

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2022/5180/T

**Application Address**5 Cleve Road  
London  
NW6 3RG**Proposal(s)**

REAR GARDEN: 3 x Sycamores (T1, T2, T3) - 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

**67**

No. of responses

**7**

No. of objections

**5****Summary of consultation responses:**

The Council received a number of

1. The ivy is not a sufficient justification to fell the trees and could be removed
2. The trees are visible from several properties
3. They make a positive contribution to the character of the area
4. If the trees are not dangerous or causing subsidence they should be retained
5. They provide privacy and screening between properties as well as reducing noise
6. We need trees to mitigate against heatwaves and climate change
- 7.

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

\*Please Specify

None

## Assessment

As the sycamores are 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 sycamores in question are not visible or have very low visibility from a public place, it is not considered to provide significant visual amenity to the public. The trees are visible from the rear of a number of properties and do provide visual amenity in this context, this carries less weight than trees fully visible and there are other considerations.

### **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 not particularly large trees, and are not in any way noteworthy examples of their species. They form part of a group of self-set trees and have been suppressed by ivy which could be removed however their form has already been detrimentally affected and would be unlikely to recover in a satisfactory manner.
- *future potential as an amenity;*  
The trees could grow significantly beyond their existing size, however their position relative to adjacent buildings will prevent them from ever becoming visible from a public place.
- *rarity, cultural or historic value;*  
The sycamores are 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.
- *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 low visibility but primarily poor form it would not be expedient to bring these trees under the protection of a TPO.