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John Walker
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Please reply to: Barbara Milne
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Your Ref:
My Ref:
Date: 06 June 2017

Dear Mr Stone

**THE TOWN AND COUNTRY PLANNING ACT 1990
CITY OF WESTMINSTER TREE PRESERVATION ORDER (TPO) 634 (2017)**

21 CASTELLAIN ROAD LONDON W9 1EY

Thank you for your letters of 07 February and 08 March 2017, objecting to the making of a Tree Preservation Order (TPO) for the sycamore tree at the above location. They have been passed to me for response.

Objection summary

The letter of objection dated 07 February 2017 sets out:

- 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.
- 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.
- No assessment of the amenity value of the tree has been provided.
- 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.
- 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.
- The tree does not contribute to the character and appearance of the conservation area.

The letter of objection dated 08 March 2017 sets out that:

- 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.

Response to objection

In summary 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.



Amenity value

National Planning Practice Guidance sets out the TPOs should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

In my amenity assessment I conclude that the tree is of public amenity value. The assessment is set out in more detail below according to the structure advised in national Planning Practice Guidance.

Visibility, size and form

The sycamore tree is about 15m in height, located in the rear garden. It is in early maturity. The tree is not visible from public locations but it is overlooked by a large number of properties and from gardens in Castellain Road.

By virtue of its size and location, the tree makes a useful contribution to the outlook from nearby properties and thereby to visual amenity.

The sycamore tree is of good form. It has a high crown break at about 7m from ground level and a relatively narrow canopy which has been recently pruned in agreement with the City Council.

Future potential as an amenity

The tree is in early maturity and is in good condition with no significant visible defects. It has a long life expectancy if it is allowed to remain, and so has a high future potential as an amenity.

Rarity, cultural or historic value

Sycamore is a relatively common species in Westminster, and appears well suited to the urban environment. The tree is not known to have a specific cultural or historic value.

Contribution to, and relationship with, the landscape

The tree is 3-4 m from the rear elevation of the property, and as such is in close proximity to the house. The garden is of relatively modest proportions. Nevertheless, until last year the garden supported two such large sycamores, and had done so for approximately 30-40 years, so as such it is not considered that the retention of one sycamore, with a considerably reduced canopy, is unreasonable. The tree adds maturity to the townscape and helps to provide some privacy and screening between the properties. Sycamore trees generally respond well to pruning so any perceived conflicts with the nearby properties could be controlled by continued careful crown reduction on a cyclical basis, in common with many such trees in Westminster without compromising the appearance of the tree to a significant degree. The tree is considered to make a positive contribution to the townscape and to be suitable in its location.

Contribution to the character and appearance of a conservation area

There is no adopted conservation area audit for Maida Vale, but the conservation area leaflet states:

‘The tree lined streets, vistas and major private amenity spaces combine to give the entire area a leafy character and enhance the character of the buildings and the layout of roads’



Whilst the sycamore tree is not visible from the public highway, it does make a positive contribution to the greening of the townscape. Sycamore trees such as this are not unusual in rear gardens in Maida Vale and if trees in rear gardens in the vicinity were to be removed just because they were not visible from the public highway, it would be of detriment to the character and appearance of the conservation area, albeit as seen and experienced from private rather than public locations. It is considered that on balance the loss of the tree would cause harm to the character and appearance of this part of the conservation area.

Other factors

Trees contribute generally to mitigation of climate change, by absorbing and storing carbon dioxide. They help to filter harmful airborne pollutants. Various insects inhabit sycamore trees, and these form a potential food source for birds.

The City Council received two representations in support of the TPO from residents who value the amenity of the tree.

Damage to property and costs to the tree owner

You consider that roots from the tree have damaged drains and go under the rear wall of the house, and also that costs to the owner have risen as a result of the tree being retained.

I note that you have not provided any evidence that the tree roots have damaged drains or that they are damaging the property.

As you are aware, you have the option to submit a TPO application to remove the tree. If you do so, and provide the appropriate evidence in support of the application, the City Council would be in a better position to consider the merits of the application balanced with the amenity value of the tree. The evidence required would depend on the type of damage caused. The evidential requirements for an application to remove a TPO-ed tree on the grounds of damage to property, can be found on the Council's website: www.westminster.gov.uk/trees-and-high-hedges.

There is no right to compensation for financial loss as a result of a TPO being made. However, The Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 allow that the City Council may be liable to pay compensation for costs incurred as a result of a refusal of consent, or consent with conditions, for tree works.

If the content of this letter allows you to withdraw your objection to the TPO please let me know. If I do not hear from you I will assume you would like your objections to remain, in which case the matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. At present the intended date of the Committee is 04 July 2017, although if this is altered I will ask my colleagues in the Legal section to let you know.

Yours sincerely

Barbara Milne

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Senior Arboricultural Officer