

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 25 May 2021	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road	
Subject of Report	Frances Court , 64 Maida Vale, London, W9 1PN		
Proposal	1 x London Plane (T1): Fell		
Agent	Mr Mark Chester		
On behalf of	Mr Jonathan Malka		
Registered Number	21/00717/TPO	Date amended/ completed	6 February 2021
Date Application Received	6 February 2021		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

## 1. RECOMMENDATION

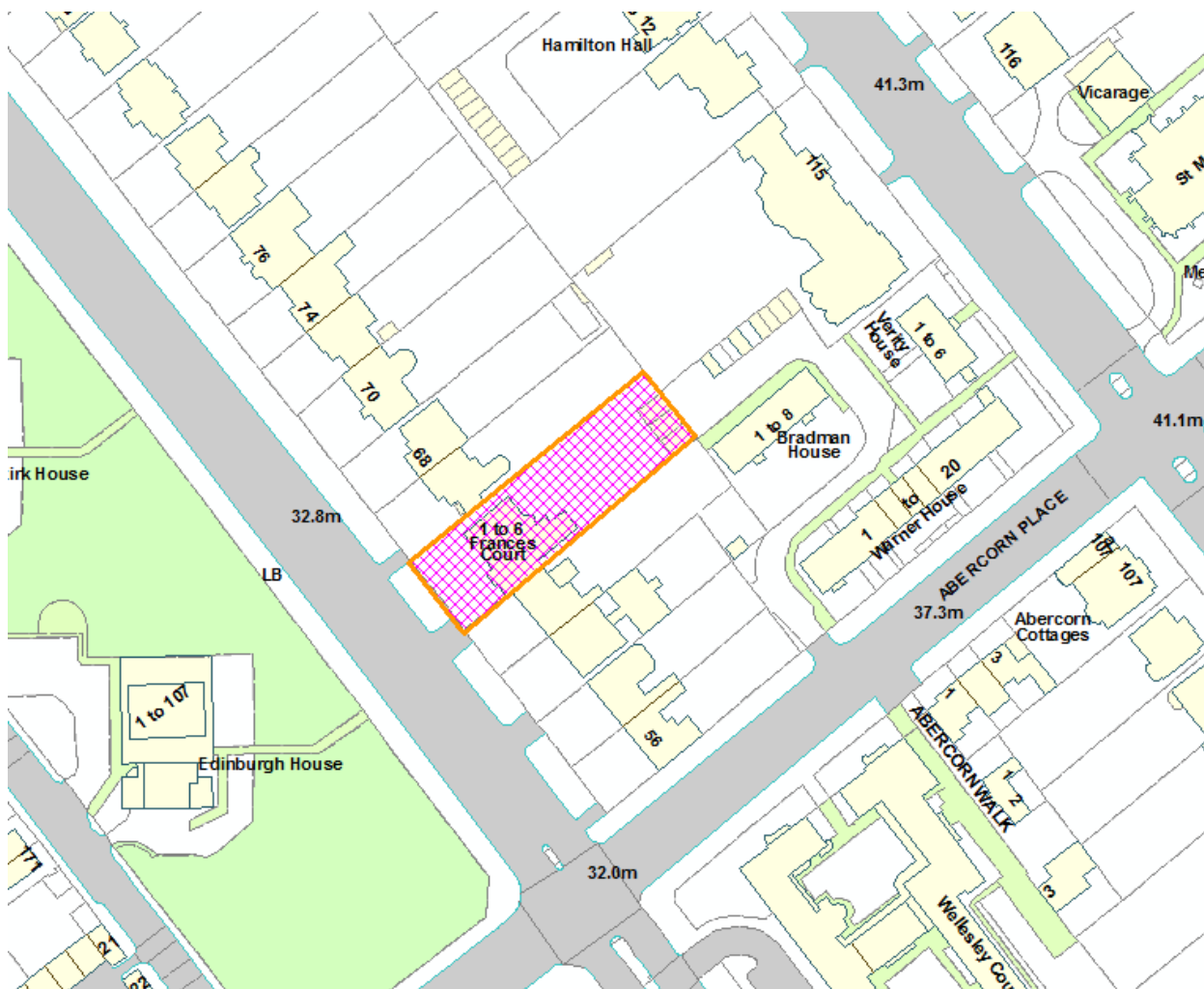
Refuse consent

## 2. SUMMARY

Consent is sought to remove one London Plane tree from the rear garden of Frances Court, 64 Maida Vale on the grounds that it is a poor specimen and its removal would facilitate landscaping of the garden. The key issues are the loss of amenity should the tree be removed balanced with any evidence in support of tree removal.

Members will already have considered the report of the Director of Law concerning the confirmation of Tree Preservation Order no 673 which protects the London plane tree. If members decide not to confirm the Order, then no decision is necessary on the application to remove the tree and it can be removed without further reference to the City Council.

### 3. LOCATION PLAN



#### 4. PHOTOGRAPHS



View from the NE within the public footway of Hamilton Terrace looking SW





View from the SE within the public footway of Abercorn Place looking NW





View from the SW within the rear garden of 64 Maida Vale looking NE

## 5. CONSULTATIONS

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 0

No. of objections: 0

No. in support: 0

### PRESS ADVERTISEMENT / SITE NOTICE:

No

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

This application lies in the St John's Wood Conservation Area. Frances Court, 64 Maida Vale is an unlisted Building.

The London plane (T1) is located in the rear garden of Frances Court, 64 Maida Vale and is publicly visible between the apartment blocks of Verity House on Hamilton terrace (to the north-east), with the upper crown forming part of the skyline as viewed from Abercorn Place (to the south-east) and Maida Vale (to the south-west).

### 6.2 Recent Relevant History

20/06553/FULL

