

BARNET

LONDON BOROUGH

COMMITTEE REPORT

LOCATION: 117 PARK ROAD, BARNET, HERTS EN4 9QN

REFERENCE: 16/TPO/030

WARD: East Barnet

PROPOSAL: To seek authority for confirmation of Tree Preservation Order, without modification.

RECOMMENDATION:

1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet 117 Park Road, Barnet, EN4 9QN Tree Preservation Order 2016 without modification.
2. That the person(s) making representations be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Planning Performance and Business Development Manager dated 18th August 2016
- 16/3778/FUL – 117 Park Road, Barnet, EN4 – Demolition of existing side extension and erection of a two storey dwellinghouse with associated hard and soft landscaping, provision of 2no parking space, refuse store cycle store
 - Refused under delegated powers 18th August 2016 for the reasons:
 1. The proposed development, by reason of limited plot size, design, scale, form and setting, would represent a visually incongruous cramped form of development which is unsympathetic and detrimental to the character and appearance to the setting of the existing dwellinghouse and the visual amenity of the surrounding properties and streetscape. The proposal would be contrary to policy DM01 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and the National Planning Policy Framework.

2. The proposals would result in the loss of a tree of special amenity value contrary to policies CS NPPF, CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

Background Information/Officers Comments

A Tree Preservation Order was made on 18th August 2016 in the interest of public amenity in the light of a planning application for redevelopment at the site (16/3778/FUL). No arboricultural information had been submitted as part of the planning documents, indeed no trees were marked on any of the plans – existing or proposed. However, it was clear from the extent of level changes that would be required to implement the proposal that trees would be lost / significantly damaged. An objector had raised concerns about implications for trees at the site and the Area Planning Manager requested that the trees be considered for possible inclusion in a Tree Preservation Order.

117 Park Road stands on the southern corner of the junction of Pilgrims Rise and Park Road, its southern flank boundary (with 119 Park Road) is directly opposite the junction of Park Road and Caddington Close. The land rises steeply to the east (so the cul-de-sac of Pilgrims Rise rises steeply uphill); the front driveway / parking area of the two-storey dwelling at 119 Park Road is set some 1.5 – 2 metres lower than that of 117 Park Road.

The principal trees at the site are a Scots Pine at the front and an outgrown Cypress hedge along the rear boundary which has been partially topped (to a very poor standard) - the hedge could not be included in a Tree Preservation Order.

The early mature Scots Pine, some 15 – 17 metres in height, stands approximately midway between the Park Road frontage and the garage of the site, close to the southern flank boundary with 119 Park Road. It is surrounded by shrubs which have been maintained as a mixed hedge, there is also a Silver Birch standing stump (which was clearly felled several years ago). Given its position, the Scots Pine is very prominent in the streetscape – being clearly visible along Park Road (especially when viewed from the north because it is a straight road with few street trees); Pilgrims Rise; and Caddington Close (forming a focal point as it is opposite the junction). The Scots Pine is an evergreen – so it makes a year-round contribution to the streetscape. The Pine has plenty of healthy foliage of good colour and appears to be in generally reasonable condition with no major faults apparent. There had been some lifting and relatively recent reduction back of low branches to provide clearance from a streetlight and telegraph pole (a dead hanging branch remains). Since the date of the October 2014 Google Streetview image, the branches overhanging 117 Park Road have been lifted to approx. 8 – 9m above ground level of the driveway. As the branches on the rest of the tree descend to perhaps 5m above ground level (n.b. sloping site), this has given the tree a somewhat lop-sided appearance to the lower crown when viewed from one direction – however, this is not obvious when viewed from other angles due to the distribution of the remaining branches; also, as the leader has pronounced horizontal growth (to give the characteristic flattened shape of mature Scots Pine rather than the conical younger form), a considerable percentage of the canopy as a whole is clearly visible and unaffected.

The Scots Pine is considered to be of significant public amenity value and, with appropriate cultural attention, might reasonably be expected to make a positive

contribution to local amenity for the foreseeable future - it was therefore included in a new Tree Preservation Order.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations.

A representation has been received from one of the residents of 117 Park Road.

The Tree Preservation Order secures the protection of the tree on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The representation can be summarised as:

- “It is extremely tall and lop-sided. When it is windy it leans towards house 119.”
- “We feel it does not add to the character of the area in fact in looks quite odd” adding that 5 neighbouring properties “have had substantial trees chopped down.”
- “The Scots Pine roots are very long and destructive they are pushing the driveway stones up making them uneven and dangerous for cars and people.”
- “The Pine needles which drop all year can be slippery when wet and clogs up cars.”
- “Our Pine tree at some point will most likely cause chaos if it continues to lean or blow over in a storm.....[if the tree blew over in a storm causing damage] will the Council undertake any expenses for damages as we feel the tree is unsafe and dangerous.”

In response the Council's Tree and Environment Officer comments as follows:

- (i) The inclusion of the Scots Pine in a Tree Preservation Order would not preclude application(s) for consent to treat a tree included in a Tree Preservation Order being submitted to the Council, in accordance with the planning legislation. Such application would be considered on its merits on the basis of the information submitted at the time. However, it would allow the Council some measure of control over treatment that was considered excessive. Trees naturally flex in windy conditions - however, there is nothing to suggest that the Scots Pine is unstable. Nor has any evidence been put forward to substantiate the suggestion that the tree is “unsafe and dangerous”. The dead hanging branch could be removed in accordance with exemption provisions. If there are concerns about the condition of the tree, either now or in the future, an application with appropriate supporting evidence could be submitted.
- (ii) As noted above, the recent lifting of branches overhanging 117 Park Road has contributed to a somewhat lop-sided appearance of the lower crown when viewed from one direction, however, a considerable percentage of the canopy as a whole is clearly visible and unaffected.

- (iii) The contention that the Scots Pine “looks quite odd” is subjective. There are various other Pines in the surrounding area, as well as a mix of other trees. There is a range of species in Tree Preservation Orders within a 100 metre radius of 117 Park Road including Birch, Rowan, Oak, Horse Chestnut, Beech, Hornbeam, Field Maple as well as Lawson Cypress both as a group and individually designated – such as the one at 120 Park Road immediately opposite. It does not appear that a comprehensive assessment of all the trees in the vicinity has been undertaken – rather that Tree Preservation Orders have been made in connection with redevelopment of land parcels (such as what is now Caddington Close and Keely Close). None of the removals referred to in the representation were of protected trees and some pre-date 2008.
- (iv) The driveway at 117 Park Road is surfaced with brick pavements and bordered by vegetation comprising shrubs of various heights as well as the Scots Pine and Silver Birch stump. There was no obvious sign of pavement displacement to create uneven and dangerous conditions (and even if there was, it would be difficult to attribute causation wholly to the Scots Pine) – but it should be a relatively straightforward matter to relay any affected area using appropriate techniques without detriment to the tree.
- (v) Given the number of trees in the borough in proximity to property, overhanging driveways and gardens, there would be significant implications for the future of Barnet’s urban tree stock if trees were excluded from protection because they drop foliage. It is considered that the clearance of debris arising from a tree is normal householder maintenance and, regardless of the Scots Pine, there are a number of other shrubs immediately adjacent to the driveway with leaves that could “be slippery when wet and clog up cars”.

2. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

3. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the interests of public amenity and would allow the Council some measure of control over treatment that is considered excessive. As set out above, it is considered the Scots Pine tree identified in the Order contributes significantly to public amenity, and given normal arboricultural attention is capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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