



Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 634
(2017) 21 Castellain Road, London,
W9 1EY**

Date: 11th July 2017

Summary of this Report

The City Council has made a Tree Preservation Order (TPO) to protect one Sycamore tree (T1) located in the rear garden at 21 Castellain Road, London, W9 1EY. The TPO is provisionally effective for a period of six months from 12th January 2017 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 13th July 2017.

The TPO was made because the tree has significant amenity value and makes a valuable contribution to the character and appearance of the conservation area. The City Council, having been made aware of the proposal to remove the bay tree considers it expedient in the interests of the amenity that a TPO is made in order to safeguard its preservation and future management.

Objection to the TPO has been made by Mr Peter Stone of PSP Consultants, Bishops Park House and Mr Luke and Liza Johnson of 23 Randolph Crescent, London, W9 1DP.

The City Council's Arboricultural Officer has responded to the objections.

Recommendations

The Sub-Committee should decide EITHER

(a) NOT to confirm Tree Preservation Order No. 634 (2017); OR

(b) Confirm Tree Preservation Order No. 634 (2017) with or without modification with permanent effect.



City of Westminster

Committee Report

Item No:

Date:

11th July 2017

Classification:

General Release

Title of Report:

Tree Preservation Order No. 634 (2017)
21 Castellain Road, London, W9 1EY

Report of:

The Director of Law

Wards involved:

Little Venice

Policy context:

Financial summary:

No financial issues are raised in this report.

Report Author:

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1. Background

- 1.1 Under current legislation the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 634 (2017), authorised by the Operational Director Development Planning acting under delegated powers on 10th January 2017, was served on all the parties whom the Council is statutorily required to notify and took effect on 12th January 2017.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they have to be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 634 (2017) was made following the receipt by the City Council of six weeks notice of intention to remove the Sycamore Tree (T1) submitted under section 211 of the Town and Country Planning Act 1990 (Trees in Conservation Areas). The tree is situated within the Maida Vale Conservation Area. On receipt of such notice the City Council can either raise no objections to the works or make a Tree Preservation Order.
- 1.4 The reasons given for the proposed removal of the tree were:
 - Inappropriately large tree for the location; under 3m from property; posing a significant subsidence risk.
 - Trunk is almost pressing against the boundary wall and will cause ongoing problems to its structural integrity.
 - The tree is not visible from a public place therefore does not fulfil criteria to be made subject to a TPO.
- 1.5 Subsequent to the making of the TPO the City Council received two objections.

2. Objection by Luke and Liza Johnson

- 2.1 On 7th February 2017 the Council's Legal Services section received a letter from Luke and Liza Johnson objecting to the TPO on the grounds that:
 - 2.1.1 The tree offers no amenity to the community and does not form any part of the vistas on which the conservation area was designated.
 - 2.1.2 It is too close to buildings and has caused damage to the buildings' structural foundations, garden walls and neighbouring property.
 - 2.1.3 The tree is 30 m in height and is too large for a garden of 9m².

- 2.1.4 It blocks light and is in an inappropriate position.
- 2.1.5 The species of tree is unsuitable and wrong for the location.
- 2.1.6 The tree harbours pigeons which pose a health risk.
- 2.1.7 Many problems are associated with sycamore trees, including shedding hairs causing respiratory problems, and roots causing damage to sewers and paved areas.

3. Response to Objection

3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 6th June 2017 stating:

- 3.1.1 It is considered that the tree is of amenity value such that it contributes to a pleasant outlook from nearby properties and it makes a positive contribution to Maida Vale conservation area. The size and species of the tree are not considered to be inappropriate for the location. No evidence has been submitted demonstrating that the tree is causing damage to property
- 3.1.2 The tree is of public amenity value. The tree is about 15 metres in height and is in early maturity. The tree is not visible from public locations but is overlooked by properties and gardens within Castellain Road.
- 3.1.3 The tree has a long life expectancy if it is allowed to remain and has a high future potential as an amenity.
- 3.1.4 The tree is about 3-4 metres from the property, so is in close proximity to the property, but the garden previously supported two large sycamore trees prior to the recent removal of one tree with the Council's agreement. The remaining tree is considered to make a positive contribution to the townscape and to be suitable for its location with cyclical management.
- 3.1.5 Removing the tree would harm the character and appearance of the conservation area.
- 3.1.6 Sycamore trees are a relatively common species but are well suited to the urban environment and contribute to the mitigation of climate change, filters pollutants and provides food and shelter for birds and insects.
- 3.1.7 No evidence has been provided of the damage caused by the tree.
- 3.1.8 Sycamore trees do not have an association with respiratory problems as stated and are often mistaken for London plane trees which shed seed balls and fine hairs.

