

Delegated Report

Officer

Tom Little

Application Number(s)

2020/1692/T

Application Address34 Frognal
London
NW3 6AG**Proposal(s)**

REAR GARDEN: 3 x Limes - 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

29

No. of responses

5

No. of objections

5

Summary of consultation responses:

1. Trees should not be cut down because of badly designed/constructed buildings
2. The trees form part of a corridor between the buildings
3. They are enjoyed by many residents not just the residents directly adjacent to the trees
4. The trees provide important habitat
5. The trees should be managed appropriately
6. They make a substantial contribution to the character of the conservation area.
7. The technical report suggests that there may be other factors involved (settlement and unserviceable drains)
8. The reports and evidence seem to be insufficient to demonstrate the trees are the cause
9. Felling all the trees seems unnecessary
10. what is the point of Camden spending huge amounts of money each year planting trees if as fast as new ones are planted others are felled

CAAC/Local groups* comments:

*Please Specify

See the objection from The Heath and Hampstead Society.

Assessment

The three limes in the group are not covered by a tree preservation order (TPO) and were therefore subject to a section 211 notification of intended works to trees in a conservation area. A section 211 notification gives the Local Planning Authority (LPA) six weeks' to consider objecting to the proposed works. If the LPA wishes to object then it must serve a TPO 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 trees in question have little if any visibility from the street, it is not considered that they provide significant visual amenity to the public. They do provide some visual amenity within the rear gardens.

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 southernmost of the three trees is approximately 6m in height and is not a particularly large or noteworthy example of its species. The remaining two are approximately 14m in height although both are somewhat slender due to the presence of a much larger plane tree in an adjacent garden neither would be considered noteworthy in terms of size. Additionally both have rather poor form due to a combination of the presence of the plane and repeated pruning at various heights over the years, both would appear to have some structural defects in the form of tight forks and decay in former pollard points.
- *future potential as an amenity;*
The position of the trees relative to adjacent buildings will prevent them from ever becoming visible from a public place.
- *rarity, cultural or historic value;*
The limes 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 tree makes a reasonable contribution to the landscape to the rear of the properties and form part of a band of trees along the boundary between the rear gardens.
- *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 however this is limited to the rear gardens.

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 visibility, the poor form of the trees and the presence of structural defects it would not be expedient to bring these trees under the protection of a TPO.