

Delegated Report		Analysis sheet	Expiry Date:	03/06/2021
		N/A / attached	Consultation Expiry Date:	
Officer		Application Number(s)		
Nick Bell		2021/1940/T		
Application Address		Drawing Numbers		
27 Lyndhurst Road London NW3 5PB				
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
<p>REAR GARDEN: 1 x Cherry (Prunus) (T1) - Section fell to ground level, grind out stump to 340mm below ground level.</p> <p>1 x Maple (Acer) (T2) - Lift crown by removing lowest 2x branches to main trunk union, reduce removing overhanging branches by up to 2m to suitable growth points to 6m above ground level.</p>				
Recommendation(s):		No objection to notification of intended works to tree(s) in a conservation area.		
Application Type:	Notification of Intended Works to Tree(s) in a Conservation Area			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	15	No. of responses	04	No. of objections	03
Summary of consultation responses:	<p>The council received one letter of support summarised as:</p> <ul style="list-style-type: none"> • Many additional trees were planted in our and the immediate neighbour's gardens benefiting the environment such as 5 no. Evergreen Holm Oak (<i>Quercus ilex</i>), 10 no. Various trees, ~ 12 no. Bushes and hedges, > 20 no. Flower bushes • There are already ~15 mature trees in the garden or surrounding 20m which are dominating the area and stifling growth. These are in addition to many other trees over 10m high. • The application makes no request to fell oak or maple trees. <p>Two objections were received from residents, summarised below:</p> <ul style="list-style-type: none"> • The trees in conservation areas should be protected • The tree is important for biodiversity • It adds to the beauty of the area and provides screening • Other trees have been removed from the garden • Shading is not a good reason for felling a tree • The tree is part of a green corridor • The tree has community value 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Hampstead CAAC submitted the following objection:</p> <ul style="list-style-type: none"> • If at all possible please do not approve felling of trees on this property. HCAC will discuss at this evening's meeting, this one among others noted. Judging by the photo garden use apparently aimed at sports play or similar presumably requiring cleared area. 					

Assessment

The s.211 notification is for the removal of cherry tree from the rear garden of a residential property that is situated within the Fitzjohn's Netherhall Conservation Area.

The Planning Practice Guidance from central government followed LPAs when assessing whether to serve a tree preservation order states:

"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 cherry tree is of minimal visibility from the public realm.

The guidance goes on to state:

"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;*
- future potential as an amenity;*
- rarity, cultural or historic value;*
- contribution to, and relationship with, the landscape; and*
- contribution to the character or appearance of a conservation area."*

The tree is not particularly large, is not of rare species and is of no known cultural or historical significance. The tree is not considered significant to the character and appearance of the conservation area.

The tree provides habitat and some degree of screening between properties but this is not considered robust enough justification for the council to serve a tree preservation order.

It is not expedient for the council to serve a tree preservation order to protect the tree.

The council does not object to the proposed works.