

LOCATION: 19 Priory Close, London, N20 8BB

REFERENCE: TPO/00305/12/B **Received:** 29 May 2012
WARD: TO **Expiry:** 24 July 2012
CONSERVATION AREA Totteridge

APPLICANT: Metamorphosis Design

PROPOSAL: 8 x Conifer (1, 3, 4, 5, 6, 7, 8 and 9 of Plan as confirmed by Metamorphosis Design in e-mail dated 25th July 2012) and 3 x Sycamore (2, 3 and 4 Applicant's Plan received by the Council on the 29th May 2012) - Remove. Standing in Area A1 of Tree Preservation Order.

RECOMMENDATION:

SPLIT DECISION:

That the Council REFUSES CONSENT TO REMOVE 8 X CONIFER (1, 3, 4, 5, 6, 7, 8 and 9 of Plan as confirmed by Metamorphosis Design in e-mail dated 25th July 2012) and 1 x Sycamore (4 Applicant's Plan received by the Council on the 29th May 2012) standing in area A1 of the Tree Preservation Order, at 19 Priory Close, London, N20 8BB for the following reason:

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

But that the Council GRANTS CONSENT TO REMOVE 2 X SYCAMORE (2 and 3 Applicant's Plan received by the Council on the 29th May 2012) standing in area A1 of the Tree Preservation Order, at 19 Priory Close, London, N20 8BB, 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 2 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: 7th June 2012

Consultees:

Neighbours consulted: 13

Replies: 7 objections - including Totteridge Residents Association

The grounds of objection can be summarised as:

- The removal of the trees will lead to a loss of privacy/spoil the view.
- We understand that the removal of these trees is for cosmetic reasons only and to facilitate the proposed development.
- The Council should not allow the removal of protected trees unless it is absolutely necessary/they represent a danger to anyone. Permission for unjustified felling of protected trees will set a dangerous precedent for the Council.
- The loss of the trees will alter the wind stresses affecting other nearby trees.
- "Presumably the real reason for requesting felling of protected trees is to do with protection of a swimming pool from unwanted seeds and other foliage than any other reason."
- The removal of trees would be detrimental to local wildlife.
- The house next door has already removed several trees.
- The property of 19 Priory Close has "a very large garden with no trees."

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

There have been a number of previous recent Applications/Notices/Certificates for development and treeworks at this property, of which the following are of relevance:

B/01794/10

"Part single, part two-storey rear extension and part single, part two-storey side extension. Alterations to existing front porch. Addition of roof lights to rear roof slope and crown roofs. (AMENDED DESCRIPTION)"

Granted **CONDITIONAL APPROVAL** 5th July 2010.

B/04129/10

"New indoor pool building in back garden".

Deemed **LAWFUL** 17th December 2010.

B/03972/11

"Formation of outdoor swimming pool and terrace in rear garden."

Deemed **LAWFUL** 12th October 2011.

B/04035/11

"Material amendment to planning permission reference B/01794/10 dated 05/07/2010 for 'Part single, part two-storey rear extension and part single, part two-storey side extension. Alterations to existing front porch. Addition of roof lights to rear roof slope and crown roofs.' Amendment to include increase in width of side/ rear extension up to boundary with No. 21"

Granted **CONDITIONAL APPROVAL** 7th December 2011.

TCA/00440/12/B

1 x Birch (1 Applicant's Plan) - Remove."

Six week notification period expired 30th August 2012

(considered inappropriate for inclusion in a new Tree Preservation Order)

TCA/00441/12/B

1 x Sycamore with DBH of 80mm (5 Applicant's Plan) - Remove to improve growth of other trees."

Exemption Notice issued 22nd August 2012

PLANNING APPRAISAL1. Introduction

This application has been submitted by Metamorphosis Design as agent for the owner of 19 Priory Close.

The application was originally registered on the 29th May 2012 in respect of *"8 x Conifer (as Indicated on Applicants Plan) and 5 x Sycamore (1, 2, 3, 4, and 5 Applicants Plan)- Remove. Standing in Area A1 of Tree Preservation Order."*

The London Borough of Barnet Totteridge House, Garth Cottage and former Totteridge Village and r/o No's 5-19 (incl) Priory Close, N20 Tree Preservation Order 1992 was made on the 7th May 1992 and confirmed without modification on the 16th July 1992. The trees subject of this application all stand within Area A1 of the Tree Preservation Order which includes the "several trees of whatever species standing in Area A1 on the map" that were growing when the Order was made in 1992.

During site inspection, it became apparent that the "Sycamore" marked as 1 on the applicant's plan had been misidentified and is actually a Birch.