4. Objection by PSP Consultants

On 9th February 2017 and 9th March 2017 the Council's Legal Services section received objection letters from Mr Peter Stone stating:

4.1 The tree is no amenity value. It cannot be seen from public viewpoints. The removal of the tree would not have a significant impact on the local environment.

4.1.2 No consideration is made of a reasonable degree of public benefit accruing from the Order and no attempt has been made to justify the making of the Order.

4.1.3 No assessment of the amenity value of the tree has been provided.

4.1.4 The tree is in poor condition and does not fulfil criteria of being of present or future benefit or intrinsic beauty and has no rarity value.

4.1.5 The tree is unsuitable for its location, being far too large and too close to the property. It has already damaged the boundary wall. It is within 5m of the house and has the potential to cause direct physical damage to the property.

4.1.6 The tree does not contribute to the character and appearance of the conservation area.

4.1.7 Roots from the tree have damaged drains and go under the rear wall of the house.

Costs to the owner have risen as a result of the tree being retained

5. Response to objection

5.1 The City Council's Arboricultural Officer responded to the objection by letter dated 6th June 2017 stating

5.1.1 It is considered that the tree is of amenity value such that it contributes to a pleasant outlook from nearby properties and it makes a positive contribution to Maida Vale conservation area. No evidence has been submitted demonstrating that the tree is causing damage to property

5.1.2 The tree is about 15 metres in height and is in early maturity. The tree is not visible from public locations but is overlooked by properties and gardens within Castellain Road.

5.1.3 The tree has a long life expectancy if it is allowed to remain and has a high future potential as an amenity.

5.1.4 The tree is about 3-4 metres from the property, so is in close proximity to the property, but the garden supported two large sycamore trees prior to the recent removal of one tree with the Council's agreement

- 5.1.5 Removing the tree would harm the character and appearance of the conservation area.
- 5.1.6 Sycamore trees are a relatively common species but are well suited to the urban environment and contribute to the mitigation of climate change, filters pollutants and provides food and shelter for birds and insects.
- 5.1.7 No evidence has been provided of the damage caused by the tree.

6. Support for TPO

- 6.1 On 7th February 2017 the City Council received support for TPO 634 from Mr Degnbol-Martinussen
- 6.2 On 9th February 2017 the City Council received support for TPO 634 from Mr & Mrs Schneider

7. Ward Member Consultation

- 7.1 Ward member comments were sought in this matter but no responses have been received. Should any comments be received, they will be reported to the Committee at the meeting.

8. Conclusion

- 8.1 In the light of the representations received from the objector it is for the Planning Applications Sub-Committee to decide whether to confirm the TPO, with or without modification, or whether the TPO should not be confirmed.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT DANIEL HOLLINGSWORTH, PLANNING AND PROPERTY SECTION, LEGAL SERVICES ON 020 7641 1822 (FAX 020 7641 2761) (Email dhollingsworth@westminster.gov.uk)

Local Government (Access to Information) Act 1985

Appendix 1 - Copy of TPO 634 (2017)

Background Papers

1. Objection letter from Mr & Ms Johnson dated 6th February 2017
2. Response letter from City Councils Arboricultural officer dated 6th June 2017
3. Objection letter from PSP Consultants dated 7th February 2017
4. Objection letter from PSP Consultants dated 8th March 2017
5. Response letter from City Councils Arboricultural officer dated 6th June 2017
6. Support letter from Mr Degnbol-Martinussen dated 5th February 2017
7. Support letter from Mr & Mrs Schneider dated 8th February 2017