



City of Westminster

# Executive Summary and Recommendations

**Title of Report: Tree Preservation Order No. 622  
(2016) 7 Abbey Road London NW8  
9AA**

**Date: 23<sup>rd</sup> August 2016**





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**Date: 23<sup>rd</sup> August 2016**

## **Summary of this Report**

The City Council has made a Tree Preservation Order (TPO) to protect two Chestnut trees (T1 and T3), one Ash tree (T2) and one London plane tree (T4) located in the rear garden at 7 Abbey Road London NW8 9AA. The TPO is provisionally effective for a period of six months from 8<sup>th</sup> March 2016 during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 7<sup>th</sup> September 2016.

The TPO was made because the trees make a significant contribution to amenity, nature conservation and to the character and appearance of the adjacent St John's Wood Conservation Area. The City Council, having been made aware of the proposal to remove two of the trees considers it expedient in the interests of the amenity that a TPO is made in order to safeguard the preservation and future management of all four trees.

Objection to the TPO has been made by Mrs Sureta Chana the owner of 7a Abbey Road.

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. 622 (2016); OR

(b) Confirm Tree Preservation Order No. 622 (2016) with or without modification with permanent effect.



City of Westminster

# Committee Report

Item No:	
Date:	23 August 2016
Classification:	General Release
Title of Report:	Tree Preservation Order No. 622 (2016) 7 Abbey Road London NW8 9AA
Report of:	The Director of Law
Wards involved:	Abbey Road
Policy context:	
Financial summary:	No financial issues are raised in this report.
Report Author:	William O'Brien
Contact details	wobrien@westminster.gov.uk

## **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 622 (2016), authorised by the Director of Planning acting under delegated powers on 4<sup>th</sup> March 2016, was served on all the parties whom the Council is statutorily required to notify and took effect on 8<sup>th</sup> March 2016.
- 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 622 (2016) was made following the receipt by the City Council of an email dated 3<sup>rd</sup> March 2016 from Mrs Sureta Chana stating an intent to remove two of the four trees due to the shade cast over the garden. On receipt of notice of such intent, the City Council can make a Tree Preservation Order in order to safeguard the preservation and future management of the trees.
- 1.5 Subsequent to the making of the TPO the City Council received one objection.

## **2. Objection by Mrs Sureta Chana**

- 2.1 On 23<sup>rd</sup> March 2016 the Council's Arboricultural Officer received an email from Mrs Sureta Chana objecting to the TPO on the grounds that:
  - 2.1.1 The trees can only be seen from 7 Abbey Road and therefore are not of public amenity value;
  - 2.1.2 The trees cast shade over the rear garden at 7 Abbey Road;
  - 2.1.3 The leaves shed from the trees into the rear garden at 7 Abbey Road are onerous;
  - 2.1.4 Reasons were not provided for the TPO and there are no good reasons for making a TPO; and
  - 2.1.5 The decision to make the TPO was made hastily without adequate inspection or enquiries and was not informed by the law.

### **3. Response to Objection**

3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 21<sup>st</sup> July 2016 stating:

3.1.1 The City Council considers the trees are of high amenity value and to make a positive contribution to the character and appearance of the adjacent St John's Wood conservation area.

3.1.2 The trees are visible at least in part from Hill Road and are overlooked by many properties.

3.1.3 The retention of mature trees in private gardens supports the City Council's planning policies by contributing to green infrastructure, biodiversity, and combating pollution and the effects of climate change.

3.1.4 The making of the TPO was considered expedient in the interests of amenity, and was made in response to the objector's stated intent to remove two of the trees in order to safeguard their preservation and future management.

3.1.5 The TPO does not preclude appropriate tree surgery with the consent of the City Council. In general terms the City Council would be likely to consent to any proposed works that would not harm the health or amenity value of the tree.

3.1.6 The shading of the rear garden of 7 Abbey Road is also due to the orientation of the house itself and a neighbouring tall building, and trees only cast shade during the afternoon and latter part of the day.

