

Objections to Planning Applications 2022/0719/T and 2022/0721/T

Application for Works to Trees covered by a TPO

References:

Flat Garden Floor 25 Nassington Road London NW3 2TX

REAR GARDEN: 1 x Ash (T1) - Re-pollard to previous points to keep at a size suitable for location.

Application number: 2022/0719/T

Application type: Application for Works to Tree(s) covered by a TPO

27 Nassington Road London NW3 2TX

REAR GARDEN: 1 x Oak (T2) - Remove 2 branches to allow more light into pond.

Application number: 2022/0721/T

Application type: Application for Works to Tree(s) covered by a TPO

To: [planning@camden.gov.uk](mailto:planning@camden.gov.uk)  
[tom.little@camden.gov.uk](mailto:tom.little@camden.gov.uk)  
[nick.bell@camden.gov.uk](mailto:nick.bell@camden.gov.uk),

Dear Sir / Madam,

**The Ash and the Oak**

These trees have TPOs on them, despite the Applicant's claim to the contrary. They are the only 2 large trees left in the garden and of particular importance as they are the only ones screening the railway. They are mature, large trees in a Conservation Area which: -

1. Provide a pleasant green outlook and important screening for the 6 households in the upper floors of 25 and 27 Nassington Rd. from the visual impact of the railway and electrical installations at the bottom of the garden. The 6 households have balconies, which are their only outdoor space, overlooking these trees.
2. Provide visual amenity for neighbouring properties and the wider community.

3. Provide sound damping services in Spring, Summer and Autumn in respect of the railway and installations.
4. Provide amenity for railway users and staff.
5. Form part of a “green corridor” by the railway, with other neighbouring gardens for wildlife habitat for birds, invertebrates and other wildlife in the area.
6. Provide amenity to the allotments and general environmental amenity in this special conservation area next to the Heath. This in their visual, wildlife and anti-pollution roles.
7. Have the potential to become fine landscape features if left alone to recover. T.P.Os on the Ash and Oak were intended to allow both trees to reach their potential as significant landscape features.

I would like to object to both applications which will negatively impact on the amenity of the gardens of 25 and 27 and those of surrounding properties, and on the community and environment generally.

These applications for TPO trees are not for the health of the trees but to provide more light and sun to the Applicant’s swimming pool. This is not a valid reason to reduce and thin trees with TPOs and does not comply with Camden’s policy for its own trees: -

*Policy 6 – Tree Pruning*

*The following reasons will not constitute grounds for the pruning or removal of trees by the Council.*

*Obstruction of light, and or view*

*Where a tree is perceived to be too large*

After approving the swimming pool, Camden, in its desire to protect the trees, stated:

*“All trees on the site or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage to the satisfaction of the Council” the reason given “that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area...”*

In respect of the Ash tree in the garden of No. 25, following a failed application by this applicant to have it removed, the tree has been under a process of attrition since the swimming pool was built. This has made the tree considerably smaller and less attractive as

a landscape feature. This is particularly compounded by the thinning of the tree and removal of the lowest branches. All of this loss of screening has opened up the view of the railway for the residents of the 6 flats in the upper floors of the buildings of nos. 25 and 27. Such continued work, if it were to be allowed would very soon spoil the amenity value of this tree and almost by default, pave the way for its removal.

In respect of the oak, this tree has had continuing works carried out despite promises from Tree Officers that no permission would ever be given for unnecessary cutting, pruning, lopping of this tree. No further work should be allowed at present and the imprecise nature and description of this application is a worrying indication of the tree's future should these works be permitted.

Prior to the preparation and construction of the swimming pool there had been no applications for tree works in the gardens of nos. 25 and 27. Since the construction of the swimming pool there have been 24, none of which were for the health or well-being of the trees.

### **The Ash**

The application for the Ash is *"to re pollard to previous points to keep at a size suitable for the location."*

This is an outrageous and false justification for further reducing this tree. It is simply to provide light for a knowingly wrongly sited swimming pool. The Ash pre-dates the pool by more than 3 decades to my knowledge.

