

Delegated Report		Analysis sheet		Expiry Date:		17/08/2020	
		N/A / attached		Consultation Expiry Date:			
Officer				Application Number(s)			
Nick Bell				2020/2979/T			
Application Address				Drawing Numbers			
30 Downshire Hill London NW3 1NT							
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
FRONT GARDEN: 1 x Magnolia (T1) - Fell to ground level.							
Recommendation(s):		Object to Notification of intended works to trees in a conservation area					
Application Type:		Notification of Intended Works to Tree(s) in a Conservation Area					
Conditions or Reasons for Refusal:							
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	34	No. of responses	04	No. of objections	03
				No. electronic	00		
Summary of consultation responses:		<p>The Council received four consultation responses which can be summarised as:</p> <ul style="list-style-type: none"> • This is a fine healthy tree which makes a significant contribution to the street. • The wall could be rebuilt in a manner that allows for the tree to be retained. • Southern Magnolia trees are able to withstand the warming climate • Downshire Hill forms part of the "Belsize Walk", which this tree contributes to. • The single ground for the application is an insufficient justification for the destruction of such an important tree in a Conservation Area. • This is a beautiful tree, right at the front of the front garden, providing great amenity value for those passing / living nearby. The other day I saw a bat flit into this tree. • Downshire Hill attracts many visitors because of its pleasingly green aspect, sloping down to the Heath. Every tree taken down is a real loss to the overall appearance. Unfortunately, in the last 15 years, some fine old trees further up the street have had to be removed further up, because of their disease 					
CAAC/Local groups* comments: <small>*Please Specify</small>		None received					

Assessment

The s.211 notification is for the removal of a Magnolia tree from the front garden of a residential property that is situated within the Hampstead Conservation Area.

The tree is highly visible from the public realm and provides visual amenity to the public. The tree contributes to the streetscene, and the character and appearance of the conservation area.

Downshire Hill has many small to medium sized trees in the front gardens of residential properties which is typical of this part of the conservation area, which links in with Hampstead Heath at the NE end of Downshire Hill. This “spill over” of greenery from Hampstead Heath into front gardens is part of the character and appearance of this part of the conservation area and should be protected.

The tree appears to be in at least fair condition and have a significant safe useful life expectancy. The submission alleges that the tree is contributing to structural damage, however no details were included. The agent was contacted to provide details but a response was not received.

If the wall is to be rebuilt due to damage, it is likely there is a design and/or engineering solution that would allow for the wall to be rebuilt and the tree retained.

The application states that the tree will be replaced; however, a replacement tree cannot be secured by condition when determining a s.211 notice. As such, the proposed replacement planting is unenforceable and therefore cannot be used as justification for the works.

The objections are considered to demonstrate that there is strong local support for the retention of the tree.

It is recommended that a TPO be served to protect the amenity the tree provides and the character and appearance of the conservation area.