

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
11th OCTOBER 2022

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T427/05/22

LAND AT WESTSIDE, RAVENSCOURT PARK, W6

WARD/S:

RAVENSCOURT

OFFICER:

ADAM O'NEILL, PRINCIPAL URBAN DESIGN & HERITAGE OFFICER

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T427/05/22 be confirmed without modification.

CONFIRMATION OF TREE PRESERVATION ORDER T427/05/22
LAND AT WESTSIDE, RAVENSCOURT PARK, W6

1 DOCUMENTATION

1.1 TPO location plan. Photographs of the trees taken from Ravenscourt Gardens and from within the car park at Westside.

2 BACKGROUND

2.1 On 31st May 2022 delegated authority was given to make a Tree Preservation Order (TPO) at Westside, Ravenscourt Park. The TPO includes two London Plane trees (T1 and T2) in the car park at the rear of the apartment building as shown on the enclosed TPO location plan. 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 1st June 2022.

2.2 The Order was made following the receipt by the Council of Conservation Area tree works notice 2022/01162/TREE to fell tree T1.

2.3 The trees are located within the car park at the rear of an apartment building and are visible from the public highway in Ravenscourt Gardens. The trees are some of the largest in the immediate vicinity and have not been pruned recently.

2.4 Under the Tree Regulations the Council is obliged to consider representations to the Order, made within 28 days of its service before confirming it. Representations have been received from a resident at 5 Westside who is also the Chair of the Freehold Management Company, from the owner of 8 Westside and from a neighbour at 49 Ravenscourt Gardens.

2.5 Policy OS5 of the Council's Local Plan (2018) 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.'*

3 CONSULTATION RESPONSES TO THE ORDER

3.1 Letter dated 8th June 2022 from resident at 5 Westside and Chair of Freehold Management Company

This representation raised objections and concerns including:

- The trees do not add to the amenity of the area.
- Wrong tree species for this location, Plane trees should be planted 30ft away from property.
- The trees are too large for this location.
- Tree roots have lifted tarmac surface of car park, creating a trip hazard and preventing use of some car parking spaces including one specifically allocated for disabled use as other parking spaces are assigned to individual leases.
- Impossible to deal with the tree root issues without harming the tree in question.
- Plane trees are associated with a large amount of leaf fall with potential to block gutters and cause flooding.
- The trees cause loss of light and overshadowing.
- The trees obstruct passage of large vehicles in car park with potential for them to cause damage to the trees.
- The trees cannot be seen in full by residents outside Westside as they are behind a 6 feet high boundary wall.
- Climate change will bring less rainfall so tree roots will extend further in future.

3.2 Letter dated 12th June 2022 from owner of 8 Westside

This representation raised objections and concerns including:

- The trees have outgrown their location.
- The trees are 30m from the road in Ravenscourt Gardens and behind a 6ft boundary wall, are of little attraction, do not have a high amenity value, do not form part of the streetscape in Ravenscourt Gardens and do not make a significant positive contribution to the character and appearance of the Conservation Area.
- Severe pruning would not be effective, felling [of tree T1] is necessary to resolve root damage to tarmac surface of car park and avoid damage to adjacent house at 49 Ravenscourt Gardens.

3.3 Email dated 7th July 2022 from neighbour at 49 Ravenscourt Gardens

This representation raised several concerns about tree T1 but supported the principle of the Tree Preservation Order:

- Concerns about proximity and size of the tree [T1] in relation to 49 Ravenscourt Gardens, potential subsidence and future damage to property.
- Root damage to tarmac of car parking area at Westside.
- London Plane trees should not be planted this close to property.
- The trees have not been pruned recently and the tree branches are close to windows at 49 Ravenscourt Gardens.
- The tree drops highly pollinated balls into the rear garden of 49 Ravenscourt Gardens, causing difficulties for the inhabitants, restricting use of the patio and blocking drains.

3.4 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 trees are some of the largest in the immediate vicinity and are visible from the public highway in Ravenscourt Gardens. They are considered to be of high amenity value, provide a green foil to the surrounding development and make a positive contribution to the character and appearance of the Conservation Area.

Officers have carefully considered all representations received. Officers from the Arboricultural Team and the Urban Design and Heritage Team have met onsite with residents of Westside since the Provisional Order was served and provided advice on their potential options on how to manage the trees. Officers encouraged the residents to consider alternatives to felling tree T1. As a result, an application for TPO tree works consent (2022/01965/TPO) to prune the trees was submitted and subsequently approved. If the pruning works are implemented, then Officers consider that this would reduce the size of the trees and help to alleviate some of the concerns expressed by residents.

Further applications have been submitted for root pruning to tree T1 (2022/01966/TPO) and for the felling of tree T1 (2022/01968/TPO) and these applications are pending consideration. A specification of the root pruning works proposed to tree T1 in 2022/01966/TPO has been requested from the applicant in order for the Council's Arboricultural Officer to assess the impact of the proposed works on the health of the tree. Subject to the Tree Preservation Order being confirmed and agreement being reached on the proposed specification of root pruning works, it is anticipated that the implementation of such works would help to alleviate the problems currently being caused by tree roots lifting the tarmac surface of the car park. The application to fell tree T1 (2022/01968/TPO) has been held in abeyance pending Committee's decision on whether or not to confirm the Provisional Order. In the event that the Provisional Order is confirmed it is likely that the application would be refused under delegated powers since inadequate justification has been provided to fell the tree.

The Council declared a Climate and Ecology Emergency in 2019 and has published its Climate and Ecology Strategy which sets out the route to net zero greenhouse gas emissions by 2030 for the borough. Improving air quality and biodiversity and responding to Climate Change are major priorities for the Council. In Inner London the canopy cover provided by trees is less dense and large mature trees are especially valuable and should be retained wherever possible.

