

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2022/5590/T

**Application Address**Flat Lower Ground Floor  
133 King Henry's Road  
London  
NW3 3RD**Proposal(s)**REAR GARDEN: 2 x Sycamores (G9) - Fell to ground level.  
1 x Yew (T12) - 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

**17**

No. of responses

**0**

No. of objections

**0****Summary of consultation responses:**

None

**CAAC/Local groups\* comments:**

\*Please Specify

None

## Assessment

As the trees are not covered by a TPO they were 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 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 sycamores are medium sized specimens they are growing close to a garden wall and have significant lean due to the presence of adjacent larger trees, the yew not a particularly large tree, it is not in any way a noteworthy example of its species.
- *future potential as an amenity;*  
The trees position relative to adjacent buildings will prevent it from ever becoming visible from a public place.
- *rarity, cultural or historic value;*  
None of these trees of a rare species or individually of any known cultural or historic value.
- *contribution to, and relationship with, the landscape;*  
It is considered that the trees 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.
- *contribution to the character or appearance of a conservation area.*  
The trees are considered to make a reasonably positive 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 trees offer 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, the leaning form of the sycamores and the small stature of the yew it would not be expedient to bring any of these trees under the protection of a TPO.