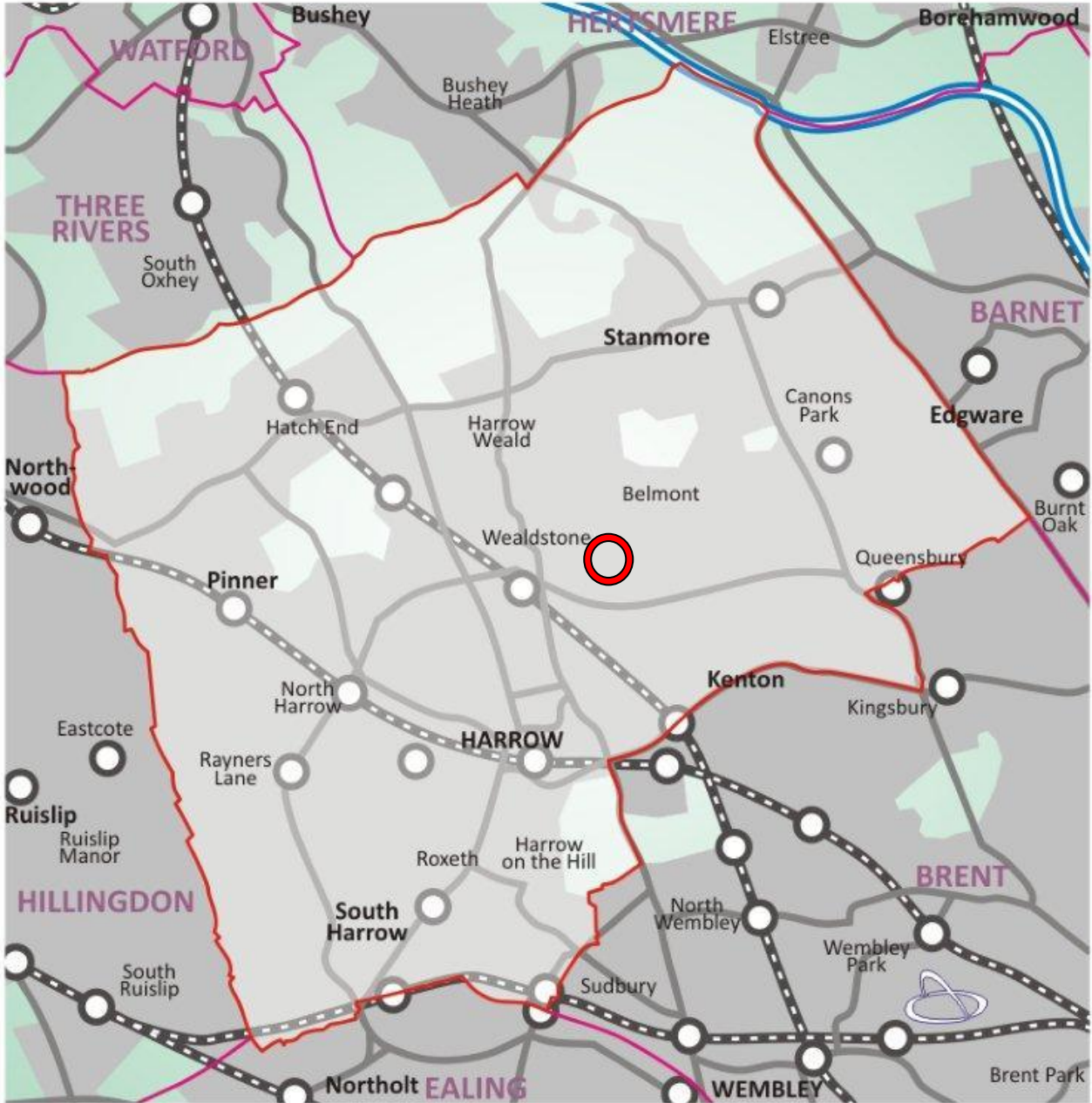
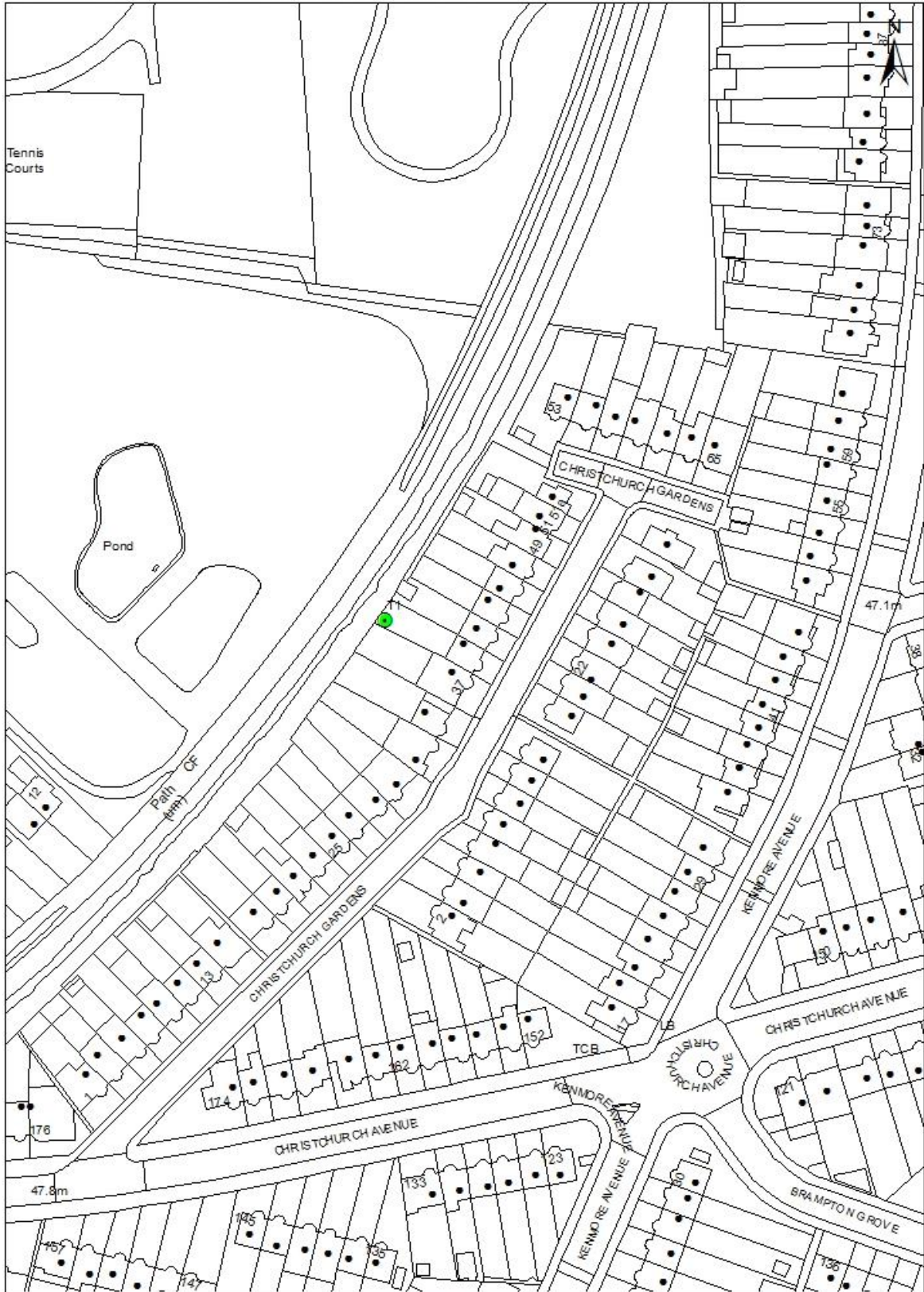