3.1.7 Other non-protected trees in the rear garden of 7 Abbey Road could be removed to improve light levels.

3.1.8 Leaf drop levels are not a sufficient reason to prevent confirmation of the TPO.

3.1.9 The Arboricultural Officer visited 7 Abbey Road and viewed the trees in January 2015, and viewed the trees from the neighbouring Abbey Road Studios during several visits over recent months, and such inspections were sufficient for her to recommend the making of the TPO.

### **4. Ward Member Consultation**

4.1 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.

## **5. Conclusion**

- 5.1 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 WILLIAM O'BRIEN, COMMERCIAL AND CORPORATE PROPERTY, LEGAL SERVICES ON 020 7641 1478 (FAX 020 7361 3488) (Email wobrien@westminster.gov.uk)

### **Local Government (Access to Information) Act 1985**

#### **Appendix 1 - Copy of TPO 622 (2016)**

##### **Background Papers**

1. Mrs S Chana email dated 3<sup>rd</sup> March 2016
2. Mrs S Chana email dated 23<sup>rd</sup> March 2016
3. City Council letter dated 21<sup>st</sup> July 2016

**TREE PRESERVATION ORDER**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**CITY OF WESTMINSTER TREE PRESERVATION ORDER 622 (2016)**

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The Westminster City Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order –

**Citation**

1. This Order may be cited as The City of Westminster Tree Preservation Order 622 (2016)

**Interpretation**

2. (1) In this Order “the authority” means Westminster City Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
  - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

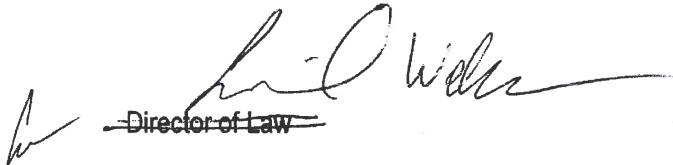
**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 8<sup>th</sup> day of March 2016

THE COMMON SEAL OF THE LORD )  
MAYOR AND CITIZENS OF THE )  
CITY OF WESTMINSTER was )  
hereunto affixed by order: )



  
~~Director of Law~~  
PRINCIPAL SOLICITOR

Seal No  
191  
55776



**SCHEDULE  
SPECIFICATION OF TREES**

*Trees specified individually  
(encircled in black on the map)*

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>T1</b>	<b>Chestnut</b>	<b>7 Abbey Road London NW8 9AA</b>
<b>T2</b>	<b>Ash</b>	<b>7 Abbey Road London NW8 9AA</b>
<b>T3</b>	<b>Chestnut</b>	<b>7 Abbey Road London NW8 9AA</b>
<b>T4</b>	<b>London plane</b>	<b>7 Abbey Road London NW8 9AA</b>

*Trees specified by reference to an area  
(within a dotted black line on the map)*

