

Development Management Regeneration and
Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

By post and email:
planning@camden.gov.uk

18 December 2023

Dear Sirs

Application Ref: 2023/5192/T

**Application for Works to a Copper Beech Tree located at: 37 Lancaster Grove, London
NW3 4HB**

We are instructed by the owners of Flats 1-4, 37 Lancaster Grove, London with respect to Camden Councils letter to them dated 13 December 2023.

Camden's letter stated that if our clients wished to submit comments in respect of the above application they should do so within 21 days. The purpose of this letter is to request that Camden extend the period for reply to the 26 January 2023 for the reasons set out below.

1. The freeholder (and owner of the Copper Beech Tree) is 37 Lancaster Grove Limited and our clients are all shareholders in that entity. The application to fell the tree was submitted by agents acting for Crawford Loss Adjustors without our clients having any notice of the application being submitted let alone having an opportunity to consider, amend or approve the content thereof. In our clients view the application is flawed and they require further time to collate relevant evidence to assist the Council to come to an informed decision.
2. A previous application to have the Cooper Beech felled was also made without our clients input and this application was refused on the 28 April 2021. The Councils then estimate of the tree's value (including public amenity) was circa £370,000.
3. Since then the tree has caused additional and significant structural damage to our clients properties. Our clients would like to forward submissions dealing with ongoing loss and damages

attributable to tree damage which in their view far exceeds the Councils CAVAT valuation of the Copper Beech:

3.1 We consider that the application understates the potential cost of the construction works which are urgently required to the property. The scope of such works will include pre-construction services and design works; extensive under-pinning and subsequently internal and external remedial works. It is probable that the owners of the ground floor apartments will have to vacate their homes during the course of the works. Our clients wish to review and submit what they consider to be realistic construction cost estimates. The applicants have used estimated sums which conflict and are vague in the extreme - they do not convey accurately the extent of damage caused by the tree in question. The construction services sector effectively stops work on the 22 December and does not resume until 2 January 2024 making it impossible for our clients to obtain this information within the period currently permitted.

3.2 Two apartment owners have been unable to sell their apartments even at discounted asking prices. In 2020 one owner withdrew his apartment from the market because any purchaser requiring a mortgage facility was immediately excluded. Another apartment is currently on the market as an executor sale and cannot be advertised anywhere near the true market value. This position has been exacerbated because the cause of the subsidence remains in place and a related subsidence claim has yet to be resolved despite being ongoing for 5 years. Our clients are also unable to obtain any property insurance against subsidence thus further compounding their difficulties. Given this background our clients wish to submit valuation evidence that demonstrates the loss being sustained as a consequence of subsidence due to the tree in question. It will not be possible to get a report dealing with these losses until the 4th week in January.

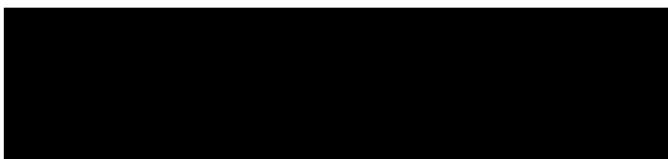
3.3 Our clients have concerns about the health of the Copper Beech tree and this issue is not addressed in the current application. A specialist report cannot be obtained until January 2024.

3.4 The submission of the application without our clients knowledge has denied them the ability to liaise with local councilors, their immediate neighbours and the local residents association and hold meaningful discussions on the case for tree felling. This requirement is entirely consistent with the principles of natural justice and an appropriate extension would enable this requirement to be fulfilled.

We would like to emphasize that our clients wish to engage positively with the Council to ensure that the decision making process is as informed as possible and not to delay or frustrate the process. To assist we are more than happy to address any issues that arise from this request. Finally, can we ask that you confirm receipt of this letter by return.

Yours faithfully,





Ronan Speers
Partner
Keystone Law Limited

Cc: Crawford Legal Services

