



City of Westminster

## Executive Summary and Recommendations

**Title of Report:** Tree Preservation Order No. 672 – 10 Blenheim Road,  
London, NW8 0LU

**Date:** 11 May 2021



## Summary of this Report

On 4 December 2020 the City Council made a provisional Tree Preservation Order (TPO) to protect one Weeping ash tree (labelled T1 on the TPO plan) located at 10 Blenheim Road, London, NW8 0LU (the Property). The TPO is provisionally effective for a period of six months from the date it was made (4 December 2020) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 4 June 2021. The TPO was made because the tree makes a valuable contribution to amenity, to the outlook from nearby properties and to the character and appearance of the St John's Wood conservation area.

The TPO was made following receipt of six weeks' notice of intent (a S211 notification) to remove one weeping ash from the rear garden of 10 Blenheim Road. The tree is protected by virtue of its location within the St John's Wood conservation area. The reasons given for the proposed removal of the tree are that it is in a poor location within the garden, it has a very poor form, decay and dead branches and it has poor structural integrity. The City Council considered it expedient in the interests of amenity that a TPO was made, in order to safeguard its preservation and future management.

In general terms the confirmation of a provisional TPO does not preclude the appropriate management or removal of the protected tree in the future, subject to the merits of a TPO application. A TPO application to remove the weeping ash tree T1 is recommended for approval elsewhere on the agenda. If the TPO is confirmed, then a replacement tree can be secured by condition. If the TPO is not confirmed it ceases to be effective and no replacement tree can be required.

An objection to the TPO has been received from: -

- **Russell Taylor Architects**, 85 Blackfriars Road, London, SE1 8HA (Agent on behalf of the Owners of 10 Blenheim Road)

## Recommendations

The Sub-Committee should decide EITHER

(a) NOT TO CONFIRM Tree Preservation Order No. 672 (2020); OR

(b) TO CONFIRM Tree Preservation Order No. 672 (2020) with or without modification with permanent effect.



City of Westminster

# Committee Report

Item No:

Date:

Classification:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

## **1. Background**

- 1.1 Under the Town and Country Planning Act 1990 (the “1990 Act”) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the “2012 Regulations”) the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 672 (2020) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 4<sup>th</sup> December 2020.
- 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 must be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the City 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 672 (2020) was made following the receipt by the City Council of six weeks’ notice of intention to remove one Weeping ash from 10 Blenheim Road (shown labelled T1 of the TPO Plan). Under s211 of the 1990 Act it is defence to the offence of removing a tree in a conservation area if the person undertaking the works has provided 6 weeks’ notice to the local planning authority in advance of doing so. The service of such a notice effectively leaves the City Council in a position where it must either accept the notice and allow for the tree to be removed or to take further protective action by making a TPO.
- 1.4 The Weeping ash is in the rear garden of 10 Blenheim Road where it can be seen from several properties. It is about 10m tall with a wide spreading canopy. It has an unusual form with a contorted mass of structural branches, above a single main trunk, which breaks into a weeping pendulous crown. The contorted trunk form has an interesting and attractive appearance and overall the tree is a very striking specimen. By virtue of its form and location, the tree makes a significant contribution to local amenity and the residential outlook of the surrounding properties.
- 1.5 The tree is considered by the Council’s Tree Section to have high amenity value and to make a significant contribution to the character and appearance of the St John’s Wood conservation area. The Provisional TPO was subsequently made for the reasons set out above and as more particularly set out in the Arboricultural Officer’s report.

- 1.6 The initial reason given by the applicant for the proposed removal of the tree was:  
It is in a poor location within the garden, it has a very poor form, decay and dead branches and it has poor structural integrity.
- 1.7 Initially no technical evidence was submitted with the application to support this assertion. The TPO would not preclude the removal of the tree if it is demonstrated that it is the cause of significant structural damage and that tree removal is the appropriate solution. The Tree officer in a letter dated 25 February 2021 explained should the appropriate level of evidence be provided implicating T1 in subsidence damage or other structural damage to the property then the Council could decide not to confirm the TPO or to grant consent to an application for tree works.
- 1.8 On 25 February 2021, Russell Taylor Architects submitted a resistograph report demonstrating that the extent of internal decay was significant. The report recommends that the tree is removed.

