

Dear Sirs,

your ref: 2015/5402/T

further to my conversation on 20-10-2015 with your tree preservation officer Nick Bell, I am writing to your department directly to state the views of myself and Mr W F Nighy regarding the application for works to a tree covered by a TPO in the garden of our neighbour Mr P Stanley at number 15 Torriano Avenue, NW52SNs. Our house is number 13 Torriano Avenue and the two houses are semi-detached.

First of all, I would like to apologise for the late submission of this letter: as I explained to a member of your team on Monday, I had only just had an opportunity to read the content of your letter dated 24 September 2015, as I have been working away from home in Manchester and Suffolk for some weeks. I was briefly at home on Sunday night before returning to Manchester and took the opportunity to look at the details of the proposals on line, including the letter of objection from the Stanleys. I telephoned your department from work in Manchester on Monday morning and was put in touch with Alan Gillespie, who then asked Mr Bell to contact me by phone, and advise me on how best to proceed - hence this e mail.

Please find below our letter supporting the proposal to cancel the TPO on a mature Horse chestnut Tree at 15 Torriano Avenue.

I also attach it as a pdf document in case this is a more convenient way to read it.
yours sincerely

Diana Quick
13 Torriano Avenue
NW52SN

YOUR REF; 2015/5402/T

Application for work to a tree covered by a TPO at 13 Torriano Ave NW52SN

THE REQUEST TO REVIEW AND CANCEL THE PRESERVATION ORDER ON A MATURE HORSE CHESTNUT TREE IN THE REAR GARDEN OF NUMBER 15 TORRIANO AVENUE WAS MADE ON BEHALF OF MYSELF AND MR W F NIGHY WHO WHOLLY OWN THE ADJACENT, SEMI-DETACHED, HOUSE AND GARDEN AT NUMBER 13 TORRIANO AVENUE. THIS SUBMISSION IS MADE BY ME, DIANA QUICK, ON BEHALF OF US BOTH AS CO - OWNERS OF THE PROPERTY.

THERE HAVE BEEN ISSUES OF SUBSIDENCE AT THIS ADDRESS FOR MANY YEARS NOW. IN BRIEF:

BETWEEN 1990 AND 1994 THE HOUSE WAS SUBJECT TO AN EARLIER INSURANCE CLAIM WITH REGARD TO A SMALL REAR EXTENSION WHICH WAS PULLING AWAY FROM THE MAIN FABRIC OF THE HOUSE, LATER DEMOLISHED AND REBUILT WITH PLANNING PERMISSION FROM THE COUNCIL. (PLEASE SEE FURTHER COMMENTS ON THIS BELOW.)

IN 2009 - 2010 THERE WAS A PROBLEM OF DAMP INGRESS IN THE BASEMENT WHICH WAS REPORTED TO INSURERS WHO AUTHORISED WORK TO REPAIR AND REPLACE THE DAMAGE. IN THE COURSE OF THIS WORK WE REMOVED A TRANSVERSE INTERNAL WALL BETWEEN THE FRONT AND BACK BASEMENT WALLS, INSTALLING A STEEL BOX FRAME CONCRETED INTO THE FOUNDATIONS AT A DEPTH OF 1 METRE.

IN 2011 WE REPORTED TO OUR INSURANCE COMPANY THAT WE NOTICED A NUMBER OF CRACKS DEVELOPING, BOTH INTERNAL AND EXTERNAL,

ON THE FRONT ELEVATION, THE RAISED FRONT ENTRANCE STEPS WERE PULLING AWAY FROM THE MAIN BODY OF THE HOUSE; THE WALL BENEATH THE STEPS WAS BOWING OUT; THE FRONT WINDOW BAY WAS MOVING AWAY FROM THE MAIN STRUCTURE OF THE HOUSE AT ITS UPPER END; VERTICAL CRACKS WERE APPEARING IN THE BRICKWORK, AND A LOT OF REPOINTING WAS REQUIRED, BOTH HERE AND ON THE SIDE ELEVATION.

