

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	13/11/2020
		N/A / attached		<b>Consultation Expiry Date:</b>	
<b>Officer</b>			<b>Application Number(s)</b>		
Nick Bell			2020/4281/T		
<b>Application Address</b>			<b>Drawing Numbers</b>		
15 Maresfield Gardens London NW3 5SN					
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
REAR GARDEN: 1 x Oak (T2) - Fell to ground level.					
<b>Recommendation(s):</b>		Refuse application for works to trees covered by a TPO.			
<b>Application Type:</b>		Application for Works to Tree(s) covered by a TPO			

Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	35	No. of responses	05	No. of objections	05
			No. electronic	00		
Summary of consultation responses:	<p>The Council received</p> <ul style="list-style-type: none"><li>• Oak trees help to combat air pollution</li><li>• Felling the tree may destabilise no. 15</li><li>• Insurers have a blanket opposition to large trees</li><li>• They have not provided enough evidence</li><li>• The oak tree in question is a healthy 200-year-old tree that can be seen from the street and contributes significantly to the local amenity, making Maresfield Gardens a green and pleasant environment.</li><li>• The tree is worthy of its TPO</li><li>• No meaningful structural evidence has been submitted</li><li>• The oak tree would have been mature when Mourne House was constructed.</li><li>• Monitoring has taken place over 6 months not the recommended 12.</li><li>• No reference has been made to the beneficial affect of the approved pruning applications</li><li>• The trees reduce noise pollution from Finchley Road</li><li>• The trees are home to tawny owls</li><li>• None of the reports make reference to the Cypress hedge which is likely to be of high water demand.</li><li>• The construction of Mourne House should have taken in account the influence of the trees</li><li>• The owners of 15 Maresfield Gardens have not been negligent</li><li>• There is no guarantee that removing trees will address the damage</li><li>• the size and water demand of the two trees must have been more or less the same when Mourne House was built as they are today</li></ul>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>The Heath and Hampstead Society submitted an objection summerised below:</p> <ul style="list-style-type: none"><li>• These trees are magnificent, have enormous public amenity and deserve to be protected from inadequately investigated subsidence claims.</li><li>• The groundworks at 120 Finchley Road are likely to be the cause.</li><li>• The excessive dammed up ground water and leaking drains will have enticed unnatural tree root growth from the oak and from the copper beech</li></ul>					

## Assessment

The application is for the removal of an oak tree from the rear garden of a residential block that is situated within the Fitzjohn's Netherhall Conservation Area.

The application alleges that the oak tree is contributing to structural damage to an external staircase that begins at ground level and terminates at first floor terrace at the rear of the property.

The 17m mature oak tree is visible from the public realm between properties and contributes to the character and appearance of the conservation area. It is likely that the tree is older than the property where the damage has taken place.

Oak trees perform a value function of removing airborne particulate pollution. The tree is approx. 100m from Finchley Road, which had more than 58 microgrammes of Nitrogen Dioxide per cubic metre in 2016, the most recent year for which accurate data is available. This fails the annual mean objective for NO<sub>2</sub> level and is the uppermost level on the scale.

Oak trees provide a high level of habitat potential and support more species than any other tree native to the UK.

The damage is recorded at cat. 5, "severe" in accordance with B.R.E. Digest 251. It is likely that major repairs will be required whether or not the oak tree is removed. The estimated cost of repairs is £20,000. The CAVAT value of the tree is approx. £39,400.

It is recommended that the application be refused to protect the character and appearance of the conservation area.