

<b>ADDRESS: 6-20 (even) Grazebrook Road &amp; 61 Lordship Road, N16</b>	
WARD: Lordship	REPORT AUTHOR: Nick Jacobs Landscape & Tree Officer Sustainability, Urban Design & Conservation
<b>RECOMMENDATION SUMMARY:</b> Confirmation of Tree Preservation Order with modification	

### SUMMARY

This Tree Preservation Order relates to 9 trees located in the rear gardens of 6-20 (even) Grazebrook Road and 61 Lordship Road.

These trees were the subject of a provisional 6 month Tree Preservation Order which expired on 15 August 2008.

One objection was received during the consultation period for the Tree Preservation Order and now officers are seeking Committee approval to confirm the Tree Preservation (make it permanent) despite this objection.

## **OFFICERS REPORT**

### **1. TPO DESCRIPTION AND PROCEDURE**

This Tree Preservation Order (TPO) covers 9 individual trees (T1 to T9); one of which (T8) has died since the making of the TPO. The trees are located in the rear gardens of properties on the north side of Grazebrook Road and Lordship Road adjacent to the Avigdor site (bounded by Lordship Road to the east with Arbor Court to the north.

The trees are located in the Clissold Conservation Area.

This Tree Preservation Order is TPO No.1 (of 2008) and was made on 15 February 2008. Pursuant to the legislation there followed a consultation period where objections/comments were invited from the landowner and adjoining landowners. This consultation period expired on 31 March 2008.

The TPO was made for a 6 month provisional period which expired on 15 August 2008.

The Council now has to decide whether to give the TPO permanent status in light of the one response received.

A copy of the TPO is attached to this report.

### **2. REASONS FOR MAKING THE TPO**

The TPO was made because the trees are close to the boundary with the Avigdor site and have public amenity value. There was concern that the trees could be harmed or lost if development did not take account of their protection. Although conditions have been attached to the planning permission for the Avigdor site the addition of a TPO means that the trees can be defended more robustly.

### **3. SUMMARY OF OBJECTIONS RECEIVED**

Only one letter of objection was received, a copy is attached. It was from Peter Currie Architects, acting for the freeholders of the property known as the Avigdor site (65-67 Lordship Road). The objection stated that:

1. The TPO was not served properly under Regulation 3.
2. Planning permission takes precedence over a Tree Preservation Order.
3. TPOs are intended to protect the character of conservation areas or other over-riding amenity provided by a tree or group of trees and that amenity can relate to quality and rarity of a particular specimen, or historical significance but that all the trees mentioned are on private land and none are directly visible from the public domain.
4. When the development on the Avigdor site is complete the trees will not be visible from the private road of Arbor Court.
5. The trees appear to be self seeded ashes or sycamores and therefore have no botanical or historical significance or amenity.
6. It seems possible that the likely reason for the proposed TPOs is to circumvent the resolution of the planning sub-committee to grant permission for the development on the Avigdor site.
7. It was suggested the development proposals would harm these trees but during the progress of the application formal response was given to these fears and there was no further comment from the Arboricultural Officer. From this we take it that the Arboricultural Officer accepted the thrust of our arguments and was content that our proposals were not likely, to affect the trees.
8. The trees concerned have little intrinsic significance.
9. The disparate line of specimens has only the most limited identity as a group and therefore that they cannot "exceed the sum of their individual merits"
10. The neighbouring property, the Avigdor Site, is not densely developed - it is an open site - and when developed will be of a similar density to the existing terrace at Arbor Court and characteristic of the area.
11. Whether the trees may, or may not, provide a screen is a purely private matter and has no general, public benefit and is, therefore, not a proper matter to consider in this context.
12. Because the trees are not visible from the public domain and are entirely on private land they have no local amenity value and cannot add to the character of the Clissold Park Conservation Area.
13. Because the trees are not visible to the "general public" from the public domain, but are entirely on private land their removal, which is not proposed or intended, cannot have "a significant impact on the local environment and the enjoyment of it by the general public".