Subsequent to making the TPO the City Council received one objection

## **2 Objection**

- 2.1 The Council's Legal Service received emails dated 9 February 2021 and 2 March 2021, from Russell Taylor Architects objecting to the TPO on the grounds that:
- The weeping ash tree T1 is not visible from a public place and does not make a valuable contribution to public amenity.
  - It delivers 'negative amenity' to the potential occupants of 19 Blenheim Road, as it is too large, too close to the house and causes shade to the house and garden. The tree is a maintenance problem, and has been pruned every two years to control its size and associated problems
  - The tree is causing structural damage to 10 Blenheim Road, which is a listed building.
  - The tree is in poor structural condition. Regular pruning will worsen the poor condition of the tree.

## **3. Response to Objection**

- 3.1 The City Council's Arboricultural Officer responded to the objection by letters dated 25 February 2021 and 19 March 2021. The Officer's response



considered that the tree has significant amenity value and is appropriate in its size and location for the setting. Although it is not visible from a public place it makes a significant contribution to local amenity and to the character and appearance of the St John's Wood conservation area which is noted for its leafy character. The Officer commented that the tree has not been maintained for many years and so is somewhat overgrown. However, the issues of shade and dominance could be managed by pruning and it is not considered that routine pruning would be unduly onerous. The Officer also noted that the weeping ash tree is a particularly unusual specimen and that the column of twisted branches exhibited by this tree is an attractive and interesting feature. The TPO would not preclude the success of an application to remove the tree on the grounds of structural damage, provided that appropriate levels of evidence were submitted to support the application.

- 3.2 The Officer stated that the resistograph report demonstrates that the extent of internal decay is significant. Although the report advises that it could be possible to retain the tree through undertaking a crown reduction, in view of the extent of decay, management by crown reduction would be a short-term solution. On the basis of the resistograph testing, the Officer advised she will be recommending that consent is granted to the removal of the tree.

#### **4. Replacement planting**

- 4.1 If the TPO is confirmed then a replacement tree can be secured by condition. If the TPO is not confirmed it ceases to be effective, and no replacement tree can be required.

#### **5. Ward Member Consultation**

- 51 The Ward Members have been consulted in relation to this matter. No responses have been received at the time of finalising this report. Any responses received between the time of finalising this report and the date of the sub-committee will be presented at the sub-committee.

#### **6. Conclusion**

- 6.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide EITHER
- (a) NOT TO CONFIRM Tree Preservation Order No. 672 (2020); OR
- (b) TO CONFIRM Tree Preservation Order No. 672 (2020) with or without modification with permanent effect.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT LINDA BOATENG, LEGAL SERVICES ON 07966 200 773 (Email <a href="mailto:lboateng@westminster.gov.uk">lboateng@westminster.gov.uk</a> ) OR GEORGIA HEUDEBOURCK, LEGAL SERVICES ON 078 1705 4603 (Email <a href="mailto:gheudebourck@westminster.gov.uk">gheudebourck@westminster.gov.uk</a> )
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## **Local Government (Access to Information) Act 1985**

### **Background Papers**

1. Copy of Provisional TPO 672 (2020)
2. Photographs of T1
3. Objection Email dated 9 February 2021
4. Response letter from the City Council's Arboricultural Officer to Russell Taylor Architects dated the 25 February 2021
5. Email from Russell Taylor Architects enclosing Resistograph dated 25 February 2021
6. Resistograph/Microdrill Report
7. Email from the City Council's Arboricultural Officer to Russell Taylor Architects in response to Report dated 3 March 2021
8. Email from Russell Taylor Architects re Confirming objection is maintained dated 15 March 2021
9. Response letter from the City Council's Arboricultural Officer to Russell Taylor Architects dated 19 March 2021
10. Report of Council's Arboricultural Officer dated 3 December 2020 recommending making of the Provisional Order