Measurements taken indicated that both this Birch and the Sycamore marked as 5 on the plan are too young to have been growing at the site at the date the Order was made – hence the proposed removal of these two trees has been omitted from this application and reregistered as:

A separate Notice of Intent was registered under reference TCA/00440/12/B for the removal of the Birch. However, as the trunk diameter of the Sycamore (5 on applicant's plan) is 80mm and its removal is to improve the growth of other trees, it would be too small to be subject to the formal notification procedure and a separate Exemption Notice, TCA/00441/12/B, has been issued (see relevant planning history above).

It was also noted during the site visit that there were more than 8 x Conifer trees growing in the area marked on the submitted plan. Written clarification was sought and the agent responded in an e-mail dated 25th July 2012 by reference to a further annotated plan.

The proposal has been slightly amended accordingly.

The reason given for the proposed removal of the 8 x Conifers is:

"They currently range in height from 4 to 10 metres and are severely reducing the light levels within the woodland. With their removal light levels will improve dramatically and the range and diversity of woodland plants will increase greatly. Currently it is so dark that only Ivy can survive. We would like to replant much of the woodland floor with english native plants, shrubs and ferns to act as an under storey and mid storey to the Sycamores, Chestnuts and Oak that occupy the upper level."

The reason given for the proposed removal of the 3 x Sycamore is:

"they are now impeding the growth of the surrounding trees. Due to lack of light and excessive competition within the woodland, the trees have grown very leggy. With their removal, the existing trees will have more room to develop and the light levels will improve sufficiently to allow a wider diversity of plants to grow on the woodland floor."

2. Appraisal

19 Priory Close has a large triangular garden abutting properties in Priory Close, Barnet Lane and the now sub-divided Totteridge House site on Totteridge Village. The trees stand on the southern boundary, partway along a wooded band which runs from Totteridge Village through the property of Falmer Totteridge Village and adjacent to the rear boundaries of properties in Priory Close. This wooded area contributes significantly to the general character and appearance of the Totteridge Conservation Area – providing screening between neighbouring properties; helping to soften the appearance of the relatively large residential properties; providing a strong green barrier to the properties; and adding to the rural and open character. Trees and planting are acknowledged to make a very important contribution to the character and appearance of the conservation area within the Totteridge Conservation Area Character Appraisal Statement. Totteridge is also classified as an Area of Special Character originally derived from the Greater London Development Plan - such Areas are considered to be essential to the character of London as a whole.

8 x Conifers

These trees are annotated as 1, 3, 4, 5, 6, 7, 8 and 9 of Metamorphosis Design Plan clarified 25th July 2012, and are visible as part of a group from Priory Close. They stand adjacent to each other between 27 and 43M from the rear boundary of the site and on the western edge of the wooded band of trees that runs through this site and adjacent properties. The visibility of these conifer trees is likely to be greater during the winter months given their evergreen nature and they help to add some diversity to the tree species within the wooded band of trees at 19 Priory Close.

Although described as '*mostly Cupressus x leylandii*' by the applicant, it appears that the trees are mainly Lawson's Cypresses. These middle-aged Cypress trees are between 4 and 10M in height, have trunk diameters ranging from 190mm to 290mm and are the largest conifers in this part of the garden. Their crown shapes have been affected by the close proximity of the other trees but the trees form a distinct woodland grouping which has a collective amenity value exceeding the value of the individual trees. The conifers have dense western facing foliage of good form and colour. There is some deadwood present, mostly minor and close to the trunks of the trees and towards the east (where light levels are lower), which is typical of the species. There is one hanging dead branch within the crown of Cypress 1, but none of the conifers have any obvious major structural faults apparent.

The removal of these Cypress trees could not be justified with regard to their condition and it would not normally be reasonable for the Council to allow the removal of apparently healthy Tree Preservation Order trees. When considering applications for treatment to trees included within a Tree Preservation Order, Government guidance advises Local Planning Authorities:

"(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it."

The applicant suggests that the reason for the proposed removal of these trees is to increase light levels and following this "*the range and diversity of woodland plants will increase greatly.*"

These Cypresses are located on the western extremity of the woodland area in the garden of this property - even if these trees were removed, then the light levels reaching the "woodland floor" would still be restricted by the other trees within wooded area. It should be noted that the diversity of under-storey and mid-storey plant life in the vicinity of the conifers is already currently greater than that towards the back of the garden at 19 Priory Close where the woodland is dominated by large mature, predominantly deciduous trees, and there are virtually no under-storey plants.

Because they stand on the edge of the woodland, the removal of these Cypresses would decrease the depth of that portion of the woodland band. As the proposed replacement planting details shrubs, ferns, perennials and bulbs, the area of trees would be diminished in size both in the short and longer term. Given the applicant's reason for the proposed tree removals it also seems likely that they will wish to remove the existing under-storey and mid-storey vegetation at this location to

facilitate their proposed new planting, and there may well be additional future pressures for further treeworks to allow more light through the wooded area for the new planting.

