

Camden Planning Department
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

15 Torriano Avenue
London
NW5 2SN

Letter of Objection

12 October 2015

Dear Sirs,

Application for Works to Tree(s) covered by a TPO 2015/5402/T
TPO Ref C8 Rear Garden 1xHorse Chestnut-fell

We are the owners of 15 Torriano Avenue and Object to the application for proposed works to a tree(TPO) on our land.

The proposal involves the felling to the ground of a Horse Chestnut Tree (*Aesculus Hippocastanum*) that is located towards the end of our rear garden. This tree has been protected with a Tree Preservation Order for many years but it is now been put at risk due to this application. The planning proposal to fell our tree has not been authorised by us. The applicant has failed to mention in any of the relating documents that an agreement was made between both neighbours last year after mediation. The agreement made was for the removal of our mature Willow tree at the front of our property and the removal of our mature Ash tree at the rear of our property. The owners of 13 Torriano agreed to pay the full amount for the two trees to be removed but on condition that the owners of 13 Torriano Avenue would also cease to make any further claims against us with the possible of effects of 'heave' or to demand the further removal of the Chestnut tree. We agreed to authorise the removal of our two trees as an 'Act of Kindness' and without prejudice. The trees were felled on the on the 30th October 2014. These two trees now no longer exist but the applicant continues to report these trees in all their current data reports. We have not been consulted by Arboricultural Solutions LLP acting on behalf of the occupants of 13 Torriano Avenue (neighbour) with this most recent TPO planning application 2015/5402/T. The very same application was previously submitted ten months ago (2014/7618/T) to remove the Chestnut Tree and it was refused. We fully support the planning officers reasons for the refusal of the previous planning application.

The geological survey map of this area shows London Clay: "The London Clay formation (which underlies most of the Greater London Area and Hampshire) is particularly susceptible to shrink-swell behaviour (Jones 2006). London Clay is described as the most commonly encountered problem soil" (Crilly 2001) The shrinkage and swelling potential of clay is measured through the 'plasticity index.' An index of over 20% denotes a soil susceptible to medium shrinkage and swelling. The Meridian Soil Testing Report submitted by the applicant shows this site as having a Plasticity Index of 56% at 1 metre depth and Liquid Limit of 83%. The Atterburg limits measure critical water contents of fine-grained soils and the charts highlights that Clay soil levels greater than 35% Plasticity Level is considered 'Very High Plasticity'. The clay soil at 13 Torriano Avenue has been tested by Meridian at 83% Liquid Limit and 56% Plasticity Index. These percentages would therefore grade the clay on the Atterburg measuring scale as 'very high plasticity'. This highly shrinkable and moisture retentive clay soil would be most certainly be affected by the current

climate changes and in normal circumstances the clay soil will shrink in the summer and recover by swelling in the wetter winter months. However with the advent on the recent series of dry summers and winters in many cases the ground has been unable to recover.

Buildings up to four storeys and constructed before the 1950's are most at risk as they frequently have foundations only 50cm (20in) deep. Soils tend to their loose moisture by natural evaporative processes during the summer, and it is generally accepted that in average climatic seasons, the loss will be to depths of approximately 1.0m. It is for this reason that house foundations are recommended to be at depths of at least 900mm below ground level so they are at or below the level where natural seasonal moisture loss will have an influence on soil shrinkage. Houses built with simple shallow foundations can therefore be vulnerable to settlement over a long period. Older houses tend to be more flexible than modern buildings however structural problems can occur as a result of alterations that affect the overall stability of the property.

