

- *“I understand that 20% reduction work on this tree has already been done, after a 40% reduction was refused, so this would negate the original refusal. Removal of epicormic growth has no benefit to the tree and, as previous reports have advised, no work was required to the tree for either its health or public safety with unnecessary work risking the introduction of disease. The broken branch referred to is unsightly and does not present an inherent risk.”*
- *“This tree was thinned in 2017. The work to thin the crown by a further 20% is unnecessary. The Tree does not really have a large crown. The epicormic growth was also removed in 2017. this growth does not block light. the cost of this work does not benefit anyone.”*
- *“There is an inconsistency with previous applications in the numbering of the trees on the site. The proposal references both T1 and T3 which is also confusing. T3 as indicated on the plan submitted is a mature oak as described in the report but the report does not detail the extensive work that has been carried out to the tree. The canopy has been raised and extensive thinning has been carried out in previous years. The canopy has a similar density to the neighbouring T2 on the plan which the report refers to as sparse. Both trees have canopies less dense than others in the area indicating excessive management which threatens the health of the trees. Any further work, with the exception of the removal of the dead branch, will unnecessarily increase the risk of introducing disease.”*
- *“There is no need to carry out any works at this time on the tree in question. Permission to reduce the crown by 40% was refused this year however, approval was granted for a 20% reduction. This has been completed. The new application is simply an attempt to remove the additional 20% of the tree that has already refused under the previous application. Removal of epicormic growth has no benefit to the tree and, as previous reports have advised, no work was required to the tree for either its health or public safety. Any additional and unnecessary work risks the introduction of disease. Although the broken branch referred to is unsightly it does not present an inherent risk. Please let this tree have a peaceful life and leave it alone. No work on it is necessary at this time.”*
- *“Earlier in year proposal for a 40% reduction was refused but a 20% reduction approved. This 20% reduction has been carried out, the tree is healthy and in no need of further reduction. This new application is an attempt to circumnavigate a decision already taken and the Council should refuse permission”*
- *“Regarding above application I feel 20% reduction that was carried out earlier in the year was sufficient. The health of the tree will not benefit from any further action.”*
- *“I believe this tree has already had a recent 20% crown reduction - as the original 40% was rejected this just seems a way to get the rest of the crown reduced and so this application should be rejected as the agreed work has been carried out”*
- One objection referred to proposed treatment of two completely different trees, subject of s211 Notice of Intent TCM/1035/20 and has been taken into account for that case but is not relevant to the treework subject of this report.

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

C12138D/08/TRE - 1 x Oak - Crown Thin by 20%. Removal of Epicormic Growth and Deadwood. T1 of Tree Preservation Order. 1 x Oak - Crown Thin by 20%. Removal of Epicormic Growth and Deadwood, Lift to 2m. T2 of Tree Preservation Order.

- Granted conditional consent 22/2/2008

TPO/00640/12/F - 2 x Oak - Crown Thin Approx 20% as Specified. T1 and T2 of Tree Preservation Order

- Granted conditional consent 21/12/2012

TPP/0034/17 - 2 x Oak (applicant's ref. T1) - Crown thin 20% as specified. T1 and T2 of Tree Preservation Order.

- Granted conditional consent 3/3/17

TPP/0964/18 - 2 x Oak (applicant's ref. T2) - Remove snag end branches, epicormic growth (and all deadwood). T1 and T2 of Tree Preservation Order.

- Granted conditional consent 15/2/19

TPP/0224/21 - 1 x Oak (applicant's ref. T3) - Remove a broken branch within the crown. T1 of Tree Preservation Order

Previously specified as part of TPP/1013/20

- Exemption Notice issued 10/3/21

PLANNING APPRAISAL

1. Introduction

Following the annual inspection of trees on Hampstead Garden Suburb Trust land by their arboricultural adviser, Anthony George & Associates, the Trust's Assistant Estate Manager submitted a number of treework applications / notifications to the Local Planning Authority (LPA). In respect of treeworks at "Big Site", the almost triangular allotments between Wordsworth Walk, Coleridge Walk, Hogarth Hill and Addison Way, treatment was specified for four trees: two Oaks (applicant's ref. T1, T3), a Goat Willow (applicant's ref. T5), and a Quince (applicant's ref. T6). One application form was submitted detailing proposed treatment of Oak (applicant's ref. T1), which was registered under reference TPP/1014/20; a separate application form was submitted detailing treatment of Oak (applicant's ref. T3), the Goat Willow and the Quince. Although the Oaks are included in Tree Preservation Orders and formal LPA consent is required for their treatment, the Goat Willow and Quince are not included in an Order and are therefore subject of the more general Conservation Area s211 notification provisions – accordingly the treeworks detailed on the second application form was split between a TPO treatment application which was registered under reference TPP/1013/20 and a s211 Notice of Intent, TCM/1035/20, to reflect the different status of the trees. Therefore, the following proposed treeworks cases at 'Big Site Allotments' were registered on 27th November 2020 following the 2020 annual inspection of trees on Trust land by Anthony George & Associates:

TPP/1013/20

1 x Oak (applicant's ref. T3) - Crown thin by 20% including the removal of dead wood and epicormic growth, (Remove a broken branch within the crown). T1 of Tree Preservation Order

– subject of current report

TPP/1014/20

1 x Oak (applicant's ref. T1) - Lift low branches of a maximum diameter of 30mm to a maximum of 6.00m from ground level, Thin by up to 15%, as specified in Anthony George and Associates' letter dated 17th October 2019. T7 of Tree Preservation Order

- Granted conditional consent 2/3/21

TCM/1035/20

1 x Goat willow (applicant's ref. T5) - Remove;

1 x Quince (applicant's ref. T6) - Reduce height by 50% and reshape

- Six week statutory notification period expired 8th January 2021

The tree reference numbering used on the reports / specifications / sketch map by Anthony George & Associates and Hampstead Garden Suburb Trust is completely independent of the Tree Preservation Order designations. Frequently when drawing up a specification an applicant / agent uses their own referencing system (and may not even know if a tree is protected). In such instances, when registering applications, the LPA differentiates between the referencing used by the applicant and in the Order – hence the application subject of this report has been registered as “1 x Oak (applicant's ref. T3) - Crown thin by 20% including the removal of dead wood and epicormic growth, (Remove a broken branch within the crown). T1 of Tree Preservation Order”. It seems from the consultation responses, however, that some of the objectors may not have appreciated this distinction.

The application form, submitted via the Planning Portal on 27th November 2020, proposed crown thinning by 20% including the removal of dead wood and epicormic growth plus removal of a broken branch within the crown of the Oak tree inset from the boundary of the allotments to the rear of 22 Coleridge Walk. Initially allocated elsewhere, the application reverted to the Re Planning Tree Officers in the light of the objections received and this has led to delay.

Given the delay in determination of TPP/1013/20, a separate Exemption Notice was issued on 10th March 2021 for the removal of the broken branch, the description of the current application was amended accordingly.

2. Appraisal

Tree and Amenity Value

The subject Oak stands relatively close to the boundary of the almost triangular allotments between Wordsworth Walk, Coleridge Walk, Hogarth Hill and Addison Way (sometimes known as Big Site Allotments), on land owned by Hampstead Garden Suburb Trust. It is inset from the boundary to the rear of 22 Coleridge Walk and stands close to another Oak (marked on the submitted sketch plan and report as T2). As is clear from the planning history above, the two Oaks are usually both treated together, however on this occasion it had been considered that only one of the pair should be pruned.

The mature Oak subject of this application is approximately 15-20 metres in height, with a trunk diameter (at 1.5m above ground level) of over 80cm. It has had some previous lifting treatment (to about 4-5M) and also some previous reduction to one or two individual branches and some thinning treatment. There has been regrowth from the previous works. The tree has a reasonable distribution of apparently healthy buds and fine branch structure with the density now slightly greater than at the time of inspection in connection with application TPP/0964/18. Some minor deadwood apparent also the broken branch referred to in the application submissions, but the Oak appears to be in reasonable condition with no major faults apparent.

Very clearly visible from the properties that surround the allotment land and from the footpaths leading between Erskine Hill, Coleridge Walk, Wordsworth Walk and Willifield Way. The footpath between 20 and 22 Coleridge Walk leading to the allotments appears to have been specifically located to allow enhanced views of the subject Oak and its partner T2 from Coleridge Walk. This tree (with the other two nearby TPO Oaks) contribute significantly to the general verdant character and appearance of the Hampstead Garden Suburb Conservation Area. These Oak trees appears to be older than the surrounding development and would have been present at the time the Hampstead Garden Suburb was designed during the early twentieth century. The retention of trees such as these Oaks was part of the design ethos adhered to during the building of the garden suburb.

