

LOCATION: Windsor Open Space, Windsor Road, London, N3

REFERENCE: TPO/00226/12/F
WARD: FCE
Received: 4 April 2012
Expiry: 30 May 2012

CONSERVATION AREA -

APPLICANT: Mr Paul Frainer, Greenspaces Arboricultural Officer – LB Barnet
PROPOSAL: 1 X Poplar (applicant's ref T85) – Fell and replant Willow;
1 x Ash (app ref T93) – Fell and replant Oak;
6 no Ash (app ref T23–T29 excl T25) – Fell and replant 6 no Oak.
All standing in Area A1 of Tree Preservation Order.

RECOMMENDATION:

SPLIT DECISION

That the Council refuses consent to fell 3 x Ash (Applicant's ref T24, T26 and T27) standing in area A1 of the Tree Preservation Order, at Windsor Open Space, Windsor Road, N3 for the following reason:

The proposal will involve the loss of trees of special amenity value.

But that the Council grants consent to fell 1 x Poplar (Applicant's ref T85), 1 x Ash (app ref T93) and 3 x Ash (Applicant's ref T23, T28 and T29) standing in area A1 of the Tree Preservation Order, at the above address subject to the following conditions:

1. The species, size and siting of the replacement trees shall be agreed in writing by the Local Planning Authority and the trees 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 trees shall be maintained and/or replaced as necessary until 5 new trees are 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.

INFORMATIVE:

1. Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

NOTES:

- 1 Your attention is drawn to Part 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and if you are aggrieved by the decision of the Local Planning Authority you may appeal to the Secretary of State for Communities and Local Government, c/o The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN within 28 days of receipt of this decision.
- 2 The works subject of this consent must be completed not later than two years from the date of this grant of consent.
- 3 If you are not the owner of the tree(s) you are advised to consult with and where necessary obtain the permission of the owner before taking any further action with regard to the treatment.

- 4 Fuller details about the Local Planning Authority's decision are included in the delegated / Committee report.

Consultations

Date of Press and Site Notices: 26th April 2012

Consultees:

Neighbours consulted: 6

Replies: 4 objections

- including Friends of Windsor Open Space and a joint letter with 11 signatories
- 1 support

The grounds of objection can be summarised as:

- Concern at lack of space for species indicated as replacement planting
- Lesser works more appropriate e.g. reduction of large Ash / removal of deadwood
- Visual amenity - enhance woodland
- Offer barrier to noise pollution from A1
- Wildlife habitat
- Need for bat survey
- Concern about extent of ivy throughout woodland
- Historic fence-line suggests joint ownership
- Unaware of complaints about limbs falling into gardens
- Uncertainty as to which (of 2) Poplar to be removed – both have high amenity value
- Ecological and environmental value of trees more important than 'amenity' value as Site of Importance for Nature Conservation – outweighing arboricultural reasons for removal unless dangerous and cannot be made safe
- Ecological and environmental value of new planting less than established trees
- If treeworks undertaken, arisings should be removed from site

The grounds of support can be summarised as:

- Ash trees believed to be dangerous and numerous large branches have fallen into garden
- Concern about safety of persons using garden
- History of contacting Council about treework requesting trimming

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

No history directly relevant to these trees

PLANNING APPRAISAL

1. Introduction

The application has been submitted by Greenspaces who have responsibility for the Council owned / maintained Windsor Open Space.

The trees subject of this application are located in the area of Windsor Open Space between Waverley Grove and the east-west path linking Holders Hill Gardens with the

Open Space, they are all adjacent to the recently upgraded Dollis Valley Greenwalk footpath.

'Amenity' has been defined in the courts as "pleasant circumstances or features, advantages" – it is not restricted to visual amenity but also takes into account other benefits, both tangible and intangible, conferred by trees. Trees can provide a whole range of multifunctional contributions to environmental, social and economic sustainability, and thus seeking to distinguish between relative importance of arboricultural / ecological / environmental factors is unnecessary in terms of assessing public amenity value.

