

CITY OF WESTMINSTER

REPORT RECOMMENDING THE MAKING OF A TREE PRESERVATION ORDER BY THE EXECUTIVE DIRECTOR GROWTH PLANNING AND HOUSING UNDER DELEGATED POWERS.

DATE: 16 APRIL 2019

STATUS: FOR GENERAL RELEASE **COMMITTEE:** DELEGATED

WARD: ABBEY ROAD

REPORT OF ARBORICULTURAL MANAGER

Tree Preservation Order No. 649 (2019): 57 Hamilton Terrace NW8 9RG

1. Background

- 1.1 On 8th March 2019 the City Council received six weeks' notice of intent to remove one red maple (T1) from 57 Hamilton Terrace. The tree is protected by virtue of its location within a conservation area.
- 1.2 The reasons given for the proposed removal of T1 is that it is causing root induced clay shrinkage subsidence to the property at 55 Hamilton Terrace.

2. Amenity

Visibility, size and form

- 2.1 The red maple tree is located in the rear garden of 57 Hamilton Terrace. It is clearly visible from Hall Road to the north east. It can also be seen from the rear of various properties on Hamilton Terrace and Maida Vale.
- 2.2 The tree is of good form and is approximately 12m high.
- 2.3 By virtue of its size, form and location, the tree makes a significant contribution to visual amenity and a useful contribution to the outlook from nearby properties.

Future potential as an amenity and tree condition

- 2.4 The red maple is a young-mature specimen, with potential for significant growth. It is in good condition and is expected to have a long life expectancy.

Rarity, cultural or historic value

- 2.5 Red maple trees are not unusual but neither are they especially common in Westminster. This tree is not known to have a specific cultural or historic value, but trees are a key component of the conservation area, and so this tree contributes to this general cultural value.

Contribution to, and relationship with, the landscape

- 2.6 The scale and form of the tree are relatively modest in proportion with the properties on Hamilton Terrace and Maida Vale. As the tree matures and increases in size it will continue to be in proportion to adjacent properties.

- 2.7 The red maple tree provides a screening function between properties on Hamilton Terrace and Maida Vale.
- 2.8 In general the St John's Wood area is known for its leafy character and particularly for the trees in gardens of private properties. T1 fits well within this context.

Contribution to the character and appearance of a conservation area

- 2.9 The St John's Wood conservation area information leaflet states:

'St John's Wood was originally envisaged as an Arcadian suburb and as its name accurately reflects it remains a wooded suburb where trees are very important in the townscape, though it is unlikely that any now present pre-date the buildings. These trees are not only along the roadside, but both in front gardens and the extensive groups of rear gardens that characterize the area.'

The loss of T1 would cause harm to the character and appearance of this part of the conservation area.

Other factors

- 2.10 Trees contribute generally to mitigation of climate change, by absorbing and storing carbon dioxide. Invertebrates inhabit trees, and these form a potential food source for birds. The tree may also provide cover and shelter and potential roosts for birds. The mitigation of air pollution is a high priority in Westminster.

Policy considerations

- 2.11 Policy S25 of Westminster's City Plan adopted in November 2016 aims to conserve Westminster's extensive heritage assets including listed buildings and conservation areas.
- 2.12 Policy S38 of Westminster's City Plan adopted in November 2016 aims to protect and enhance biodiversity and green infrastructure.
- 2.13 Policy S31 of Westminster's City Plan adopted in November 2016 aims to reduce air pollution with the aim of meeting the objectives for pollutants set out in the national strategy.
- 2.14 UDP Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings.
- 2.15 UDP Policy ENV16 states that trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.
- 2.16 There is no requirement to have regard to Development Plan policies when deciding to create a new TPO but special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

3. Reasons for proposed removal of the tree T1 and appraisal

- 3.1 Removal of the tree is proposed on the grounds of alleged root induced clay shrinkage subsidence to the property at 55 Hamilton Terrace. Cracks can be observed throughout the property. However, the applicants have not submitted any technical evidence in support of the proposed tree removal.

- 3.2 Due to the lack of technical evidence the Council's Building Control Surveyor has not been formally consulted.
- 3.4 In the absence of an appropriate level of evidence it is considered that insufficient reason has been put forward for the removal of the tree. Should evidence be provided confirming that it is reasonable foreseeable that the red maple tree is the cause of the damage, then the City Council may consider it appropriate not to confirm the TPO.
- 3.5 The evidence submitted in support of any future application to remove the tree should follow the Planning Portal guidance for making TPO applications in relation to subsidence.

4. Conclusion

The red maple tree has high amenity value and makes a positive contribution to the conservation area. Its removal would be premature without further evidence to demonstrate that it is the cause of the damage.

6. Recommendations

- 6.1 That a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990 be made in respect of the tree, shown on the map Registered TPO no. 649.
- 6.2 That if no objections or representations in respect of the making of the TPO no. 649 are made within the prescribed period then the Order be confirmed.

7. Statement of grounds for making Tree Preservation Order no. 649

- 7.1 The tree makes a valuable contribution to public amenity, to the outlook from nearby properties and to the character and appearance of the conservation area.
- 7.2 A Tree Preservation Order is considered expedient in the interests of the amenity, and in order to safeguard the preservation and future management of the tree.