

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2021/0401/T

**Application Address**1 Primrose Gardens  
London  
NW3 4UJ**Proposal(s)**

REAR GARDEN: 1 x Birch (T2) - Fell in sections 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

**32**

No. of responses

**1**

No. of objections

**1****Summary of consultation responses:**

1. I would like to object to this intended works. The property in question has made quite dramatic alternations to the rear of their property, for which I did not receive any notification as resident on the direct opposite end, and I'm not pleased with the extent of these works which substantially changes the scope size and extent of their property. I am certainly not in agreement with them felling a perfectly wonderful tree because its too near to these new structures. The reason the rear of our properties is so beautiful and tranquil is because of these beautiful trees and I hope you see that permitting them to cut this down only takes away from this.

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

\*Please Specify

None

## Assessment

As the birch is not covered by a TPO it is 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 in question is not visible or has very low visibility from a public place, 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 birch 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 visible from a public place.
- *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 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.