

PLANNING APPLICATIONS SUB COMMITTEE 27 FEBRUARY 2006

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

SUMMARY

This report seeks to confirm the Tree Preservation Order placed on the tree specified in this report.

REPORT

The tree is located at: Land at 40 Lansdowne Road N10

Species: T 1 – Acacia (Robinia Pseudoacacia)

Condition: Good

The Council's Arboriculturalist has reported as follows:

The TPO request was made in response to the owner requesting a TPO to be placed on it. The Acacia tree warrants being protected by a TPO on the following grounds:

1. The tree is of amenity value, being visible to local residents.

The tree is visible to local residents from the roadside (Lansdowne Road). The trees' location is suitable and will therefore present a low risk in respect of any possible subsidence damage to the main property. Garages close by could be affected in the future, although no current damage can be seen.

2. The tree provides a habitat for wildlife.

Although the tree is not a native species, it does however create an important habitat increasing local bio-diversity. It provides a food source and shelter for a wide variety of local wildlife, including invertebrates and birds.

3. The tree is a good specimen.

The tree is a semi-mature specimen, having good form and appears healthy for its age and species.

One objection has been received from 38 Lansdowne Road N10.

This objection makes the following points:-

1. The tree is not of public amenity value, being only seen from rear garden areas.
2. Although the Council alleges it is a habitat for wild-life, the only bird species making significant use are feral pigeons and wood pigeons; these are destructive, unhygienic and are vermin. Cannot be claimed to be a needed habitat for wildlife, as the Alexandra Park trees are less than 200m away.
3. The tree overshadows the garden of No. 38; it has a bigger spread than the TPO plan would suggest; it is a nuisance (dropping leaves and seeds) and so are the bird-droppings.
4. The owners of the tree (who are applying for the TPO) have failed to carry out regular maintenance of the tree as they said they would. The granting of a TPO will make it easier to shirk their responsibility.

Conclusion:

Although the concerns of the adjoining neighbour are noted and sympathised with respect to the nuisance from pigeons, this is of course a widespread problem and should not prevent the making of TPO's if the tree concerned is of sufficient quality and condition to warrant protection. The tree is sited around 13 m. from the rear main walls of the houses at 38 and 40, and is on the north side so would not have an adverse effect on sunlight.

There is no reason why application should not be made for works to prune or manage a tree subject of a preservation order. It is therefore recommended that the Order be confirmed.

RECOMMENDATION

The Tree Preservation Order upon the aforementioned tree under Section 198 of the Town and Country Planning Act 1990 be confirmed.