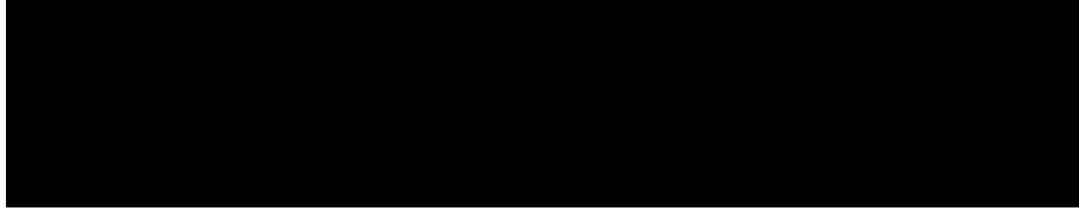
AT THE REAR OF THE PROPERTY, DEEP AND LONG VERTICAL CRACKS WERE DEVELOPING ABOVE THE LINTELS OF BOTH DOOR AND WINDOWS, BELOW THE WINDOW SILLS AND ADJACENT TO THE WINDOW FRAMES. IN DUE COURSE IT BECAME IMPOSSIBLE TO OPEN OR CLOSE NEWLY INSTALLED (2007) REAR DOORS OR WINDOWS ON THIS ELEVATION, AND THE FRONT DOOR BECAME IMPOSSIBLE TO LOCK AS THE DOOR DRIFTED OUT OF ALIGNMENT WITH THE DOOR FRAME, ALL OF THESE THUS COMPROMISING THE BASIC SECURITY OF THE PROPERTY.

EMERGENCY MEASURES WERE UNDERTAKEN, TO REALIGN THE FRONT DOOR, AND TO SHORE UP THE REAR ELEVATION PENDING FURTHER DECISIONS WITH REGARD TO THE HORSE CHESTNUT AND ANY SUBSEQUENT WORK NEEDED TO

SECURE THE HOUSE, THIS WORK HAS BEEN COSTLY AND IS NO MORE THAN AN INTERIM SOLUTION TO THE ON-GOING PROBLEMS. IT IS BOTH EXTREMELY INCONVENIENT AND DISTRESSING TO LIVE IN THE HOUSE UNDER THESE CONDITIONS.

INTERNALLY, A MULTITUDE OF CRACKS HAVE APPEARED, SOME SUPERFICIAL, BUT MANY WITH DEEP INROADS INTO THE FABRIC OF THE HOUSE, ESPECIALLY ALONG THE PARTY WALL WITH NUMBER 15, IN SEVERAL PLACES INVOLVING FALLING LUMPS OF MASONRY. NO REDECORATION CAN TAKE PLACE UNTIL THE BASIC ISSUE OF THE CAUSES OF THIS MOVEMENT ARE PROPERLY RESOLVED, AND AS A CONSEQUENCE IT FEELS AS IF ONE IS LIVING IN A SHABBY BUILDING SITE RATHER THAN A PROPERLY MAINTAINED AND ATTRACTIVE HOME, WHICH IS WHAT WE WOULD WISH FOR. THIS SITUATION HAS NOW CONTINUED OVER MORE THAN THREE YEARS, AND IS ENTIRELY UNACCEPTABLE. THERE CAN HOWEVER BE NO REMEDY UNTIL THE ISSUE OF THE HORSE CHESTNUT IS DECIDED, AS INSURERS WILL NOT AUTHORISE A PROPER REPAIR PLAN IN ADVANCE OF A DECISION ABOUT THE HORSE CHESTNUT.

TO RECAP: OUR INSURERS UNDERTOOK TO MONITOR THIS APPARENT EVIDENCE OF SINK, BOTH WITH TELL-TALES AND BORE HOLES, AND BASED ON THE EVIDENCE COLLECTED OVER TIME, RECOMMENDED THAT THE THREE LARGE TREES IN THE GARDEN AT NUMBER 15 SHOULD BE FELLED.