Erection of single storey outbuilding at end of rear garden for home office use for use only be residents of Francis Court, 64 Maida Vale and associated removal of trees.

Decision: Refused

20/07251/TCA

1 x London plane (T1), 2 x ash (T2 and T3), 1 x elder (T4) (rear): fell

Decision: TPO 673 made on 22<sup>nd</sup> of December 2020

20/07399/TCA

1 x London plane (T1): overall crown reduction; 2.5 to 3 metres, where possible to suitable secondary growth. 2 x ash (T2 and T3): overall crown reduction; 2 to 2.5 metres back to previous pruning points. 1 x sycamore (T4) and 2 x lime (T5 and T6): overall crown reduction; 2 to 3 metres back to previous pruning points. 1 x bay (T7) and 1 x sycamore (T8): overall crown reduction; 2.5 to 3 metres back to previous pruning points.

Decision: No objections

On 12<sup>th</sup> November 2020 six weeks' notice of intent to remove the London plane tree was submitted to the City Council, by Cedarwood Tree Care, on the grounds that the tree is a poor specimen in a rear garden and felling would facilitate landscaping of the garden.

Following receipt of such notice, the City Council can either make a TPO, or raise no

objections to tree removal. Insufficient evidence was submitted with the conservation area notification to support tree removal and so it was considered expedient that a TPO be made in view of the contribution that the tree makes to the character and appearance of the conservation area. The TPO was made on 22<sup>nd</sup> December 2020.

One objection to the order was received. The objection was received from Cedarwood Tree Care who submitted the original six weeks notification of intent on behalf of the owner of 64 Maida Vale. The objection from Cedarwood Tree Care is within the report titled "Statement of Objection to the Serving of a Tree Preservation Order on a London Plane Tree at Frances Court, 64 Maida Vale, London" by Mark Chester (dated January 2021), which members will have already considered.

If members have decided not to confirm the Order, then no decision is necessary on the application to remove the tree and it can be removed without further reference to the City Council.

