

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2021/1709/T

**Application Address**9 Steele's Road  
London  
NW3 4SE**Proposal(s)**REAR GARDEN: 3 x Eucalyptus (T1, T2 & T3) - Fell to ground level.  
1 x Pear (T4) - 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

33

No. of responses

No. of objections

2

**Summary of consultation responses:**

None

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

\*Please Specify

On behalf of The Belsize Society: Eucalyptus T1 is visible from Steele's Rd through the gap between the houses and therefore has some amenity value. Further consideration should be given to retaining this one Eucalyptus tree, even if the other three trees are felled.

## Assessment

As the trees are 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 trees in question are not visible or have relatively low visibility from a public place, it is not considered that they provide significant visual amenity to the public or make a particularly strong contribution to the character and appearance of the conservation area.

### **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 trees are not a particularly large, and are not in any way noteworthy examples of their species. The largest eucalypt has poor form resulting from previous pruning.
- *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 it from ever becoming particularly visible from a public place.
- *rarity, cultural or historic value;*  
The trees are 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 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 not considered to make a particularly strong contribution to the character and appearance of the conservation area.

### **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.