AT THE TIME WE WERE GIVEN TO UNDERSTAND THAT THE STANLEYS WERE PREPARED FOR THE HORSE CHESTNUT IN THE REAR GARDEN TO BE REMOVED AS WELL, AND IT WAS ONLY THE DISCOVERY AFTER A SEARCH THAT THIS TREE WAS THE SUBJECT OF A PRESERVATION ORDER WHICH PREVENTED ACTION BEING TAKEN LAST YEAR TO FELL IT AT THE SAME TIME AS THE OTHER TWO DESCRIBED ABOVE.



IN CONSULTATION WITH MY INSURERS, THE PLAN OF ACTION, IN THE LIGHT OF THE PRESERVATION ORDER BEING ENFORCED, WAS TO CONTINUE TO MONITOR THE MOVEMENT OF THE BUILDING AT NO 13 AFTER THE REMOVAL OF THE ASH AND THE WILLOW, WITH A VIEW TO ASSESSING WHETHER THE HORSE CHESTNUT TREE WAS EXERTING UNDUE EFFECT ON THE MOVEMENT OF NUMBER 13. AND TO RE-APPLY FOR PERMISSION TO FELL THE TREE SHOULD THERE BE FURTHER EVIDENCE OF MOVEMENT. ALL THIS WAS FELT TO BE A NECESSARY ASSESSMENT BEFORE ANY MAJOR REPAIR WORK WOULD BE AUTHORISED BY THE INSURERS.

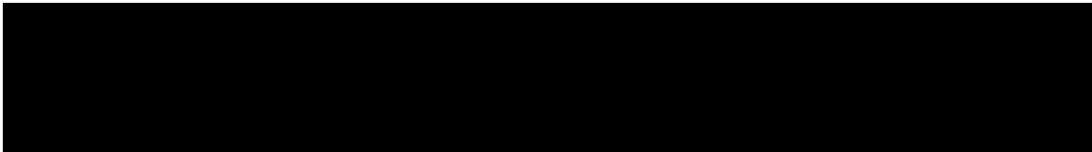
WITH REGARD TO THE CURRENT SECOND APPLICATION TO FELL THE HORSE CHESTNUT, BEACHCROFTS WHO ARE OUR INSURANCE COMPANY'S SOLICITORS, WERE ASKED TO LIAISE WITH MR STANLEY TO ADVISE HIM AND HIS FAMILY OF THE IMPENDING APPLICATION TO THE PLANNING DEPARTMENT TO RESCIND THE PRESERVATION ORDER ON THE HORSE CHESTNUT, AND TO BEGIN DISCUSSIONS WITH THEM TO OBTAIN THEIR CONSENT TO REMOVE THE TREE SHOULD THE PRESERVATION ORDER BE REMOVED.

APRIL 2015 OVER THE NEXT MONTHS, THE DRAINS WERE FOUND TO BE CONGESTED WITH TREE ROOTS, BOTH AT THE FRONT AND REAR, AND INSURERS AUTHORISED EXTENSIVE ACTION TO REMOVE AND REPAIR THE BROKEN AND CONGESTED MAIN DRAIN WHICH RUNS FROM THE REAR OF THE HOUSE, AROUND THE SIDE AND DOWN TO THE MAIN DRAIN ON THE STREET AT THE FRONT. THIS WORK WAS SATISFACTORILY COMPLETED.

THE APPLICATION HAS BEEN RE-SUBMITTED BECAUSE, WITH REGULAR CONTINUED MONITORING SINCE THE REMOVAL OF THE WILLOW AND THE ASH TREE, THERE HAS BEEN EVIDENCE OF ADDITIONAL MOVEMENT AT THE REAR OF THE BUILDING OVER AND ABOVE WHAT MIGHT BE CONSIDERED SEASONALLY NORMAL VARIATIONS GIVEN THE COMPOSITION OF THE LOCAL SOIL. THEREFORE THE BASIS OF THIS SECOND APPLICATION TO REMOVE THE HORSE CHESTNUT IS NOT THE SAME AS LAST YEAR, BEFORE THE REMOVAL OF THE ASH IN THE REAR GARDEN AND THE WILLOW IN THE FRONT.

