

# Land Opposite 15 Sunset View, Barnet, EN5 4LB

## Tree Preservation Order

The Delegated Officers Report states that since the Planning Application was submitted *'a new tree preservation order has been made (26/TPO/001) which now protects all the trees with a woodland order designation'*. This forms part of the Reason for Refusal 1.

It is verified that this is a provisional order and has not been confirmed by the Local Planning Authority (LPA). Government guidance on the serving of Tree Preservation Orders (TPOs) confirms that people must be given the opportunity to object to, or comment on a TPO. Before deciding whether to confirm – or not confirm - an Order, the local authority must take into account *'all 'duly made' objections and representations that have not been withdrawn'*. They cannot confirm an Order unless they have first considered any duly made objections or other representations.

Such objections have been made with regard to this TPO and include that the serving of this TPO is unnecessary and unhelpful to the retention of the wooded area given that:

- the better quality trees on the site are already protected by TPO 147/1982;
- the remaining trees are offered protection due to their location within a Conservation Area and
- The serving of the TPO seeks to prevent the development of the site. This development will be an economic driver which will introduce positive long-term management as part of the proposed Management Plan. The site has been unmanaged for decades and without this positive management the woodland will deteriorate further.

Should the TPO not be confirmed then part of the Reason for Refusal 1 will no longer be relevant.

## Tree Classification

The LPA Tree Officer has made comments on the classification of the woodland using categories set out in BS 5837:2012 'Trees in relation to design, demolition and construction – Recommendations'. This is the industry standard for the assessment of trees on (potential) development sites. Trees are graded as 'A1 to A3' (High Quality), 'B1-B3' (Moderate Quality), 'C1-C3' (Low Quality) and 'U' which have a life expectancy of less than 10 years.

The Tree Officer disputes the detailed assessment of the woodland and seeks to classify the woodland as a single homogenous entity. Either 'A' Category - which is the highest grading - or 'B' Category. Whilst they confirm that the trees have different qualities, they fail to consider that trees within the woodland are in a range of conditions and forms and therefore should be assessed as such in line with BS 5837:2012. The woodland has been assessed by the project ecologists - Brown and Co. Ltd - as part of the Planning Application process. They have confirmed that the *'onsite woodland is dominated in large areas by non-natives, is a relatively young woodland, and is of a poor condition owing to a range of factors including public use of the Site'*. A further survey by Green Environmental Consultants in March 2026 also confirmed that the overall condition of the woodland was poor. They consider that this is *'a much-manipulated area of land which has become woodland by lack of management rather than any history of woodland on this plot'*.

It is therefore unrealistic to consider that this is an 'A' Category woodland or that all the trees here are of equal merit. It is confirmed that there are no Veteran Trees of Wood Pasture present in the woodland. Given its poor condition and that it has only established as a wooded area relatively recently the Tree Officer has not explained what 'significant

conservation, historical, commemorative or other value' – to be classified as A3 – or 'material conservation value or other cultural value' – to be classified as B3 - this area has.

BS 5837:2012 uses different categories for a reason. It confirms that 'C2' Category trees are those '*... present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/transient landscape benefits*'. Clearly BS 5837:2012 recognises that trees within woodland can contain low quality trees and that because trees are present in numbers this does not automatically give them a greater collective value. All the 'C' Category trees are assessed to have 10+ life expectancy as set out in the Arboricultural Survey which accompanied the original Planning Application.

My assessment of the woodland sets out a reasonable and fair evaluation which allows for the consideration of the best position to locate the proposed dwelling on the site. The woodland is formed of 2 no. parts with the eastern part of the site have formed from a neglected garden area. Species here include 'non-native' Conifers and trees that have self-set in a line along an internal boundary fence. It is therefore in this location that the proposed building has been located and this has allowed for the retention of all the better quality ('B' Category) trees on the site.

#### Veteran Trees

The delegated report 'Trees' states that '*A veteran ash tree has been omitted from the survey located near T17 oak; this detail needs to be recorded on the tree plan*'. and 'Ecology and Biodiversity' states that the assessment of the site '*did not take into account the recorded presence of the veteran oak tree on the western boundary of the site*'. Each section only mentions one of the trees.

It appears that this 'recorded presence' is from the Ancient Tree Inventory (ATI). This is a public forum where members of the public are encouraged to add trees which they believe are Ancient, Veteran or Notable. There is no requirement to be an Arboriculturist or member of any relevant professional body, and it is uncertain if the measurements undertaken by the public are confirmed by a professional within the ATI. There is no standard evaluation for the inclusion of these trees and assessment criteria are limited and vague. However, it does state that all trees should be measured at 1.5 m above ground level. It is noted that the Ash is measured at 0.5 m above ground level and both trees appear to have been measured including the ivy which is growing to the trunks. These trees appear to have been added to the ATI in early 2026 after the Planning Application was submitted.

Ancient and Veteran Trees should be assessed to an acknowledged standard to ensure that they meet a recognisable and repeatable methodology. Lonsdale is taken as a recognised expert in this field and his published works 'Ancient and Other Veteran Trees – Further Guidance on Management' Lonsdale 2013 sets out such a standard. Using this method Veteran Oak trees have a stem diameter at 1.5 m above ground level which is over 4.5 m and Ash to over 3.75 m and must meet other criteria. Both the measurements on the ATI are below these figures, and the measurements are considered to be inaccurate given the presence of ivy to the trunks. Neither of these trees are therefore Veteran as defined by Lonsdale.

