

LOCATION: 1 Eden Close, London NW3 7UL

REFERENCE: TPF/00399/15

Received: 10 July 2015

WARD: Childs Hill

Expiry: 4 September 2015

CONSERVATION AREA None

APPLICANT: Mr S Katz

AGENT: Bartlett Tree Experts

PROPOSAL: 1 x Sycamore (applicant's ref. T1) - Dismantle. Standing in area A1 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed dismantling of 1 x Sycamore (Applicant's Ref T1) – Standing in Area A1 of Tree Preservation Order, either:

REFUSE CONSENT for the dismantling of 1 x Sycamore (applicant's ref. T1) for the following reason:

The proposal will result in the loss of a tree of special amenity value.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement tree(s) shall be maintained and / or replaced as necessary until 1 new tree is established in growth.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Consultations

Date of Site Notice: 23rd July 2015

Consultees:

Neighbours consulted: 6
Replies: 0 – Support
1 – Objection

The ground of objection are:

"I object to the felling of this fine specimen tree. No evidence has been produced that the tree is having any adverse impact to any nearby buildings. Indeed the removal of this tree could give rise to problems. Nor has any evidence been given that the tree is having any adverse amenity impact. Any new planting is likely to take many years to mature into a fine specimen, and so the felling of this tree will have an adverse amenity impact."

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

See Appendix 1

PLANNING APPRAISAL

1. Introduction

Two separate applications have been received for the proposed removal of the same Sycamore – they were submitted by different tree surgeons; on different dates (the first on 2nd June 2015 – registered under reference TPF/00310/15, the second on 10th July 2015 – registered as TPF/00399/15); and giving different reasons for the proposed removal. Two separate reports have therefore been prepared as a decision will need to be made for each application. However, these reports address the matters specific to each application with an appendix providing details which would be common to both reports rather than duplicating the information.

2. Appraisal

Tree and Amenity Value

See Appendix 1

Site Description

See Appendix 1

Site Plan

See Appendix 1

Background to the application

An application form proposing the dismantling of the Sycamore tree (applicant's ref. T1) at 1 Eden Close, London, NW3 7UL was received via the planning portal on the 26th June

2015. However, the submitted plan was insufficiently detailed to allow for positive identification of the tree subject of the application. A request was made for additional information to clarify the identity of the tree.

The agent responded in an e-mail dated 10th July 2015 in which they stated "The tree is standing in A1 of the Tree Preservation Order." Application TPF/00399/15 was registered following receipt of this e-mail.

The application

The application submitted by Bartlett Tree Experts acting as agent for the owner of 1 Eden Close, London, NW3 7UL was registered on the 10th July 2015.

The reasons given for proposed dismantling of the Sycamore are:

1. Inappropriate species in an inappropriate location.
2. Previous tree work have diminished trees amenity value
3. Due to proximity to property and services will require constant maintenance
4. Evident that there is a poor relationship and incompatibility with property
5. Tree retention is only viable with constant crown reduction works to control size
6. Propose to replant with a suitable species in an appropriate location whilst maintaining amenity value.

The agent has submitted three photographs showing the Sycamore tree and the adjacent driveway at 1 Eden Close, London, NW3 7UL in support of the application.

Reasons 1, 3 and 4 above make reference to the tree being an inappropriate species for the location, with a poor relationship to the property and services. It should be noted that the subject Sycamore predates, and was included within a Tree Preservation Order prior to, the construction of 1 Eden Close, London, NW3 7UL. The presence and future growth of the tree should therefore have been material considerations during the design and construction of the property and services.

It is possible to construct a property and install services in close proximity to trees using appropriate techniques that will help minimise damage to the tree and future problems in the relationship between a tree and adjacent structures.

The application does not contain any details of specific problems being experienced as a result of the proximity of the tree to the property

Reasons 3 and 5 listed above refer to a need to undertake "constant" future maintenance to the tree. As noted in the application submissions (and this report/appendix) this tree had had previous pruning treatment. The tree appears in reasonable condition and there is nothing to suggest that given appropriate silvicultural attention it would not be capable to contributing to public amenity for a many years to come. Financial concerns about the cost of maintaining preserved trees within the grounds of a private residence are not on their own considered justifiable grounds to approve the felling of protected trees, especially a tree that predates the construction of the dwelling and was retained as part of the permission for redevelopment of the site. The private cost of maintaining the Sycamore tree has to be set against the benefits of the tree to the wider public.

The tree appears in reasonable physiological and structural condition and its removal could not be justified with regard to the condition/health of the tree.

As has been noted in the appendix attached to this report the previous treatment that has been undertaken to the tree has not prevented it from contributing to public amenity. It would not be considered justifiable to allow the removal of a TPO purely because it has had some previous consented reduction treatment, indeed such an approach would serve to discourage approval of appropriate treeworks.

The agent has stated that it is proposed “to replant with a suitable species in an appropriate location whilst maintaining amenity value.” As noted by the objector any replacement tree would take a considerable period of time to reach the overall size and shape and provide the same level of screening as the subject Sycamore. In addition, there are only very small soft landscaped areas in the front “garden” of this property, any replacement planting in a similar location to the subject Sycamore is likely to require the removal of additional vegetation already at the site and there may be problems in the establishment of any replacement planting especially given the reasons put forward for this application.

3. Legislative background

See Appendix 1

Application reference TPF/00310/15 has been referred to Members for decision because one of the exceptions to the Delegated Powers of the Assistant Director of Planning and Development Management is “where she / he considers that an application should be refused where such a decision will result in the Council being made liable for payment of compensation”.

Alleged damage to property has not been listed as a reason for application TPF/00399/15, however, because both of these current applications are proposing the removal of the same tree it has been deemed appropriate for application TPF/00399/15 to also be determined by Members.

COMMENTS ON THE GROUNDS OF OBJECTION

Not applicable

EQUALITIES AND DIVERSITY ISSUES

See Appendix 1

CONCLUSION

The application submitted by Bartlett Tree Experts acting as agent for the owner of 1 Eden Close, London, NW3 7UL proposes the dismantling of a Sycamore tree standing in the front “garden” area of 1 Eden Close, London, NW3 7UL. The reasons for the application are:

1. Inappropriate species in an inappropriate location.
2. Previous tree work have diminished trees amenity value
3. Due to proximity to property and services will require constant maintenance
4. Evident that there is a poor relationship and incompatibility with property

5. Tree retention is only viable with constant crown reduction works to control size
6. Propose to replant with a suitable species in an appropriate location whilst maintaining amenity value.

The proposed felling of the Sycamore would be of detriment to public amenity. In addition, there is likely to be problems with the establishment of any replacement planting in the front garden area of the property.

The Sycamore predates the construction of 1 Eden Close, London, NW3 7UL and the property and any services to it should have had due regard for the presence and future growth of the tree.

The removal of this tree could not be justified with regard to arboricultural reasons.

There is nothing to suggest that the tree is not capable to contributing to public amenity for many more years given appropriate silvicultural attention and the private cost of maintaining the Sycamore tree has to be set against the benefits of the tree to the wider public.