 = application site



39 Christchurch Gardens

Site Plan - 39 Christchurch Gardens



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LONDON BOROUGH OF HARROW

PLANNING COMMITTEE

11th March 2020

SUBJECT: TREE PRESERVATION ORDER NO.961
CHRISTCHURCH GARDENS (NO.1) BELMONT

LOCATION: 39 CHRISTCHURCH GARDENS
WARD: BELMONT
POSTCODE: HA3 8NP
RESPONSIBLE OFFICER: BEVERLEY KUCHAR, INTERIM CHIEF PLANNING
OFFICER
EXEMPT: NO

PLAN: SITE PLAN RELATING TO TPO NO. 961
CHRISTCHURCH GARDENS (NO.1) BELMONT

Section 1 – Summary and Recommendations

The Council made provisional Tree Preservation Order (TPO) No.961 on 14/10/2019.

This TPO protects T1 Apple as indicated on the attached plan and covers the property at 39 Christchurch Gardens. Before confirming the order, the Council must consider objections and representations duly made in respect of the order. An objection has been made against this TPO in respect to the tree (T1 Apple). This report considers the objection and seeks authority to confirm the order.

Recommendations:

The Committee is requested to:

Confirm TPO No.961 Christchurch Gardens (No.1) Belmont, notwithstanding the objections.

Reason:

The Apple tree at 39 Christchurch Gardens forms an integral part of the Belmont Nature Trail, which in turn forms part of the Harrow Green Grid Network. As such it is considered to have significant public amenity value, and therefore should be properly safeguarded. If this TPO is not confirmed within 6 months of 14/10/2019 the aforementioned protection will be lost.

Section 2 – Background

On 14 October 2019 TPO 961 was made in respect of 1 x *Malus domestica* (cultivated apple) to the rear of 39 Christchurch Gardens. *Malus domestica* are widely planted in gardens and orchards and cultivated for their fruit. They have round, spreading form with mature height of up to 10m.

T1 Apple is approximately 8m height, and is estimated to be around 30-40 years old. The tree may have been one of a number of fruit trees planted in the post-war years and later, as part of a drive to encourage suburban homeowners to grow their own food – and partly to address continued food shortages in the 1950s.

The tree is on the rear boundary of the rear garden of 39 Christchurch Gardens. To the rear of Christchurch Gardens is the Belmont nature trail, which in turn forms an integral part of the Harrow Green Grid network.

