

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
13th FEBRUARY 2024

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T431/03/23

LAND AT 9 & 13 BRACKENBURY ROAD, W6

WARD/S:

GROVE

OFFICER:

ADAM O'NEILL, PRINCIPAL URBAN DESIGN & HERITAGE OFFICER

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T431/03/23 be confirmed without modification.

CONFIRMATION OF TREE PRESERVATION ORDER T431/03/23
LAND AT 9 & 13 BRACKENBURY ROAD, W6

1 DOCUMENTATION

1.1 TPO location plan. Photograph of the trees taken from Brackenburg Gardens.

2 BACKGROUND

2.1 On 10th November 2023 delegated authority was given to make a Group Tree Preservation Order (TPO) at 9 & 13 Brackenburg Road. The Group TPO includes two Sycamore trees (T1 and T2) in the rear garden of 9 Brackenburg Road and two Sycamore trees (T3 and T4) in the rear garden of 13 Brackenburg Road, 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 15th November 2023.

2.2 The Order was made following the receipt by the Council of Conservation Area tree works notice 2023/02664/TREE to fell trees T1 and T2.

2.3 The trees are visible in views across the rear gardens of properties on the east side of Brackenburg Road from the public highway in Brackenburg Gardens. The trees are some of the largest in the immediate vicinity and do not appear to have 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 residents at 11a Brackenburg Road; Studios 5 & 6, 3A Brackenburg Road; Flat 4, 1 Brackenburg Gardens and 3 Brackenburg 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 Email dated 22nd November 2023 from resident of 11a Brackenburg Road

This representation raised an objection in relation to tree T1:

- Would like the removal of tree T1 as it poses a risk to residents and guests, at the beginning of the summer a large branch fell onto the patio at 11a Brackenburg Road.

3.2 Emails dated 13th December 2023 and 15th December 2023 from resident of Studios 5 & 6, 3a Brackenburg Road

This representation supported the confirmation of the Provisional TPO on all four trees:

- The trees are a public amenity benefit as they can be seen from Brackenburg Road and Brackenburg Gardens, they soften the vista and add to local Brackenburg Village feel.
- The trees provide a good grouping and beautifully fill the gap between the back of the properties on Brackenburg Road and 1 Brackenburg Gardens
- Important from a climate change, air pollution and wildlife habitat perspective because they are mature and add so much to the local environment.
- Provide shading to south facing flats at 3a Brackenburg which get incredibly hot in summer and reduce need for use of air conditioning.

3.3 Emails dated 15th December 2023 and 31st January 2024 from resident of Flat 4, 1 Brackenburg Gardens

This representation supported the confirmation of the Provisional TPO on all four trees:

- Would like to keep the trees and just have them pruned. Removing them will spoil the character of the area. They are very good for the environment and need to be kept, also help in providing privacy for the properties.
- Does not agree with felling the trees they are nice to look out on and watch the birds and wildlife.

3.4 Email dated 18th December 2023 from resident of 3 Brackenburg Gardens

This representation supported the confirmation of the Provisional TPO on all four trees:

- Would wish the TPO to become permanent so that the Council has ultimate control over how this group of trees is managed in consultation with neighbours.
- Trees would benefit from pruning or pollarding, their privacy value is useful to neighbours and their amenity value for the wider neighbourhood very welcome. However, in summer - at the moment - they prevent much sunlight from reaching the surrounding properties.

3.5 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 Brackenburg Gardens. This group of trees (G1) provides significant amenity value, provides a green foil to the surrounding development and makes a positive contribution to the character and appearance of the Conservation Area.

T1 has been inspected by the Council's Arboricultural Officer and there is no evidence to suggest that it is dangerous. Officers from the Arboricultural Team and the Urban Design

and Heritage Team will be providing the owner of the trees with advice on how to manage the trees. Officers will encourage the owner to consider alternatives to felling tree T1 and T2, such as pruning and removing the Ivy on T2. If pruning works are implemented, then Officers consider that this would help to alleviate some of the concerns expressed by residents.

The Council declared a Climate and Ecological 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.

In 2023 the Council adopted a Climate Change Supplementary Planning Document (SPD) to provide guidance for the planning policies contained in the council's Local Plan that relate to climate change and to help implement the actions contained in the council's Climate and Ecology Strategy. Key Principle KPC17 in the Climate Change SPD advises that existing trees should be maintained and protected.

