

Delegated Report

Officer

Tom Little

Application Number(s)

2022/4260/T

Application Address20 West Hill Park
London
N6 6ND**Proposal(s)**

REAR GARDEN: 1 x Holly (T1) - Fell to ground level.

1 x Silver Birch (T3) - Lift all round by 1m - 2m and cut back from buildings by 1m. Thin out crown by 10%.

FRONT GARDEN: 1 x Juniper (T2) - 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

8

No. of responses

0

No. of objections

1

Summary of consultation responses:

None

CAAC/Local groups* comments:

*Please Specify

The Highgate Neighbourhood Forum submitted the following comments:

We object to the felling of two trees with no indication of any proposals for replacement.

This estate is known for its verdant character. The removal of the juniper from the front will be detrimental to the character of the estate. We would prefer to see management by sensitive pruning. If that is not possible, we would like to see a replacement tree, with similar impact, planted.

No reason is given to fell the holly though it does look somewhat aetiolated and could be better managed.

The conditions or terms of buying a house on this estate, and the views of the residents association should be taken into account

Highgate Neighbourhood Forum

Assessment

As the apple 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 trees in question are situated well within a private estate and are not visible or have very low visibility from a public place, it is not considered that either tree provides 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;*
Neither tree is a particularly large, or in any way a noteworthy example of its species. The holly is growing out of the junction between paving and the external wall of a house. The Juniper beneath a more significant tree and also has a significant amount of dead foliage which, given the species, will severely and permanently impact on the form and appearance of the tree.
- *future potential as an amenity;*
The trees are unlikely to grow much beyond their existing size and their position relative to adjacent buildings will prevent it from ever becoming visible from a public place.
- *rarity, cultural or historic value;*
neither tree is of a rare species or of any known cultural or historic value.
- *contribution to, and relationship with, the landscape;*
Both trees are small and relatively insignificant within the landscape. The holly is growing in a position that is unsustainable adjacent to the property as it will begin to cause damage to the building and or itself as the stem expands.
- *contribution to the character or appearance of a conservation area.*
The trees may be considered to make some contribution to the character of the private estate.

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.

The terms and conditions of buying a property on the estate are not something the Council can consider when deciding whether to TPO a tree.

On balance, due to the lack of visibility from a public place, poor form and position it would not be expedient to bring either tree under the protection of a TPO.