

DATE: 10th JULY 2018

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T413/02/18

LAND AT 62 RAVENSCOURT ROAD, W6

WARD/S:

RAVENSCOURT PARK

CONTRIBUTORS:

GROWTH & PLACE
TRANSPORTATION & HIGHWAYS

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T413/02/18 be confirmed without modification

CONFIRMATION OF TREE PRESERVATION ORDER T413/02/18
LAND AT 62 RAVENSCOURT ROAD, W6

1 DOCUMENTATION

1.1 Location plan. Photograph of Ash tree taken from Flora Gardens Estate.

2 BACKGROUND

2.1 On 19th February 2018 delegated authority was given to make a Tree Preservation Order covering one Ash tree within the rear garden of an end of terrace house in the Ravenscourt/Starch Green Conservation Area. The Order was made under Section 201 of the Town and Country Planning Act 1990 and became effective for a period of six months from 22nd February 2018.

2.2 The Order was made following receipt of a Conservation Area Tree Works Notice (2018/00152/TREE) to fell the tree.

2.3 Under the Tree Regulations the Council is obliged to consider any objections or representations to the Order, made within 28 days of its service before confirming it. An extension to the consultation period was granted to allow for discussions to take place between Officers and the owner of the tree. Letters/emails were received from 64 Ravenscourt Road (7th March 2018); 60 Ravenscourt Road (12th March 2018); 58 Ravenscourt Road (12th March 2018) and 62 Ravenscourt Road (5th April 2018).

2.4 The tree is highly visible from the adjacent Flora Gardens Estate and from Dalling Road. The Council's Arboricultural Officer has stated that the tree appears to be in good condition. The tree is considered to make a positive contribution to the character and appearance of the Conservation Area and to amenity within the local area. The tree acts as a green foil to the surrounding development.

2.5 Policy OS5 of the Council's Local Plan states that:

'The council will seek to enhance biodiversity and green infrastructure in the borough by:

- a. maximising the provision of gardens, garden space and soft landscaping, seeking green or brown roofs and other planting as part of new development;*
- b. protecting back, front and side gardens from new development and encouraging planting in both back and front gardens;*
- c. seeking to prevent removal or mutilation of protected trees;*
- d. seeking retention of existing trees and provision of new trees on development sites; and*
- e. adding to the greening of streets and the public realm.'*

2.6 Key Principle CAG6 of the Council's Planning Guidance Supplementary Planning Guidance Document which relates to design guidelines in Conservation Area states that: *'Open spaces, tree and street make a significant contribution to the character and appearance of conservation areas. It is important that any proposed changes preserve the character and reinforce the distinctiveness of the area.'*

3 CONSULTATION RESPONSES TO THE ORDER

3.1 Letter dated 7th March 2018 from 64 Ravenscourt Road:

'I am writing to you in connection with your letter of 22nd February about the above tree. I am the next door neighbour living at No 64 Ravenscourt Road. I fully support my neighbour's application to fell the Ash tree, which dominates our property and represents a danger to the pedestrians (including many children) who pass by it in the Flora Gardens Estate. I am concerned at the tree's effect on the wall and the health and safety risks both the tree limbs (rotten in part) and the cracked leaning wall represent. The tree – according to expert tree surgeons consulted – is in any event in need of pruning and looping of the overhanging branches. In a high wind it is possible to see the stresses being put on the tree. An accident involving the tree and/or the wall would be extremely regrettable.'

3.2 Email dated 12th March 2018 from 60 Ravenscourt Road:

'I wish to register my objection to the TPO on the tree in the back garden of William Glassman's house at 62 Ravenscourt Road W6 0UG. I own the property next door at 60 Ravenscourt Road and believe the tree has outgrown the small garden space and is causing structural damage, undermining the back wall and bringing about significant safety issues.'

3.3 Letter dated 12th March from 58 Ravenscourt Road:

'I have recently received notice of the Tree Preservation Order T413/02/18 which concerns an Ash tree in the garden of 62 Ravenscourt Road. I would like to object to this order. I disagree that this tree has high amenity value. It is barely visible from my property, so hardly improves the view. Conversely, however, it is large enough to be a risk to my and my neighbour's property and gardens, threatening the stability of garden walls and potentially blocking light and line of sight to TV transmitters, etc. So I think that making this order permanent would be onerous and disproportionate, with little benefit to local residents such as myself and my family, while placing unfair burdens on the owners of the tree itself.'

3.4 Email dated 5th April from 62 Ravenscourt Road with rear garden wall survey by GAGE-DP Limited:

'I write with reference to the TPO T413/02/18 placed on the tree in our back garden as I have now had a response from the Council management of Flora Gardens Estate regarding ownership of the boundary wall and also the results of a survey we had commissioned regarding the wall. The ownership of the boundary wall is shared ownership however, as the tree is on our property and the damage is caused by the tree it is our responsibility to repair the wall.

