

Delegated Report

Officer

Tom Little

Application Number(s)

2019/6011/T

Application AddressGilling Court
Belsize Grove
London
NW3 4XD**Proposal(s)**

REAR CENTRAL COURTYARD: 1 x Lime (T1) - Fell to ground level.

Recommendation(s):

No Objection to Works to Tree(s) in CA

Application Type:

Notification of Intended Works to Tree(s) in a Conservation Area

Consultations**Adjoining Occupiers:**

No. notified

46

No. of responses

24

No. of objections

24**Summary of consultation responses:**

The objections can be found in the online documents

CAAC/Local groups* comments:

*Please Specify

Assessment

As the lime is not covered by a TPO it was 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 lime tree in question has low visibility from a public place, it is 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 lime is reasonably large however it is not a particularly noteworthy example of its species.
- *future potential as an amenity;*
The trees position relative to adjacent buildings will prevent it from ever becoming significantly visible from a public place.
- *rarity, cultural or historic value;*
The lime is not of a rare species or of any known cultural or historic value.
- *contribution to, and relationship with, the landscape;*
It is considered that the tree makes a positive contribution to the landscape within the courtyard area, 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 tree is considered to make a reasonably positive contribution to the character of the conservation area however this is limited to the courtyard 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 tree offers some benefits in terms of reducing pollution, absorbing CO2 and wildlife habitat however the current legislation does not put sufficient weight on to these factors to justify serving a TPO. Additionally the adjacent buildings are known to have subsidence issues and the area might be considered a 'subsidence hotspot'. Although no evidence has been submitted to demonstrate that the tree is causing subsidence the presence of a number of claims in this and adjacent buildings further undermine the case for bringing this tree under the protection of a TPO.

On balance primarily due to the lack of visibility it is not considered that it would be expedient to bring this tree under the protection of a TPO.