

Delegated Report

Officer

Tom Little

Application Number(s)

2022/4174/T

Application Address10 Compayne Gardens
London
NW6 3DH**Proposal(s)**

FRONT GARDEN: 1 x Lime – Fell to ground level.

Recommendation(s):

Approve application for works to tree covered by a TPO

Application Type:

Application for works to a tree covered by a TPO

Consultations**Adjoining Occupiers:**

No. notified

32

No. of responses

11

No. of objections

5**Summary of consultation responses:**

The Council received 4 objections and 6 supports in response to the consultation. The objections are summarised as follows:

1. The tree is very valuable providing greenery, shade, privacy, character and appearance of the area,
2. The removal of the tree would have a negative impact on the community
3. The tree has been in this position without causing problems for many years
4. Further investigation should be undertaken providing clear proof that the tree is the cause of the problem
5. 10 Compayne Gardens is not experiencing damage and is closer to the tree
6. The evidence submitted does not seem to conclusively demonstrate the tree is the cause of the damage
7. Other solutions to the problem should be explored before the tree is removed, for example pruning or root barriers.
8. Why has this issue not been brought to our attention sooner

CAAC/Local groups* comments:

*Please Specify

CRASH would like to object to the felling of this lime tree with TPO in the front garden of no. 10 Compayne Gardens. The tree forms an important part of the treescape and street amenity and is highly visible by the public and residents in the conservation area. The survey undertaken by no. 8 Compayne Gardens - the applicants for this felling - notes only slight damage (Category 2) to no.8 building some 12 metres away. It would be highly preferable to undertake tree maintenance initially to see if this improves the seasonal shrinkage rather than felling of the tree. The buildings in the conservation area are nearly all built on clay which is subject to seasonal shrinkage whether caused by vegetation or not and many are subject to cracking and slight damage even without the presence of nearby vegetation.

Assessment

The lime is under the protection of a tree preservation order (Ref: H3 1969), the tree is highly visible from the public realm providing a high level of visual amenity and making a positive contribution to the character and appearance of the conservation area. The tree would appear to be in good condition although no detailed assessment of the structural integrity of the tree has been made.

The application alleges that the tree is implicated as a contributing cause of clay shrinkage subsidence in an adjacent property. The evidence submitted is considered to be sufficient to demonstrate that, on the balance of probabilities, the tree is a contributory factor in the subsidence occurring.

The tree has historically been maintained by reduction and this does not appear to have been sufficient to stop the subsidence. Further reduction on a scale sufficient to prevent subsidence and allow recovery of the soil would, in the short term, destroy the visual amenity the tree provides and in the long term need to be carried out with such regularity as to prevent the recovery of an attractive crown and impair the safe useful life expectancy of the tree.

It is recommended that the application is approved.

It is recommended that a replacement Scots pine is required by condition. Scots pine have a lower water demand and would be less likely to cause further subsidence in the future.