

# Delegated Report

Officer	Application Number(s)
Tom Little	2020/5425/T

Application Address	
81 Greencroft Gardens London NW6 3LJ	

**Proposal(s)**

FRONT GARDEN: 1 x Silver Birch - 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	21	No. of responses	2	No. of objections	2
<p><b>Summary of consultation responses:</b></p>	<p>1. I wish to object to the planning application number 2020/5425/T, requesting the complete felling of a silver birch tree in the front garden area of this property in the South Hampstead Gardens Conservation Area.</p> <p>No justification is given for why this quite attractive and modestly-sized tree needs to be completely removed, other than the observation that: 'remove to ground level due to shading from proximity to building'.</p> <p>Why can it not simply be sensitively and moderately pruned, thereby reducing the degree of shading but preserving an attractive natural feature in an otherwise mostly hard-landscaped front garden?</p> <p>The South Hampstead Conservation Area Character Appraisal &amp; Management Strategy Document issued in February 2011 states as follows: 5.23 tree cover should be extended &amp; enhanced where possible for reasons of wildlife habitat, amenity value, sense of well-being &amp; place, filtering &amp; absorbing harmful gases, lowering dust &amp; noise levels etc. 5.25 views along rear garden vistas &amp; areas of dense tree cover are characteristic of the conservation area &amp; should be protected. 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 this tree contrary to the Council's strategy. The tree is a fairly mature silver birch in good condition and clearly has some visual importance. This is one of numerous recent applications being made to fell trees in this same Conservation Area. For all the reasons stated in the Conservation Area Strategy Document, as well as for reasons of promoting sustainability, it is essential that the Council takes firm action by Refusing this application.</p> <p>2. I strongly object to the 'felling to ground level' of this tree for the reason of 'shading from proximity to building'. This is a small tree. I say this in comparison to the birch tree in front of my property as well as others in the South Hampstead conservation area. Even with full leaf foliage in the summer, birch tree leaves do not cause 'excessive shading' as with London plane or similar trees. In addition, they are a haven for birdlife, specifically blue (and other types of) tits and other birds. This is yet another exasperating and depressing example of a tree being felled needlessly in this conservation area. I do not accept that shading from this small tree could be having a negative impact and do not accept this as a valid reason for felling this tree.</p> <p>Regarding the Application Form, in Section 6, the answer to 'Is the applicant the owner of the tree(s)?' is 'No'. In the following 'Tree Ownership' section, no name is provided, and the address is the same as that listed in the section '2. Applicant Details'. What does this mean?</p> <p>Over the past several years I, and many other people living in South Hampstead, have repeatedly expressed concerns about the reckless and cavalier approach to felling trees in this conservation area. This approach contributes to a diminishing of the character and ethos of this very special place.</p>					

**CAAC/Local groups\***  
**comments:**  
\*Please Specify

None

## Assessment

As the birch 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 birch tree in question is highly visible from a public place, and is 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 birch is not a particularly large tree, it is not in any way a noteworthy example of its species. Although the appearance of the tree is currently reasonable it has a number of structural issues, possibly caused by the loss of a leader soon after planting resulting in a twin leader tight forks and some crossing branches. There are also some signs of dieback in the crown. Due to the species it would be difficult to remedy these issues through pruning, without seriously impacting on the safe useful life expectancy of the tree.
- *future potential as an amenity;*  
Due to the structural issues mentioned above the safe useful life expectancy of the tree is considered to be significantly reduced.
- *rarity, cultural or historic value;*  
The birch is not of a rare species or individually, of any known cultural or historic value.
- *contribution to, and relationship with, the landscape;*  
It is considered that the tree makes a reasonable contribution within the street scene.
- *contribution to the character or appearance of a conservation area.*  
The tree is considered to make a reasonably positive contribution to the character and appearance of the 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 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 structural issues, dieback and reduced safe useful life expectancy of the tree, it would not be expedient to bring this tree under the protection of a TPO.