

9/11



Planning Services
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Telephone : 020 7974 1911
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For office use
Date
Payee
App. No.

Fee

Application for tree works: works to trees subject to a tree preservation order (TPO)
and/or notification of proposed works to trees in a conservation area.

Town and Country Planning Act 1990

Publication of planning applications on planning authority websites

Please note that with the exception of applicant contact details, the information provided on this application form and in supporting documents may be published on the authority's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the authority's website, please contact the authority's planning department.

Please complete using block capitals and black ink.

You must use this form if you are applying for work to trees protected by a tree preservation order (TPO). (You may also use it to give notice of works to trees in a conservation area).

It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application / notice cannot proceed.

1. Applicant Name and Address

Title:		First name:	
Last name:			
Company (optional):	DREAMBATE PROPERTIES LTD		
Unit:	House number:	34A	House suffix:
House name: ROSSLYN HILL			
Address 1:			
Address 2:			
Address 3:			
Town: HAMPESTEAD			
County: LONDON			
Country: UK			
Postcode: NW3 1NH			

2. Agent Name and Address

Title:		First name:	
Last name:			
Company (optional):	PROPERTY DIVAS LTD		
Unit:	House number:	34A	House suffix:
House name: Rosslyn Hill			
Address 1:			
Address 2:			
Address 3:			
Town: Hampstead			
County: LONDON			
Country: UK			
Postcode: NW3 1NH.			

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CULTURE & ENVIRONMENT

3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: House number: House suffix:
House name:
Address 1:
Address 2:
Address 3:
Town:
County:
Postcode (if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

4. Trees Ownership

Is the applicant the owner of the tree(s): ☒ Yes ☐ No
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: First name:
Last name:
Company (optional):
Unit: House number: House suffix:
House name:
Address 1:
Address 2:
Address 3:
Town:
County:
Country:
Postcode:

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? ☐ Yes ☒ No

Are you wishing to carry out works to tree(s) in a conservation area? ☒ Yes ☐ No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below : tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

Acer x1
Lime x1 } remove & treat stumps to
inhibit regrowth.

7. Identification Of Tree(s) And Description Of Works continued ...

8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall: ☐ Yes ☐ No
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives. ☒ Yes ☐ No
If YES, you are required to provide for:

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing separate information (e.g. an additional schedule of work for Question 7)? ☐ Yes ☐ No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

1. Structural Engineers Report by Angel Thompson.
2. Arboricultural Report by Marisha Thompson Group
enclosed with photographs and site plan.

9. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)



For all trees

(see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out



For works to trees protected by a TPO

(see Question 8)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
 - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
 - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist.
 - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?



10. Declaration - Trees

I/we hereby apply for consent/give notice for tree work as described in this form and the accompanying plans and additional information.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

(This date must not be before the date of sending or hand-delivery of the form)

11. Applicant Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

12. Agent Contact Details

Telephone numbers

Country code:

National number:

Extension number:

Country code:

Mobile number (optional):

Country code:

Fax number (optional):

Email address (optional):

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner.

(Please see guidance notes)

Arboricultural Consultancy for Great Lakes Reinsurance (UK) Plc

Note⁽¹⁾: This reduced format report is an initial appraisal only and may have been produced without the benefit of site investigations. It is intended for use between the client, Marishal Thompson & Co. (Environmental) Ltd and any parties detailed within the report. It is based on the assumption that Engineers are satisfied that current damage is due to clay shrinkage subsidence attributable to vegetation.

1. Case Details

Insured	Property Divas Limited	Address	18 Bramshill Gardens, London, NW5 1JH		
Client	Angell Thompson and Partners	Contact	S D Pearson	Claim No.	11115D/SDP/DTS
MT Ref	NL/0710111047/TP	Contact	Thomas Peppiatt	Contact No.	08702 416 180
Report Date	03/11/2011				

Scope of Report: To survey the property and determine significant vegetation contributing to subsidence damage, make recommendation for remedial action, initiate mitigation action and assess recovery prospects. The survey does not make an assessment for decay or hazard evaluation.

2. Property and Damage Description

The insured structure is a 4 storey mid-terrace house. The property occupies a level site with no adverse topographical features.

Damage relates to the rear elevation of the insured dwelling.

3. Technical Reports

In preparing our report we have had the benefit of the following technical investigations:

Soil Analysis ☒ Foundation Detail ☒ Root Analysis ☒
Borehole Log ☒

4. Action Plan

Mitigation	
Insured involved?	Yes
Local Authority involved?	No
Other third party Mitigation involved?	Yes
Recovery	
Is there a potential recovery action?	Yes

Treeworks	
Is there any statutory protection?	Insured: Conservation Area Third Party: None
Additional Comments	
Awaiting Further Instructions.	
A potential recovery action has been identified.	