#### **4. OFFICER COMMENTS ON OBJECTIONS**

1. The Council's Legal Department has confirmed that the TPO was served correctly and in accordance with the legislation.
2. The fact that planning permission takes precedence over a TPO is undisputed. The TPO is being used in conjunction with conditions attached to the planning permission to provide robust tree protection. The breach of a condition may lead to a fine of up to £1000 whereas the loss

of a tree (or its amenity value) under a TPO may lead to a fine of up to £20,000.

3. The trees' amenity value need not relate to a conservation area it is the trees' amenity value that is relevant. Also, whether the trees are on public or private land is immaterial; the amenity is what is important. Contrary to the objector's assertion, there are views from public places (see map attached) these are from:

- Queen Elizabeth's Walk between No.42 and the synagogue No.40,
- Over No.40A Queen Elizabeth's Walk and across the rear garden of 28 Grazebrook Road
- Through the gap between Nos. 8 & 10 Grazebrook Road.

The trees are visible, and would still be visible once the development is finished, from 21 houses and their rear gardens along the north side of Grazebrook Road and from 55, 57, 59, 61 Lordship Road (this is a total of 25 properties, however the number of households is larger as subdivisions have not been counted).

4. Views from Arbor Court have not been considered in the making of the TPO. Once the Avigdor development is complete the views detailed above will still exist.

The trees will also be visible from the Avigdor development providing:

- a screen between the development and existing properties, and
- amenity for all adjacent properties.

5. No particular botanical or historic amenity is claimed for the trees and is not necessary for the trees to have amenity value. The species include weeping willow and myrobalan plum; their provenance, whether self-seeded or otherwise, does not affect the amenity they provide.
6. The suggestion that the purpose of the TPO is to circumvent the planning permission has already been addressed as point 2.
7. The planning conditions are intended to protect the trees but are not considered sufficient on their own and can be hard to enforce. It is worth noting that demolition was carried out on the Avigdor site without any tree protection. The Arboricultural Officer believes the combination of conditions and TPO should be sufficient to protect the trees through the course of the development.
8. Because of their location and visibility (as described above) the trees are considered to have amenity value and therefore have significance.

9. The trees form a band adjacent to the southern boundary of the Avigdor site; in this context their variety of size and species does not diminish their amenity and their value is collective.
10. The density and form of the new development will preclude tree planting on the south side of the development site, which increases the significance of the existing neighbouring trees.
11. As stated at point 3. The trees have great amenity value to the 25 properties (and to the unbuilt development). It is not agreed that because the trees are not visible from the larger public domain and are entirely on private land that they have no local amenity value and cannot add to the character of the Clissold Park Conservation Area.
12. As addressed at point 3.
13. As addressed at point 3 - and some of the trees are visible from the public domain.

Further, the development may not propose or intend the loss of trees but without protection the trees may be sufficiently harmed to cause their loss, or loss of their amenity.

The trees can also be expected to affect the local environment in ways other than visual. They provide habitat for wildlife, and have a positive effect on the local microclimate. While the general public might be unaware of the source of the benefits, the cumulative effects of the trees should not be discounted.

**5. SUPPORT RECEIVED**

Notes from 17 neighbouring residents have been received supporting protection of the trees and confirmation of the TPO. (Copies attached)

**6. OMIT DEAD TREE T8**

The sycamore T8 has died since the provisional TPO was made. The cause is unknown so it should simply be omitted when the Tree Preservation order is confirmed.

**7. RECOMMENDATION:**

That the Head of Legal and Democratic Services be authorised to confirm the Tree Preservation Order with the modification that the dead tree T8 is omitted. This confirmation will make the TPO permanent.



Signed.....