## **7. THE PROPOSAL**

1 x London plane: fell

## **8. DETAILED CONSIDERATIONS**

### **8.1 Reasons for the application**

The tree is a poor specimen in a rear garden and felling would facilitate landscaping of the garden.

### **8.2 Supporting information**

The applicants have submitted one report in support of the tree removal.

#### **TREE CONDITION REPORT FOR London Plane T1 at Frances Court, Maida Vale**

This includes 1 x photograph of the tree taken by the applicant in December 2020 and images and photographs sent by The Westminster City Council Tree Officer to the agent to verify the size and location of the tree as well as some of the public views.

The report considers that the tree is of poor condition, but that it is safe, and that it makes little contribution to the setting and removal will enable the part of the garden where it is located to be landscaped.

### **Appraisal**

The tree is about 17m tall and is growing close to a mature twin-stemmed Poplar tree located in the rear garden of No. 68 Maida Vale; as such the London plane has a slight lean to the south-east from about 3m above ground level with the canopy biased away from the Poplar tree. Neither the lean of the tree or the slight asymmetry of the crown are considered to be of detriment to its amenity value. The tree is ivy clad from ground level to about 13m and appears to have been regularly pruned at about 14m to create a more balanced crown. The tree is of good form and appears to be in good health.

It is a prominent tree within the rear garden and is overlooked by a large number of properties. It is publicly visible between the apartment blocks of Verity House on Hamilton Terrace (to the north-east), with the upper crown forming part of the skyline as viewed from Abercorn Place (to the south-east) and Maida Vale (to the south-west).

By virtue of its form and location, the tree makes a significant contribution to public amenity.

### **8.3 Tree replacement**

If consent is granted to the TPO application the provision of a replacement tree can be required by condition. (If the TPO has not been confirmed then no replacement can be required.)

### **8.4 Appeal**

Should consent for tree removal be refused, the applicant can exercise a right to appeal.

### **8.5 Other UDP/Westminster Policy Considerations**

The National Planning Policy Framework (NPPF) sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity.

In addition, local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Policy 34 of Westminster's City Plan 2019-2040 (April 2021) aims to protect and enhance the City's green infrastructure and states that trees of amenity, ecological and historic value and those which contribute to the character and appearance of the townscape will be protected.

Policy 39 of Westminster's City Plan 2019-2040 (April 2021) states that features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Whilst there is no requirement to have regard to Development Plan policies when determining Tree Preservation Order applications, special attention should be paid to the desirability or preserving or enhancing the character and appearance of the conservation area.

### **8.6 Westminster City Plan**



The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **8.7 London Plan**

This application raises no strategic issues.

#### **8.8 National Policy/Guidance Considerations**

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

#### **8.9 Planning Obligations**

Planning obligations are not relevant in the determination of this application.

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JAMIE NEWMAN BY EMAIL AT [jnewman@westminster.gov.uk](mailto:jnewman@westminster.gov.uk)

**DRAFT DECISION LETTER**

**Address:** Frances Court , 64 Maida Vale, London, W9 1PN

**Proposal:** T1 London Plane. Fell. This is a poor specimen in a rear garden and felling would facilitate landscaping of the garden.

**Reference:** 21/00717/TPO

**Plan Nos:**

**Case Officer:** Jamie Newman

**Direct Tel. No.** 07971024085

**Recommended Condition(s) and Reason(s)**

1. The removal of the tree which is protected by a Tree Preservation Order would be detrimental to amenity, and would have an adverse effect on the character and appearance of the St John's Wood Conservation Area, thereby contrary to policies 34 and 39 of the City Plan 2019 - 2040 (April 2021).

Please note: the full text for informatives can be found in the Council's Conditions, Reasons & Policies handbook, copies of which can be found in the Committee Room whilst the meeting is in progress, and on the Council's website.

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BACKGROUND PAPERS - Frances Court , 64 Maida Vale, London, W9 1PN 21/00717/TPO

1. Application form
2. Tree Condition Report for London Plane T1 at Frances Court, Maida Vale