

Delegated Report

Officer

Tom Little

Application Number(s)

2020/4526/T

Application Address

30A Denning Road
London
NW3 1SU

Proposal(s)

REAR GARDEN: 3 x Birch (T1, T2, T3) - Reduce height by 3m and sides by 1m.
1 x Whitebeam (T4) - 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	15	No. of responses		No. of objections	1
Summary of consultation responses:	1. I have discussed the works with the applicant and I am in support of them.					
CAAC/Local groups* comments: *Please Specify	<p>HCAAC is aware of a considerable number of current or recent trees felling applications. HCAAC Objects on principle to such applications for which any consents should be withheld pending examination of applicants' statements and required specialist reports and alternatives for retention and proper management with proposals for replacement.</p> <p>In this particular case, a specialist report is required on condition and prospects with details of reasons for non-retention of the tree with details of proposed replacement and undertaking so to plant if acceptable. In general, removal of live growth should be resisted in favour of maintenance works if reduction is acceptable and feasible as may be the case.</p> <p>A proper site plan and more photographs should be submitted for this proposal to relate the subject trees to the overall garden asset. Relation to existing buildings important also. Please refuse or hold pending satisfactory submission.</p> <p>Please refuse if the proposal is likely to precede building development or wall works etc. See below.</p> <p>HCAAC has not previously commented on many of these applications, but of which many seem to require more consideration than apparently often afforded them. An offer to maintain the overall canopy by proper tree care rather than last-resort replacement should be considered – Camden policy.</p> <p>A number of reasons for not rushing to consent –</p> <ul style="list-style-type: none"> • Trees are regarded, long known and detailed in the Draft Extensions CPGs, as important assets and essential for control of carbon emissions and contributing to people's health and well-being; • Control of groundwater balance and against soil erosion; • For visual appeal, softening of the hard landscape of development, views from streets of green backlands • Robust examination of reasons for felling especially if connected, or likely to be connected, with development; • Similarly careful inquiry of maintenance prospects and attempts; • Ensuring building planning and techniques to protect trees and their roots while building around them, for which there are many options. • Buildings' plan area limitations in interest of prior and primary assessment of sustainability design detailing, costing and financing. • Whether or not the NPPF and London Plan have caught up with the full implications of design for sustainability, they will have to and Camden policy as we hope other LPAs should surely be firm in its aim and execution of environmental design advice, monitoring and assurance of execution. • Draft Extensions CPG acknowledges the need to plant replacements for any trees felled. • 30 years for belated action on sustainability is a very short time and new trees' growth will struggle to catch up in that time with loss sustained to the present day. <p>Consider protect and ask for action</p>					

	<ul style="list-style-type: none"> • Groundwater balance • Shade • Biodiversity • Green views • Visual attraction • Walls can bridge roots • Outbuildings can be based so as to bridge roots. • Maintain – periodic pruning, soil condition monitoring, feeding • Propping • Replace with semi-mature trees. <p>Current policy underlining the aim for sustainability may only be in draft and consultation but there is sufficient experience knowledge and general policy to be the basis of much-needed change to control of unwanted activity and sustenance of the green environment.</p> <p>We ask for a blanket moratorium on consents for trees felling in view of policy appearing (merely appearing ?) to underpin our LPA's green credentials. That would of course exclude genuinely dead or dangerous trees, but reports stating such should be required to be indisputable. These tree applications are not at all urgent and the community gift of development permission should require applicants' considerable care in managing their properties.</p> <p>What is urgent is application of all to the carbon emissions reduction aims which it is known retention and replanting of trees will aid greatly.</p>
--	--

Assessment

The comments of the Hampstead CAAC are noted and broadly speaking Council tree officers would agree with many of the points raised. However, the Council is constrained to follow the process outlined in the statutory legislation drawn up by central government in the form of The Town and Country Planning Act 1990 (as amended).

Where the Council received six weeks' notice of works to trees in a conservation area, as is the case here, there is no requirement to supply any further information other than that necessary to identify the tree subject to the notification and a clear description of the intended works. If the details submitted include sufficient detail to identify the trees and the notification is considered valid then the Council has six weeks' from the date of submission to consider whether the trees in question are worthy of being brought under the protection of a tree preservation order. The only way for the Council to halt this process is to serve a tree preservation order. If the trees in question do not meet the criteria for protection then the reasons for removal are immaterial.

The following is taken from the government guidance on considering trees for protection under a TPO:

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.

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;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape;*
- *contribution to the character or appearance of a 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 Council can only require replacement of non-TPO conservation area trees where they are removed under the dead/dangerous (DD/5day notice) exemption from the conservation area protected status.

In this case, a plan and photo of the trees has been submitted and the notification is considered to be valid.

The whitebeam which is listed for removal is not visible from a public place and is unlikely to become visible during its lifetime, it is not a particularly large or noteworthy example of its species, it is suppressed by adjacent trees which has caused it to develop poor form. It is not considered that this tree is of sufficient quality to justify recommending that it be brought under the protection of a tree preservation order.