

From: [REDACTED]
To: [REDACTED]
Cc:
Subject: Tree Preservation Order C11762016 Rear Garden - 22 Hilltop Road, London NW6 2PY
Date: 28 November 2016 16:58:33

Dear Sirs,

RE: Tree Preservation Order C11762016 Rear Garden - 22 Hilltop Road, London NW6 2PY

We are Consulting Structural Engineers for Genesis Housing Association who own the freehold interest of 22 Hilltop Road, London, NW6 2PY and we write to object to the above Tree Preservation Order.

We were engaged to investigate the failure of a retaining wall along the rear boundary of 22 Hilltop Road. This wall retains the garden of No. 22 Hilltop Road. As it is a Party Fence Wall the occupiers of the properties on the down hill side (6 & 8 Gladys Road), have vested interest in the wall.

We reported upon the condition of the wall in May 2014 (under our previous company Peter Kelsey & Associates). That report concluded that we considered that 40% of the failure could be attributed to the vegetation on the retained side causing mechanical damage. This vegetation includes the Sycamore tree which is the subject to the above order. Therefore the tree is considered to be causing a nuisance.

Evidence of the mechanical damage is severe localised bulging of the wall of some 200-300mm outwards and a localised lateral displacement causing the coping courses of a perpendicular boundary wall between Nos. 4 & 6 Gladys Road to be severely displaced.

Our recommendation to Genesis was for the retaining wall to be demolished and rebuilt. The subject tree is located within 1.5m of the retaining wall (not the middle of the garden as the Order plan indicates) and to rebuild the wall in it's current position will involve root cutting of structural roots. In consideration of the effect this would have on the trees health, it's structural stability and our duty under the Occupier Liability Act we further recommended that the vegetation including the subject tree be felled.

The Tree Preservation Order to the sycamore now means that any application for works to the tree will delay commencement of works (currently scheduled for January 2017) and completion is jeopardised due to the limited time afforded by the Court Order that became necessary to gain access for the works.

Alternative works to avoid root cutting and felling have been considered.

The first involves sheet piling as the main retaining element and faced with masonry which can be constructed within the current wall profile. This is seen as impracticable as there is insufficient access to allow a piling rig of the capacity to install the piles without costly road closures and cranes.

Secondly, the wall could be rebuilt in front of the existing wall. This would involve much greater foundations than currently proposed due to the lack of a heel and the reduction of usable space in the gardens of both 6 and 8 Gladys Road.

Needless to say that all additional costs involved with alternative schemes including compensation for loss of usable gardens would be recovered from Camden Council in the

event of a refusal to permit works to the tree. Such costs are anticipated to exceed £15,000 and likely to be above £20,000. As the tree has a very limited accessibility and functional value it is expected the additional costs and compensations will exceed the CAVAT value of the tree (Estimated at less than £6,000).

In order for our client to proceed with works without undue delay and additional costs and as afforded under The Town and Country Planning Act 1990 and Town and Country (Tree Preservation) (England) Regulations 2012 we ask that we:

1. Agree that the tree is causing a nuisance;
2. Agree that the minimum works necessary to abate the nuisance is felling of the tree and;
3. Agree that it is in order to proceed with minimum works necessary to abate the nuisance while you consider the Order.

Please can you acknowledge receipt of this letter.

Yours Faithfully

Andy Martin

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Andy R Martin & Associates Ltd

17 High Street
Stanford-le-Hope
Essex, SS17 0HD
01375 678921

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