

Delegated Report

Officer

Tom Little

Application Number(s)

2021/0813/T

Application Address13 Bartholomew Villas
London
NW5 2LJ**Proposal(s)**

REAR GARDEN: 1 x Mimosa - Fell 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

4

No. of responses

3

No. of objections

1

Summary of consultation responses:

1. I am in full support of this proposal.
2. The tree is one of many that are too tall, non-native and unsuited to the relatively small back gardens in which they are situated.
3. It severely reduces light and sun to our garden, is planted close to the garden wall and within 2 metres of our house wall, and likely to cause damage.
4. It is an invasive and non-native species, which has no place in such a restricted setting.
5. There are too many over large trees in the gardens in Bartholomew Villas and Lawford and Patshull roads.
6. I appreciate the owner's intent when planting but native trees of an appropriate size for small back gardens should be used. This tree has a detrimental effect on our garden and is close to a house wall where it may cause damage in the future if allowed to grow unchecked.

CAAC/Local groups* comments:

*Please Specify

Bartholomew Estate and Kentish Town CAAC strongly object to felling the mimosa tree to ground level. This tree gives a positive benefit to the area, it is a fairly rare city tree, not only is it an asset to the CAAC but it also has a beautiful perfume, and evokes thoughts of foreign holidays...very important during this time. Thus, the tree makes a very important positive contribution to the CAAC. Reducing height by 20% would be acceptable.

Assessment

As the mimosa 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 mimosa in question has relatively 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 mimosa is not a particularly large tree with a somewhat drawn form and a twin leader which may form inclusions if the tree is to grow larger, it is not in any way a noteworthy example of its species.
- *future potential as an amenity;*
The tree has the potential to grow much larger and become more visible from a public place. The tree is growing very close to walls in a less than ideal position. While not necessarily a sufficient reason to remove a tree that is worthy of being brought under the protection of a TPO, its proximity to structures has the potential to become problematical from the perspective of pruning pressure and pressure to remove the tree resulting from damage to property.
- *rarity, cultural or historic value;*
The mimosa 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, poor form and proximity to structures, it would not be expedient to bring this tree under the protection of a TPO.