

Delegated Report

Officer	Application Number(s)
Tom Little	2022/4116/T

Application Address	
17 Aberdare Gardens London NW6 3AJ	

Proposal(s)

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

Recommendation(s):	No Objection to Works to Tree(s) in CA
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Application Type:	Notification of Intended Works to Tree(s) in a Conservation Area
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Consultations

Adjoining Occupiers:	No. notified	25	No. of responses		No. of objections	2
<p>Summary of consultation responses:</p>	<p>The Council received two objections to the notification as follows:</p> <ol style="list-style-type: none"> 1. I object in the strongest possible terms to this application. I do not think that the reason given, 'Garden being renovated and tree too close to house' is anything approaching a 'valid' reason. From the photo provided the tree appears to be in good health. With the pressure on the environment and local wildlife, and additionally with regard to preserving the character of this conservation area, I think the reason given is flimsy and certainly insufficient. It is of no merit to fell a tree for such a 'reason'. It serves no one or nothing and is damaging on many levels. Can the owner not suggest another solution? Please can you refuse this application. 2. There is far too much casual felling of perfectly sound trees in the South Hampstead Conservation Area, in which the Conservation Area Appraisal document highlights the value of trees to the area in providing very welcome visual amenity, supporting biodiversity and as a sink for CO2. The CA Appraisal document strongly deprecates the gratuitous and capricious felling of trees. Has any thought been given to a sensitive pruning of the tree instead of its wanton destruction? This tree will be visible to many other households in this street and those backing on to it in the next street. Surely it would be a great asset to any garden, rather than needing to be removed for garden makeover? The single photograph provided with this application appears to show a very attractive and healthy tree, which - all other things being equal - should not be felled per the guidelines in the CA Appraisal document. Unfortunately neither the very rough, and not-to-scale, drawing of the site, or the justification text in the application, actually provide the exact distance of the tree from the house, nor is there any discussion of possible root damage as a possible justification. Unless and until more detail is provided on exactly how far the tree is from the house, and justification is given as to why it cannot be sensitively pruned, instead of being destroyed, I would ask please that this application be Refused. 					
<p>CAAC/Local groups* comments: *Please Specify</p>	<p>None</p>					

Assessment

As the birch 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 birch 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 birch is a relatively large example of its species. The form of the tree is relatively poor with tight forks at the base possibly having developed from a multi-stem specimen with the trunk fused to some degree which represents a significant structural weakness. The birch is not considered to be a noteworthy example of its species.
- *future potential as an amenity;*
The tree is unlikely to grow much beyond its existing size and its position relative to adjacent buildings will prevent it from ever becoming visible from a public place. The proximity of the tree to the building will result in ongoing pruning pressure which will impact negatively on the appearance of the tree and its life expectancy given the species.
- *rarity, cultural or historic value;*
The birch 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 tree 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. The birch would have limited visibility from within other properties and does not form part of a screen between properties
- *contribution to the character or appearance of a conservation area.*
The tree is considered to make some 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 and poor form it would not be expedient to bring this tree under the protection of a TPO.