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 confirmation of 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 trees T1 and T2 are likely to be felled and the Council would have no power to require the planting of replacement trees.

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 future 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 or more 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 and preserve 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 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.

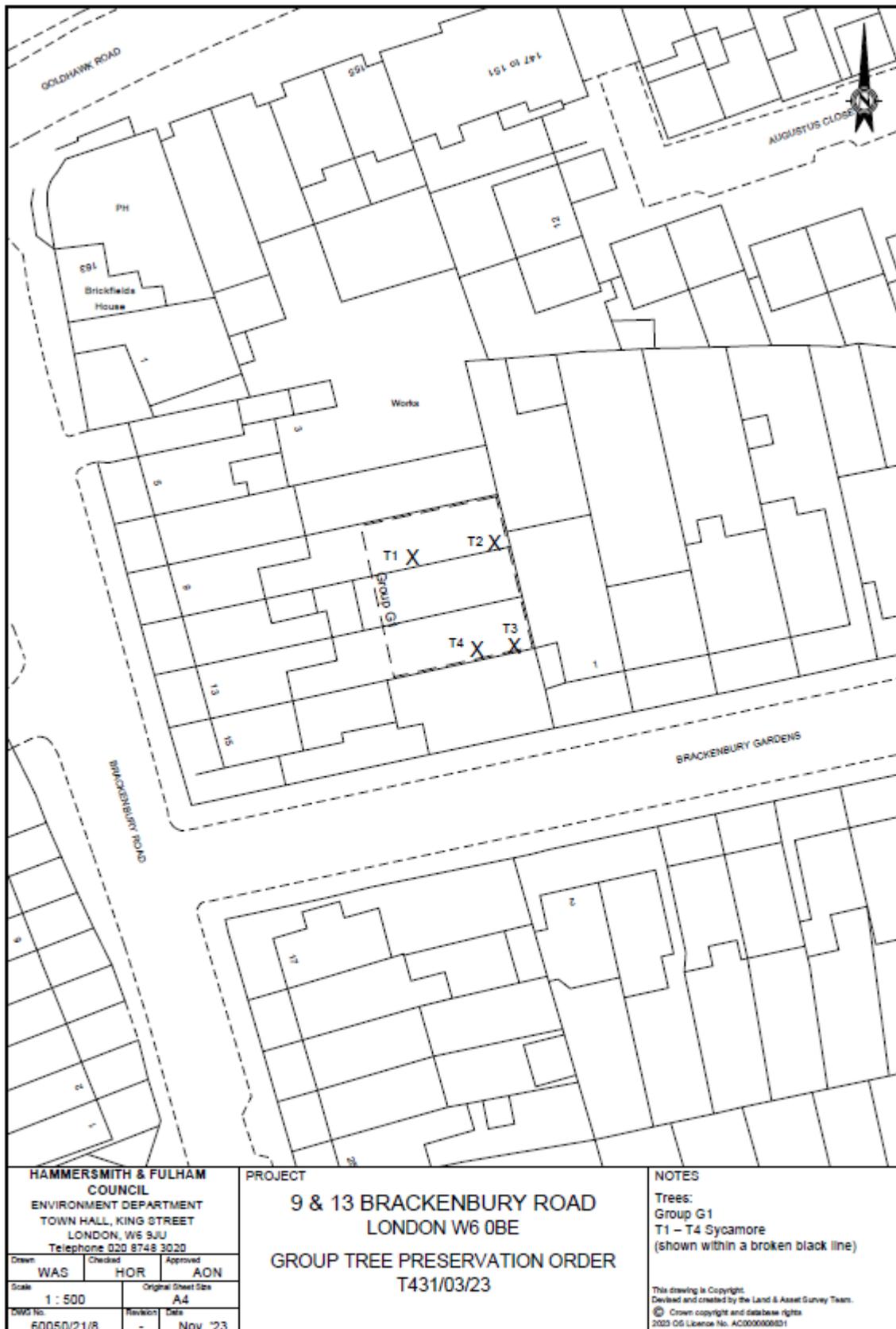


Figure 1: TPO location plan.



Figure 2:

Photograph of Group G1 (consisting of four Sycamore trees) in the rear gardens of Nos. 9 and 13 Brackenbury Road as viewed from the pavement in Brackenbury Gardens.