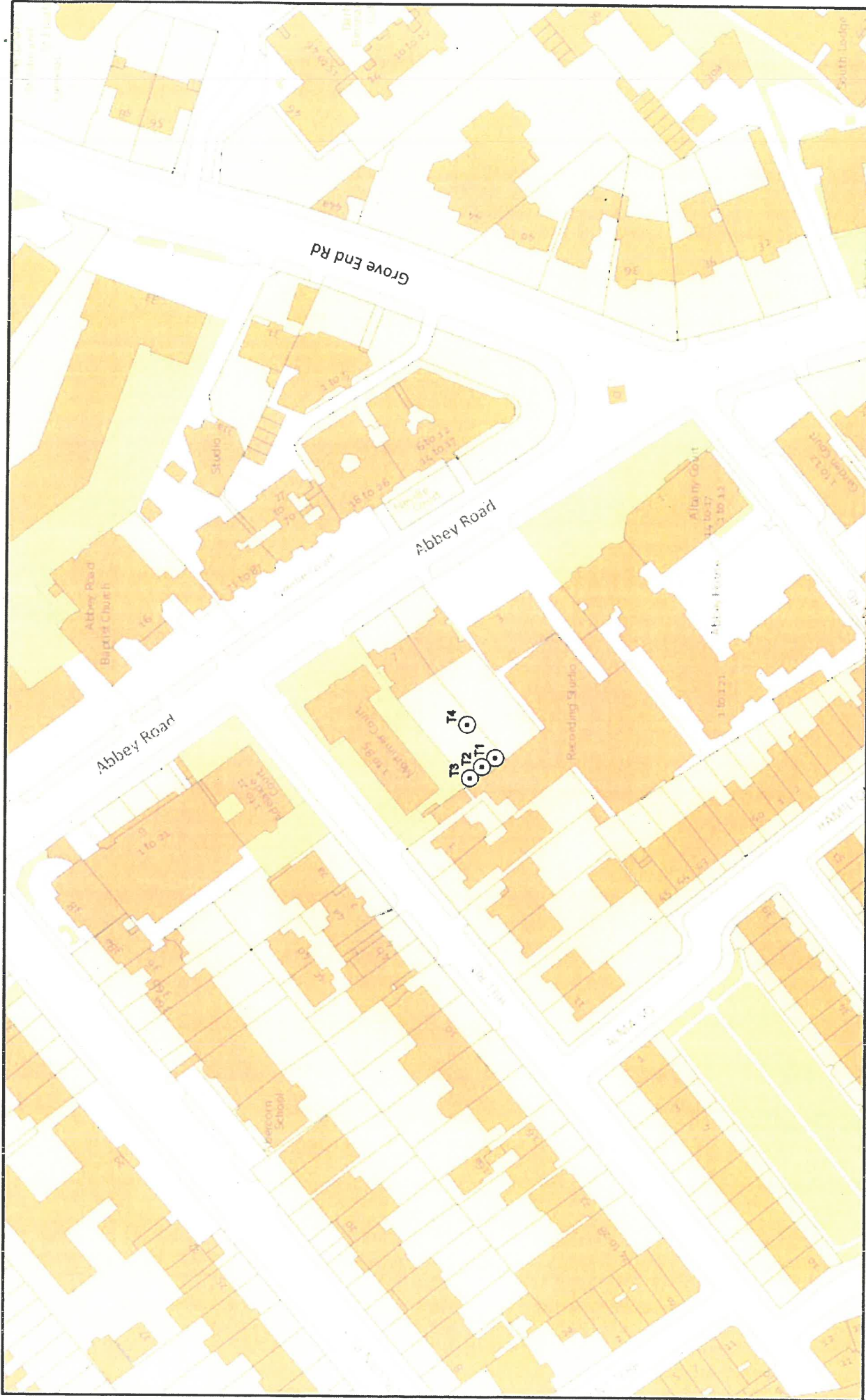
<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		

*Groups of trees  
(within a broken black line on the map)*

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		

*Woodlands  
(within a continuous black line on the map)*

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
<b>None</b>		



Scale 1:1,250  
 0 5 10 20 Metres

City of Westminster  
 Corporate GIS Team

Map produced by Corporate GIS Team  
 Date: March 2015 Map Reference: 906

Tree Preservation Order Westminster no. 622  
 7 Abbey Road, London NW8 9AA

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Director-of-Law **PRINCIPAL SOLICITOR**

Signed:

DATED 8<sup>th</sup> March 2016

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THE TOWN AND COUNTRY PLANNING  
ACT 1990 (AS AMENDED)

CITY OF WESTMINSTER

TREE PRESERVATION ORDER 622 (2016)

7 Abbey Road  
London  
NW8 9AA

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TREE PRESERVATION ORDER  
MADE FOR THE PURPOSES  
OF SECTION 198 OF THE  
TOWN AND COUNTRY  
PLANNING ACT 1990  
(AS AMENDED)

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Tasnim Shawkat  
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Westminster City Council  
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LONDON SW1E 6QP