



**TREE PRESERVATION ORDER (TPO) APPEAL
FORM
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED) SECTION 78**

For official use only

Date Received

Appeal Ref

Before completing this form please read "Guide for Appellants (Tree Preservation Orders – consents for works)"

WARNING Your appeal must reach the Planning Inspectorate within 28 days from receipt of the decision against which you are appealing;

Appeals received after the deadline will only be accepted in exceptional circumstances.

If you need this document in large print, on audio tape, in another language or in Braille, please call our Diversity Help Line on 0117 372 8939.

PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK

A. APPELLANT

Name **SUBSIDENCE MANAGEMENT SERVICES**

Address
YARMOUTH HOUSE, 1300 PARKWAY, SOLENT BUSINESS PARK, WHITELEY

Postcode **PO15 7AE**

I prefer to be contacted by: Via Agent

B. AGENT: If acting on behalf of the appellant, you will be our main contact on all matters relating to this appeal and we will direct all queries and correspondence to you.

Name **MR SIMON P GREENER**

Organisation **ENVIRONMENTAL SERVICES**

Address
**UNIT 4, LINNET COURT, HAWFINCH DR, CAWLEDGE BUSINESS PARK,
ALNWICK, NORTHUMBERLAND**

Postcode **NE66 2QF**

Daytime Tel **0330 380 1032**

Email
greeners@uk.innovation-group.com

I prefer to be contacted by:
Via Agent Email ☒ Post ☐

C. APPEAL SITE

Addresses where the appeal trees are located: **96 & 94 HAVERSTOCK HILL, LONDON, NW3 2BD**

Do you own the site: Yes ☐ No ☒

If no

- 1) give details of your interest in the site (eg tenant, neighbour):

WE ARE ARBORICULTURAL CONSULTANTS APPOINTED BY THE BUILDING INSURERS OF THE ABOVE PROPERTY TO UNDERTAKE VEGETATION MANAGEMENT

- 2) give the name and address (if different from the above) of the owner and/or occupier of the site. We will need to contact them to make arrangements for our Inspector to gain access to the site:

All arrangements to be made via Environmental Services (Agents)

D. COUNCIL/DECISION

Council: **CAMDEN LONDON BOROUGH**

Full title of tree preservation order (if known): **TPO REF 35H (Yew) and TPO REF C978 (Acer)**

Date of Council's decision (if applicable): **13-07-2016**

E. APPEAL

Please tick only the relevant boxes.

I am appealing against:

The Council's refusal of consent ☒

The Council's failure to issue a decision (deemed refusal of consent) ☐

The direction issued by the local authority requiring the replanting of woodland ☐

Condition(s) attached to the consent ☐

An article 5 certificate issued by the Council, eg that the appeal tree has an outstanding or special amenity value, or that the Council's decision is in the interests of good forestry ☐

The Council's refusal to agree a matter that required their agreement under the terms of a condition of consent (TPOs made on or after 2 August 1999) ☐

F. GROUNDS OF APPEAL

If you choose the recommended Fast Track appeal procedure the reasons you set out below will be treated as your statement of case. It is important that you set them out in full because you will not get an opportunity to add to them later.

You should provide at least one reason for each of the boxes you have ticked in section E. Explain why you think the Council's decision is wrong and should be overturned. The decision on your appeal will take into account the contribution that the tree(s) make to the amenity of the area and the reasons set in support of your application/appeal. If you are alleging that a tree is dangerous you may consider enclosing a report by a tree expert in support of your appeal. Please bear in mind that allegations of maladministration or complaints about the time taken by the Council to issue a decision on the application are unlikely to affect the outcome of the appeal, since such matters are not relevant to the merits of the proposal. If appealing against a refusal of consent to fell a tree or against a condition or direction requiring replacement planting you should indicate the species and size of any tree/s you would be prepared to plant if the appeal were to be allowed.

Please continue at section J or on a separate sheet if necessary

This appeal is made in respect of the **REFUSAL FOR CONSENT TO FELL 1 x YEW & 1 x ACER**

Our TPO application submission gave the following reasons for the application:

1. The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.
2. Estimated costs of repair to the building are £50,000.00 if the influence of the tree(s) remain and £11,205.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).
3. It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s).