If confirmed, the TPO would not prevent works such as pruning or even felling from being carried out to the trees in the future; it only requires that consent be obtained from the Council before such works are carried out. The TPO would enable the Council to control such works so that they are not detrimental to the health or appearance of the trees 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 TPO to lapse, in which case tree T1 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 TPO without modification. Having carefully considered all representations received, Officers recommend this option in order to protect the amenity value provided by the trees and to provide a legal framework for the management of works to the trees.

4.3 There is also provision within the Regulations to allow for confirmation of the TPO with modification, for example in order to exclude one of the trees from the Order, but Officers do not recommend such action in this case.

5 ARGUMENTS FOR THE RECOMMENDED ACTION

5.1 The confirmation of the Order will ensure that the amenity value of the trees is preserved and as such will prevent an unnecessary reduction in the quality of the environment in this part of the Borough.

6 IMPLICATIONS

6.1 There are no major financial, legal or staffing implications relating to the confirmation of a TPO.

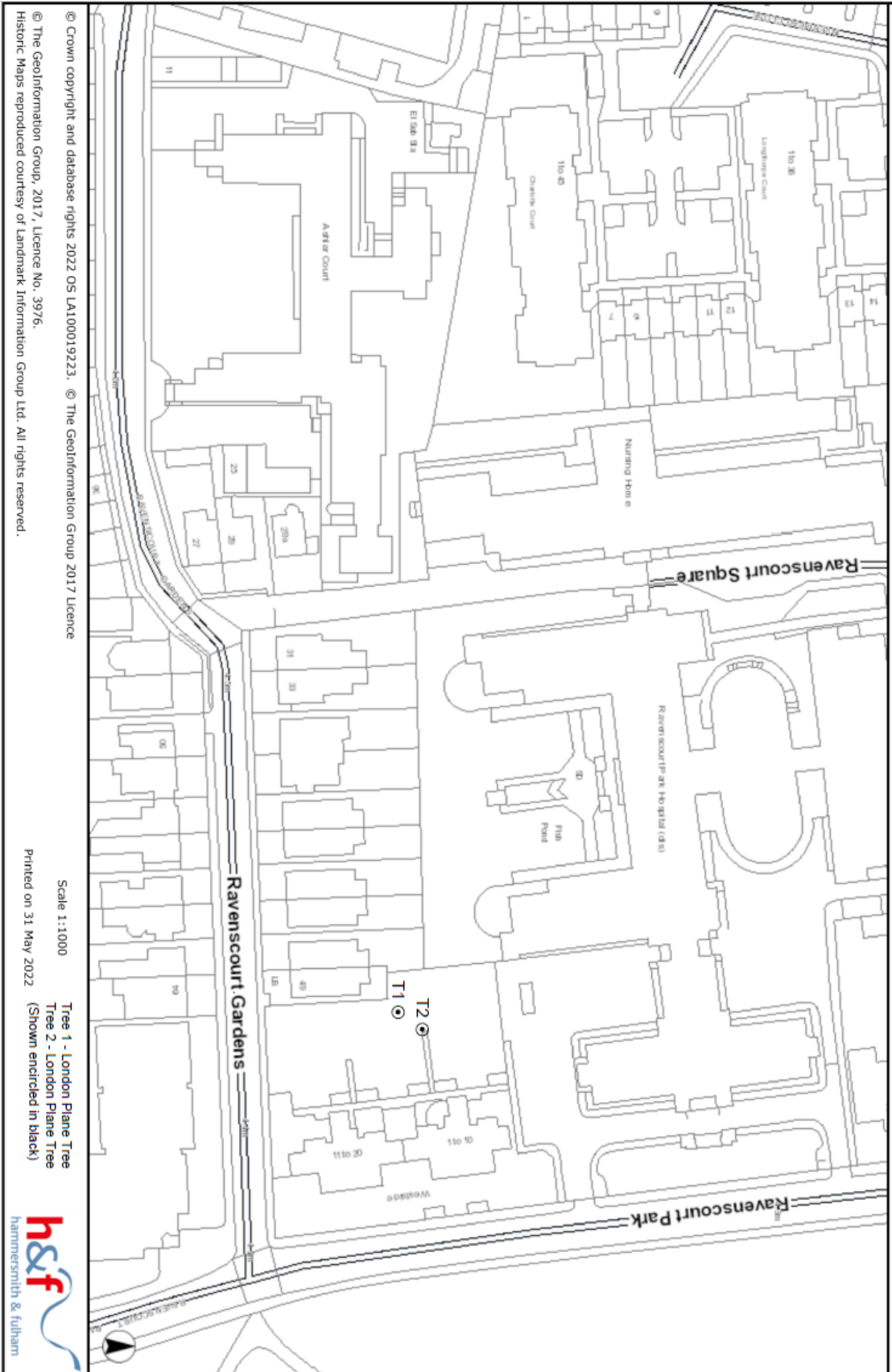
7 CONCLUSION

7.1 The confirmation of the TPO is justified, as it would protect the amenity value provided by the trees, 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.

Tree Preservation Order T427/05/22
 Land to Rear Westside, Ravenscourt Park, W6 0TY



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Scale 1:1000
 Tree 1 - London Plane Tree
 Tree 2 - London Plane Tree
 (Shown encircled in black)
 Printed on 31 May 2022



Figure 1: TPO location plan.



Figure 2: Photograph of trees T1 and T2, shown behind the boundary wall of Westside and to the right of 49 Ravenscourt Gardens, taken from the pavement in Ravenscourt Gardens.



Figure 3: Photograph of trees T1 and T2, shown with the boundary wall of 49 Ravenscourt Gardens on the left, taken from within the car park at Westside.