



# *The Heath & Hampstead Society*

The Society examines all Planning Applications relating to Hampstead, and assesses them for their impact on conservation and on the local environment.

## **To London Borough of Camden, Development Control Team**

Planning Ref: 2019/3093/P  
Address: 9 Thurlow Road NW3  
Description: Erection of single storey rear outbuilding  
Case Officer: Josh Lawlor  
Date: 10 August 2019

As Tree Officer I am commenting on the effect of this planning application on the rear garden and trees of this property, on the trees and gardens of its neighbours, and on the Biodiversity Corridor J (BDCJ) 'Shepherd's Walk, Spring Walk and Spring Path' of the Hampstead Neighbourhood Plan within which this rear garden is sited.

It is also in the Fitzjohns / Netherhall Conservation Area (F-NCA), the F-NCA Statement describing the character and appearance of the area (page 10):

....the contribution of the streetscape is significant: the trees (public and private), the vegetation, the boundaries between private gardens and the street, the rear gardens. Large mature trees have a presence in nearly every view... Trees are an inherent and characteristic part ... of mixed sizes and species. Many are self-sown, a few may be the remnants of the first estates and gardens while others are more recent additions... The private landscape often contains significant trees, whether groups or individual specimens, contributing to the character of the area, visible from public places or perhaps from surrounding properties.

While the main entrance to 9 Thurlow Road is on Thurlow Road, the rear garden fronts onto Shepherd's Walk, just as it is about to become Spring Walk. The Biodiversity corridor and the rear gardens here are therefore not only of public amenity 'in gaps between properties' from Thurlow Road, but are also of significant public amenity to pedestrians using Shepherd's Walk and Spring Walk - a highly frequented public and safe pathway between two major roads and their amenities: Hampstead High Street with its shops and the Post Office Sorting Office; Fitzjohn's Avenue with its residencies, many schools and large elderly care homes/housing for the elderly. Indeed the views along Spring Path and Shepherd's Path on page 21 of the F-NCAS Views (Sub-Area Fitzjohns) are noted as worthy of protection.

The application forms for both 2019/2811/P and 2019/3093/P denied that there were any trees on the site or trees that might be affected in neighbouring gardens. Later an ash is admitted to in the centre of the garden because it is deemed too far away to be a constraint, when in fact there are several other trees along the rear garden boundary with Shepherd's Path - including a mature ash, another large canopied deciduous tree and a tall silver birch directly on the site of the development - and additional trees in neighbouring gardens, some only just over the boundary and very close to the proposed building. Most of these would have to be removed in order to build it. This will have several effects:

The line of trees along the rear garden/Shepherd's Path boundary will gain a large gap - rather like several missing teeth - having a detrimental effect on the streetscape and the CAS's important view along Shepherd's Path, and contrary to the F-NCAS (see above).

The removal or harm to such a large number of trees, light spill and noise from the proposed building and proximity to shielding habitat will have a very detrimental effect on wildlife in BDCJ.

The garden is already being cleared, removing some biodiversity value for the corridor. There is no proper tree plan or Arboricultural Constraints Report submitted with either planning application as required. Since there are also no details of how the foundations are to be dug to avoid tree roots, this is altogether too much of a risk to the trees of this Biodiversity corridor that supports bat, tawny owl, fox, bird and bumblebee populations. As the HNP states: 'There have been trees along this route on the south of Shepherd's Path for centuries', and as the CAS too states (page 16): '...the footpaths of Shepherd's Path, Shepherd's Walk and Spring Path, providing a reminder of the old field patterns...'

'Current Issues' in the CAS (page 36) include:

**Extensions, Conservatories, Backland**

A number of additions have harmed the character of the area and further inappropriate erosion will be resisted. In an area with large plots with open green land there is also pressure for backland development which can reduce the quality of the visual as well as the ecological environment.

and (page 42)

**Backland/Rear Gardens**

F/N32 Rear gardens contribute to the townscape of the Conservation Area and provide a significant amenity to residents and a habitat for wildlife. Development within gardens is likely to be unacceptable.

**BIODIVERSITY**

All species of bats receive the highest level of protection under the Habitats Regulations and the Wildlife and Countryside Act (1981) and the Countryside and Rights of Way Act (2000). This means the presence of such species are a material consideration in granting planning permission. Bats are known to regularly fly around the area so the value of the trees and other habitat in this biodiversity corridor - specifically, though not limited to, the many trees near to and directly affected by the proposed garden building site for roosting, feeding and maternity units needs to be sufficiently investigated according to the Bat Conservation Trust Guidelines (2016). These guidelines function as the Standing Advice for Natural England when considering that bats might be present on a site. This is to prevent loss of significant roosting sites and a reduction in food and shelter quality and to ensure any mitigation is suitable and accords with para 174 & 175 of NPPF (19 Feb 2019).

From neighbours' reports and the presence of a range of tree and shrub heights, including tall mature forest-type trees, it would appear that the site has at least a moderate potential for bats, so a survey along with static bat detectors left on site from April to October should have been done.

As the CAS states, this 'inappropriate erosion' should be resisted; development within [such] gardens is unacceptable.

If a moderate sized garden shed with hand dug piles to avoid tree damage, with no light spill and no noise pollution from sound systems was proposed, it should still ensure that trees are protected according to BS 5837:2012 and the biodiversity value of this Biodiversity Corridor improved upon, and not reduced.

Please refuse.

Dr Vicki Harding, Tree Officer Heath & Hampstead Society