

Delegated Report

Officer

Tom Little

Application Number(s)

2021/0871/T

Application Address

1 The Old Orchard
London
NW3 2TR

Proposal(s)

REAR GARDEN: 2 x Olive (Olea Europaea) (T1 & T2) - Reduce the height by 2m, reduce the lateral growth by 1m - 1.5m to contain and create a tighter shape.

1 x Olive (Olea Europaea) (T3) - Reduce the height by 3m, reduce the lateral growth by 1.5m to contain and create a tighter shape.

2 x Bay (Laurus Nobilis) (T4 & T5) - Reduce the height by 3m, reduce the lateral growth by 1m, cutting it back to the flower border edge.

1 x Silver Birch (Betula Pendula/Alba) (T6) - Fell to ground level and dig out stump with mattock.

1 x Judas Tree (T8) - Fell to ground level and dig out stump with mattock.

1 x Unknown (T9) - Fell to ground level and dig out stump with mattock.

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

21

No. of responses

0

No. of objections

1**Summary of consultation responses:**

1. Object to felling of 3 trees no t6, t8 and t9 t claim of excessive over shading and low amenity value is detestable for felling any tree. Please refuse this application on grounds that all trees could be pruned pollarded and part reduced and shaped. The community value of these 3 trees are higher than imagined or claimed.

CAAC/Local groups* comments:

*Please Specify

None

Assessment

As the trees are not covered by a TPO they are 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 trees in question are not visible or have very low visibility from a public place, they are 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;*
They are not particularly large trees and are not in any way a noteworthy examples of their species.
- *future potential as an amenity;*
The trees are unlikely to grow much beyond their existing size and their position relative to adjacent buildings will prevent them from ever becoming visible from a public place.
- *rarity, cultural or historic value;*
None is of a rare species or of any known cultural or historic value.
- *contribution to, and relationship with, the landscape;*
It is considered that the trees make 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 trees are 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 trees offer 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.