

Delegated Report

Officer	Application Number(s)
Tom Little	2020/3125/T

Application Address	
5 Belsize Avenue London NW3 4BL	

Proposal(s)
REAR GARDEN: 1 x Sycamore - Fell to ground level.

Recommendation(s):	No Objection to Works to Tree(s) in CA
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Application Type:	Notification of Intended Works to Tree(s) in a Conservation Area
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Consultations

Adjoining Occupiers:	No. notified	39	No. of responses	2	No. of objections	2
<p>Summary of consultation responses:</p>	<ol style="list-style-type: none"> 1. This is a mature and healthy tree with benefits to the environment in general and surrounding area. 2. It takes years for a tree like this to be develop and grow and we should be planting trees not felling them in a time of climate crisis! Younger trees sequester much less carbon than mature trees and these mature trees make our cities liveable. 3. The evidence submitted with the application does not cover any proper and detailed engineering information of the building structure and the quality of land. For example in the report, with reference to the 1:625,000 scale British Geological Survey map (that shows the whole of London and it does not provide any detail even in a neighbourhood scale), it defines the underlying geology to be London Clay. And it concludes the land here is the same. 4. Furthermore, looking at the supporting documents in this application, we can see that all the photos showing the crack in the building is in the upper part of the wall and roof. And if the cracks were due to the tree roots, the crack should have been in the lower part and on the ground. Additionally, the cracks on the wall are in 45 degrees angle and not vertical or horizontal. If you ask a structural engineer or a geotechnical engineer, the 45 degree crack on the wall is due to differential settlement in the structure of the building. And differential settlement is a condition in which a building's support foundation settles in an uneven fashion. The condition is caused by a bad foundation. A good structured building would have not experienced these sorts of problems. The structure of the building might need to be enhanced to solve this matter. Geotechnical exploration and investigation works are key in the foundation remediation in differential settlement . The foundation remediation can be realized by applying several technologies, the most commonly used is foundation remediation by concrete underpinning, jet grouting. micro piles or by using expanding geopolymers. Also there are simple structural tests to be undertaken to know how serious these cracks are. As they may have developed before and may have not been changed during time. And this means their intensity is very low. 5. The building in 6 Belsize Mews was constructed later than the time the sycamore tree was planted on the ground. During the construction of the 6 Belsize Mews, the Sycamore tree was there and they should have built the foundation of the house strong and considered the boundary of the existing tree. 6. The Sycamore tree is home to many birds and squirrels in the area. 7. Mature trees consume huge amounts of CO2 & pollution. 8. The trees here are all mature and losing the Sycamore trees will damage the views and some of the special interest and character of the area. This tree also has a high Amenity Value and provides a scenic view. 9. Related to the application ref 2020/3126/T, the distance of the sycamore tree (T2) to the structure in 6 Belsize Mews is very much and there is another property in the middle. So their assumption of the distance and its effect is totally wrong. 					

CAAC/Local groups*
comments:
*Please Specify

None

Assessment

As the sycamore 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 sycamore in question has very low visibility from a public place, there is some visibility from Belsize Terrace, it is 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 sycamore is not a particularly large tree, it is not in any way a noteworthy example of its species.
- *future potential as an amenity;*
The tree is unlikely to grow much beyond its existing size and its position relative to adjacent buildings will prevent it from ever becoming more visible from a public place. The tree is growing in very close proximity to surrounding buildings which is likely to result in pruning pressure to maintain the tree at a similar size.
- *rarity, cultural or historic value;*
The apple 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 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 tree is 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, due to the lack of visibility it would not be expedient to bring this tree under the protection of a TPO.