

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2022/0293/T

**Application Address**26 Belsize Grove  
London  
Camden  
NW3 4TR**Proposal(s)**

REAR GARDEN: 1 x Himalayan Birch (T1) - Fell tree and remove stump.  
1 x Himalayan Birch (T2) - Fell tree and remove stump.  
1 x Himalayan Birch (T3) - Fell tree and remove stump.

**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 following comments were submitted on behalf of the Belsize Society:

For the Belsize Society: these trees form part of an important green area at the back of Belsize Grove/Haverstock Hill/Primrose Gdns, which mitigates air and noise pollution from Haverstock Hill and provides a valuable wildlife habitat. Whilst sympathetic to those allergic to tree pollen, a balanced view needs to be taken. The main pollen season lasts a couple of months compared with the year-round benefits to the neighbourhood provided by trees. Also tree pollen drifts over a wide area and there are other birch trees in the area so the removal of the trees at 26 Belsize Grove may not eliminate the family's allergy problems. We therefore object to the felling of the two healthy trees.

## Assessment

As the birches 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 birch trees in question are not visible or have very low visibility from a public place, they are 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 birches are not particularly large trees, they are not in any way noteworthy examples of the species. One would appear to be dead or in very poor condition.
- *future potential as an amenity;*  
The trees are unlikely to grow much beyond their existing size and their position relative to adjacent buildings will prevent it from ever becoming visible from a public place.
- *rarity, cultural or historic value;*  
The Himalayan birch is not a rare species and these individuals are not of any known cultural or historic value.
- *contribution to, and relationship with, the landscape;*  
It is considered that the trees make 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 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 it would not be expedient to bring this tree under the protection of a TPO.