, materials and landscaped garden setting. For these reasons it also makes a positive contribution to the setting of the GII listed 1 Cannon place, Christ Church and Christ Church School.*

**Appeal Decision (Appeal Ref: APP/X5210/D/18/3205555 Planning Application 2018/0847/P)**

Site visit made on 24 September 2018 by Joanna Reid BA(Hons) BArch(Hons) RIBA, Inspector

Decision

dated: 8 October 2018

*1. The appeal is dismissed.*

Reasons

*3. The appeal site is on a prominent corner where Christchurch Hill slopes up to its junction with Cannon Place. ... Due to its siting and the topography, which slopes down to roughly south east, the existing dwelling, and the openness and vegetation in its front, side and back garden, make a positive contribution to the character and the appearance of the Conservation Area.*

*4..... The site is within the Christchurch/Well Walk sub area, ... mainly characterised by the historic network of streets and spaces and the wide range of listed and historic buildings. The variety in the mostly C18 and C19 historic building types and styles close by, the use of traditional materials, and the verdant hillside gardens and spaces, are important to its appearance. These features of the Conservation Area contribute positively to its significance as an area of historic townscape.*

The Conservation Area Statement, Tree Officer reports and Appeal Inspector's report show that the trees here are really important in the street treescape. This alone is enough justification for TPOs to be put on them. It seems there were some TPOs a long time ago, but these are out of date - most if not all of the former TPOed trees are probably gone. This situation needs up-dating, and the Notice of Intent provides an opportunity to do just that, possibly with a group TPO?

**2017/5996/P previous Consented Planning Application**

**Consultation Summary Officer response:**

*The local residents at no. 57 and 59 Christchurch Hill have objected to the proposal for the reason of the removal of the Cherry Tree. Council's trees officer has reviewed the proposed removal of this tree and noted that it is in a very prominent position on the corner and is quite a distinctive specimen. The officer also does not agree with the arboricultural assessment that the tree is of low value and is not worth retaining. He recommended that it*

should be retained and can be along with the construction of the side extension. Subsequently, the applicant was requested to amend the proposal to retain the tree, in which they accepted. The submission of a Tree Protection Plan has also been conditioned as part of the approval.

#### **Conditions**

4 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction" and should include details of appropriate working processes in the vicinity of trees, and details of an auditable system of site monitoring. 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 in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

#### **Informative(s)**

1 Reasons for granting permission.

The existing Cherry Tree is proposed to be retained and a reasonable proportion of the garden would also be retained. A Tree Protection Plan has been conditioned to ensure the Cherry Tree will be preserved.

#### **Summary and main points of Objection**

Considering the strong planning evidence for tree retention and for the existing trees to be retained, I believe there is no cause to remove the yew tree and the yew hedge, the white beam and the hazel. The other shrubs should be retained, certainly until the new planting scheme and the new garden design is available for comment. The planning officers, tree officers and planning inspector clearly all agreed with (until now) the owner that the current garden design is appropriate for this prominent site.

I am concerned about the wording "Most of the specimens are over grown shrubs along the wallside". This is their charm. They are completely appropriate for Hampstead and in particular are a feature for this site which needs a less manicured look. Leaves, flowers and scent cascade over the walls of this corner plot, with interest all year around, softening the strong lines of the walls in this part of 'leafy Hampstead', contributing strongly to the street's amenity as well as providing anti-pollution properties for the benefit of 2 Cannon Place's residents, the school, Christ Church visitors and passing pedestrians.

Some trees or shrubs may not be to new owners' liking and may be replaced gradually over time, with new planting bedding in and expanding into small gaps. Low level planting can be renewed below. Wholesale clearance means this part of Hampstead with its important view of Christ

Church of which this corner forms a currently delightful setting will lose this amenity - its treescape - for a significant number of years. The position of this garden opposite a church and school and at the junction of several roads with many passing pedestrians means that the owners have a duty to those who look at the site from outside, not only to what they see from inside. They should be proud of their contribution to the visual amenity of this area, and keen to support the anti-pollution properties of the trees, shrubs and hedges of such a garden as a further amenity for themselves and for others.

Please refuse at least part of this Notice of Intent and review the TPOs here to protect this key site for the community and for the site's residents.

Dr Vicki Harding, Tree Officer Heath & Hampstead Society