



Date: September 26, 2014
Our Ref: 02167R

To **Anthony Richardson**
ARP Anthony Richardson and Partners
31 Oval Road
London
NW1 7EA

By Email

Dear Anthony,

**RE: Alleged Subsidence Damage & Tree Removal Request:
1 x London Plane - 64 Albert Street London NW1 7NR**

Further to our meeting of the 26th September I write to summarize what was discussed:

Overview

You have been contacted with a view to complete removal of 1 x London Plane from the rear garden of your property. This tree has been implicated in damage to your neighbours property by way of root recovery from below foundation level and Atterberg and Oedometer Strain soil testing confirming soil desiccation at depths below those associated with 'natural climatic factors'.

Your property is located within a Conservation Area and a previous s211 notification to London Borough of Camden resulted in a TPO being placed on the tree. In line with the insurance companies request you have registered an application to fell this tree (Ref: 2014/5865/T). Comments can be made on this application until the 16.10.2014.

Site Investigations

My instruction was accompanied with the following site investigations:

- SubsnnetUK Geotechnical Report Ref: C11456G4902 (including soil testing, drain report and root identification.)
- Marishal Thompson Group Arboricultural Report Ref: NL2301141643/TP

Subsidence Evidential Requirements for TPO's

There are strict evidential requirements for applications to remove trees subject to a TPO where they are alleged to be causing subsidence damage. If the above Site Investigations are what was submitted with TPO application (Ref: 2014/5865/T) then insufficient information has been provided to Camden to accord with these requirements. Given your desire to retain the tree this is positive as you are doing what the Insurance company have requested,

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but they have not facilitated a full application by providing you with a lack of information. In summary you, and your application, are missing:

- Full **engineering report** giving detailed description of the property, the damage and commentary on the claim to date as well as repair options and cost estimates for such work.
- **Level Monitoring** – sufficient level monitoring of the neighboring property to demonstrate cyclical (seasonal) movement and downward directional movement indicative of your tree being causal.

This lack of adequate information from the insurers/ their agents is beneficial in your desire to retain the tree. It is normal (but not guaranteed) that Councils in receipt of 'inadequate' TPO applications to fell will refuse the application. As an aside they would do so against a backdrop of minimal exposure to a compensation claim from the insurers because there is insufficient information to show the tree was definitively causal (the monitoring).

Current Options

1. Do nothing other than avail the insurers that an application has been made and you await the outcome of that application – This is my advised option.
2. Advise insurers that you require the additional information, namely the Engineers Report and Level Monitoring – I would advise against this, as you are doing their job for them and potentially strengthening the case for the trees removal.

Moving Forward

1. If you receive the refusal, as expected, you can advise the insurers you have done what you can but the retention of the tree is outside of your control due to the TPO refusal. It is then their call if they decide to/ or request you to make a further application with all the relevant site investigations required. I would suggest you don't tell them the inadequacies in the site investigations, it is for them to identify this.
2. Should that information then become available I would need to review its findings (no cost) and advise on the further strategy but in the event it did confirm seasonal movement you would have the option of seeking removal of your neighbors Apple tree and crown reducing your tree to 12m (subject to TPO permission) and requesting a further period of monitoring to confirm if this approach has worked. If the building stabilized then a program of repeat pruning at 2 year intervals *may* allow long term stability, but there will remain a risk of damage returning, particularly if pruning lapses. Alternatively you could make a fresh application to fell.



In summary my advice at this stage is to confirm to the Insurers/ their agents that an application has been made and you will advise when the decision has been reached. I would suggest you contact me initially to discuss the TPO decision notice when it is received and prior to notifying the insurers/ their agents.

If I can assist further at this stage please do let me know.

Yours faithfully,



Keiron Hart
BSc Hons, C.Env, F.Arbor.A, MICFor, MEWI

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