The owner of 13 Torriano Avenue has made recent significant structural alterations in the ground floor / basement level of their Victorian property. The entire central partition wall was removed to create an open plan space. In our last letter of objection we highlighted our concerns regarding 'settlement after construction'. We continue to have the same concerns regarding the significant alterations that have been carried out both past and present. The Monitoring document submitted with this current application by the applicant shows apparent movement along points 6, 7,8 and 9. These recent alterations have been carried out near to all the apparent points of movement. In 1992 the owner of 13 Torriano Avenue built a two storey modern addition to the rear of their property. This two storey addition extended and encroached into the rear gardens. The extension development involved the excavation and removal of the soil levels below ground at the rear of their property. Consequently the current block plans show the property at 13 Torriano Avenue closer and at considerable lower soil levels than the house was originally constructed in the 1840's.

The removal and alterations around the ground floor/foundation level of the neighbours property have potentially caused settlement and movement. As our property and our neighbours property are both built on London Clay and the foundations were built using loose stone and rubble they do not comply with any modern day building standards and any building alterations would create extensive stress on a period Victorian property that were not suitability designed. We have not altered or removed any structural sections of our property. We object to the removal of the TPO of the Chestnut tree as the owners of 13 Torriano Avenue have made significant changes to their property. We refer to the original statement made by the applicant Fiona Critchley (Arboricultural Solutions)

“In many cases where trees have been implicated in such structural damage, it has been found that the structures had been built on foundations, which were unsuitable for shrinkable clay soils”.

The mature Chestnut tree with a TPO has been in our rear garden before we moved into the property in 1974. It is located towards the end of our rear garden and has provided a secluded garden space for our family to enjoy for many years. The tree canopy has been maintained and has a even structured form. Mature trees with little potential for future growth are much less of a consideration as a risk than trees that are growing vigorously and increasing in size. If there is any increase in the movement of the clay soil due to shrink swell then it is questionable whether the problem is now due to “heave” with the current recent loss of the trees at the front and rear garden.

The Horse Chestnut Tree makes a natural screen at the rear of our property to provide privacy for our kitchen and sitting rooms and two main bedrooms. Felling our tree would cause a loss of privacy and expose our property to the Kentish Town Community Centre KTCC and to the three and four story Peckwater and Woolsey flats opposite. We also respect the privacy of the Torriano Avenue Infants School. By continuing to protect the Horse Chestnut Tree it would continue to provide privacy between the school playground and the rear side of the blocks of flats and houses located opposite on Busby Place Road. The tree is clearly visible from the Public Highways of Torriano Avenue A5200, Busby Place and Oseney Crescent. The amenity value of this tree is substantial as this tree provides privacy and a positive green space environment for both our property and the flats and houses opposite and also the nearby infants school.

Environmental and ecological impact

Apart from this Chestnut trees aesthetic quality it also improves air quality and reduces the urban heat island effect caused by the build-up of temperatures in hot summers. The Chestnut tree in our garden provides a rich environment for plants and wildlife. The tree attracts many wild birds and bees. Bats can be observed flying in and around the tree in the summer and autumn. There is a small pond under our tree and it is home to frogs, toads, damsel flies and newts. The leaves that fall from the Horse Chestnut tree provide the perfect environment for a wide variety of wildlife to hibernate in winter including frogs, toads, newts and wild bees including Solitary bees who usually nest below ground and can be seen emerging in spring through the leaves, moss and small earth burrows. The felling of this tree would have a negative environmental impact on our property and on the local area.

We object to this planning application as the reports continue to be misguided. Material considerations should have been included with this application including the history of the applicants Victorian property, the structural alterations recently made by the applicant and the excavation and soil levels removal at the rear of their property. Wear and tear due to the age and construction of the Victorian property should have been highlighted as all of these factors could potentially cause changes to the soil conditions. The owner of 13 Torriano Avenue has disregarded the recent documented neighbour agreement we made. We object to the removal of the TPO and the felling of the Horse Chestnut tree as there have been no structural alterations or additions to our property. The removal of mature trees like this Chestnut tree would set a precedent for the future felling of trees trees in other private gardens and small parks or communal green spaces in Camden Town. It is for this reason that we want to preserve and protect this historic tree as it provides a major visual contribution to the character and the appearance of the area.

Yours Sincerely
Mr Stanley & Ms Stanley