

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2021/6006/T

**Application Address**13 Elsworthy Road  
London  
NW3 3DS**Proposal(s)**

REAR GARDEN: 1 x Judas tree (T1) - Fell down 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

3

No. of responses

No. of objections

1

**Summary of consultation responses:**

none

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

\*Please Specify

The Elsworthy Residents Association submitted the following comments:

There are few Judas trees in the Elsworthy conservation area and no reason is given why this application to fell has been given. For this reason the application should be resisted until good reason is given.

## Assessment

As the Judas tree 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 Judas 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 Judas tree is not a particularly large tree, it is not in any way a noteworthy example of its species.
- *future potential as an amenity;*  
The tree is unlikely to be allowed to grow much beyond its current size as it is growing very close to the buildings and should it be retained it would require regular pruning to keep it clear of the buildings.
- *rarity, cultural or historic value;*  
While Judas trees might not be especially common in the Borough they are not considered sufficiently rare to justify serving a TPO on rarity alone. This tree is not 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 immediately adjacent to the tree, however the lack of visibility from the public realm and proximity to buildings significantly reduce the weighting that this can be given when considering a TPO. Additionally there are other trees present which will ameliorate the loss of this tree in the landscape.
- *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 immediately adjacent to the tree.

### **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 proximity to the buildings it would not be expedient to bring this tree under the protection of a TPO.