THE NEXT SECTION OF MY LETTER RESPONDS SPECIFICALLY TO VARIOUS CLAIMS MADE IN THE STANLEYS' LETTER OF OBJECTION TO YOUR PLANNING DEPARTMENT. I WILL PRESENT THIS SECTION AS BULLET POINTS:

1) IN LATE 1989, A SMALL PREVIOUS REAR EXTENSION, CONSISTING OF A WASHROOM AT RAISED GROUND FLOOR LEVEL AND AN EXTERIOR ACCESS 'GARDENER'S WC' AT BASEMENT LEVEL WAS SIGNIFICANTLY PULLING AWAY FROM THE MAIN BODY OF THE HOUSE, FOLLOWING STRUCTURAL REPORTS AND MONITORING OF THE BUILDING FOR MORE THAN A YEAR, OUR INSURERS AUTHORISED THE DEMOLITION OF THESE UNSTABLE STRUCTURES. WE SOUGHT AND WERE GRANTED PLANNING PERMISSION FOR THE TWO STOREY ADDITION, BUILT AT THE LEVEL OF THE EXISTING HOUSE. THE "EXCAVATION OF THE GARDEN" INVOLVED EXCAVATING THE GARDEN LESS THAN 3 METRES IN LENGTH AND UNDER ONE METRE IN DEPTH, ALONG THIS ADDITIONAL 3 METRE SITE, AND ALL CONSTRUCTION WAS CARRIED OUT ACCORDING TO BEST BUILDING PRACTICE, AND SCRUTINIZED AND APPROVED ON COMPLETION BY THE RELEVANT AUTHORITIES.



3) THE HORSE CHESTNUT TREE IN QUESTION, IS NOT SITUATED NEAR THE BOTTOM OF THE GARDEN BUT SLIGHTLY OVER HALF WAY DOWN, AT A DISTANCE OF 19 M. FROM THE MAIN STRUCTURE OF THEIR HOUSE. IT IS 11.4 M. FROM THE EXTENSION ON OUR OWN PROPERTY, AND THUS IS NOT BEYOND THE RECOMMENDED SAFE DISTANCE FOR A MATURE BROADLEAF TREE IN BOTH CASES. IT SITS EXACTLY ON THE BOUNDARY BETWEEN OUR GARDENS AND AS IS DOCUMENTED IN THE ARBORICULTURAL REPORT, WAS POLLARDED MUCH EARLIER AT A HEIGHT OF 4 M., AND THERE ARE NOW FOUR LARGE BRANCHES GROWING UPWARDS TO A HEIGHT OF 18 M. THE CANOPY IS 7 M. RADIUS, HALF OF WHICH OVERHANGS OUR GARDEN. IT IS VERY HARD TO SEE HOW ONE COULD BEGIN TO PRUNE BACK EITHER BRANCHES OR ROOTS ON OUR SIDE WITHOUT COMPROMISING THE STABILITY OR APPEARANCE OF THE TREE. THE MAIN TRUNK IS DEEPLY FISSURED ALONG ITS LENGTH, WITH POCKETS OF DECAY AND EVIDENCE OF POSSIBLE BLEEDING CANKER. THE LEAVES ARE BADLY DISFIGURED EARLY IN THE SEASON BY FUNGAL INFECTION, PROBABLY Guignardia leaf blotch, AND BOTH LEAVES AND BLOSSOMS DROP FAR TOO EARLY IN THE SUMMER. THE GENERAL APPEARANCE OF THE TREE IS OF ONE UNDER STRESS.

4) PRIVACY FOR NUMBER 15 FROM THE KENTISH TOWN COMMUNITY CENTRE AND THE FLATS BEYOND IS PROVIDED BY THE OTHER MATURE TREES AND SHRUBS WHICH ARE SITUATED AT THE BOTTOM OF THE GARDEN AT NUMBER 15. THESE INCLUDE A MATURE ASH TREE, ANOTHER HORSE CHESTNUT AND AT LEAST THREE YOUNGER ASH SAPLINGS, TWO HAWTHORNS AND SEVERAL LILACS.

