

7<sup>th</sup> February 2017

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LEGAL SERVICES



The Director of Law (ref DH 30104338)  
Legal Services  
3<sup>rd</sup> Floor Kensington Town Hall  
Hornton Street  
London W8 7NX

**BY SPECIAL DELIVERY**

Dear Sirs

**21 CASTELLAIN ROAD, W9 1EY**

We refer to the attached City of Westminster Tree Preservation order Nr 634

We wish to register a formal objection to this order. There are no grounds whatsoever for such an order to be made. The reasons for this objection are listed below:

The Tree (TP1) has no amenity value at all. It cannot be seen from any public place. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. No such consideration prevails in this case and the LPA has made no attempt to justify the issue of the order

To make an order for a single tree of this type the LPA should consider that there is a benefit - present or future, or alternatively that the tree is worthy of preservation for its intrinsic beauty. This tree is a sycamore in poor condition. It does not fulfil these criteria

LPAs should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way. No such explanation or reasons have been provided and we submit that there are none that can be given.

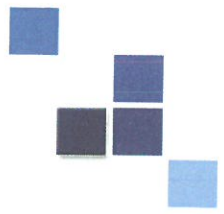
The LPA should also assess the trees particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value. No such test has been applied in this case.

Cont'd

PSP Consultants  
Bishops Park House  
25-29 Fulham High St.  
London  
SW6 3JH  
T: 0207 751 9670  
F: 0207 736 8040  
E: [psp@pspcl.co.uk](mailto:psp@pspcl.co.uk)  
W: [www.pspcl.co.uk](http://www.pspcl.co.uk)



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TPOs should be used to protect selected trees if their removal would have a significant impact on the local environment and its enjoyment by the public. The removal of this tree would have no impact at all let alone a significant one

This tree is completely unsuitable for its location (see attached photographs) It is far too large for this small suburban garden and is entirely inappropriate in this context. It is within 5m of the property and has the very real potential to cause direct physical damage. It has in fact already damaged the boundary wall between the two properties, leading to repair work being required.

In summary, there are no grounds for the issue of this TPO other than expediency on the part of the LPA in response to the imminent expiry of an s211 deadline. The tree in question demonstrably does not contribute to the character or appearance of the conservation area – it is in a private rear garden accessible only to the owner and is not visible from any public space.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P Stone'.

**PETER STONE**

