



16<sup>th</sup> October 2004

Mr Langer  
6 Heath Drive  
Hampstead  
London NW3 7SY

Please reply to our local office at:-  
**Beecroft Sons & Nicholson**  
**PO Box 270**  
**Harrow**  
**HA3 6XL**

RF/mm/BD/405/LAN

Dear Mr Langer

**Possible Subsidence Damage and Party Wall etc Act 1996**

I have been away for the last week or two and only just returned. My Secretary has read to me your recent letter and I apologise most profusely for any inconvenience I might have caused you or if you felt in any way that I was neglecting you.

The position was this. As the subsidence problem you have is in any event of long standing, and having arranged an early inspection by our Chartered Surveyor to ensure that it presented no immediate cause for concern, I wanted to wait until the wet season began to see what effect it had in restoring the property. As that season has now begun I was only also waiting to also tie-up an appointment with your neighbour's party wall surveyor as I did not want you to have to suffer the inconvenience and disruption of having several visits concerned with different matters. I had therefore written several times to the surveyors acting for your neighbour but we only received a reply at the beginning of this month regarding which I was awaiting clarification. For your information, I attach hereto a copy of the email received from the surveyors concerned. As you can see from the enclosed the surveyor suggests that there is now no plan for any immediate works, so perhaps now would be a good moment to review the position and have a further inspection.

If you still wish me to act on these matters I am delighted to do so and if that is the case perhaps you would let me know when it might be convenient to call upon you with one of my chartered surveyors in the week commencing 1<sup>st</sup> November or any time thereafter that is convenient to you.

My mobile number is 07973 33 40 13 if you care to telephone me.



Telephoned 10/11  
" 25/11  
" 12/1/05  
" 21/1/05  
shk



# Marishal Thompson & Co.

Subsidence Mitigation Unit

Bank Chambers

29 High Street, Ewell, Epsom, Surrey. KT17 1SB

Tel: 08702 416180 Fax: 08702 414339

e-mail: office@marishalthompson.co.uk

Mr Langer  
Flat 1  
6 Heath Drive  
London  
NW3 7SY

05/12/2005

Our Ref: [REDACTED]  
Contact: Gemma King  
Direct Dial: 01733 247973

Miss KING 01733247973  
m.king

Dear Sir,

Ref: Subsidence Damage due to Tree Root Nuisance  
Loss at: Flat 1, 6 Heath Drive, London, NW3 7SY  
Insured: Mr Langer

We write to advise that we have been appointed by your building insurers to assist in the implementation of the vegetation works identified within our report (copy enclosed).

The recommendations contained within the report aim to reduce the possibility of tree related damage (direct and indirect) to your property and should therefore be implemented or maintained as soon as possible. Please note that the cost of the tree work is not covered as part of your claim, however, the work recommended is vital in order to regain stability to your property and minimise the future risk of movement. We are currently in pursuit of the local authority with regard to the recommended removal of their Plane and Cypressus trees and can confirm that the items belonging to you that are believed to be implicated are T2 Ash, T3 Holly, TG1 Yew, and T4 Sycamore. Please let us know when the recommended works have been scheduled to take place in order that we may notify your insurers, who will be planning to arrange the building repairs upon completion of the tree works. We have enclosed a mandate for you to sign and return in this regard.

We look forward to hearing from you and will be happy to provide any additional advice that you may require when having these works undertaken.

Yours faithfully

*gk*  
Mitigation Department  
Marishal Thompson & Co.

Enc. Arboricultural report



#### QUALITY PLEDGE

At Marishal Thompson & Co we strive to provide the best quality service for our clients. If at any time you believe we have failed to fulfill your expectations please contact Garry Stone on 08702 416180



INVESTOR IN PEOPLE



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Marishal Thompson & Co. (Environmental) Ltd. Registered in England No. 2954257 Registered Office: Bank Chambers, 29 High Street, Ewell, Epsom, Surrey, KT17 1SB.



