

Camden Council  
Development Management  
Camden Town Hall Extension  
Argyle Street  
London  
WC1H 8EQ

By email only:  
[planning@camden.gov.uk](mailto:planning@camden.gov.uk)

5 February 2024

Dear Sirs,

**Re: Application for Tree Works**

**37 Lancaster Grove, London NW3 4HB**

**Planning Portal Reference: PP-12662172**

As previously advised, we act on behalf of 37 Lancaster Grove Limited, the freeholder of the above property and also for the four shareholders of our client company who are the leaseholders of one of each of the four flats within the property.

This letter is a further submission in support of the above application. Attached is a letter from B&SC Consulting Structural Engineers and Building Surveyors dated 2 February 2024 addressing structural damage issues at our clients property.

Since 2018 our clients properties have been subject to subsidence attributable to the cooper beech tree which has caused significant structural damage.

On the 18 April 2021, the Council refused an application to remove the tree in question. This application was submitted by our clients insurers and their loss adjusters. At no time were our clients consulted about the content or merits of the application. The time for appealing the Council's decision had long passed when our clients actually became aware of what had happened in relation to their tree.

In October 2022, the insurers concerned decided not to renew our clients insurance and since then despite our clients best efforts, cover for subsidence cannot be obtained.

The application currently before the Council was also lodged without consultation with our clients and we make the following submissions to assist in the Council's decision making process:

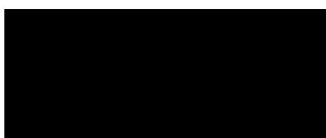
1. The current application contains misleading information: the tree is in fact diseased and if not felled, may cause significant injury or damage to our clients, their properties, members of the public and their property (Arbtech Report dated 11 January 2024). The attached letter from B&SC also confirms that in their opinion the tree poses a health and safety hazard. This information and expert opinion causes our clients considerable concern. If the tree were to fall and cause injury then our clients could be exposed to potential claims as owners of the property on which the hazard is situated. We consider this is a highly relevant issue to which the Council must lend considerable weight. If the Council were to disregard this information and refuse the current application then it will leave our clients exposed to significant risk and further financial losses.

2. The diseased tree continues to cause direct damage and if not felled, further damage to the properties will occur. The damage is already excessive and documents submitted by the applicants estimate the approximate cost of internal and external piling remedial work to be in the order of £224,400 (Crawford's estimate). However, the attached letter from B&SC confirms that only a slab piling solution will adequately stabilise the property and that the cost of such work will be "extraordinarily expensive" Our clients believe the remedial costs will more likely be in the region of £300,000 - £400,000. In addition, there is disruptive loss created by the construction works inherent in delivering a solution i.e., all properties would have to be vacated for the duration of the works requiring alternative accommodation expenses and in the case of Flat 4 direct loss of rental income for the entire period.

3. The fact that a diseased tree has, and still is causing significant property damage is blighting all flats within the property. Even if slab-piling is undertaken this does not eradicate the cause of the subsidence and the impact on property values remains adverse and significant. Our clients estimate their collective loss in flat values, all attributable to the tree in question, ranges between £1m-£2m.

4. Until the tree is removed no insurance company will provide subsidence cover. This deters any potential buyer for any of our clients flats; it means no mortgage can be obtained and effectively only cash buyers will be able to purchase a flat at a discount. Flat 4 and Flat 3 have been impacted by exactly this. In 2023 the sale of Flat 4 was withdrawn from market when the purchaser was unable to obtain a mortgage with the lack of subsidence insurance cover. With respect to the current marketing Flat 3 for sale - this is limited to 'cash buyers only' and any agreed sale is certain to be at a significant discount on the true market value, thereby causing loss measured in the hundreds of thousands of pounds.

Our clients fully acknowledge the obligations of the Council with regard to the preservation of trees wherever possible but submit that the extent of damage being caused by the tree and the fact it currently constitutes a serious risk to our clients and members of the public should be balanced against the value attributed to the tree by the Council. Our clients have and continue to suffer considerable stress and financial loss and for all the reasons outlined above and in previous communications, they believe the correct decision must be to grant approval for removing the tree.



Ronan Speers  
Partner  
Keystone Law Limited