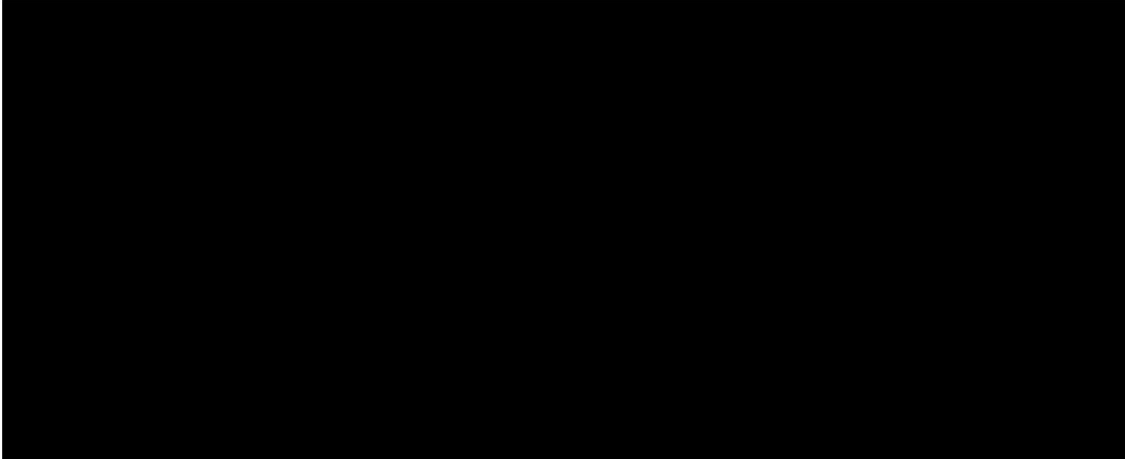
5) THE INFANT SCHOOL IS LOCATED ON THE OPPOSITE SIDE OF THE GARDEN TO THE DISPUTED TREE, AND THERE ARE SEVERAL LARGE TREES ON THIS BOUNDARY ALREADY, SO TO CLAIM THE HORSE CHESTNUT IN QUESTION AS A SCREEN FOR THE SCHOOL IS BOTH MISLEADING AND AN IRRELEVANT COMMENT. THERE ARE SEVERAL OTHER LARGE TREES BETWEEN THE REAR WINDOWS OF THE FLATS LOCATED ON BUSBY PLACE GROWING IN THE GARDENS NEIGHBOURING NUMBER 15, INCLUDING TWO MATURE ASH TREES, A POPLAR, A CHERRY AND AN EXTREMELY TALL PITTOSPORUM WHICH PROVIDES PRIVACY FOR BOTH NUMBER 15 AND THE SCHOOL, FROM THE FLATS.

6) THE AMENITY VALUE OF THE TREE IS, IN MY VIEW, QUESTIONABLE, GIVEN THAT THERE ARE A NUMBER OF OTHER MATURE TREES AT THE REAR OF OUR OWN GARDEN, NUMBER 13, AND IN THAT OF THE GARDEN AT NUMBER 11 TORRIANO AVENUE. THE HORSE CHESTNUT IN QUESTION IS DEFINITELY AILING: THE LEAVES BECOME MOTTLED AND BROWN WITH A FUNGUS INFECTION AS SOON AS THEY APPEAR IN SPRING, THERE ARE SIGNS OF BLEEDING CANKER, AND THE TREE DROPS LEAVES AND TWIGS AND SMALL BRANCHES ALL THROUGH THE SUMMER SEASON WHEN IT SHOULD BE FLOURISHING.

