

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2020/0163/T

**Application Address**

39 Steele's Road  
London  
NW3 4RG

**Proposal(s)**

REAR GARDEN: 1 x Pear (T5) - 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	27	No. of responses		No. of objections	1
<b>Summary of consultation responses:</b>	<p>The proposed work to the tree in the rear garden "1 pear tree (T5)fell to ground floor"is considered not necessary for the following reasons:</p> <p>1The pear tree is more than 60 years old and of exceptional dimentions for a fruit tree.</p> <p>2 In the last 5 years has shown signs of decay having not increased in height and the crown losing significant density .lots of mature branches being dead have naturally fallen especially on very windy days,flowering is significantly weak.</p> <p>3 Regular monitoring with expert tree surgeons had been done regularly every year.</p> <p>4 The distance to the nearer point of property at N38 is 7.5mt. and the crown is 3m from the property at N,38</p> <p>5 On the Arboricultural report dated 2017 and 2019 no roots of the pear tree were found near the N38 property Cracks on the building at N38, in the section known as the Studio are probably caused by the fact that when built in the 19th century foundations were not complying with current regulations and are very weak . The nature of the soil is mainly clay and the increase in summer dry days are probably the main cause of the cracks.</p> <p>I think a visit from one of your tree specialists is warranted to properly review the situation. Please see attached photos of pear tree in relation to number 38 steeles road.</p>					
<b>CAAC/Local groups* comments:</b> *Please Specify	None					

## Assessment

As the pear 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 pear in question has some visibility from a public place, it is 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 pear is reasonably large for its species and could be considered to be a noteworthy example of its species. However it is showing significant signs of decline and lack of vigour.
- *future potential as an amenity;*  
The decline of the tree indicates that it has a limited safe useful life expectancy.
- *rarity, cultural or historic value;*  
The pear 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.
- *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.

### **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.

On balance mainly due to the lack of decline lack of vitality and the presence of a decay and significant deadwood it would not be expedient to bring this tree under the protection of a TPO.