Therefore I am now writing to formally object to the placing of a Temporary Protection Order [sic] on the Ash tree (T1) in our back garden and attach the survey we had commissioned as part [sic] of our objection. During the last 30+ years we have, on numerous occasions and with Council permission, had the tree pruned, cut back and the crown reduced at considerable expense. However the tree has grown too large for our small garden and as you will see in the attached survey has not only caused considerable damage to the boundary wall but there is also the likelihood of future structural damage to the rear ground floor part of our home and the Council garages to the left behind the boundary wall due to the tree's close proximity to our home and the garages.

With regards to the amenity concerns, there are numerous other trees along the rear boundary wall between the back gardens of our neighbours and Flora Garden Estate and

we are happy to plant a smaller tree in the right rear section of our back garden away from the ground floor part of our home once the Ash tree has been felled and integrity of the boundary wall has been corrected.'

3.3 Officer's comment

Under s.198 of the Town and Country Planning Act 1990 local planning authorities have the power to make provision for the preservation of trees in their area if it is considered expedient in the interests of amenity. The Provisional Order was made in response to a Conservation Area Tree Works Notice to fell the tree. Following the making of the Provisional Order the Arboricultural Officer and an Officer from the Urban Design and Conservation Team have met the owners onsite and have had extensive discussions.

The tree is highly visible from the Flora Gardens Estate and in long views from Dalling Road. It is one of the largest in the immediate vicinity and has an attractive form. Although the tree is large, it is not considered to be excessive in scale for the size of the rear garden or its location. Officers consider that the tree makes a positive contribution to amenity in the local area and to the character and appearance of the Conservation Area.

The Council's Arboricultural Officer considers that the tree is in good condition and has been well managed in the past. There is no reason to suggest that the tree is dangerous. Its growth could be controlled by pruning on a three to five year cycle. The last Conservation Area Tree Works Notice for pruning of the tree was submitted in 2015 and it is estimated that the tree could now be reduced by approximately 3-4m. The regular maintenance of the tree is not considered to be an unduly onerous responsibility.

Officers have considered the structural report submitted by the owners and note that it confirms that the tree is not currently causing any damage to the dwellinghouse at 62 Ravenscourt Road. There is no visible damage to the neighbouring garages on the Flora Gardens Estate. Officers recognise that the boundary wall needs to be rebuilt and consider that if necessary in the interests of safety, the removal of the existing wall could be undertaken immediately without requiring the removal of the tree. The wall is located next to a garage court serving four garages on the Flora Gardens Estate and if necessary part of the garage court could be cordoned off. There is no pavement adjacent to the wall and the pedestrian route though the Flora Gardens Estate is on the opposite side of the estate access road and would not be affected.

Officers consider that there are alternative options that could be explored with the owners that might prevent the loss of tree cover and the resulting premature or unnecessary reduction in the quality of the environment in the local area. Such options could include rebuilding the boundary wall on a new alignment, incorporating the tree into the design of the wall or if felling were to be considered justified, the planting of an appropriately sized replacement tree either onsite or elsewhere in the local area.

Improving air quality and biodiversity is a priority for the Council. Reports have recently been produced by the Council's Air Quality and Biodiversity Commissions. In Inner London the canopy cover provided by trees is less dense and the reports highlighted that large mature trees are especially valuable and should be retained wherever possible.

Officers consider that the confirmation of the Tree Preservation Order is necessary in order to preserve amenity within the local area. Officers note the owners' offer to plant a smaller replacement tree, but this could only be controlled by the confirmation of the Tree Preservation Order. Furthermore from subsequent discussions with the owners, it is

understood that they would have concerns about planting a replacement tree of the size recommended by the Council's Arboricultural Officer. Officers consider that a small replacement tree would not be capable of mitigating the impact on amenity of the loss of the existing tree.

If confirmed, the Tree Preservation Order would not prevent works such as pruning or even felling from being carried out to the tree in the future; it only requires that consent be obtained from the Council before such works are carried out. The Tree Preservation Order would enable the Council to control such works so that they are not detrimental to the health or appearance of the tree or in the case of felling, to require the planting of a replacement tree and to specify its size, species and location in order to preserve tree cover and amenity in the local area.

4 OPTIONS

4.1 The Council could allow the Tree Preservation Order to lapse, in which case the tree is likely to be felled and the Council would have no power to require the planting of a replacement tree.

4.2 Alternatively, the Council is empowered to confirm the Tree Preservation Order. Officers recommend this option in order to protect the amenity value provided by the tree. It would provide a legal framework for the management of works to the tree. This would also allow for discussions to take place between Officers and the owners in relation to the future of the tree and the rebuilding of the boundary wall.

5 ARGUMENTS FOR THE RECOMMENDED ACTION

5.1 The Tree Preservation Order was stimulated by a Conservation Area Tree Works Notice to fell the tree. The tree has significant amenity value, which would be preserved by the confirmation of the Order. The presence of the tree is one of a number of factors, which make a positive contribution to the character and appearance of the Conservation Area.

6 IMPLICATIONS

6.1 There are no major financial, legal or staffing implications relating to the confirmation of a Tree Preservation Order. The confirmation of the Order will ensure that the amenity value of the tree is retained and as such will prevent an unnecessary reduction in the quality of the environment in this part of the Borough.

