

Delegated Report

Officer	Application Number(s)
Tom Little	2019/4491/T

Application Address	
Fitzjohns Mansions 10 Netherhall Gardens London NW3 5RS	

Proposal(s)
REAR GARDEN: 2 x Sycamores (T1 & T4) - Fell to ground level.

Recommendation(s):	No Objection to Works to Tree(s) in CA
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Application Type:	Notification of Intended Works to Tree(s) in a Conservation Area
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Consultations

Adjoining Occupiers:	No. notified	38	No. of responses	5	No. of objections	5
Summary of consultation responses:	<ol style="list-style-type: none"> 1. Lack of clear evidence - The monitoring and recommendations are inconclusive on the need to remove any trees, never mind up to 4. 2. Air quality - these trees are close to a school for young children near the highly polluting Finchley Road. During this Climate Emergency we need all the trees we can get and many, many more; mature trees, like the two Poplars, are especially important. 3. Neighbourhood beauty - the trees are situated in a Conservation Area and the greenery is what needs to be conserved. 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>The Netherhall Neighbourhood Association object to the proposed felling in the rear gardens of 27 Maresfield Gardens of two mature Poplar trees (referred to as T2 and T3), We also object to the felling of two mature Sycamores in the adjacent garden of 10 Netherhall Gardens (T1 and T4). Such loss would be a major loss to our Neighbourhood. Furthermore, residents in 27 Maresfield Gardens object to these proposals to fell the trees which would result in a significant loss to their amenity.</p> <p>As you will be aware, we are in a Conservation Area where mature trees and greenery are referred to in the 'Statement' as positively contributing to the Character of the Area. In addition, trees are also a necessary element in supporting our local wildlife as well as being a positive contributor to maintaining clean air. This last matter is of particular immediate relevance to our area where there are several schools and where Camden are currently looking to introduce a scheme to reduce high levels of local air pollution.</p> <p>We have been contacted by local residents expressing their horror at such devastating proposals to fell 4 mature trees.</p> <p>They inform us that a report from a structural engineer suggests the removal of only one tree, a Poplar in the rear garden of 24 Maresfield Gardens. However, the structural report identifies only minor structural movement which appears to be cyclical each year. It can best be described as flimsy evidence for felling the Poplar and is no evidence at all for felling the other popular and the two Sycamores. We are also informed that an Arboricultural Assessment Report suggests all four trees are in a poor condition. This on inspection appears to be incorrect particularly where the two poplars have, we are informed, been regularly monitored and treated by specialists and most recently, this year, pollarded.</p> <p>A resident in 27 Maresfield Gardens, objecting to the felling has written to you in detail on these issues. These trees are neither, dead or dying, dangerous or shown to be causing major structural damage. We therefore request you refuse permission to fell these trees and place a Tree reservation Order on them.</p>					

Assessment

As the sycamores are not covered by a TPO they were subject to a section 211 notification of intended works to trees in a conservation area, unlike a TPO application there is no requirement to give reasons for the proposed works. A section 211 notification gives the LPA six weeks to consider objecting to the proposed works. If the LPA wishes to object then it must serve a tree preservation order on the relevant trees. There are several criteria that must be considered when assessing the suitability of a tree for a TPO which can be broken down as follows (taken from the current planning practice guidance that LPAs use when assessing a tree):

Visibility

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.

In this case the sycamore trees in question have very low visibility from the public realm in that a very small sliver is visible down the side of the buildings, they are not considered to provide significant visual amenity to the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. 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;*
The sycamores are not particularly large or noteworthy example of their species.
- *future potential as an amenity;*
The height of the buildings will prevent these trees from ever having significant visibility within the public realm.
- *rarity, cultural or historic value;*
The sycamores are not a rare species or of any known cultural or historic value.
- *contribution to, and relationship with, the landscape;*
It is considered that the trees make a reasonable contribution to the landscape to the rear of the properties, however the lack of visibility from the public realm significantly reduces the weighting that this can be given when considering a TPO.
- *contribution to the character or appearance of a conservation area.*
The trees are considered to make a reasonably positive contribution to the character of the conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

The trees offer some benefits in terms of reducing pollution and absorbing CO2 however the current legislation does not put sufficient weight on to these factors to justify serving a TPO.

On balance mainly due to the lack of visibility it would not be expedient to bring these trees under the protection of a TPO