

Date: March 31st, 2008

ref.: 572 lbhtpo01.ltr/pc



London Borough of Hackney,  
Legal and Democratic Services,  
298 Mare Street,  
LONDON E8 1HE

for the attention of Emmalene Gottwald

Dear Ms. Gottwald,

**TPO - 6, 8, 14, 16, 18 and 20 Grazebrook Road and 61 Lordship Road**

I act for the freeholders of the Avigdor site to the north of these properties, that is 65-67 Lordship Road.

I am in receipt of your order of February 15 relating to trees in 6, 8, 14, 16, 18 and 20 Grazebrook Road and 61 Lordship Road. I note that the "Notice" was given by leaving the envelope, unprotected upon the ground inside the chain link fence adjacent to the pavement in Lordship Road. Service was not given by post and no attempt was made to contact the freeholders, or their agents, notwithstanding the long-standing application for planning permission to the Borough and the comments that the Borough's Arboricultural Officer had made concerning the application.

I contend that the notice under Regulation three of the Regulations was not properly made.

I note that planning permission for works at the Avigdor site was submitted in May 2007 and that the committee voted to grant this permission at its meeting on February 13th. This permission envisages substantial works at basement level adjacent to the boundary of 61 Lordship Road and works at basement and sub-basement level within 5 metres of the boundary of 8 Grazebrook Road and 12 metres of 18 Grazebrook Road. We are advised that the Committee resolution takes precedence over this order made subsequent to the resolution.

With regard to the substance of the order. I understand that TPOs are intended to protect the character of conservation areas or other overriding amenities provided by a tree or group of trees. These other amenities can relate to the quality and rarity of a particular specimen, or may relate to such matters as the historical significance of a tree or group of trees, such old yews in churchyards or oak trees in which fleeing "Pretenders" hid. In this instance all the trees mentioned are on private land and none are directly visible from the public domain. When the development on the Avigdor site is complete they will not even be visible from the private road in front of Arbor Court. I am unable, therefore, to understand that these trees will provide any public amenity. I note that these trees appear to be, for the most part, self seeded ashes or sycamores and I am not aware that, as such, they have a botanical or historical significance or amenity.

For the above reasons it seems to me that it is possible that the likely reason for the proposed TPOs is a strategy to circumvent the resolution of the planning sub-committee to grant permission for the development on the Avigdor site. It was suggested that the proposals would harm these trees. 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, deleteriously, to affect the trees concerned.

Please note that my clients oppose the confirmation of the order of February 15th on the grounds that

- a) the trees concerned have little intrinsic significance,
- b) that 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"
- c) 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.
- d) that 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.
- e) 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.
- f) 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".

My clients oppose the confirmation of the present order of February 15th..

Peter Currie,

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