7) THE LEAVES THAT FALL FROM THE TREE ARE DISEASED: THEY CANNOT BE USEFULLY COMPOSTED AS THAT WOULD PERPETUATE THE CYCLE OF FUNGAL INFECTION, SO I HAVE BEEN SENDING THEM THROUGH THE COUNCIL'S GARDEN REFUSE COLLECTION SERVICE. WHILE MR STANLEY CLAIMS AMENITY AND ENVIRONMENTAL BENEFITS FROM THE FALLING LEAVES, HIS GARDEN IS TESTIMONY TO A PHILOSOPHY OF NEGLECT: THE GARDEN IS BADLY OVERGROWN, AND RAPIDLY RETURNING TO A CONDITION OF SCRUB, WITH SYCAMORE AND ELDER SEEDLINGS INVADING WHAT WAS ONCE A LAWN, AND NO SIGN OF EVEN BASIC MAINTENANCE FOR SOME CONSIDERABLE TIME.

SINCE EARLY AUGUST, I HAVE RAKED UP AND DISPOSED OF HORSE CHESTNUT LEAVES, FALLING FLOWERS AND LATER CONKERS OVER MY ENTIRE GARDEN AT LEAST ONCE, OFTEN TWICE, A WEEK, AND AM CONTINUING TO DO SO: THEY SWAMP OUR FLOWER BEDS, COVER OUR PATHS AND LAWN IN DEBRIS, CONKERS, AND SMALL DEAD OR DYING BRANCHES, NO DOUBT ASSISTED BY THE MANY SQUIRRELS WHO MOVE THROUGH THE CANOPY. I AM A COMMITTED GARDENER, AND FOLLOW AN ENVIRONMENTALLY SOUND POLICY OF GARDENING, WITH COMPOSTED GARDEN REFUSE AND WILDLIFE HAVENS.

AT MY COUNTRY COTTAGE I HAVE PLANTED MORE THAN FIFTY TREES OVER THE LAST 35 YEARS, MANY OF THEM NATIVE SPECIMENS, AS WELL AS FRUIT TREES, NUT TREES AND ORNAMENTALS WHICH I MAINTAIN MYSELF. WE WOULD BE CONTENT FOR THE HORSE CHESTNUT TO FLOURISH IF FIRSTLY, WE BELIEVED IT TO BE A HEALTHY TREE AND SECONDLY IT WAS NOT COMPROMISING THE STRUCTURAL SAFETY OF OUR PROPERTY AT NUMBER 13. WE WOULD BE MORE THAN HAPPY TO REPLANT THE BOUNDARY AREA OCCUPIED BY THIS HORSE CHESTNUT WITH OTHER, MORE APPROPRIATE TREES IN SCALE, TO PROVIDE BOTH AESTHETIC PLEASURE AND PRIVACY FOR THE RESIDENT AT NUMBER 15. I KNOW, FOR EXAMPLE, THAT MR STANLEY REGRETS THE LOSS OF A MAGNOLIA THAT HE FELT OUR PREDECESSOR HAD STOLEN FROM HIS GARDEN BACK IN THE 1970'S. WE WOULD BE VERY HAPPY TO PROVIDE AND NURTURE SUCH A TREE, OR ANY VARIETY THAT WAS AGREED TO BE APPROPRIATE IN THIS CONTEXT.



