

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	29/03/2022
		N/A / attached	<b>Consultation Expiry Date:</b>	
<b>Officer</b>			<b>Application Number(s)</b>	
Nick Bell			2022/0379/T	
<b>Application Address</b>			<b>Drawing Numbers</b>	
79 Parkhill Road London NW3 2XY				
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
FRONT GARDEN; 1 x Lime - Fell to ground level.				
<b>Recommendation(s):</b>		Refuse application for works to tree(s) covered by a TPO		
<b>Application Type:</b>		Application for Works to Tree(s) covered by a TPO		

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>02</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
<b>Summary of consultation responses:</b>	<p>The council received two consultation responses which are summarised below:</p> <ul style="list-style-type: none"> <li>• We support this application. The tree roots are reaching out to our property and are producing subsidence. If this is a shallow rooted tree then it is spreading its roots at a distance equivalent to its height - 20m. However during high winds, it sways alarming: we consider that it is not safe.</li> <li>• There is also a train tunnel directly under the tree and number 79 Parkhill which reduces the likelihood that the tree has sufficient root foundation to sustain safely.</li> <li>• We have photos and further evidence of subsidence of structures including the drive walls between 81 and 83 - adjacent properties to the tree. Inspection will reveal paths/walls have sunk and created cracks at least 25mm in size extending for at least 50cm across structures.</li> <li>• We will petition our insurers to consider that should the tree, which has a saddle at 10m (which will affect its core strength and stability), should it be blown or struck by lightening that the owners have done everything in their power to remove the danger. Please refer to liability arising to councils from <i>Burge v South Gloucestershire Council</i> [2016] UKUT 300 (LC).</li> <li>• We consider that this area used to have orchards and that it would be quite appropriate that the removal of the tree should be replaced by two fruit trees to bring back the street scene.</li> <li>• There are insufficient other trees adjacent to the tree to provide wind cover - so it is very much on its own in terms of sheltering from winds. The tree is also higher than the roof tops of the adjacent builds.</li> </ul>					
<b>CAAC/Local groups* comments:</b> <small>*Please Specify</small>	<p>The Belsize Society submitted the following objection:</p> <ul style="list-style-type: none"> <li>• This is a mature tall tree (subject to a TPO) in a prominent position in the front garden and highly visible along the street. It therefore has amenity value. The house is said to have some minor cracking, with "no serious vertical or horizontal displacement and does not appear to be progressive" and no evidence has been presented to show that the tree is the cause of the cracking. There is no justification for removing the tree on a precautionary basis.</li> </ul>					

## Assessment

The application is for the removal of a lime tree from the front garden of residential property that is situated within the Parkhill Conservation Area. The application alleges that the tree is contributing to property damage at the same address.

The application tree is a large, mature lime tree in the front garden of the property. The tree is highly visible from the public realm and significantly contributes to the character and appearance of the conservation area. The tree has been maintained by crown reduction.

The application alleges that the tree is contributing to property damage at the same address. A photograph of some text has been included with the submission which goes some way to describe the damage. No formal evidence has been submitted with the application: no level or crack monitoring, no soil analysis, no root investigation report and no detailed description and/or quantification of the damage. As such, the evidence submitted is not considered robust enough to implicate the tree as the cause of the damage.

Upon visiting the site the case officer saw a wound at the base of the tree, visible from the highway, There appeared to be an area of necrotic tissue associated with the wound and a *Ganoderma* spp. fungal fruiting body on the stem. It is recommended that the owner of the tree have a full inspection of the tree undertaken by a suitably qualified arboricultural professional, including an internal assessment of the tree, to ascertain its condition. An informative will be added to the decision notice to that effect.

It is recommended that the application be refused to protect the amenity the tree provides and the character and appearance of the conservation area.