The following evidence was submitted with the application on the 21st of Dec 2015

ARBORICULTURAL REPORT (rev 1)
ENGINEERS OPINION REPORT
ENGINEERS REVISIT REPORT
DRAINS REPORT
GEOTECHNICAL REPORT (Nov 2014)
LEVEL MONITORING REPORT (Oct 2015)

The application was not acknowledged until 8th Feb 2016. We agreed with the Tree Officer that they could have more time to consider the application and on the 8th of March 2016 we were sent a list of queries. This took some considerable time to complete as various site investigations were re-done. The following evidence was submitted on the 22nd of June 2016 at the insistence of the tree officer

ARBORICULTURAL REPORT (rev 2)
ADDENDUM ENGINEERING RECOVERY REPORT
GEOTECHNICAL REPORT (Nov 2014)
GEOTECHNICAL REPORT (Mar 2015)
ENGINEERS OPINION REPORT
ADDITIONAL CRACKING IMAGES (taken June 2016)
CERTIFICATE OF STRUCTURAL ADEQUACY
PHOTOGRAPHIC RECORD OF TRIAL PIT AND BOREHOLE IMAGES
DRAINS REPORT (April 2016)
INVOICE SHOWING DRAINS REPAIRS COMPLETED
LEVEL MONITORING REPORT (May 2016)

Should the tree be allowed to be felled we would be happy to replant with an appropriate replacement species thereby mitigating any potential loss.

G. PROCEDURE

Appeals dealt with by written representations (Fast Track) procedures are usually decided more quickly than those which proceed through a hearing or a more formal local inquiry and because of this we recommend the Fast Track procedure.

However, if you or the Council ask to be heard by the Inspector we will organise a hearing which will take the form of a round table discussion. In very exceptional cases, where complex legal matters are at issue, a substantial number of third parties are involved and/or formal cross examination is warranted, we may decide to hold an inquiry.

Please tick one box only.

I wish my appeal to be decided through the Fast Track procedure ☐

I wish to appear and be heard by an Inspector ☒

H. SUPPORTING DOCUMENTS

In support of your appeal form please send a copy of your application for consent and a copy of the Council's decision (where one has been issued).

Please tick the boxes to show which documents you are enclosing and list any other documents you are submitting in the space below. Don't worry if you cannot send a copy of the tree preservation order – we will ask the Council to send a copy together with the relevant background papers.

I enclose:

- | | |
|---|---------------------------------------|
| 1. A copy of my application for consent | 1 <input checked="" type="checkbox"/> |
| 2. A copy of the Council's decision (if one was issued) | 2 <input checked="" type="checkbox"/> |
| 3. A copy of the tree preservation order | 3 <input type="checkbox"/> |

I. CONFIRMATION

DECLARATION

1. I understand that:

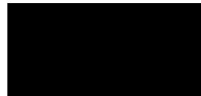
- a) the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my appeal.
- b) details from this form, including my name, the site description and reasons for making this appeal may appear on the Planning Inspectorate's website/Planning Portal.

By signing this form I am agreeing to the above use of the information I have provided.

2. I have completed all sections of the appeal form and confirm that the details are correct to the best of my knowledge.

3. I have sent a copy of this appeal form and enclosures to the Council.

Signature



Date 26.07.2016

Name (in capitals)

**MR SIMON P GREENER
ENVIRONMENTAL SERVICES**

On behalf of (if applicable)

The gathering and subsequent processing of the personal data you give on this form accords with the terms of the Planning Inspectorate's registration under the Data Protection Act 1998. More about the Planning Inspectorate's data protection policy can be found on our website at "Privacy Statement":

Please send the completed form and supporting documents to:

The Environment Appeals Team
Trees and Hedges
Room 4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Telephone: 0117 372 8812
or e-mail it to: Environment.appeals@pins.gsi.gov.uk

- 1. You must send a copy of this completed form to the Council including copies of any supporting documents you send to us.
- 2. When we receive your appeal form we will check it against background documents supplied by the council before telling you whether your appeal is valid.
- 3. At the end of the appeal process we will send you the Inspector's decision, including the reasoning in writing.

J. SUPPLEMENTARY SHEET