5. Technical Synopsis

This report is based upon our understanding at the time of visiting the property that Angell Thompson and Partners engineers are satisfied that damage is due to clay shrinkage subsidence exacerbated by vegetation.

Soils recovered from below foundation level have revealed the presence of a shrinkable clay substrate. This confirms the potential for vegetation to adversely affect soil volumes in the area of damage.

Roots recovered from TH1 have been formally identified as *Acer* and *Tilia* spp. The most likely origin of the roots is TG1 (Mixed Species Group) and TG2 (Acer). Pomoideae gp roots were also found in TH1, these roots could originate from either T2 (Apple) or T3 (Pear). Such circumstances confirm the potential for TG1 (Mixed Species Group), TG2 (Acer), T2 (Apple) and T3 (Pear) to influence soil volumes and to contribute to the damage observed.

Given the above information, results of site investigations, and when considered on balance of probability, it is our opinion that TG1 (Mixed Species Group), TG2 (Acer) and T2 (Apple) will be exerting the principal vegetative influence in respect of the current damage. T3 (Pear) and S1 (Forsythia) are also likely to be influencing soil volumes in proximity to the insured property, albeit in a secondary capacity when compared to TG1 (Mixed Species Group), TG2 (Acer) and T2 (Apple).

Marishal Thompson Group

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Please refer to Section 6 for management prescriptions.

We have given consideration to pruning as a means of mitigating the vegetative influence, however this has been discounted. Known practice and established research (Hortlink 212) suggests that pruning is an ineffective means of controlling long term water uptake. For these reasons removal is recommended.

Replacement planting is considered appropriate however due consideration must be given to the ultimate size of the replacement, known species characteristics and future management. Further advice is available should it be required.

We recommend the efficacy of the management recommendations be qualified by means of further monitoring to confirm stability.

Is vegetation likely to be a contributory factor in the current damage?	Yes
Is vegetation management likely to contribute to the future stability of the property?	Yes
Is replacement planting considered appropriate?	Yes
Does the potential of ground heave need to be assessed by Consulting Engineers before management recommendations are implemented?	No
Will implementation of the management recommendations result in significant amenity loss?	No
Would DNA profiling be of assistance in this case?	No

6. Recommendations (Table 1)

These recommendations may be subject to review following additional site investigations

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m)	Ownership	Action	Requirement
S1	Forsythia	1	3	2.1	A - Third Party 20 Bramshill Gardens. London. NW5 1JH.	Remove	Remove and treat stump to inhibit regrowth.
S2	Shrub/s - Escallonia	1	1.8	4	C - Insured	No Action	No Works
T1	Lime	1	5.5	7.3	A - Third Party 16 Bramshill Gardens. London. NW5 1JH.	Action to avoid future risk	Do not allow to exceed 6m height.
T2	Apple	1	5.5	3.7	A - Third Party 16 Bramshill Gardens. London. NW5 1JH.	Remove	Remove and treat stump to inhibit regrowth.
T3	Pear	1	7	5.5*	A - Third Party 16 Bramshill Gardens. London. NW5 1JH.	Remove	Remove and treat stump to inhibit regrowth.
T4	Lilac	1	5	7	A - Third Party 16 Bramshill Gardens. London. NW5 1JH.	No Action	No Works
TG1	Mixed Species Group (H) Acer x 1. Lime x 1.	1	13	8.2	C - Insured	Remove	Remove and treat stumps** to inhibit regrowth.

