

Delegated Report

Officer

Tom Little

Application Number(s)

2021/5426/T

Application Address

Cleve Court
13 Cleve Road
London
NW6 3RP

Proposal(s)

REAR SIDE GARDEN: 1 x Pyracantha (T1) - 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	38	No. of responses	2	No. of objections	4
Summary of consultation responses:	<ol style="list-style-type: none"> 1. The reason given is, It is blocking adequate use of the side passage'. Is this adequate and valid enough to warrant more tree and wildlife habitat loss? From the photo provided it does not appear to me that it is 'blocking adequate use of the side passage'. Is there real or potential danger from subsidence, or is the tree unhealthy? If the answer to either of those is 'no', then I object to the felling of this tree. 2. It is with regret, that i learnt about the proposed felling of a Pyracantha Tree at the above address. Knowing this particular heaven well (having visited the premises via the side entrance to the rear garden used by the residents at 13, Cleve Road, London NW6 for many years, and passing by this tree. I cannot find a good enough reason for the destruction of this healthy tree in a Conservation Area, especially as Camden Council always wishes to preserve the variety of trees in our borough. I suspect it may be whim of the owners or pressure from the Agents: Forbes Treecare Ltd. Do kindly RETHINK URGENTLY this application. 3. I am a resident and one of the owners of 13 Cleve Road. I have been living there since 1996. It is with deep regret that I learned of the application to fell the Pyracantha tree in the walkway of the communal garden space. This communal space is maintained by the contributions of flats 3, 5 (my flat), 6, 7, 8, 9, 10, and 11 only - not other residents. This tree is pruned from time to time and is of beauty and is treasured by many of us living here. It adds to the beauty of our garden and it enhances this Conservation area. Also, the variety of trees in the Conservation area needs to be protected as stated in Camden policy. I respectfully request that you refuse this application. 4. As a resident in the block I would like to raise an objection to the cutting down of the tree (rear side garden 1X Pyracantha) please, for the following reasons; The tree is in the communal area by the side of a path and it is not overhanging any private gardens. It is a pleasant tree (in my opinion) adding to the ambiance of the surrounding area. It does not cause any obstruction to the pathway (again in my opinion). 					
CAAC/Local groups* comments: *Please Specify	None					

Assessment

As the pyracantha 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 pyracantha 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 pyracantha is not a particularly large tree, it is not in any way a noteworthy example of its species. This is a species that might usually be considered a shrub.
- *future potential as an amenity;*
The pyracantha is unlikely to grow much beyond its existing size and it's position relative to adjacent buildings will prevent it from ever becoming visible from a public place..
- *rarity, cultural or historic value;*
The pyracantha 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 pyracantha 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 pyracantha 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, size and shrubby nature it would not be expedient to bring this tree under the protection of a TPO.