The Hampstead Garden Suburb Tree Survey (undertaken by volunteers in 2012 from the Residents Association with some assistance from Hampstead Garden Suburb Trust and a Tree Officer) notes the following in the Overview of Area 2:

“The Artisans’ Quarter is the oldest part of Hampstead Garden Suburb. It is an area in which the oak trees originating in the pre-existing field hedges are an important feature of the landscape. These boundary oaks and other significant trees are mainly found in the generous backland allotments and recreational areas.”

“The ‘Unwin trees’ are the most important category of trees in Area 2. Unwin sought to retain as many trees as possible from the field landscape before development and to maintain a harmony between these natural features and the new buildings. These trees have a historical importance, but they also comprise some of the most magnificent trees in the Suburb. The field boundaries are marked on the map.”

“Other Unwin trees are mostly in good condition. As is to be expected, some of the old oaks have lost branches or been damaged by pruning. The best specimens are in the allotments and recreational areas where there is space for them to flourish.”

In the survey schedule for Area 2, the tree subject of this application is described as being an Unwin Oak, noting:

“good oak, probably a field boundary oak, good shape”

Hampstead Garden Suburb is internationally renowned for the way in which mature landscape features have been incorporated into the built environment. The presence of trees such as this Oak was an integral part of the design ethos during the development of the Garden Suburb. The Hampstead Garden Suburb Character Appraisal Statement is

one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- “Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb”.
- “Wherever possible, in laying out the design for “the Garden Suburb” particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that “Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers”.
- “Unwin’s expressed intention, which he achieved, was: ‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a garden district, the buildings kept in harmony with the surroundings.’”
- “Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:
 - Creating a rural or semi-rural atmosphere
 - Informing the layout of roads and houses with mature field boundary trees
 - Providing links with pre-development landscape and remaining woodland
 - Creating glades, providing screening and shade, and marking boundaries
 - Framing views, forming focal points, defining spaces and providing a sense of scale
 - Providing a productive, seasonal interest and creating wildlife habitats

As the Conservation Area Character Appraisal Statement notes “The Artisans’ Quarter was designed as a new kind of community in which attractively designed housing for a wide range of income groups was set within a green environment. The provision of large gardens and open recreational spaces was central to the vision.....The density of development is relatively high for the Suburb. However, houses were provided with generous gardens and there are areas of allotments, tennis courts and greens which provide generous open green spaces. Housing layouts were designed to retain existing mature trees.” In describing the overall character of the Artisans’ Quarter it notes “The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses.” and included amongst the Principal positive features are “mature oaks from earlier woodlands or field boundaries still thrive, particularly in allotments and back gardens or as focal points in the layout”; “trees and greenery rise above cottages in some areas”; and “there are glimpsed views, between houses, of greenery”.

The Oak is considered to be of special amenity value - in terms of its historical significance in the layout of the Suburb; its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area; its arboricultural value as a tree in its own right; and its environmental benefits.

The application

The application, submitted by Hampstead Garden Suburb Trust, was registered on 27th November 2020. The reason for the proposed treatment of the Oak (applicant's reference T3) cited on the Anthony George & Associates' Tree Inspections report is:

The mature Oak tree is a little dense although it appears to be in good health and condition.

Recommend - A broken branch hanging within the crown should be removed and the tree crown thinned by 20% including the removal of dead wood and epicormic growth.

The supporting documentation comprised:

- Anthony George & Associates' Tree Inspections report / specification
- Sketch plan
- Photographs

In accordance with tree preservation legislation, the removal of the broken branch is exempt from the need for formal consent (and was therefore marked in brackets in the proposal description). Given the delay in determining application TPP/1013/20, a separate Exemption Notice (reference TPP/0224/21) was issued for the removal of the broken branch and the description amended accordingly.

The British Standard BS 3998: 2010 'Tree work – Recommendations' defines crown thinning as "removal of a proportion of small, live branches from throughout the crown to achieve an even density of foliage around a well-spaced and balanced branch structure". Crown thinning is a treatment which reduces the density of a tree's crown without changing the overall shape and size of the tree – it reduces the amount of foliage and allows more light through the canopy without affecting the tree's overall shape, height or spread. The amount of thinning is usually specified as a percentage (%) of the leaf area and would not usually exceed 30%.