2. Appraisal

The application

The reason for the proposed removal of White Poplar (T85) cited on the application form is "*Multiple included unions at 0.5m, large heavy limbs overhanging public footpath and bridge, low amenity value. Replant close by with [Willow] (med standard).*"

The reason for the proposed removal of Ash (T93) cited on the application form is "*Low amenity value tree causing damage to existing 3rd party fenceline, inappropriate position for future growth due to likely damage potential. Replant close by with medium [Oak] standard.*"

The reason for the proposed removal of 6no Ash (T23 – T29 excluding T25) cited on the application form is "*Self seeded middle aged Ash trees slender growth formation due to close distances between trees. Trees producing significant deadwood which falls into neighbouring property gardens. 40% of crown area overhanging private gardens causing excessive shading. Low amenity value trees in unsuitable position for future growth close to adjacent fenceline potential for damage. Replace close by with 6no [Oak].*"

White Poplar (T85)

The White Poplar is the leaning one of the pair immediately adjacent to the east of the footbridge over Dollis Brook along the east-west path linking Holders Hill Gardens with the Open Space. It stands close to the children's playground.

The Poplar is a mature multi-stemmed tree, approximately 18 – 20 metres in height, which is leaning significantly (approximately 45°) eastward across the footpath towards the children's playground. It stands immediately adjacent to the Brook, which has significantly curtailed rooting westward. There are a number of forks with included bark (compromising the structural strength and increasing the likelihood of splitting apart) and prominent bark inclusion where two stems meet at about 1.5m. This is a significant defect on White Poplar due to the brittle nature of its wood and proneness to fail at these points when limbs become heavy - especially when, as in this case, the crown is unbalanced. Given the tree's location, the potential consequences of such failure could be extremely serious.

The tree is very clearly visible as part of a group at the confluence of a number of paths - it is immediately adjacent is another White Poplar of much better form that stands upright, there are also a number of others on the Holders Hill Gardens side of the footbridge. Little previous pruning treatment is evident to any of these trees, giving the appearance of natural group.

It is not considered that significant pruning would address the inherent risk posed by the Poplar and, even if it were so to do, would result in the tree appearing very incongruous within the group – such treatment would be detrimental to the amenity value of the group and to the sylvan character and appearance of the area.

Given the condition of the tree, especially in the light of its close proximity to the children's playground and the footpaths immediately adjacent, it is considered that public amenity value would be better served by allowing the removal of the tree under controlled conditions subject to replacement planting.

Ash (T93)

This Ash is located on the fenceline to the rear of 65 Broughton Avenue, adjacent to the Dollis Valley Greenwalk footpath. It is understood that, especially given the dilapidated state of the fence, ownership of the tree is uncertain. The Ash has been ringbarked by a wire, it being so close to the fenceline.

The Ash is a young tree, 8 – 10 metres in height, of very poor form. It forks at about 1.5 metres above ground level and one stem is very contorted. The tree will never develop into a reasonably shaped specimen. It stands adjacent to a slightly older Ash of much better form; the newly surfaced footpath has been constructed around a surface root of this better tree.

Ash (T93) is visible from the public footpath but otherwise has very restricted visibility. Being such a small young tree, surrounded by other older trees, its contribution to wildlife habitat is limited.

The removal of the poorly formed young Ash would allow more space for the continued growth and development of other better shaped trees. It is not considered that the loss of the tree would be significantly detrimental to public amenity, but replacement planting of a better tree in a slightly different location would help maintain the tree stock into the future.

6 no Ash (T23 – T29, excluding T25)

These Ash trees are located in the section of the recently upgraded Dollis Valley Greenwalk to the north of Waverley Grove between the footpath and rear gardens of 53 - 59 Broughton Avenue, immediately adjacent to the rear of the gardens. The land slopes down towards Dollis Brook, the rear gardens are some 1.5 metres above the Greenwalk, and the Ash trees are on a bank. T25 is a dead stump. There are a number of other trees on either side of Dollis Brook that also contribute to the woodland which is an important feature of this area for both people and wildlife.

The 6 Ash are mid-aged trees, approximately 20 metres in height, which are very clearly visible from Dollis Valley Greenwalk and as a group above and between the houses of this part of Broughton Avenue.