The tree can be clearly seen from this footpath when approaching from the east and west (Photos 1 and 2) and has good visibility due to its relatively large size. The tree forms part of the views from the Belmont trail and provides valuable natural screen.

The tree partially overhangs the side boundary shared with 37 Christchurch Gardens.

Attention was brought to the tree following a change of ownership of the neighbouring property (37 Christchurch Gardens) in 2019.

Sometime after occupation of the property the lower half of the rear garden was converted to hardstanding to create a patio area. The location of the new patio was such that the neighbouring tree overhangs a section of the patio.

Soon after this, the tree owners were notified by the neighbour that they wished to remove the portion of the tree which was overhanging the boundary / fence line.

The type and extent of reduction required to achieve this would leave the tree unbalanced and would create multiple pruning wounds, leaving the tree vulnerable to decay. In short the tree's health and appearance would be significantly impacted.

TPOs are generally administered on a reactive basis, and for one of three main reasons: a) threat of development b) change of ownership c) bad management

Following site visit an assessment of the tree's public & amenity value was made (using TEMPO – Tree Evaluation Method for Preservation Orders). Taking into account the tree's location and role in forming part of the Belmont Trail, it was considered that the tree's contribution to the local amenity, the Belmont Trail and wider Green Grid Network, and the relatively few other remaining mature trees in the immediate locale (privately owned), a provisional TPO was considered to be expedient

Section 3 - Objections

An objection to TPO No.961 was received from the owner of 37 Christchurch Gardens, on whose shared side boundary the subject tree overhangs. The objections are outlined below with the Council's response:

Fallen apples are causing slip and trip hazard, preventing children from enjoying the garden

Natural processes such as fruit fall, leaf fall, acorns etc are not classed as a statutory nuisance, and are something which the tree owner is unable to control. In order to eliminate all risks of falling apples or leaves, it would be necessary to completely remove the tree, which would not be a proportionate response to a natural process over which the tree owners have no control. Clearing or sweeping away leaves or fallen fruit can reasonably be considered part of general garden or household maintenance.

Tree owner has underhandedly requested this TPO, which the LPA has been blindly granted by the LPA

TPOs are served on a reactive basis in most cases, where there is a known or perceived threat. None are served without careful consideration and proper assessment. In this case the TPO was served in response to a perceived risk of bad management, in other words, pruning works deemed to be excessive or likely to be harmful to the tree's health and appearance. A TPO does not prevent any works being carried out on a protected tree, but allows the LPA to control the type and extent of works permitted.

There are other similarly mature trees in the area which are not protected by TPOs but which I (objector) fully support the care and maintenance of

The Apple is one of relatively few remaining mature garden trees within this part of Christchurch Gardens, a number having since been removed. This gradual loss of garden trees adds weight to the need to protect those which remain.

There are a number of other mature, existing trees nearby – however these are within the Belmont Trail, and are protected by virtue of being under council ownership and subject to good management. As such it is not expedient or necessary to TPO trees in council ownership

Section 4 – Consideration

It is considered that in spite of the objections to the confirmation of TPO No.961, the Apple T1 merits the protection of a TPO and it is expedient to confirm the order without modifications, for the same reasons as set out in section 2.

The Committee is requested to give due consideration to the objection and the Tree Officer's response to the objection. In the Tree Officer's view, the objections do not outweigh the amenity considerations in this case.

It is accordingly recommended the TPO be confirmed.

A site meeting with the objector (Mr Narendra Patel) was held during which additional information on applying for tree works, details of local tree contractors, options for pruning works etc, were provided. Mr Patel advised he wishes to uphold his objections to the TPO and was advised these would be taken into consideration and he will be kept informed of the committee's decision

Financial Implications

None. The expenses incurred in confirming the order can be met within existing revenue budgets within the Planning Service

Risk Management Implications

None

Corporate Priorities

Confirming the TPO will contribute to the Council's Corporate Priority of keeping neighbourhoods green

Section 5 - Statutory Officer Clearance

| | | |
|------------------|--------------------------|--|
| Name:..... | <input type="checkbox"/> | on behalf of the* Chief Financial Officer |
| Date: | | |
| Name: | <input type="checkbox"/> | on behalf of the* Monitoring Officer |
| Date: 24/02/2020 | | |

Section 6 - Contact Details and Background Papers

Contact: Rebecca Farrar, Tree Officer, ext. 6092 rebecca.farrar@harrow.gov.uk

Background Papers:

If appropriate, does the report include the following considerations?

| | | |
|----|----------------------|--|
| 1. | Consultation | YES / NO – see section 2 above. |
| 2. | Corporate Priorities | YES / NO – see above |

| | |
|--------------------------------|----------------------------|
| Interim Chief Planning Officer | Beverley Kuchar 28/02/2020 |
| Corporate Director | Paul Walker 02/03/2020 |

Site Plan - 39 Christchurch Gardens



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T1 (red arrow) viewed on approach from Belmont Trail



T1 (red arrow) coming into view on approach from Belmont Trail



T1 – view from Belmont Trail and rear of 37 / 39 Christchurch Gardens

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