In this particular case, the proposed treatment has been specified in such a way that the removal of deadwood is included as a component part within the stated 20% crown thin - hence the percentage of livewood within the treatment proposed will necessarily comprise a lesser percentage.

The proposed thinning accords with good arboricultural practice and, as is clear from the planning history, the Oak has been subject of regular cyclical 20% crown thinning.

It would not be reasonable to allow inappropriate treatment, or work which would be of significant detriment to the health and/or appearance of a TPO tree purely because an applicant's arboricultural consultant had recommended the works.

However, the proposed crown thin by 20% including the removal of dead wood and epicormic growth is a relatively minor treatment which has been previously undertaken as part of cyclical management regime, it should not be of significant detriment to the health and appearance of the tree. The removal of the broken branch within the crown is exempt

from the need to require LPA consent. Given the nature of the proposed works it would not seem justifiable to refuse this application.

3. Legislative background

As the Oak is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation.

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

Each application should be considered on its own merits, taking account of the impact of the specified treatment on the amenity value of the particular tree in the light of the reason for the proposal and any supporting documentary evidence.

In this case, the amenity value of the tree is assessed as high and would be unaffected by the proposed treatment. The specified pruning accords with good arboricultural practice and the proposal appears justified.

COMMENTS ON THE GROUNDS OF OBJECTION

The objection comments received were all submitted via the Council's online 'Make a Public Comment' facility and include the application summary (with hyperlinks to further information such as the application submission documents) as well as the comment details. However, it appears from the consultation responses that several of the objectors have misunderstood the application – in terms of the identification of the subject tree; its previous treatment; the nature of the treatment currently proposed; and the statutory requirements for a TPO treatment application. The following points should be noted:

- As noted in the body of the report, the tree reference numbering used by Anthony George & Associates and Hampstead Garden Suburb Trust is completely independent of the Tree Preservation Order designations. When registering the application, the LPA differentiated between the referencing used by the applicant and in the Order. The applicant's reference is T3, but the Oak is designated as T1 of the Tree Preservation Order.
- The removal of the broken branch is exempt from the requirement for LPA consent
- The cost of treework would be a matter for the applicant / tree owner and not a matter in which the LPA would be involved
- In respect of the observation "*the report does not detail the extensive work that has been carried out to the tree*", it should be borne in mind that there is no statutory requirement for the application documentation to include any details of previous treatment.
- The LPA has to consider whether the proposed specified treatment would detrimentally affect the public amenity value of the subject tree. As each application should be considered on its own merits and the LPA must either approve or refuse

the proposed specification, the fact that treatment is not proposed to a different tree is not relevant.

- The proposal is not 'crown reduction' as some of the objectors seem to suggest. BS3998 defines crown reduction as "operation that results in an overall reduction in the height and/or spread of the crown of a tree by means of a general shortening of twigs and/or branches, whilst retaining the main framework of the crown". Crown reduction is a treatment whereby the tree crown is reduced by shortening branches and so changing the overall size and shape of the tree – by contrast, crown thinning retains the overall shape and size of the tree.
- The treatment proposed is the specified crown thin by 20%, not crown reduction by 20%.
- The most recent thinning application for this tree was granted consent in March 2017
- It seems likely that some of the objection comments relate to application TPP/1014/20
- As is clear from the planning history, the Oak has not been subject of a previous proposal for a 40% reduction.
- It is mathematically incorrect to suggest that crown thinning by 20% followed by a subsequent crown thinning by 20% some time later equates to crown thinning by 40%. Thinning involves the removal of a specified percentage of leaf area – thus, even disregarding any new growth that would have developed between treatments, removing 40% of total canopy leaf area at one time would necessarily be greater than 20% followed later by 20% of what remains.

CONCLUSION

The applicant, Hampstead Garden Suburb Trust, proposes to crown thin by 20% as specified the mature Oak identified as T3 in their submissions, T1 of the Tree Preservation Order, standing at Big Site Allotments to the rear of 22 Coleridge Walk. The application has been put forward as continuation of the cyclical management regime following the annual inspection of trees on the Trust's land by their arboricultural adviser, Anthony George & Associates.

The proposed pruning of the Oak would not detrimentally affect the public amenity value of the tree, and it would preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

The removal of the broken branch within the crown is exempt from the need to obtain formal consent from the LPA; the proposed crown thin by 20% including the removal of dead wood and epicormic growth accords with good arboricultural practice.

The application is recommended for approval subject to the condition as shown.



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