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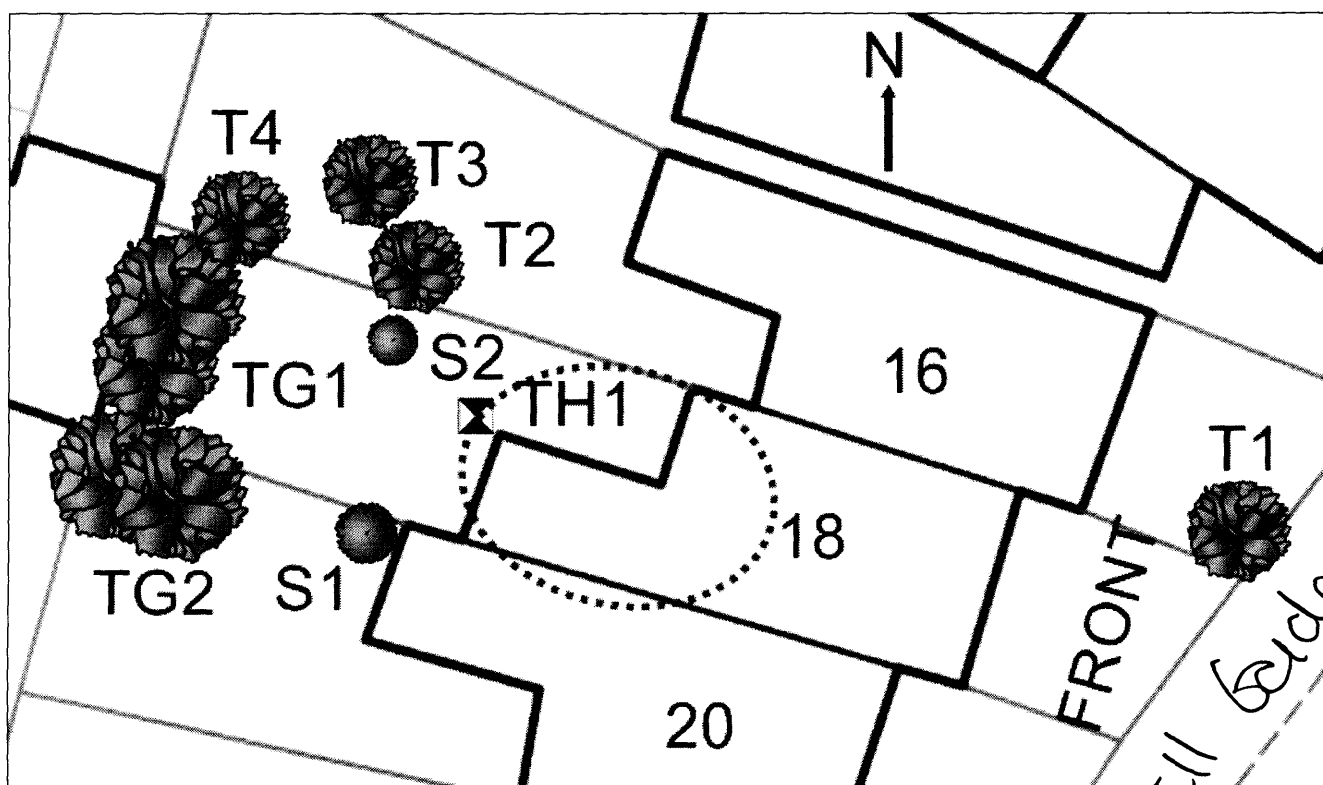
TG2	Acer	1	15	7	A - Third Party 20 Bramshill Gardens. London. NW5 1JH.	Remove	Remove and treat stumps** to inhibit regrowth. x2 Acer trees.
Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property							

* Estimated

** Stumps should only be treated when both tree groups have been removed due to the risk of translocation of herbicide. In the interim stump regrowth should be managed so that trees do not become re-established.

Third party property addresses should be treated as indicative only, should precise detail be required then Marishal Thompson can undertake Land Registry Searches

7. Site Plan



Please note that this plan is not to scale. OS Licence No. 100043218

Marishal Thompson Group

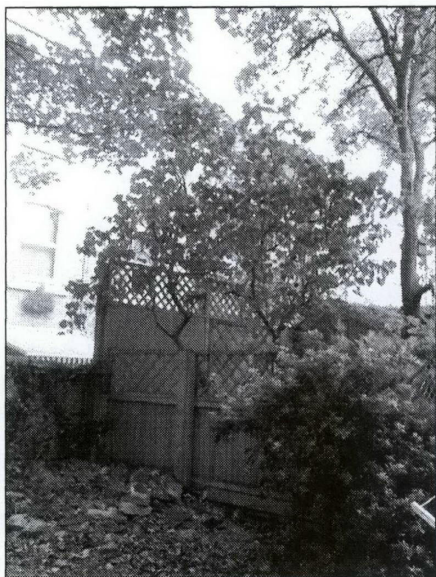
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8. Photographs