The Oak is (T16) on the Tree Protection Plan and the Ash is a failed tree which is a high stump. It showed no viable growth at the time of the Tree Survey but may have subsequently shown some limited regrowth. Neither of these trees are to be removed as part of the site development. It is noted that the presence of Veteran Trees was not previously raised by the LPA as part of the Planning Application process.

## CAVAT

The delegated report sets out that *'The high value trees must be valued using Capital Asset Valuation of Amenity Trees (CAVAT) which has not been provided, nor has there been an attempt to demonstrate that an equivalent level of replacement can be achieved within the woodland or on land nearby. This is contrary to planning policy G7 of the London Plan and local plan policy CDH07'*. It is not believed that this requirement was pursued by the LPA as part of the Planning Application process and it is considered that no 'high value' trees are being removed.

However, the delegated report also sets out that *'If the application is allowed on appeal, the applicant shall provide a full Capital Asset Valuation of Amenity Trees (CAVAT) assessment for every tree identified for removal in order to implement the approved development, as detailed within the submitted Arboricultural Report ("ARBORICULTURAL IMPACT ASSESSMENT and ARBORICULTURAL METHOD STATEMENT in relation to a Planning Application at Land opposite 15 Sunset View, Barnet, EN5 4LB", dated January 2026, or any subsequent amended version approved at appeal).*

*The CAVAT valuation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any tree removal. The total CAVAT value will be used to determine the level of compensatory tree planting required. Where equivalent compensatory planting cannot be achieved on site, the applicant shall pay the equivalent value to the Local Authority, to be used for off site tree planting and woodland enhancement in accordance with the Council's adopted Tree Strategy 2023-2028'.*

Should the development be allowed on Appeal then the requirement to provide a CAVAT assessment will be met.

## Construction

The delegated report raises a concern that 2.25 m construction access either side of the building footprint is not adequate. There is a further concern that this will be compromised during the development phase. This is a relatively small development with a limited footprint. As set out in the Arboricultural Report a fixed and secure Tree Protection Fencing methodology will be used to secure and define the development area. This will be a 'Vertical and horizontal scaffold framework' as set out in BS 5837:2012. Furthermore, if required Arboricultural Supervision of the development could be undertaken both by the LPA and the Developer to ensure that this fencing is not moved or relocated during the development process. This could be conditioned as part of an approval through this Planning Appeal.

It is common for development to take place within close proximity of the boundaries of the site. Buildings are often constructed within 1.0-1.5 m from the boundaries and therefore with this width of construction access around the building. On this basis it is considered that 2.25 m construction access around the building is acceptable as part of the construction process.

Additionally, the site management would be undertaken in a planned and controlled way so as to limit the required footprint of the development. This would include bringing materials to site in small loads as they are required.

## 'No Dig' Surface and Utilities

The line of the proposed utilities to the development are proposed within a single trench which follows the line of the existing and proposed site access. The LPA has not raised objections to the installation of the utilities but raised a concern over the use of 'No Dig' surfacing above this trench. They quote The Arboricultural Association Guidance Note 12 'The Use of Cellular Confinement Systems Near Trees – A Guide to Good Practice'. This states that *'underground services should not be rooted beneath cellular confinement systems because they may need to be accessed in the future, either for repair or for making new connections...'*. As can be seen from the title this is a guide to installation, and the use

of this method does not represent a risk of damage to the trees only to future management of the utilities. The use of this method is therefore at the site owners' risk where such a risk exists.

However, in this case it will be possible to implement a system that protects the potential rooting area of trees and allows for access to the utilities trench. The line of the trench will be excavated as set out within the Arboricultural Report. The 'No Dig' surfacing would be laid either side of the trench with the whole access backfilled with the proposed gravel or shingle surface. This would form a complete surface visually, but vehicles would run along the 'no Dig' surface.

### Woodland Character

Reason for Refusal 1 states that the proposed development would cause *'unacceptable harm to the woodland habitat and to the character and appearance of the Monken Hadley Conservation Area'*. The 'Trees' section of the delegated report states that the *'loss of trees and woodland for the proposal will impact significantly on the trees and woodland character which is a key element of the Conservation Area'*.

As set out previously this is area of land has only relatively recently developed as woodland and formerly was part of the rear gardens of properties on Hadley Grove. Ecological assessments of the woodland confirm that overall, it is in a poor condition and that with a lack of management it will deteriorate further. There is currently no mechanism for undertaking positive management of the site and no management of the site has taken place for several decades. The 'unacceptable harm' to the woodland habitat is therefore arising from the current status quo of the site. The proposed development offers the opportunity to introduce positive long-term management as part of the proposed Management Plan. Additionally, there is no consideration within the Delegated Report of the impact the degradation of this woodland would have on the Conservation Area.

A relatively small section of the woodland will be removed to accommodate the proposed development, but the majority of the woodland will be retained. The area to be removed is not readily visible to the general public due to retained vegetation along the western part of the site and the localised built form. These trees therefore make a limited contribution to the Conservation Area and local landscape. The presence of the woodland along Christchurch Lane will screen and soften the proposals and help contribute to the setting of the Conservation Area. The proposed form of development typifies the character of the Monken Hadley Conservation Area in which the site sits. The access will join Christchurch Lane as it does currently. The proposals will remove an existing garage and introduce a dwelling to the site. Given the design, size and form of the development and the verdant character of the surrounding vegetation there will not be 'unacceptable harm' to the setting of the Conservation Area.