This tree is perfectly suitable for its location and requires no further works, but needs to be left to develop its potential as best it can. Following numerous works, some with planning

permission, some without, this tree is now almost half the size it was when I moved into 25, Nassington Rd. in 1981. It was a beautiful mature tree then and left alone it would presumably have developed into an even larger and more magnificent landscape feature for which it is perfectly located.

It is sited at the bottom of the garden at no.25, a very considerable distance away from any buildings. It is located on the boundary with gardens to the north, east and west of the tree and allotments to the south. It could not be better located for a large, mature tree.

Contrary to the Application's implication, the size of the tree is perfectly suitable for its location as it was in 1981 when it was almost double the size.

It is the swimming pool that has been knowingly unsuitably sited (these pool systems are clearly marketed as unsuitable for siting near mature trees).

It seems outrageous to knowingly construct a swimming pool in an unsuitable position and then set about damaging and attempting to remove trees to make it "suitable".

This application should be refused. Already there has been the entire removal of the overhang despite permission being granted specifically for removal of only a small part, the majority being retained. Additionally there has been thinning with the removal of a major branch for which I can find no permission granted. This removed all screening of electrical installations.

Please no further works which will continue to erode the beauty of this tree still further.

### **The Ash – History**

An arboriculture report on the Ash in respect of a 2016 planning application already stated "the tree has been rather dramatically reduced already within the last few years and as a consequence the tree is in recovery. Thinning these branches by 50% would go beyond British Standard 3998.2010 which recommends 30% as an absolute maximum.

Add to this the request to remove a further 6 to 8 unspecified limbs from the upper crown and it appears to be a strategy to slowly yet surely eradicate this tree".

There had already been in 2007 an attempt to entirely remove the Ash and numerous previous and continuing unnecessary works, some with planning permission and others "mysterious disappearances".

During the construction of the swimming pool, excavated soil had been left piled up around this tree which would have damaged it if left. No tree protection report or physical protection (in breach of the swimming pool planning permission) had been provided when excavation of the pool began. The Freeholders of 25 and 27 had to obtain a court injunction to prevent further excavation until these conditions were met to avoid tree damage.

All this suggests the Applicant has no concern for the trees and that having been refused removal of the Ash, is waging a war of attrition against this tree.

## **The Oak**

The intention of the TPO was to allow the Oak to develop its full potential as a landscape feature for the amenity of the community. I hope this application in respect of the Oak will be refused. The applicant states it is to remove two branches to allow more light into the pond. This is not a valid reason to prune a TPO Tree. In a 2017 decision regarding this Tree the Tree Officer said :

*The cumulative impact of almost annual small-scale pruning applications is beginning to become detrimental to the visual amenity that the trees provide, and in addition the apparent, repeated instances of pruning to a greater extent than that consented does not give the council confidence that the care and maintenance of the trees is a primary consideration. The works are therefore considered unnecessary, unjustified and harmful to the health and amenity value of the trees.*

I consider that this comment says it all and is also entirely valid for the present Application. I have photos of previous branch removal to the Oak going beyond that agreed which I will try to get to you. Any further removal of branches would be disastrous for the Oak which is already taking on an unnatural "lollipop" shape with the removal of so many lower branches.

An Arboricultural Report in 2007 have said the Oak could grow on at least in excess of 40 years or so and " it has the potential to be a significant landscape feature". It is a middle aged tree and in good structural condition.

A previous Arboricultural Report in response to 2017 Application stated this :

### **English Oak**

" As witnessed with the Ash tree (T1), works started with the reduction of the tree canopy and has eventually resulted in an application for the trees removal. Work on this Oak tree (T2) has also been requested in the past and it is evident that requests for tree work will be perpetual.

Continual crown-lifting will result in a high and a potentially top heavy canopy. This work is seen as unnecessary and not within the realm of good arboricultural practice, and certainly does not consider the long term future of the tree.

An Oak tree is a long lived species which in its latter years will see the canopy naturally retrench; the lower limbs pertaining to an Oak tree are therefore vital for its survival in these subsequent years. It is seen as good arboricultural practice for the future of the tree to be taken into account when deciding what works are necessary in its formative years. Maintaining the tree in its current condition is therefore contributory to the longevity of the tree and ultimately the biodiversity of the local area.

Please refuse these applications to which I object. The TPOs were intended to preserve these trees from a relentless process of attrition.

====