

Delegated Report

Officer

Tom Little

Application Number(s)

2020/4965/T

Application Address16 Aberdare Gardens
London
NW6 3PY**Proposal(s)**

REAR GARDEN: 1 x Lime (Tilia spp) (T1) - Reduce all round to previous approx. 2 - 3m.
1 x Lime (Tilia spp) (T2) - Reduce all round to previous approx. 2 - 3m.
1 x Lime (Tilia spp) (T3) - Fell to ground level by sectional take down.
1 x Lime (Tilia spp) (T4) - Fell to ground level by sectional take down
1 x Lime (Tilia spp) (T5) - Fell to ground level by sectional take down.
1 x Purple Leaf Plum (Prunus cerasifera 'Nigra') (T7) - Reduce all round to previous reduction points approx. 2 - 3m.

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	21	No. of responses	2	No. of objections	2
Summary of consultation responses:	<ol style="list-style-type: none"> 1. The trees form part of a wall between the properties which contributes to the character of the conservation area. The removal of the trees would be detrimental to the character of the conservation area. 2. The trees provide habitat for wildlife. 3. They form a screen between the properties. 4. They absorb pollution. 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>These comments & objections are made on behalf of CRASH, the combined residents association of South Hampstead. The application refers to 5 trees, 3 of which the applicant is proposing to fell. No justification is provided for this other than the repeated comment that each tree has a large cavity at the base & is covered in creeper. There is no description of the size or nature of the cavities or creepers, no reference to any disease or rot. The trees shown on the plan are all at the rear of the garden, well away from buildings.</p> <p>The South Hampstead Conservation Area Character Appraisal & Management Strategy Document issued in February 2011 states as follows:</p> <p>5.23 tree cover should be extended & enhanced where possible for reasons of wildlife habitat, amenity value, sense of well-being & place , filtering & absorbing harmful gases , lowering dust & noise levels etc.</p> <p>5.25 views along rear garden vistas & areas of dense tree cover are characteristic of the conservation area & should be protected</p> <p>13.85 the Council will generally resist removal of trees unless dead/dying or dangerous causing damage to buildings or not considered to be of visual or wildlife importance. Unsympathetic pruning will also be resisted.</p> <p>Nothing in the application provides evidence justifying felling the trees contrary to the Council's strategy. The trees are mature limes & clearly have visual & wildlife importance. This is one of numerous applications being made to fell trees in the area; it is vital for all the reasons stated in the Strategy Document that the Council is seen to be taking firm action to resist the constant erosion of the character of the Conservation Area by tree felling.</p>					

Assessment

As the three limes are 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 trees in question are not visible or have very low visibility from a public place, they are 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 limes are not particularly large trees, they are not in any way noteworthy examples of their species. A particular problem with these limes is that they have large decay cavities in the base extending some distance up the main stems. It is considered that this will significantly impact on the safe useful life expectancy of the trees.
- *future potential as an amenity;*
The trees are unlikely to grow much beyond their existing size and their position relative to adjacent buildings will prevent them from ever becoming visible from a public place.
- *rarity, cultural or historic value;*
The trees are 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 trees make a reasonable contribution to the landscape to the rear of the properties, 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 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 trees offer 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, due to the lack of visibility and the presence of significant basal decay it would not be expedient to bring these trees under the protection of a TPO.