

Delegated Report

Officer

Tom Little

Application Number(s)

2021/2222/T

Application Address2 Regal Lane
London
NW1 7TH**Proposal(s)**

FRONT GARDEN: 1 x Birch (T2) - Fell to ground level.
1 x Portuguese Laurel (T1) - Remove lowest limb and reduce remainder by 1.5m all around.

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

18

No. of responses

1

No. of objections

1**Summary of consultation responses:**

1. Our back garden is within 10 feet of this beautiful tree.
2. I am in shock that someone would want to destroy a tree that has been there for 60, 70, 80 years (was in pictures of home built by John Winter in 1961). Just think for a second how long that is... even in the growing pollution of London. And someone wants to eliminate it in a few hours.
3. The tree seems to be very healthy and might even be around for another 80 years. Besides being
4. environmentally friendly, (which is hard to find in this day), it provides a city sanctuary for birds as well as a backdrop of greenery when looking out our window or in our garden. A bit of country in the city.
5. For us to purposely lose the beauty, the sounds of birds, and not let it determine its own demise, would be unconscionable.

CAAC/Local groups* comments:

*Please Specify

None

Assessment

As the birch 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 birch tree in question is situated within a private estate and 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 birch is not a particularly large tree, it is not in any way a noteworthy example of its species. It is growing in a narrow border very close to the adjacent property if not already in direct contact with it and has grown with a pronounced lean.
- *future potential as an amenity;*
While the birch has the potential to grow significantly larger its position relative to adjacent buildings will prevent it from ever becoming visible from a public place. Its position relative to the directly adjacent building, possibly in physical contact, makes its position unsustainable and essentially makes further growth impossible without damage to the building occurring.
- *rarity, cultural or historic value;*
The birch 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 and close proximity to the adjacent building it would not be expedient to bring this tree under the protection of a TPO.