It is considered that the proposed removal of these trees would be of detriment to the health and appearance of the woodland group – that public amenity would be harmed for personal gain (i.e. landscaping that would have minimal public benefit). The proposals would appear to substantially alter the appearance of the woodland group. The loss of the Cypresses will be particularly noticeable in the winter months when the deciduous trees lose their foliage. This would be of detriment to the appearance of the woodland group. Trees are dynamic living organisms that grow in response to their environment. Changes in that environment can be of detriment to the health of trees. The trees in the middle of the wooded band and behind these conifers have tall narrow forms (typical of woodland trees) with high crowns. The loss of the Cypresses would expose those slender woodland trees as the new western edge of the woodland band, altering the wind stresses affecting the remaining surrounding trees which may be of detriment to their health.

Sycamores – these are numbered on the Applicant's Plan received by the Council on the 29th May 2012. These trees are partly visible from surrounding properties as part of the wooded band.

Sycamore 2 and 3

Sycamore 2 has a trunk diameter of 175mm and is about 7 metres in height. It is a middle-aged tree which has previously lost the top of its stem at about 5.5M. There is decay visible at the wound site. The main limb forks from the trunk at about 4M and a decay pocket is also visible at the union. All of the foliage (which is of reasonable form and colour, but a slightly sparse density towards the top of the tree) arises from either the limb or as regrowth from the top of the main snapped stem.

Sycamore 3 has a trunk diameter of 190mm. It is about 9M tall and is middle-aged. It has a small high crown relative to its height. There is a cavity at the base of the tree. The foliage is of good form, density and colour.

The removal of these two Sycamore trees - which are in poor condition - would allow more space for the growth and development of other trees within the wooded band. It is not considered that the loss of these two trees would be significantly detrimental to public amenity or, given their location within the middle of the wooded band, to the health and appearance of the other surrounding trees, but replacement planting of better trees in a slightly different location would help maintain the tree stock into the future.

Sycamore 4

About 10M in height. It is a middle-aged tree with a trunk diameter of 190mm. The tree has a high crown - which is typical of woodland grown trees. The foliage is of good form, density and colour and there are no obvious major structural faults apparent. It is considered that the removal of this tree could not be justified with regard to its condition.

The reason given for the proposed removal of this tree is "*impeding the growth of the surrounding trees*" and that following its removal the existing trees will have

more room to grow and more light will reach the woodland floor allowing a greater diversity of plants to grow there. As noted above, there is a greater diversity of under-storey and mid-storey vegetation in this location than there is in the woodland towards the rear of the site. This includes a number of maturing trees which surround this Sycamore - including the Cypress trees and Sycamore 5 that the applicant wishes to remove. It is unclear from the applicant's submissions exactly which of the existing trees surrounding Sycamore 4 are proposed for retention and given more room to develop.

The removal of substantial numbers of trees from the middle of the wooded band will decrease the density of the woodland to the detriment of its appearance and may result in altered wind stresses affecting the remaining trees. The removal of a few poor quality trees to improve the growth of selected remaining trees may be justifiable (for example, Sycamores 2 and 3 also the Birch subject of TCA/00440/12/B). However, Sycamore 4 appears in reasonable condition and the applicant is proposing to remove most of the trees which surround it (and could additionally remove other smaller trees below the notification threshold without reference to the Council).

Given the amenity value of the trees, on the basis of the available information the reason put forward by the applicant would not justify the removal of Sycamore 4 and it is considered reasonable to refuse consent.

COMMENTS ON THE GROUNDS OF OBJECTION

Some matters addressed in the body of the report, however, the following points may be noted:

Whilst trees have a significant value as a wildlife habitat, the tree preservation legislation only protects the trees themselves. Any treatment consented to tree(s) would still be subject to the duties, obligations and offences contained within the wildlife preservation legislation, and an informative should be added accordingly.

As can be seen from the relevant planning history there have been various Applications/Certificates for development works ongoing at this site. The trees are on the opposite side of the site from the development works. There is nothing contained within the approved applications for development works, or the reasons put forward in support of this application to suggest that the removal of these trees is to "facilitate the proposed development". Whilst Certificates of Lawfulness have been submitted in respect of both an indoor and outdoor swimming pool (see relevant planning history above), the applicant has not suggested that the trees are proposed for removal to prevent seasonal detritus from falling into an as yet unbuilt swimming pool. The Cyresses are less likely to drop seasonal detritus into an outdoor swimming pool than the deciduous replacement planting suggested in the application submissions; also, given the number of other trees at the site, it is considered that the proposed tree removals would have very little impact on the amount of seasonal detritus that would fall into the garden of 19 Priory Close.