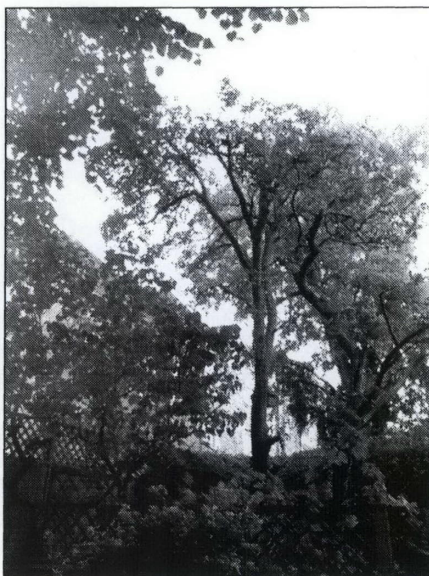
T4 - Lilac



S2 - Shrubs



T1 - Lime



T3 - Pear

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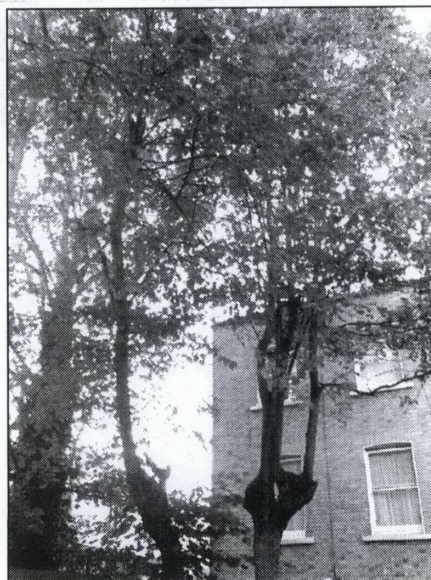
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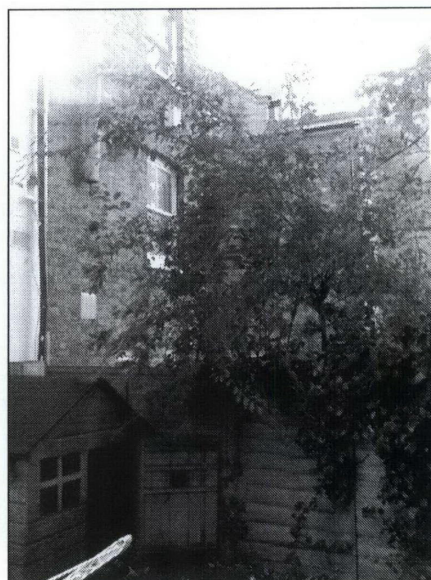
T2 - Apple



TG1 - Mixed Species Group (H)



TG2 - Acer



S1 - Forsythia

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Date: 03/11/2011

Property: 18 Bramshill Gardens

9. Tree Works Reserve - Does not include recommendations for future risk.

Insured Property Tree Works	Formal Quote Required
Third Party Tree Works	Formal Quote Required
Provisional Sum	£0

- The above prices are based on works being performed as separate operations.
- The above is a reserve estimate only.
- Ownerships are assumed to be correct and as per Section 6.
- A fixed charge is made for Tree Preservation Order/Conservation Area searches unless charged by the Local Authority in which case it is cost plus 25%.
- Should tree works be prevented due to statutory protection then we will automatically proceed to seek consent for the works and Appeal to the Secretary of State if appropriate.
- All prices will be subject to V.A.T., which will be charged at the rate applying when the invoice is raised.
- Stump removal is not included within the above price, and would be an additional charge if required. Where this is requested please note that responsibility cannot be accepted for damage to underground services unless these are identified prior to the works being undertaken.
- Where chemical application is made to stumps it cannot always be guaranteed that this will prevent future re-growth. Should this occur we would be pleased to provide advice to the insured on the best course of action available to them at that time. Where there is a risk to other trees of the same species due to root fusion, chemical control may not be appropriate.

10. Limitations

This report is intended as a preliminary appraisal of vegetation influence on the property and assumes that engineers suspect or have confirmed that vegetation is contributing to clay shrinkage subsidence, which is impacting upon the building. Recommendations for remedial tree works and future management are made to meet the primary objective of assisting in the restoration of stability to the property. In achieving this, it should be appreciated that recommendations may in some cases be contrary to best Arboricultural practice for tree pruning/management and is a necessary compromise between competing objectives.

Any connection between the structural damage to the property and trees will require the clear identification of shrinkable clay soils below foundation depths. Following tree works we recommended that the building be monitored to establish the effectiveness of the works. Should sufficient stability not be achieved this may be indicative of the fact that an Arboricultural solution is not possible in isolation.

The influence of trees on soils and building is dynamic and vegetation in close proximity to vulnerable structure should be inspected annually.