The application has been prompted by complaints by local residents that branches and deadwood have fallen into gardens. Customer Services passed on at least 2 enquiries from Broughton Ave last year (2011) whereby one or more of these trees had dropped limbs into adjacent gardens or there were concerns about dead limbs. It is understood that it had originally been hoped to undertake pruning works in association with the Dollis Valley Greenwalk upgrading. However, it was subsequently considered that reduction would be inappropriate because of the trees' poor branch structure, so this application was instead submitted for consent to remove the trees and plant replacements.

Ash T23 is to the rear of 59 Broughton Avenue. It has cavities in the trunk and at the branch junction of a previously split out limb. It has poor form and considerable dieback, there is hanging deadwood in the young Ash stems arising from the base of the tree.

Ash T24 is to the rear of 57 / 59 Broughton Avenue. It has some hanging deadwood, but is generally in a much more reasonable condition.

Ash T26 is to the rear of 57 Broughton Avenue. It has previously had a large branch cut back after parts of the branch had dropped onto the garden, but it appears generally reasonable with no major faults evident.

Ash T27 is to the rear of 55 / 57 Broughton Avenue. It appears generally reasonable albeit somewhat suppressed, hence a number of the branches are over the gardens.

Ash T28 is a twin-stemmed tree to the rear of 55 Broughton Avenue. One main trunk is very one-sided over the garden; the other stem has a number of splits evident. The tree is very spindly.

Ash T29 is to the rear of 53 / 55 Broughton Avenue. It has a previously split stem, a cavity at a previous branch removal point, crown dieback, deadwood and dead branches.

Ashes as a species are notorious for deadwood - and there are a number of dead limbs present in the crowns of these trees. They have developed poor branching structure due to the close proximity of these trees and previous pruning. In addition, generally Ash trees do not exhibit crowns that are easily pruned due to bud formation and branch growth. Any feasible reduction of the crowns of these trees would result in the formation of weak union growth points and wounds that may act as an entry point for disease or decay. Pruning

would also need to be undertaken on a regular cyclical basis following this due to multiple weak branch unions which are likely to form when the trees re grow from cut limbs.

Whilst the removal of deadwood and dead branches may minimize the risk of such debris falling into gardens, it is not considered that reduction in canopy size is a realistic option because of the lack of suitable pruning points – the trees are very drawn up and have poor branch structure.

The condition of Ash trees T29, T28, and T23 is very poor. Given their location immediately adjacent to gardens and the Dollis Valley Greenwalk footpath linking Waverley Grove to Windsor Open Space, it is considered that the hazard they pose is such that their removal is justifiable subject to replacement planting.

However, Ash trees T24, T26 and T27 are in much more reasonable condition. These three central trees form a coherent subgroup. It is considered possible that their crowns may fill out in the absence of competition from the adjacent T29, T28, and T23. Retention of the three trees in better condition may address some concerns about potential impact on visual amenity, aural screening and wildlife habitat. Such a phased approach would maintain some of the established tree cover whilst also allowing creation of some space for replacement planting to establish and develop into the longer term.

COMMENTS ON THE GROUNDS OF OBJECTION

Matters mainly addressed in the body of the report, however, the following points may be noted:

The trees are within the Lower Dollis Brook Site of Borough Importance Grade II for Nature Conservation. Greenspaces Officers have confirmed that relevant wildlife surveying would be undertaken prior to any works commencing and that any work would be timed to minimise ecological impacts.

As objectors have raised concerns about the species proposed as replacement planting, rather than requiring replacements as indicated, it may be preferable to impose a condition requiring size, species, and location of replacement planting to be agreed. This would allow an opportunity for detailed consideration taking account of context and the possibility of a mix of trees increasing the ecological benefits.