6.2 The owners of the tree have accepted that the boundary wall between 62 Ravenscourt Road and Flora Gardens Estate has been damaged by the tree and is their responsibility to repair. Officers consider that the wall could be removed immediately, if necessary and that such works are not dependent on the removal of the tree. The Council has powers to require the removal of the wall in event that it were to be considered unsafe.

7 CONCLUSION

7.1 The confirmation of the Tree Preservation Order is justified, as it will contribute to the protection of amenity, the character and appearance of the Conservation Area and the quality of the environment within the local area.

8 RECOMMENDATION

8.1 Confirm the Tree Preservation Order without modification.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

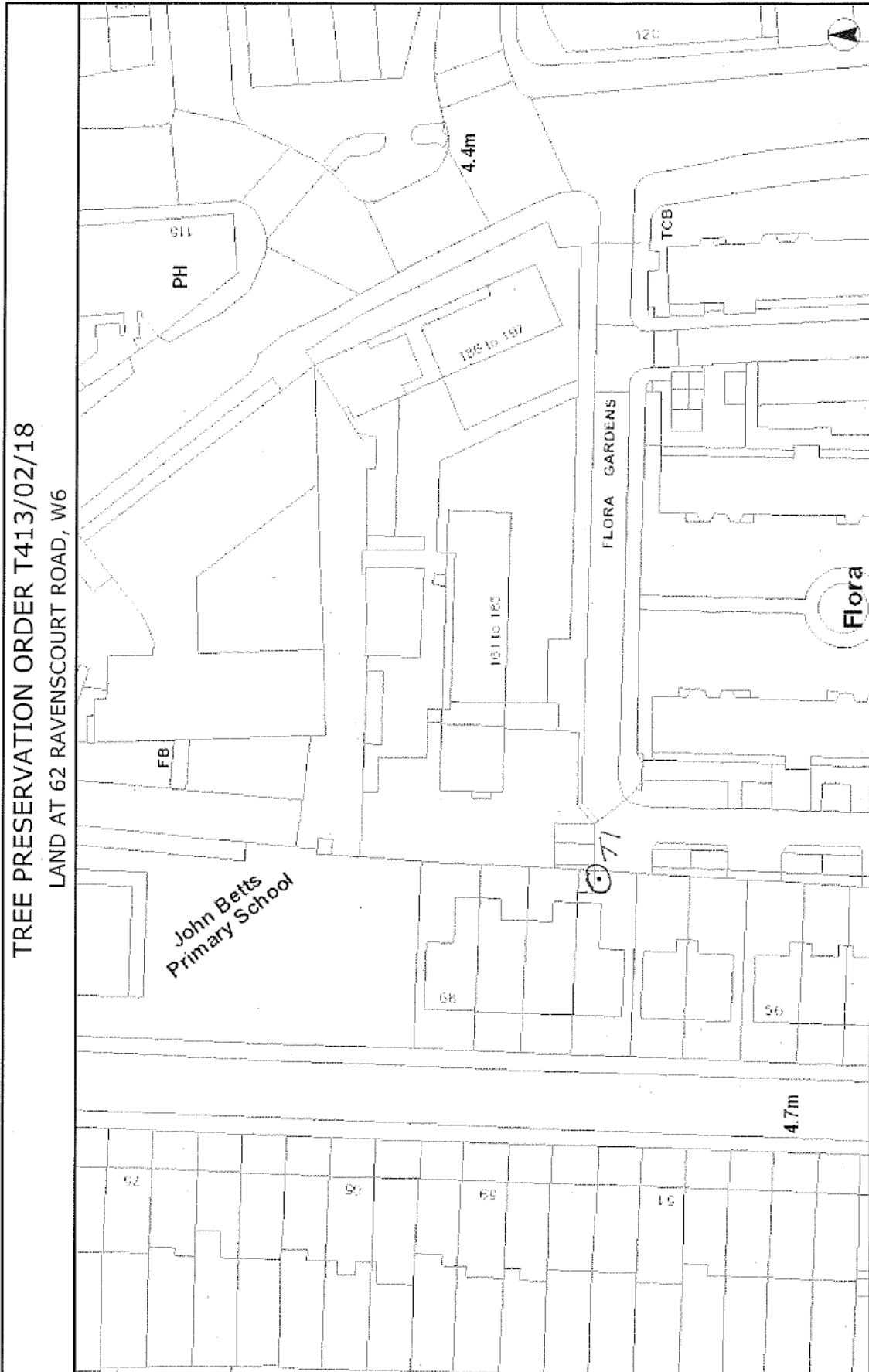
Brief Description of Background Paper – Tree Preservation Order T413/02/18

Name/Ext. of holder of file/copy:

Adam O'Neill x3318

Department/ Location of file/copy:

Growth and Place, 5th Floor, HTHX



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TREE : 71 ASH (SHOWN WITHIN A BLACK CIRCLE)

Scale 1:656
Printed on 16 Feb 2018

hs&f
hammingsmith & luhham

Figure 1: Location plan showing Ash tree.



Figure 2: Photograph of Ash tree taken from Flora Gardens Estate in winter.