

Camden Council
Town Hall Extension
Argyle Street
London
WC1H 8NJ

New Kings Court
Tollgate
Chandler's Ford
Eastleigh SO53 3LG
DX 155850 Eastleigh 7
DDI: 023 8085 7232
T: 023 8090 8090
F: 0844 620 3407
E: Emma.Reynolds@blaw.co.uk
www.blaw.co.uk

19 December 2013

Our ref: L23.EMR.582501.559

Your ref:

Dear Sirs

Our clients: Mr & Mrs Rose
Property: 7 Akenside Road, London, NW3 5RA

We are instructed by Mr and Mrs Rose of 7 Akenside Road, London.

Our clients are suffering a nuisance as a result of Plane tree branches encroaching on their land. The Plane tree is located on or near to our clients' boundary within 15 Wedderburn Road.

We are writing to notify you that our client will be carrying out work to the tree in accordance with regulation 15(a)(i) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 ("the Regulations").

If you disagree that the nuisance being suffered by our clients falls within the exception stated at 14(1)(a)(ii), please treat this letter as notice under section 211 of the Town and Country Planning Act 1990. If you are of this opinion, please confirm your consent to the proposed works. We enclose the report of SJ Stephens and Associates. If you do not consent, please confirm why you believe regulation 15(a)(i) does not apply.

You will note from the report of SJ Stephens and Associates that it is necessary to prune the said Plane tree as this is the only way of abating the nuisance being caused to our clients' property. We enclose a copy of the letter that our clients have sent to their neighbour at 15 Wedderburn Road for your information. You will note that they wish to follow option 4 of the report which would have the least impact on the integrity of the tree and provide some relief to the nuisances referred to in their report

Yours faithfully


Blake Lapthorn

20/12/13 7X/T



SJ Stephens Associates

ARBORICULTURAL, LANDSCAPE & MANAGEMENT CONSULTANTS

Mr Harvey Rose
7 Akenside Road
London
NW3 5RA

14th November 2013

Dear Mr Rose,

Ref: Plane tree at 7 Akenside Road.

As requested, I inspected the plane tree on 16th October 2013. This is a mature tree growing principally on your neighbour's property, but with a segment of the stem crossing the boundary close to your dwelling. The tree is approximately 20m in height, with an estimated stem diameter of 900mm and a crown spread of approximately 18m.

As can be seen from the photos attached the tree has an attractive, well shaped canopy, with a high crown clearance of 8-10m. Many years ago the tree appears to have been maintained as a 4m pollard, until the crown was allowed to grow out. There are five stems at 4m, which fork to produce eight stems at 8m, with little further branching until the crown forms at 12m.

Your property is almost entirely under the canopy of the plane tree. This leads to the following problems:

- the risk of breaking branches causing damage to the property and risks to people in the building or in the courtyard area.
- with the edge of the stem less than 1 m from the dwelling, there must be a risk of roots causing damage to foundations.
- cutting out light from windows and the glass roof.
- leaves and twigs blocking guttering, increasing the likelihood of leaks.
- bird droppings on the glass roof of the extension.

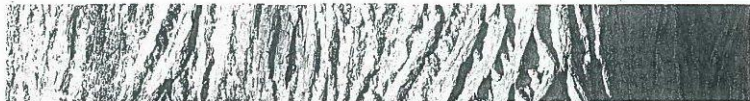
There are four possible options to address these problems:

1. Removal of the tree, although there could be risks of heave.
2. Pollarding the tree, by removing the four stems at approximately 4m, where shown on the photo. This would leave wounds of 300-500mm diameter. The tree could then be re-pollarded every three to five years.
3. Pollarding the tree to approximately 8m, where shown on the photo. This would leave wounds of 250-350mm. The tree could then be re-pollarded every three to five years.
4. Reduce the crown by 15% - 20%. This would reduce the height and radius of the canopy by approximately 2.5m and leave wounds of up to 150mm diameter. This could then be repeated every three to five years to keep the tree "in check".

www.sjstephens.co.uk email: info@sjstephens.co.uk

Savernake Barn, Stokke Common, Great Bedwyn, Marlborough, Wiltshire SN8 3LL Tel: 01672 871 862

SJ Stephens Associates Ltd. Registered Office: The Pines, Boars Head, Crowborough, East Sussex TN8 3HD. Company No 5240258 VAT No 850 9220 36



SJ Stephens Associates

ARBORICULTURAL, LANDSCAPE & MANAGEMENT CONSULTANTS

All the problems listed above will be better remedied the more drastic the tree surgery undertaken. However, the tree is providing high amenity benefit for the local community and pollarding will significantly detract from this.

On the other hand, if crown reduction is skilfully undertaken an attractive, natural crown shape will remain. Reducing end weight significantly reduces risk of branch breakout and reducing leaf area will reduce the rate of growth of the stem and roots, reducing risk of future building damage.

Since the tree is in a Conservation Area, you will need permission from the Local Planning Authority before carrying out any tree work.

You may need to seek legal advice regarding possible nuisance caused by overhanging branches and the ingress of roots and stem onto your land.