Date: 27 April 2009

**Steve Douglas**  
**Interim CORPORATE DIRECTOR, NEIGHBOURHOODS & REGENERATION**  
**DIRECTORATE**

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1.			1 <sup>st</sup> Floor Dorothy Hodgkin House, Reading Lane E8



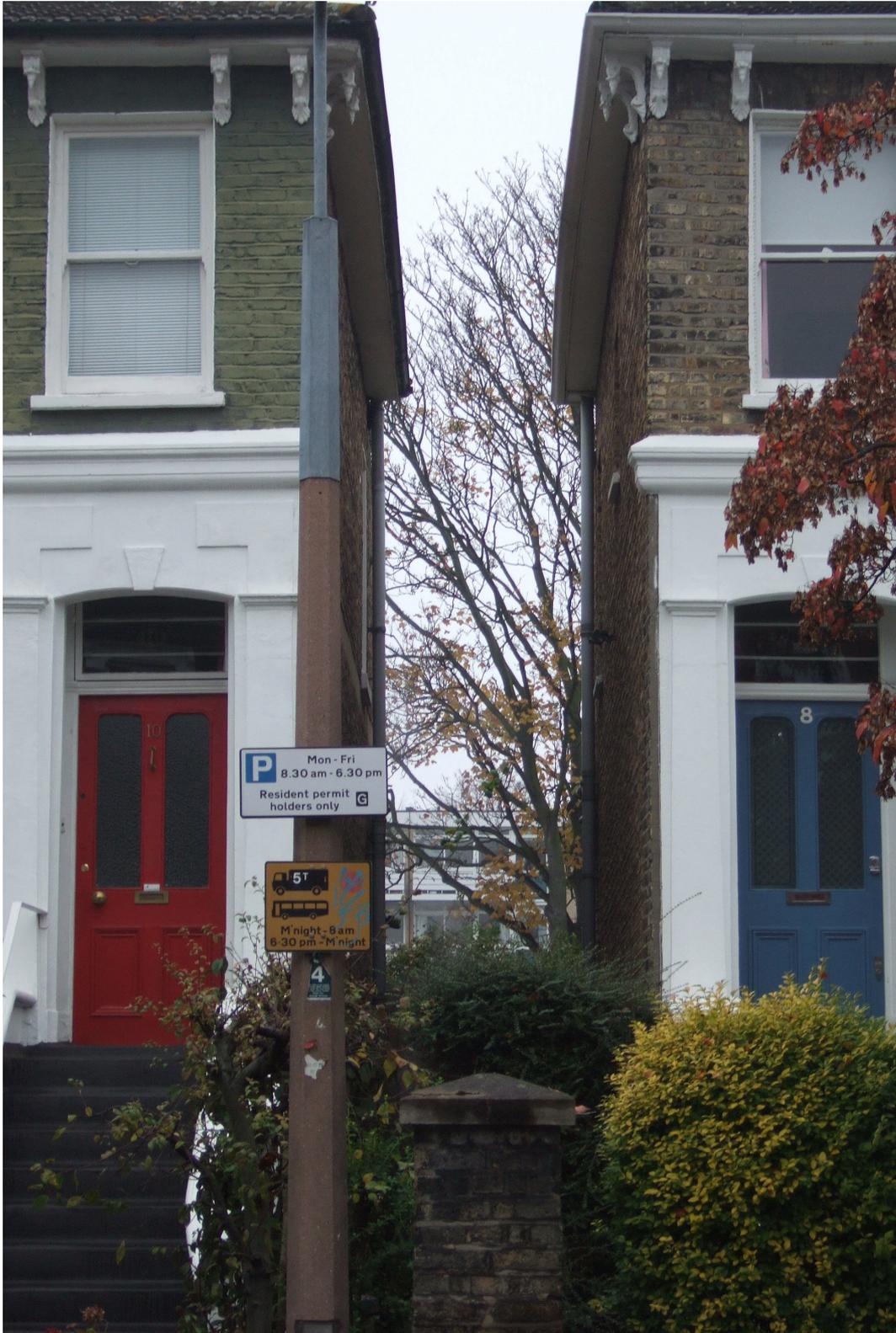


Photo 1: View through gap between 8 & 10 Grazebrook Road.



Above (photo 2) & below (photo 3): views over 40A Queen Elizabeth's Walk & rear garden of 28 Grazebrook Road.





Photo 4: View between 42 and 40 Queen Elizabeth's Walk.



View from rear of Grazebrook Road property.



View from rear of Grazebrook Road property.