One objector has highlighted concern regarding loss of trees at the neighbouring property - the redevelopment of 21 Priory Close and any treeworks undertaken at that property are not relevant to this current application for treeworks.

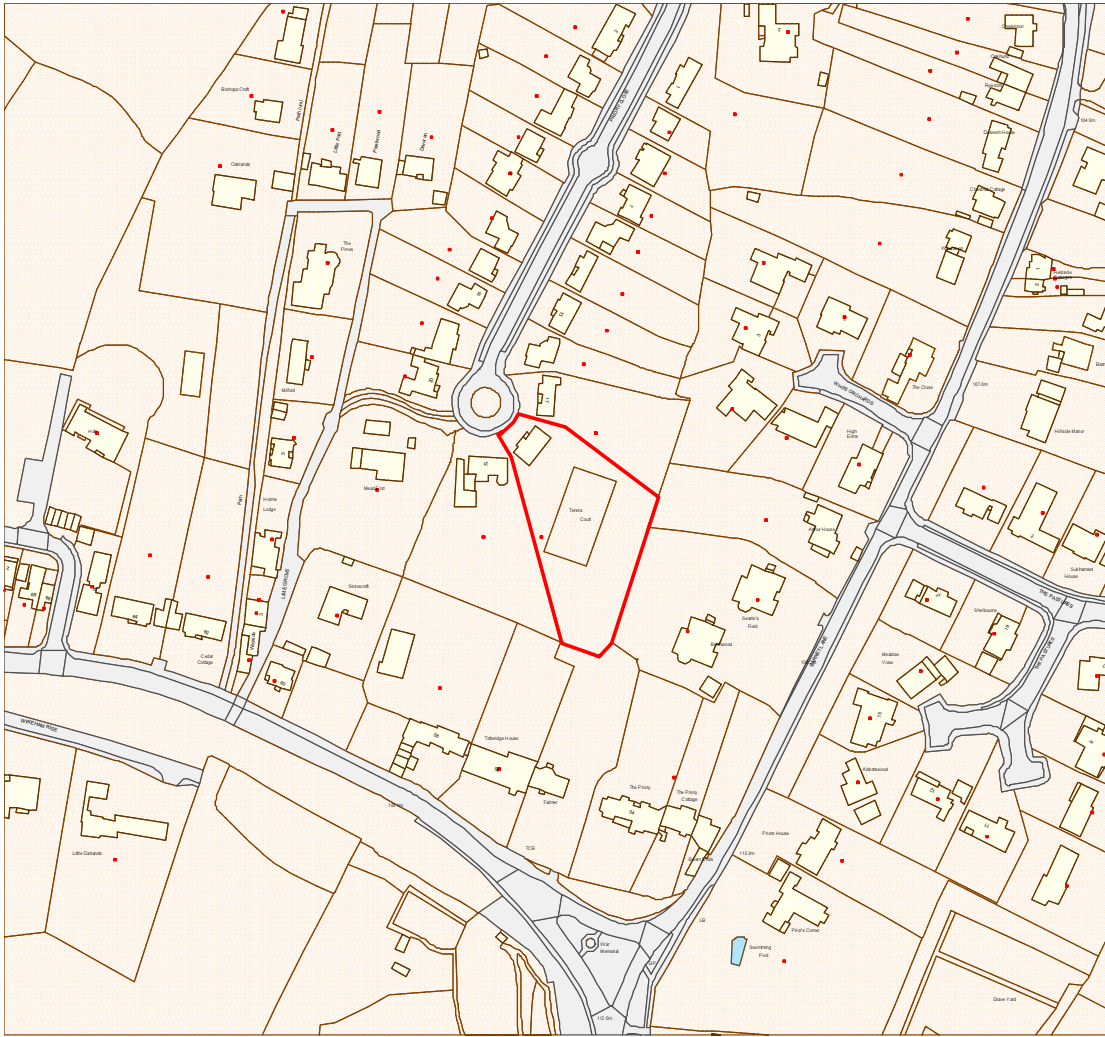
CONCLUSION

It is therefore recommended that a split decision be made:

Refusal of consent to remove 8 x Conifer (1, 3, 4, 5, 6, 7, 8 and 9 of Plan as confirmed by Applicant in e-mail dated 25th July 2012) and 1 x Sycamore (4 Applicants Plan received by the Council on the 29th May 2012) for the reason:

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

Consent being granted for the removal of 2 x Sycamore (2 and 3 Applicants Plan received by the Council on the 29th May 2012) subject to the conditions listed above. These two trees are both in bad condition with significant decay apparent. Public amenity may be better served in the long term by the removal of these trees and appropriate replacement planting.



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