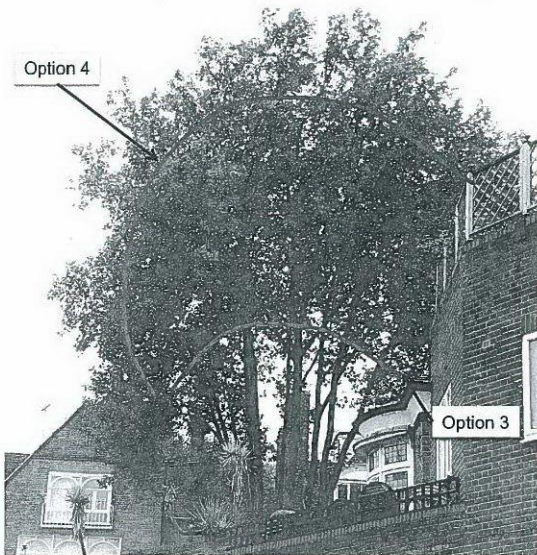
I recommend you use an Arboricultural Association approved contractor for the work (see www.trees.org.uk for details).

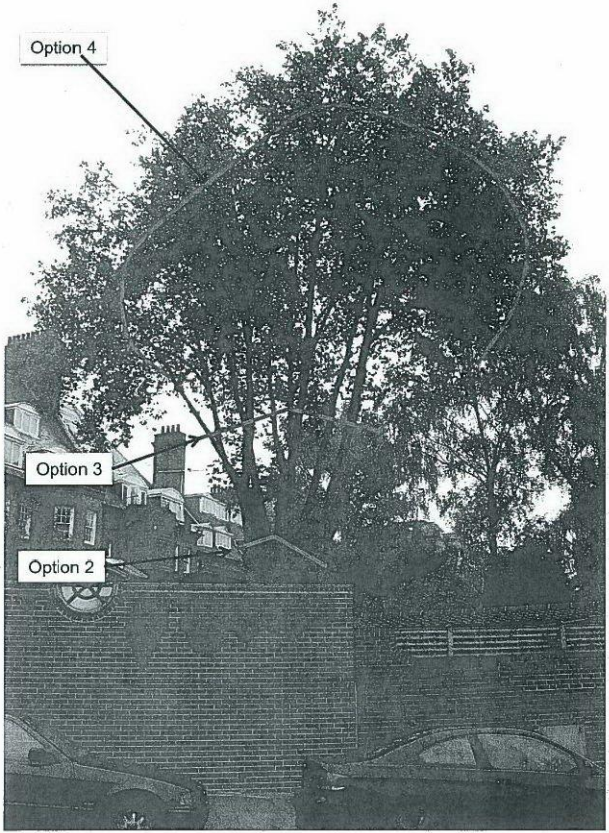
If you require any further information please do not hesitate to get in touch.

Yours sincerely,



Simon Stephens
Arboricultural Association Registered Consultant
MA Oxon, Dip Arb (RFS), MA ArborA, CEnv, MICFor





Option 4

Option 3

Option 2

Ms A Martin
15 Wedderburn Road
London
NW3 5QS

New Kings Court
Tollgate
Chandler's Ford
Eastleigh SO53 3LG
DX 155850 Eastleigh 7
DDI: 023 8085 7232
T: 023 8090 8090
F: 0844 620 3407
E: Emma.Reynolds@blaw.co.uk
www.blaw.co.uk

Our ref: L23.EMR.582501.559

19 December 2013

Your ref:

Dear Ms Martin

Our clients: Mr & Mrs Rose
Re: 7 Akenside Road, London

We are instructed by Mr and Mrs Rose of 7 Akenside Road, London with regards to the nuisance that they are experiencing as a result of the Plane tree that lies on or has encroached onto the border of their property.

Please note that our clients have the benefit of legal expenses insurance in order to pursue this matter.

We enclose a report dated 14 November 2013 from SJ Stephens Associates obtained by our clients in relation to the nuisance being caused to our clients' property by the plane tree that is on the border of your property and that of our clients. You will note that the tree continues to cause a nuisance to our clients' property and as such needs to be professionally pruned to abate the issue. Our clients propose proceeding with Option 4 so that the appearance and integrity of the tree is retained as much as possible.

Our clients have the right to prune all of the branches which encroach on their property and therefore we have put Camden Council on notice of the works which our clients intend to carry out to the tree to abate the nuisance.

The appearance of the tree could be adversely affected if our clients were to only prune those branches which are causing a nuisance to their property. Please therefore provide your consent to our clients carrying out works to the whole tree as recommended in the enclosed report. From a cost effective point of view the works should be carried out on your side. Our clients suggest that you and they each obtain a quote from an authorised company and the cheaper quote is accepted. With regards to cost of the proposed works, our clients are happy to share the costs of the work with you on 50/50 basis. Please confirm that you agree to this.

If an agreement cannot be reached in relation to the proposed works to the tree, our clients will apply to the court for an injunction to prevent the tree from encroaching on their land in order to abate the nuisance. As their insurer is to indemnify them for their legal costs, please be left with no doubt that they will take this action if necessary.

We do hope, however, that such action will not be necessary.

We look forward to hearing from you within 21 days

Yours faithfully

Blake Laphorn

Please note that during the Christmas period our offices will be closed from 1 pm on Tuesday 24 December and will re-open at 9 am on Monday 30 December. For New Year, our offices will be closed from 1 pm on Tuesday 31 December and will re-open at 9 am on Thursday 2 January 2014.