

Application ref: 2023/5200/T
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Treehab
11 Lowfield Road
Kilburn
London
NW6 2PP

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (Tree Preservation Order) Regulations 1999

REFUSAL OF CONSENT FOR WORKS TO TREE/S UNDER A TREE PRESERVATION ORDER

Address:
50 Dennington Park Road
London
NW6 1BD

Proposal:
REAR GARDEN: 1 x London Plane (T1) - Fell to half a metre above wall line. The tree is causing subsidence.

The Council has considered your application dated 08 December 2023 and decided to refuse consent for the following reason(s):

Reason(s) for Refusal

1. This application is to carry out works to a London Plane tree covered by a Tree Preservation Order (TPO) in the rear garden of a private residence in Dennington Park Road, NW6.

The tree is covered by the TPO reference C1047 2012.

The proposed works are to '*Fell to half a metre above wall line.*' The justification for the works is that '*The tree is causing subsidence.*'

The application submitted contains no supporting evidence that suggests in a robust manner that *on the balance of probabilities* the tree is the causal factor of the damage noted within the photographs from the property.

Robust evidence would be considered to be a site investigation that assesses the location of the damage in relation to implicated vegetation; a drainage survey to rule any subsidence caused by leaking / defective drains; an assessment of the severity (classification) and ease of repair of the damage against the conclusions of the study 'BRE Digest 251 Assessment of damage in low-rise buildings'; a dedicated soil investigation that analyses the soil type, make-up and its capacity for volumetric change dependent upon moisture levels; a trial pit / bore hole investigation detailing the character and measurements of the building footings in the area of damage and any roots found (and their species identified) during that investigation; crack or level monitoring showing seasonal movement of part or parts of the affected building.

Without the required evidence to support the tree as the causal factor in the damage to 50 Dennington Park Road, it is recommended that the application be refused to protect the amenity the tree provides and the character and appearance of the conservation area.

Informative(s):

- 1 It is advised that the tree owner obtains a report to provide the evidence required to support the claim made. This can be initiated through the involvement of the claimant's insurers.

If you are unhappy with the Council's decision you may appeal within 28 days of the date of this notice by writing to The Environment Team, Room 4/04, Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Yours faithfully



Daniel Pope
Chief Planning Officer

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