

Delegated Report

Officer

Tom Little

Application Number(s)

2021/0104/T

Application Address108 Priory Road
London
NW6 3NS**Proposal(s)**

FRONT GARDEN: 1 x Lime (T1) - Fell to ground level and remove stump.

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

20

No. of responses

1

No. of objections

2

Summary of consultation responses:

1. There appears to be no reason for the removal included with the application and in fact the applicant has confirmed there is no disease or property damage being caused.
2. Why are there no reasons provided for the felling of this tree? In the Application for Tree Works form, point 4, 'Yes' is selected for 'Are you seeking consent for work(s) subject to a Tree Preservation Order'. However, 'No' is ticked for both options in the 'For works to trees covered by a TPO' section. Why is the tree being felled? If it is diseased or could cause damage, why are the appropriate boxes for this not ticked in the second section of part 4? I am greatly disturbed by the tree works applications I see that usually have no or very little justification provided for such felling. Again, I feel the Council is being very lax and lightweight about allowing tree felling without appropriate justification.

CAAC/Local groups* comments:

*Please Specify

Comment made on behalf of CRASH (the Combined Residents' Associations of South Hampstead).

The Application Type is shown as "Notification of Intended Works to Tree(s) in a Conservation Area", but the Applicant has ticked the "work to a tree with a TPO" box. Kindly clarify which of the two categories applies, in order that we can comment/object appropriately. Thank you.

Assessment

As the lime 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 lime tree in question is highly visible or has very low visibility from a public place.

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 lime is not a particularly large example of the species as it has been maintained as a pollard, it is not in any way a noteworthy example of its species. The tree has extensive basal decay and is leaning towards the road, this means that the tree needs regular pruning to prevent it from becoming unstable preventing the tree from getting larger or regaining a good form.
- *future potential as an amenity;*
The tree is unlikely to grow much beyond its existing size due to the necessity to maintain the tree as a pollard, it is considered that the form of the tree limits the amount of visual amenity the tree provides.
- *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 however the basal decay limits the safe useful life expectancy of the tree.
- *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 significantly reduced by the form of the tree.

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, the poor form of the tree and the presence of lean towards the road combined with the presence of basal decay, it is not considered that it would be expedient to bring this tree under the protection of a TPO.