

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE
14th JANUARY 2025**

SUBJECT:

CONFIRMATION OF TREE PRESERVATION ORDER T447/10/24

LAND AT 46 CLANCARTY ROAD, SW6

WARD/S:

PARSONS GREEN & SANDFORD

OFFICER:

ADAM O'NEILL, PRINCIPAL URBAN DESIGN & HERITAGE OFFICER

RECOMMENDATION:

The Committee resolve that the Tree Preservation Order T447/10/24 be confirmed without modification.

CONFIRMATION OF TREE PRESERVATION ORDER T447/10/24
LAND AT 46 CLANCARTY ROAD, SW6

1 DOCUMENTATION

1.1 TPO location plan. Photograph of the tree taken from Clancarty Road.

2 BACKGROUND

2.1 On 16th October 2024 delegated authority was given to make a Tree Preservation Order (TPO) at 46 Clancarty Road. The TPO includes one Sycamore (T1) in the front garden 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 17th October 2024.

2.2 The Order was made following the receipt by the Council of Conservation Area tree works notice 2024/02077/TREE to fell the Sycamore tree (T1). The notice was submitted by the owner of the tree.

2.3 The tree is highly visible from the public highway in Clancarty Road.

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 the occupiers of 48 Clancarty Road.

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 Emails dated 15th and 18th November 2024 from the occupiers at 48 Clancarty Road This representation raised an objection to the confirmation of the Provisional TPO.

Email 1:

“Thank you for including us in the projected Tree Preservation Order on the sycamore in the adjacent property. We have an intervals discussed the tree with our next door neighbours which, being so close to their house and indeed to ours, we thought it should be replaced with a small tree/large shrub more suited to a front garden.

A sycamore is more suited to a park, field or woodland which can accommodate its height – in maturity around 24 metres, and more importantly its extensive root structure. It is because of the root structure which can impact detrimentally to the foundation of buildings, that it is not advised by buildings insurers to plant one less than 17 metres from the house. The tree is approximately three metres from our party walls – marginally closer to the front bay window of no 46.

I have spoken to our neighbours – voicing my concerns and informed them I would be submitting a note to you.”

Email 2:

“I confirm that I would like you to treat my email of 15 November as an objection to the confirmation of the Provisional Tree Preservation Order.

This is on the grounds that no 46 and ourselves are aware of the problems associated with sycamores (in particular the effect of their roots on a buildings foundation) We would also like to have the option of pollarding the tree as and when we deem it necessary and appropriate, and as has been undertaken in the past. Should the occupants of no. 46 wish to fell the tree and replace it at a future date, we would like them to be free to do so.”

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 tree is one of the largest in the immediate vicinity and is highly visible from the public highway in Clancarty Road. The tree has 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.

No evidence of any damage to property has been submitted by the objector. In densely built up urban areas such as Hammersmith & Fulham where many trees of amenity value exist in close proximity to buildings it is necessary to assess each case on its individual merits in order to avoid the unnecessary removal of valuable tree cover. The growth of the tree could be managed through pruning works.

The owner of the tree has since indicated that they no longer wish to fell it. However as the Conservation Area tree works notice was not withdrawn, there is still a risk that the tree could be felled lawfully in the future in the event that the Provisional TPO is not confirmed.

The confirmation of the Provisional TPO is justified in the interests of amenity and would provide a legal framework by which the Council could control any works to the tree in the longer term.

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 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 tree 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 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 TPO to lapse, in which case tree T1 could be felled lawfully 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 the representations received, Officers recommend this option in order to protect the amenity value provided by the tree and to provide a legal framework for the future management of works to the tree.

5 ARGUMENTS FOR THE RECOMMENDED ACTION

5.1 The confirmation of the Order will ensure that the amenity value of the tree 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 tree, 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 tree T1 as viewed from the pavement in Clancarty Road.