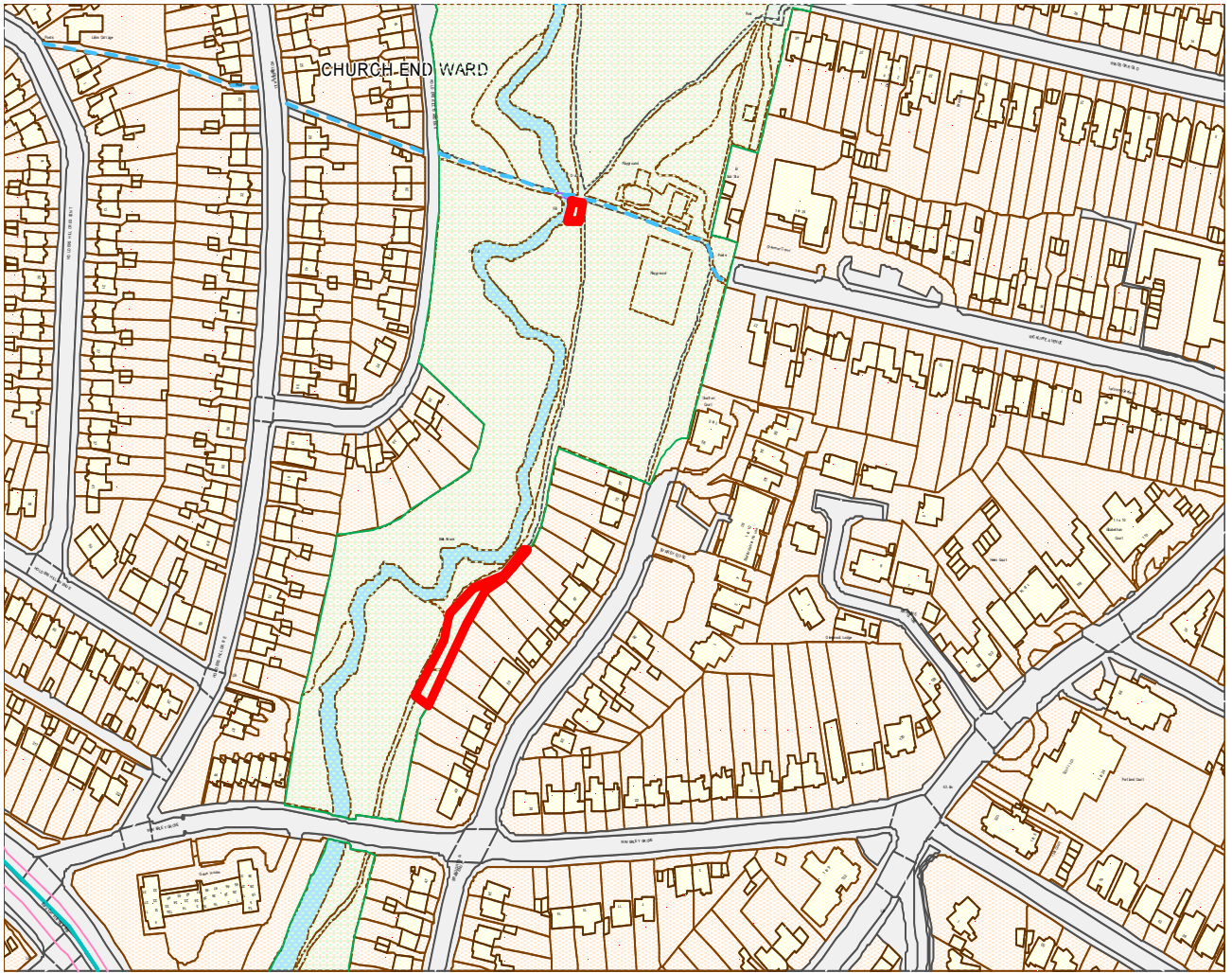
CONCLUSION

It is therefore recommended that a split decision be made:

Refusal of consent to remove three Ash trees (applicant's ref T24, T26 and T27) for the reason:

The proposal will involve the loss of trees of special amenity value

Consent being granted for the felling of one Poplar and four Ash trees (applicant's ref. T85 and T93, T23, T28 and T29) subject to the conditions listed above. Given the condition of these trees, it is not considered that substantial reduction would be a viable alternative, and therefore it is recommended that consent is granted subject to replacement planting.



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