IN CONCLUSION I WOULD LIKE TO POINT OUT THAT THESE PROPERTIES ON TORRIANO AVENUE HAVE SOME HERITAGE VALUE AS TWO OF THE LAST REMAINING FOUR HOUSES BUILT IN 1846 OF A STYLE WHICH ONCE EXTENDED FOR MUCH OF THE LENGTH OF TORRIANO AVENUE UP TO ITS JUNCTION WITH LEISTON RD. THEY HAVE A DISTINCT, QUIRKY AND ATTRACTIVE CHARACTER, AND DESERVE TO BE PRESERVED WITH CARE. IN OCTOBER 2013 WE RECEIVED A LETTER FROM EDWARD BAILEY ON THE COUNCIL'S PLANNER-PLACESHAPING TEAM, ADVISING US THAT OUR HOUSE HAD BEEN IDENTIFIED AS BEING OF LOCAL HERITAGE SIGNIFICANCE AND WAS INCLUDED ON CAMDEN'S DRAFT LOCAL LIST. IT WOULD BE SUCH A SHAME IF YOUR DEPARTMENT WAS TO REGARD THE PRESERVATION OF THIS HORSE CHESTNUT AS OUTWEIGHING THE URGENT NEED TO PRESERVE THE FABRIC OF THE HOUSES, ESPECIALLY SINCE THE CONSTRUCTION OF THE HOUSES OVER LONDON CLAY ON RELATIVELY SHALLOW FOUNDATIONS ALREADY MAKES THEM SOMEWHAT VULNERABLE TO SEASONAL MOVEMENT. WE HAVE BEEN WAITING FOR MORE THAN THREE YEARS NOW TO PROCEED WITH RENOVATION AND DECORATION WORK TO THE HOUSE, AND ARE MORE THAN A LITTLE DESPAIRING OF THIS SITUATION BEING RESOLVED SATISFACTORILY SO THAT WE CAN PROCEED TO WHATEVER FINAL SOLUTION OUR INSURERS RECOMMEND. THE MOST RECENT LETTER, DATED 14 SEPTEMBER 2015, FROM OUR BUILDING SURVEYOR MR JON WEST OF GAB ROBINS UK LTD, STATES AS FOLLOWS:

" For any property suffering subsidence, this time of year is the wrong period to implement any repairs whether they be limited to the superstructure alone or incorporate new foundations as the ground is at its most dehydrated. Whichever scheme is ultimately implemented and a firm decision would really be based on whether the tree is removed, cannot be undertaken until the maximum re hydration has occurred which is likely to be towards the end of the winter/early spring...

...given the recent monitoring data received we have reached a point where if the Local Authority do refuse to remove the preservation order then approval shall be obtained from Insurers in respect of underpinning to bring a permanent solution to the problem."

- WE ARE VERY MUCH HOPING THAT WE WILL NOT HAVE TO UNDERPIN, AS WE UNDERSTAND THAT THIS 'SOLUTION' SOMETIMES HAS FURTHER CONSEQUENCES, ESPECIALLY FOR A SEMI DETACHED HOUSE. AS IT IS WE FACE A FURTHER FIVE OR SIX MONTHS OF WAITING TO RESTORE OUR HOUSE AND GARDEN TO STABILITY AND BEAUTY, IN ADDITION TO THE COST IN TIME AND TEMPORARY REPAIRS THAT HAVE BEEN NECESSARY OVER THE LAST THREE YEARS.

GIVEN THE AILING CONDITION OF THE TREE, ITS PROXIMITY TO THE HOUSE, THE DOCUMENTED CONTINUING SHIFT IN THE HOUSE IN THE SEASONS SINCE THE FELLING OF THE ASH AND THE WILLOW LAST YEAR, THE EXAGGERATED CLAIMS OF ITS AMENITY IN PROVIDING A SCREEN FROM NEIGHBOUR SCRUTINY FOR BOTH THE RESIDENT AT NUMBER 15 AND FOR THE INFANT SCHOOL ON THE OPPOSITE SIDE OF THE GARDEN FROM THE TREE'S SITE, AND THE GENERAL LACK OF ANY SIGN OF CARE FOR THE AESTHETIC QUALITIES OF A WELL KEPT GREEN SPACE, WE CANNOT SEE HOW THE FELLING OF THE HORSE CHESTNUT IN QUESTION WOULD SET A PRECEDENT FOR THE FUTURE FELLING OF ANY OTHER HEALTHY OR SUITABLY SITED TREE, WHETHER IN A PRIVATE GARDEN OR A PUBLIC SPACE.

WE INVITE A REPRESENTATIVE OF THE PLANNING DEPARTMENT TO MAKE A SITE VISIT BEFORE A FINAL DECISION IS TAKEN, AS NO AMOUNT OF DESCRIPTION IN WORDS CAN EQUAL THE VISUAL INFORMATION INSTANTLY RECEIVED IN PERSON.



DIANA QUICK AND WILLIAM NIGHY, 13 TORRIANO AVE, NW52SN
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