



Appeal Decision

Site visit made on 19 November 2024

by Alex Hutson MRTPI CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/TPO/Y5420/9998

7 Broadlands Close, Hornsey, Haringey, London N6 4AF

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order (TPO).
 - The appeal is made by Denise Weston against the decision of the Council of the London Borough of Haringey.
 - The application Ref: HGY/2023/0225, dated 23 January 2023, was refused by notice dated 18 December 2023.
 - The work proposed is to remove a Scots pine.
 - The relevant TPO is The London Borough of Haringey (7 Broadlands Close, London N6 4AF) Tree Preservation Order 2023, which was confirmed on 6 July 2023.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are: the effect of the proposed removal of the tree on the character and appearance of the Highgate Conservation Area (HCA); and whether sufficient justification has been demonstrated for the proposed removal.

Reasons

3. Turning to the first main issue, the tree, a large and early mature specimen, is growing in the front garden of 7 Broadlands Close. No 7 is located within the HCA which is characterised by a mature and verdant landscape. The tree is publicly visible from along Broadlands Close and is a prominent feature of the streetscene and locality. This is notwithstanding that Broadlands Close is a cul-de-sac. There are numerous other trees growing in the vicinity and these, along with the appeal tree, contribute to the leafy and verdant landscape of the HCA and to its character and appearance.
4. The removal of the tree would noticeably erode the leafy and verdant landscape of the locality and would give rise to considerable harm to the character and appearance of the HCA. Given that, any reasons given to justify the removal of the tree need to be convincing. It is to those reasons, the second main issue, to which I now turn.
5. The appellant raises concerns around the proximity of the tree to the house, its size and growth potential, potential for root related subsidence and direct

- damage to buildings, its safety when swaying in the wind, cost of maintaining the tree to prevent encroachment, falling debris and risk of slipping, cracked paving and a sticking front door.
6. Potential for either direct or indirect root related building damage based on proximity and soil type alone is rarely going to be a valid reason to remove a protected tree. This is notwithstanding that the tree may have further growth potential and that foundation standards in proximity to trees have changed since the house was built. That the tree is of the size it is and there is no evidence of any current root related building damage, notwithstanding its proximity to the house, bodes well for the future. Moreover, the growth potential of a Scots pine growing in a natural woodland environment, as appears to be shown in an image provided by the appellant, is unlikely to be wholly comparable to the growth potential of the appeal tree, which is located within an urban environment, surrounded by hard standing and which has been subject to pruning works.
 7. The swaying of the tree is a natural response to dampening wind load and it is normal for trees to do this. Furthermore, there is no evidence of any root plate movement, or any other defects, to indicate any instability of the tree or that its safety is compromised.
 8. The tree appears to have been subject to some works in the past to provide a reasonable degree of clearance from windows, gutters and the roof. Whilst such ongoing maintenance may come at a financial cost, this is a matter to which I afford little weight.
 9. Issues with falling debris from a tree are not uncommon and whilst they create an inconvenience, they also go hand-in-hand with living in an area which is defined by a leafy and verdant landscape, and which provides an attractive place to live and work. In addition, given the short length of the front path, the clearance of any debris from it, to avoid the potential for slippages, is unlikely to be particularly onerous on the appellant.
 10. Whilst I observed some cracking to the hard surfacing around the tree, this appeared to me to be minor in nature and not to affect its utility, such as for pedestrian access to the house. Any sticking of the front door has not been shown to be attributable to the tree and, if this concern persists, could most likely be resolved with some minor alterations.
 11. I acknowledge the appellant's willingness to replace the tree with a new one. However, any replacement would take many years to reach a similar stature and to reinstate a similar level of visual amenity to that of the appeal tree. Replacement planting would not, therefore, adequately mitigate the harm that would arise in this instance.
 12. With any application to carry out works to a protected tree, a balancing exercise needs to be undertaken. The essential need for the works applied for must be weighed against the resultant loss to the amenity of the area. In this case, the removal of the tree would result in considerable harm to the character and appearance of the HCA and, in my judgement, insufficient justification has been demonstrated for its removal.
 13. Whilst the development plan is not determinative in TPO appeals, the removal of the tree would conflict with policies SO4.4 and OS2 of the Highgate

Neighbourhood Plan 2017, which seek, amongst other things, to protect the character and appearance of an area through the conservation and retention of trees. Though the Council cites conflict with Policy SP13 of the Haringey Local Plan 2017, this policy relates primarily to development proposals and is thus not of particular relevance to TPO appeals. Regarding Policy G7 of the London Plan 2021, the Council has not provided me with a copy of this to allow me to consider it further.

14. Thus, having considered all matters raised, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR