

7. Further Information

7.1 The Ownership and Management of Trees in the Suburb

All the trees in the Hampstead Garden Suburb Conservation Area are protected by the national legislative provisions that relate to Conservation Areas, in addition many are included in TPOs which are administered by Barnet Council the Local Planning Authority. Most but not all of the Conservation Area is also covered by The Trust either as landlord through leases or under the Scheme of Management for freehold properties. Thus the arrangements for regulating works to trees may differ according to the location and ownership of the tree.

Privately owned trees

All privately owned trees in the Conservation Area are subject to planning tree legislation. Treatment to trees included within a TPO requires the prior formal consent of Barnet Council as the Local Planning Authority. Whereas for other trees not included within such an Order six weeks prior written Notice of Intent should be given to the Local Planning Authority. It should be noted that it is a criminal offence, which may carry a heavy penalty to undertake, cause or permit unauthorised treeworks or to damage or destroy a protected tree.

Under leases where the Trust is the landlord or the property is freehold and subject to the Scheme of Management operated by the Trust, owners of private trees usually need to apply in advance to the Trust for works to trees on both freehold and leasehold properties within the Suburb. *Therefore, two sets of prior permission are most likely to be required by private owners for relevant tree works.*

The general situation in respect of trees on **communal spaces** is outlined below:

Trees in open spaces bordering and within the Suburb Conservation Area.

These include the Heath Extension, managed by the City of London; Hampstead Golf Club and Golders Green Crematorium, both privately owned; Marylebone Cemetery, owned and managed by Westminster City Council. These organisations maintain their own records, which are not routinely published. The same Conservation Area and TPO legislation covers trees in these areas as it does other trees in private ownership, with applications/notifications being submitted as for any other landowner.

Barnet itself owns and manages many communal spaces within the Suburb including the woods (Big Wood and Little Wood), parks (for example Northway Gardens, Lyttelton Playing Fields) and many small greens, for example Willifield Green. As the Local Planning Authority, Barnet are exempt from the Conservation Area six week notification requirements 'for works done by, or on behalf of a local planning authority.' However, where the tree in question is covered by a Tree Preservation Order (TPO), the exemption does not apply and they must submit a formal application to the Local Planning Authority (Barnet) for the relevant works. Because Barnet Council splits responsibility for trees between two different sections (the Council's Greenspaces and Streets Team – who have responsibility for trees owned/maintained by the Council and the Trees and Environment Team in the Planning Department who administer the tree preservation legislation), it is to be noted that there is separation between the team submitting the treework application and the team dealing with consideration of the application.

The Trust has no powers related to trees in these communal areas which are outside the Scheme of Management and where it is not the landlord.

Street trees on the public highway managed by Barnet

The original Suburb layout was characterised by the generous provision of street trees and a careful selection of species for particular streets. This has continued through the years with close cooperation between Barnet and the Hampstead Garden Suburb Residents Association in monitoring and funding replacement trees. 2,798 trees are systematically logged on a database providing detailed arboricultural information. Again, the Trust has no powers in relation to these trees and Barnet have an exemption from Conservation Area notification requirements for tree works except where a street tree is included in a TPO in which case they must submit a formal application to the Local Planning Authority (Barnet) for consent.

Trees on Trust owned open spaces

These spaces include allotments, backlands, private roads and green areas in residential squares. Some are open to the public and are managed by the Trust, for example Sunshine Corner. Others have restricted access or no access and are managed by the Trust in accordance with the terms of leases and the Scheme of Management. Again the requirements of the statutory tree preservation legislation apply, and permission must also be obtained from/notification given to Barnet for works to trees on this land.

This is not intended to be an exhaustive examination of the requirements and specific advice should be sought from the Trust and/or Barnet before anyone carries out works to a tree. Further information in respect of the Trust's controls can be obtained from the Trust office via telephone (0208 455 1066) or email (mail@hgstrust.org). Advice can be sought from Barnet via planningtrees@barnet.gov.uk. In either case, details of the location and type of tree(s) are required.

7.2 Tree Preservation Orders (TPOs) and Records

A Tree Preservation Order (TPO) is a written order made by a local planning authority which, in general, makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree protected by that order, or to cause or permit such action without the authority's permission.

The purpose of a TPO is to protect trees which bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat.

All types of trees but not hedges, bushes or shrubs can be the subject of a TPO. An order can protect anything from a single tree to all trees within a defined Group, Area or Woodland. Any species can be protected, but no species as such is automatically protected by a tree preservation order.

Base information for the TPOs in the Survey

All planning authorities keep records of TPOs in their area. Until 2012, Barnet published GIS conservation maps on its website which showed the location and pop up information on species and reference codes. It was possible to download the maps but not the pop up information, which had to be transcribed manually. This was done in the Trust Offices and these details formed the base information on TPOs with which we compared our observations.

Information on TPOs in Barnet is no longer publicly available in this way although the Orders themselves can still be inspected at the Council's offices at Barnet House 1255 High Road, London, N20 0EJ. Up to date information is, of course, available on individual cases from Barnet. Details of previous applications for tree works (including applications to fell TPO trees) and development (consent may have been granted for the removal of TPO trees as part of a full planning permission for development works at a site) can be found on the Council's website by using the search facility on the following webpage (it is possible to search by the address of a property): <https://publicaccess.barnet.gov.uk/online-applications/>

Tree Survey protocol for recording individual TPO trees as missing

In the survey a TPO was only recorded as **missing** if it was clearly visible that no tree existed in the listed location. Without access to rear gardens, a number of trees are counted as still there and the fact that they could not be observed or fully distinguished from the street is recorded in the notes.

Tree survey protocols for recording trees in Group and Area TPOs

The tree survey deals largely with individually designated trees covered by TPOs. Trees designated by Area are usually easy to see but Groups presented substantial difficulties because so many of them are concentrated to the rear of buildings with no public access and it was not possible to distinguish all the trees that were in the group from the road. There is a particular concentration of TPO Groups in Winnington Road in Area 15. To avoid confusion the following protocols were followed.

- Where TPO Groups cannot be accurately described because they are not clearly distinguishable from the street they are not included in the spreadsheets.
- However, where individual trees can be observed, e.g. over garages, they are included as significant trees and the existence of a Group or Area TPO in or near the location is recorded in the notes section of the spreadsheet.
- The Area 15 overview report fully describes the particular situation regarding area TPOs in that area.

7.3 Methodology

Co-ordinated observations

Each area had a small group working as a team contributing to different aspects of the Survey. Volunteers normally worked in pairs (an experienced and a less experienced volunteer). Each area had a co-ordinator responsible for bringing all the observations and mapped data together into one map and one spreadsheet, the co-ordinator also produced an overview report for each area.

Tree identification

It was not expected that all volunteers would be able to identify every tree. Detailed guidance was given and where there was any doubt, the identification was referred for further checking.

In practice, tree identification was less of a problem than might be expected in a volunteer study. Most of the trees in the Suburb are from the range of species commonly found in southeast England: oak, lime, London plane, birch, beech, hawthorn, willow, yew and the many forms of sycamores and maple. The main difficulty proved to be identifying trees at a distance, over roofs, garages and between houses.

Common names and scientific names

Following expert advice, common generic names for trees were used rather than specific names e.g. oak (rather than English oak, downy oak or turkey oak and not a botanical name e.g. *Quercus cerris*). The reason for this is that the focus of this study is on trees which make particularly significant contributions to the character and ambiance of the Suburb. It is not a scientific study; to attempt such a study with the resources available would greatly increase the likelihood of inaccuracy. Should there be occasions where the botanical name is important - for example, where there is threat of disease, or applications to fell - then this information can accurately be obtained by either Barnet specialist staff or the Trust's arboricultural advisor who, unlike Survey volunteers, will be able to arrange access to private gardens to view the tree closely.

Significant trees (individuals and groups)

To minimise the unavoidable subjective element in the notion of 'Significant Tree' the following criteria were developed. It was not necessary to meet all the criteria but a case had to be made within this framework. Where a group of trees clearly make a contribution to the streetscape but are not individually of great quality, they are listed in the spreadsheet as a group and details recorded in the Notes column.

