

Delegated Report

Officer	Application Number(s)
Tom Little	2021/1004/T

Application Address	
7 Gayton Road London NW3 1TX	

Proposal(s)

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

Recommendation(s):	No Objection to Works to Tree(s) in CA
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Application Type:	Notification of Intended Works to Tree(s) in a Conservation Area
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Consultations

Adjoining Occupiers:	No. notified	7	No. of responses		No. of objections	
<p>Summary of consultation responses:</p>	<ol style="list-style-type: none"> 1. I believe the sycamore tree, 7 Gayton Road, has no reason to be cut down. The efforts made by Camden Council to protect what trees we have left should not be so easily undermined by such a pointless execution. There is a more important testament to our shared devotion to the environment, that has no right to be threatened over needless destruction. The local residents and newspapers have expressed their concern at the idea, that anyone, can cut down anything. The Tree could, at this point in time, be lopped. Instead of cutting down, we could save another tree on our road. 2. Please inform us as to the reasoning to fell yet another tree in London -- could we see this reason in writing from a professional tree surgeon... as yet we have been unable to see this information on your website . 3. We are against the proposal to fell this tree to the ground. It seems like a drastic reaction to a problem for which there may be other solutions. One of the things which initially attracted us to our property on Gayton Road was the beautiful green canopy provided by these large trees in the summer. Hampstead is known as being a leafy area but trees in the borough are being cut down at an alarming rate. We think Camden Council should make every effort to protect the trees. 4. This tree enhances the amenity of several gardens in the area. It is healthy and robust and it helps to maintain privacy between the adjoining properties. In a dense urban area with high pollution we need to keep all the trees we can. 5. Pollarding is used extensively by Camden Council on Gayton Road. Pollarding the tree at no.7 may be a possible way of reducing the size of the roots. 6. We are in favour of anything that preserves the unique character of Hampstead. Destroying mature trees does not help. 					
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>The following comments were submitted by the Gayton Residents association: I respond on behalf of Gayton Residents' Association (GRA) Committee to oppose this application. The rear garden trees in properties on the north side of Gayton Road provide welcome greenery, a habitat for birds and screening/break from the rear of houses of Gardner Road and the dense Spencer Walk development. Loss of this tree will significantly reduce these amenities and compromise the privacy of residents. GRA strongly supports tree preservation whilst acknowledging that trees should be properly maintained. The objection from Hampstead Forum provides helpful examples as to how boundary walls can be modified to accommodate tree growth.</p> <p>The following comments were submitted by the Hampstead Neighbourhood Forum: The Forum objects to the proposed removal of this tree as it would be contrary to NE2 and NE3 of the Hampstead Neighbourhood Plan. A mature tree such as the sycamore encourages biodiversity and provides wildlife habitat and is part of a larger biodiversity corridor.</p> <p>The garden of 7 Gayton Road is part of Biodiversity Corridor A in the</p>					

	<p>Hampstead Neighbourhood Plan (see Appendix 4). Policy NE3 states that proposals for a property that includes part of a biodiversity corridor should not diminish the ability of these corridors to provide habitat and the free movement of wildlife.</p> <p>Policy NE2 of the Hampstead Neighbourhood Plan further states that development will protect trees that are important to local character, streetscape, biodiversity and the environment.</p> <p>As the wall apparently will need to be re-built, the Forum would recommend that the wall be re-built in a way that accommodates the current girth and root structure and anticipates future growth.</p>
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Assessment

As the sycamore 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 sycamore 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 sycamore is not a particularly large tree, it is not in any way a noteworthy example of its species. The tree has been suppressed by an adjacent ash and as a result has a lopsided crown and pronounced lean.
- *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 sycamore 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 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.