

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2021/0662/T

**Application Address**9 Parsifal Road  
London  
NW6 1UG**Proposal(s)**

REAR GARDEN: 1 x Apple tree (T10) - Fell to ground level.

**Recommendation(s):**

REAR GARDEN: 1 x Oak (T1) - Fell to ground level.

**Application Type:**

Notification of Intended Works to Tree(s) in a Conservation Area

**Consultations****Adjoining Occupiers:**

No. notified

14

No. of responses

0

No. of objections

3

**Summary of consultation responses:**

1. We have lost a lot of mature trees in the last few years in the neighbouring gardens, including a large copper beech in No 9. As well as a smaller copper beech, two beech trees and a large fig tree. There has also been removal of many less mature trees and shrubs in the gardens of No 9, 7 and 5, to allow garden changes, and building work (e.g. the building of a studio in no 5).
2. I feel that all of this work has changed the nature of the neighbourhood and the view is a lot less green than it was, which is a concern in a conservation area.
3. Also at a time when nature is struggling removing a large tree which offers so much shelter and food to a diversity of birds and wildlife, seems insensitive.
4. The removal of trees etc has meant that sound carries a lot more this has lead to noise nuisance.
5. Finally I understand that there is also planning permission being sort to build new garages and studio for No 9. I feel that this will lead to removal of more trees from that garden. All of this is leading to the increasing de-greening of West Hampstead .
- 6.

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

\*Please Specify

None

## Assessment

As the oak 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 oak tree 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 oak is a medium sized individual, it has an attractive relatively natural form with some lean over the garden of the property. The tree has extensive basal decay, this does make the lean to some extent a problematical feature increasing the potential for the tree to collapse.
- *future potential as an amenity;*  
The tree is unlikely to become visible from a public place.
- *rarity, cultural or historic value;*  
The oak 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 and the presence of extensive basal decay it would not be expedient to bring this tree under the protection of a TPO.