

# Delegated Report

## Officer

Tom Little

## Application Number(s)

2022/0201/T

## Application Address

22 South Hill Park  
London  
NW3 2SB

## Proposal(s)

REAR GARDEN: 1 x Hornbeam (T1) - Fell to ground level.  
1 x Sorbus (T2) - Reduce by up to 2m

## 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

0

No. of responses

No. of objections

1

### Summary of consultation responses:

None

### CAAC/Local groups\* comments:

\*Please Specify

The Hampstead Neighbourhood Forum submitted the following comments:

The Hampstead Neighbourhood Forum objects to the removal of a T1 tree, a hornbeam as contrary to NE2 of the Hampstead Neighbourhood Plan. Trees do cause shade, which can be invaluable in a warming climate, and provide great amenity, help mitigate climate change and are hugely important to biodiversity. The Hampstead Neighbourhood Plan states that robust justification is needed to show that the loss of a tree would be justified by public interest

## Assessment

As the hornbeam 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 hornbeam 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 hornbeam is not a particularly large tree, it is not in any way a noteworthy example of its species. The tree would appear to have lost a leader historically which has negatively impacted on its form.
- *future potential as an amenity;*  
The tree is unlikely to grow much beyond its existing size due to pruning pressure and it's position relative to adjacent buildings will prevent it from ever becoming visible from a public place.
- *rarity, cultural or historic value;*  
The hornbeam 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 some 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 tree is considered to make a 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 of the tree it would not be expedient to bring this tree under the protection of a TPO.