The presence of Tree Preservation Orders (TPO) or Conservation Area status must be determined prior to any tree works being implemented, failure to do so can result in fines in excess of £20,000.

Our flagging of a possible recovery action is based on a broad approach that assume all third parties with vegetation contributing to the current claim have the potential for a recovery action (including domestic third parties). This way opportunities do not "fall through the net"; it is understood that domestic third parties with no prior knowledge may be difficult to recover against but that decision will be fully determined by the client.

A legal Duty of Care requires that all works specified in this report should be performed by qualified, arboricultural contractors who have been competency tested to determine their suitability for such works in line with Health & Safety Executive Guidelines. Additionally all works should be carried out according to British Standard 3998 (1989) Recommendations for Tree Work.

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Our Ref: 11115D/SDP/DTS
Your Ref: 11/501741005/MC

AngellThompson

Consulting Structural Engineers & Surveyors

29 September 2011

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Mr M Cox
Nigel Hephherd Associates (UK) Limited
PO Box 111
Thame
Oxon
OX9 3FH

Dear Mr Cox

Dreamgate Properties Limited – 18 Bramshill Gardens, London NW5 1JH Subsidence Insurance Claim

Further to my preliminary advices of 22 August 2011 the site investigations have now been completed on site and I can report further to you as follows. This report should be read in conjunction with my earlier advices.

The trial pit was located at the main seat of movement, this being the rear right hand corner of the rear projection of the property. The location of the trial pit and cross section through the trial pit are shown on sketch no's 11115D/Sk1 & Sk2 respectively.

As can be seen from Sk2 an obstruction was met at what I believe is the underside of the foundation to the building. This obstruction appeared to be dense concrete and may be backfill over the drain run which passes very close to this rear corner of the building or old underpinning. The face of the original brick corbel had been broken away suggesting that there may have been some historic stabilisation work.

Although we could not prove the underside of the foundation a borehole was sunk approximately 1.2m away from the corner of the building. As can be seen from Sk2 the general underlying subsoil proved to be a firm soon becoming very stiff brown silty clay through to the termination of the borehole at 2.7m. Testing of the clay samples taken demonstrated a clay of very high shrinkage potential and noticeably desiccated beneath about 1.2m.

Tree roots were seen in the excavation to a maximum depth of 2.2m and testing of these revealed roots from all the species of surrounding vegetation including Maple and Lime. A CCTV survey was also undertaken and this revealed no significant problems including to the 300mm diameter public sewer running upstream from manhole 1 and close to the rear corner of the property.

Whilst we could not prove the underside of the foundation at the seat of movement it is very likely that the cause of movement is shrinkage of the underlying clay subsoil exacerbated by roots from the vegetation both within the grounds of No 18 and adjoining properties. It is further likely that the large Acer tree in the adjoining property garden is the main cause of damage, although the other items of vegetation will be contributory.

As discussed earlier there is a suggestion that there is historic underpinning at the seat of movement. No dry packing was present and if this is underpinning rather than backfill over the drain run then this is likely to be very old. Typically when underpinning was undertaken in these circumstances it was invariably founded too shallow and often undermined by continuing growth of adjacent vegetation.

Although we have not positively proven the foundation to the property, highly shrinkable clay is present which has been desiccated by the adjacent vegetation. I therefore recommend that we follow conventional practice in dealing with this problem in that the surrounding vegetation should be managed or removed. Following removal of the cause the damage should then be monitored through summer 2012 to determine the rate and progression of further movement, if any. If, by the end of this period, relative stability is demonstrated then repairs and decorations can be undertaken in the normal manner.

With regard to the extent of vegetation management it is likely that all of the large items of vegetation close to the rear elevation, including the Lime and Maple trees will require full removal but given the varied items of vegetation and third party ownership I recommend that we obtain a formal arboricultural report with recommendations for management.

In conclusion my best opinion on the cause of damage is shrinkage of the underlying clay subsoil and I am hopeful that stability will return to the property with correct tree management. If third parties ultimately require further information regarding the foundation profile and additional trial pit could be excavated away from the seat of movement. Perhaps we can consider the benefit of this when initial responses are received from third parties.

I trust all the above and the enclosed are self explanatory but if you do have any further questions please do not hesitate to call me. I can also confirm that tell-tale monitors have been affixed over the main external fractures.

I look forward to receiving your confirmation to commission an arboricultural report and finally I attach a note of our fee and expenses which is inclusive of site investigation disbursements.

Yours sincerely

ANGELL THOMPSON & PARTNERS LTD



S D PEARSON BSc CEng MIMStructE

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