- **Contribution to streetscape.** Is the tree in a prominent position? Does it 'anchor' a view? Draw attention to an architectural feature? Frame an entrance to a path or house? Is there year round interest? Is it beautiful?
- **Shape and size.** Is the crown well developed and of an attractive shape? Is it a large, mature specimen?
- **Relationship to other trees.** Is the tree part of a group which is important to the location?
- **Condition and age.** Is the tree in good condition? Is it obviously mature looking at the circumference of the tree?

Difficult decisions were discussed by the Planning Group and the notes sections in the spreadsheets for each area describe the contribution that the trees(s) make in that specific context.

A reality check

We quickly learned that surveying trees was far more difficult than surveying houses, as was done for the Character Appraisal. Over the four years of this Survey, the trees that were first described may have died, become diseased, and neighbouring trees may have started to crowd them out. Some will have been felled, with or without permission. In this sense, a tree survey can never be accurate, but we believe that the existence of these detailed records for a given year and area can still provide base information which will assist the Trust and Barnet in their planning decisions, conservation work and future planning.

Observation and Recording Guidance 2015

Issue	Procedure
SIGNIFICANT TREES <i>judgements on when a tree makes a significant contribution</i> <i>shrubs</i> <i>marginal decision</i> <i>Magnolias</i> <i>Trees of exceptional quality</i>	<ul style="list-style-type: none"> • Think always of the contribution the tree makes to the streetscape, imagine the street without the tree, what difference does it make? Does it hide the architecture? Complement the architecture? • Shrubs, however pretty, are not trees. Make a note for the overview if mature shrubs are important to the character of the street • If in doubt, put the tree and note reasons. Enter check or marginal in the notes so that additional opinions can be sought. This is especially important in the case of damaged trees. • Include particularly well shaped, magnolia trees if outstanding • If a 'significant tree' is outstanding in its quality and contribution, enter TPO recommendation in notes
<i>right tree, wrong place</i>	If the tree is an attractive shape, mature and healthy then, unless it is a fast growing ornamental, or a conifer, include it but clearly note how it detracts from the architecture/ streetscape and indicate that a second opinion would be a good idea
<i>distant trees</i>	Include oaks, even if the shape is poor; describe deficiencies in the notes. Birch trees should not be included if they are of poor shape, straggly and not part of a group of attractive trees. Distant trees over garages often make a particular contribution.
TPOs <i>missing</i>	enter missing in bold in the notes, no number in the count column only if possible to verify that the tree is not there
<i>can't tell from street whether TPO is there or not</i>	enter not possible to see location from the street in the notes or describe what you can see e.g. 'crown visible in distance, not possible to identify species', leave the number in the count column. Unless we are certain that the tree is missing , we leave it on the spreadsheet
<i>location or species of TPO does not accord with identification</i>	enter TPO Query in Bold and then briefly describe the problem in the notes, leave the number in the count column
UNWIN TREES <i>Missing</i> <i>Replacement tree on Unwin site</i>	enter missing in bold in the notes, ensure that there is no number in the count column Decide whether this tree is significant in its own right. If not, omit altogether. If significant , treat as all other significant trees, but note that it is on an Unwin site and ensure that there is a number in the significant tree count column and no number in the Unwin count column

7.4 Maps

The Survey was based on the 16 areas of the Suburb which were used in the Character Appraisal⁴. Digital maps were produced for each area which showed the trees with TPO orders based on the Barnet GIS map in 2012, and the Unwin trees as marked on the 1913 map. This version of Unwin's map, though undated, appears to date from 1913 according to the buildings marked on it and the dates of their construction. Naturally, maps of a later date will tend to be based on this earlier map, extended in line with the development of the Suburb.

The maps used for each area in this Survey are not all to the same scale; the size of each area varies, and each map has been enlarged to make best use of the page size for legibility. Similarly, the chosen orientation of each map is for convenience and efficient use of space; a north point is included to assist the reader.

⁴ The Hampstead Garden Suburb Conservation Area Character Appraisal was prepared in collaboration with the London Borough of Barnet, the Hampstead Garden Suburb Residents Association and the Hampstead Garden Suburb Trust. It is divided into 22 character areas, including 5 areas of open space. Each character area has its own appraisal map. The appraisal was formally adopted in October 2010. It can be found at www.hgstrust.org