

Application ref: 2024/3982/T
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Date: 29 October 2024

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MWA Arboriculture Ltd
Unit 8
Stephenson House
Horsley Business Centre
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NE15 0NY

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)

OBJECTION TO SECTION 211 NOTICE OF WORKS TO TREE/S IN A CONSERVATION AREA

Address:
9 Pond Street
London
NW3 2PN

Description:
REAR GARDEN: 1 x Ash (T1) - Fell to ground level.

The Council has considered your notification of intended works to trees dated 17 September 2024 and decided to **OBJECT** for the following reasons:

Reasons for objection:

- 1 The tree is readily visible from Hampstead Hill Gardens and is somewhat visible from Pond Street. The tree makes a positive contribution to the character and appearance of the conservation area.
The notification alleges that the tree is causing subsidence damage in the nearby property. Damage relates to the rear left-hand projection with internal and external cracking recorded, first observed during July 2023, the structural significance of the damage categorised as 'moderate' (Table 1, BRE Digest 251).
Data from soil samples taken during the site investigation indicates the presence of desiccated clay soil beneath foundation level, and root samples taken from the trial pit and borehole excavations positively identified as being from an Ash tree.

However, no form of crack or level monitoring has been undertaken which would indicate seasonal movement of the foundations that would be associated with vegetation, therefore the evidence submitted does not demonstrate that on the balance of probabilities the tree is contributing to the damage. The reasons for the work are not robust enough to justify the proposed removal of the Ash tree.

A Tree Preservation Order has been served on the tree/s and no work should be carried out without the prior consent of the Council.

Informative(s):

- 1 This notice is valid for 2 years from the date of this letter or until the work is completed, whichever is the sooner.
- 2 You are advised that the appropriate standards for tree work are set out in BS 3998: 2010. Failure to ensure that the proposed works are carried out to these standards may result in damage to the tree(s) and may result in legal action by the Council.
- 3 Please note that any approval given by the Council does not give an exemption from the requirements to comply with the Wildlife and Countryside Act 1981 (as amended), or any other Acts offering protection to wildlife. Of particular note is the protection offered to bats, birds and their nests from construction works. For further information contact Natural England on 0300 060 3900 or www.naturalengland.org.uk.

Yours faithfully



Daniel Pope
Chief Planning Officer

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