### CONFIRMATION MANDATE

MT File Ref.:		MT Contact:	Gemma King
Mitigation No:		Date:	05/12/2005

Insured:	Mr Langer
Insured Property Address:	Flat 1, 6 Heath Drive, London, NW3 7SY

I confirm that I have read the arboricultural report and agree that the trees identified as "insured" within the report table are owned by myself and that works will now proceed.  
*Please sign below to confirm*

NAME: Mr Langer	SIGNATURE:	DATE:
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Thank you for completing the form. Please return to:

Gemma King  
Marishal Thompson & Co.  
Subsidence Mitigation Department  
6G, Greensfield Court  
Alnwick  
Northumberland. NE66 2DE

e-mail : [mitigation@marishalthompson.co.uk](mailto:mitigation@marishalthompson.co.uk)



# Arboricultural Consultancy for Royal & Sun Alliance

Note: This reduced format report is an initial appraisal only and may have been produced without the benefit of site investigations. It is intended for use between the client, Marishal Thompson & Co. (Environmental) Ltd and any parties detailed within the report. It is based on the assumption that Engineers are satisfied that current damage is due to clay shrinkage subsidence attributable to vegetation.

## 1. Case Details

<b>Insured</b>	Mr Langer	<b>Address</b>	Flat 1, 6 Heath Drive, London, NW3 7SY	
<b>Client</b>	Crawford & Company	<b>Contact</b>	Sne Patel	<b>Claim No.</b>
<b>MT Ref</b>		<b>Contact</b>	John Graham	<b>Contact No.</b>

**Scope of Report:** To survey the property and determine significant vegetation contributing to subsidence damage, make recommendation for remedial action, initiate mitigation action and assess recovery prospects. The survey does not make an assessment for decay or hazard evaluation.

## 2. Damage Description

The damage is mainly internal to the rear and front right hand corner, and was first noted in 2003.

## 3. Technical Reports

In preparing our report we have had the benefit of no technical investigations:

## 4. Action Plan

Mitigation	
Insured informed of work required?	Yes
Local Authority involved?	Yes
Other third party Mitigation involved?	No
Recovery	
Is there a potential recovery action?	Yes

Treeworks	
Is there any statutory protection?	In Progress
Additional Comments	
A potential recovery action has been identified.	
Engineers should consider focusing investigations to strengthen factual evidence for disclosure to third party tree owners.	
Mitigation Commencing.	

## 5. Technical Synopsis

5.1 Recommendations are based upon the assumption that the insured property is founded upon shrinkable clay and that the current damage is attributable to clay shrinkage subsidence exacerbated by the influence of vegetation.

5.2 Recommendations for tree management are detailed fully in table 1.

Is vegetation likely to be a contributory factor in the current damage?	Yes
Is vegetation management likely to contribute to the future stability of the property?	Yes
Is replacement planting considered appropriate?	No
Does the potential of <b>ground heave</b> need to be assessed by Consulting Engineers before management recommendations are implemented?	No
Will implementation of the management recommendations result in significant amenity loss?	Yes
Would DNA profiling be of assistance in this case?	No

## **Marishal Thompson & Co. (Environmental) Ltd**

Dashbrook House, 16 Cross Street, Royal Leamington Spa, Warwickshire, CV32 4PX  
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## Arboricultural Consultancy for Royal & Sun Alliance

### 6. Recommendations (Table 1)

These recommendations may be subject to review following additional site investigations

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m)	Ownership	Action	Recommendation
H1	Privet	1	2	0.5	C - Insured	Maintain as detailed	Do not allow to exceed current dimensions.
H2	Privet	1	2	6	C - Insured	Maintain as detailed	Do not allow to exceed current dimensions.
T1	Plane (London)	2	22	9	B - Local Authority	Remove	Remove and treat stump to inhibit regrowth.
T2	Ash (Common)	1	22	5	C - Insured	Remove	Remove and treat stump to inhibit regrowth.
T3	Holly	1	6	1.5	C - Insured	Remove	Remove and treat stump to inhibit regrowth.
T4	Sycamore	2	22	9	C - Insured	Remove	Remove and treat stump to inhibit regrowth.
T5	Ash (Common)	1	22	15	B - Local Authority	No Action	No works.
TG1	Yew (Irish)	1	4	3	C - Insured	Remove	Remove and treat stump to inhibit regrowth.
TG2	Cupressus family	1	20	9	B - Local Authority	Remove	Remove.

Age Cat: 1 = Younger than property; 2 = Older than property; 3 = Significantly older than property

### 7. CAD and Images



Image of front of property showing T1 on left and T2 on the right.



Image of rear of property with T4 to the right, T5 in the central background and TG2 to the left.

### **Marishal Thompson & Co. (Environmental) Ltd**

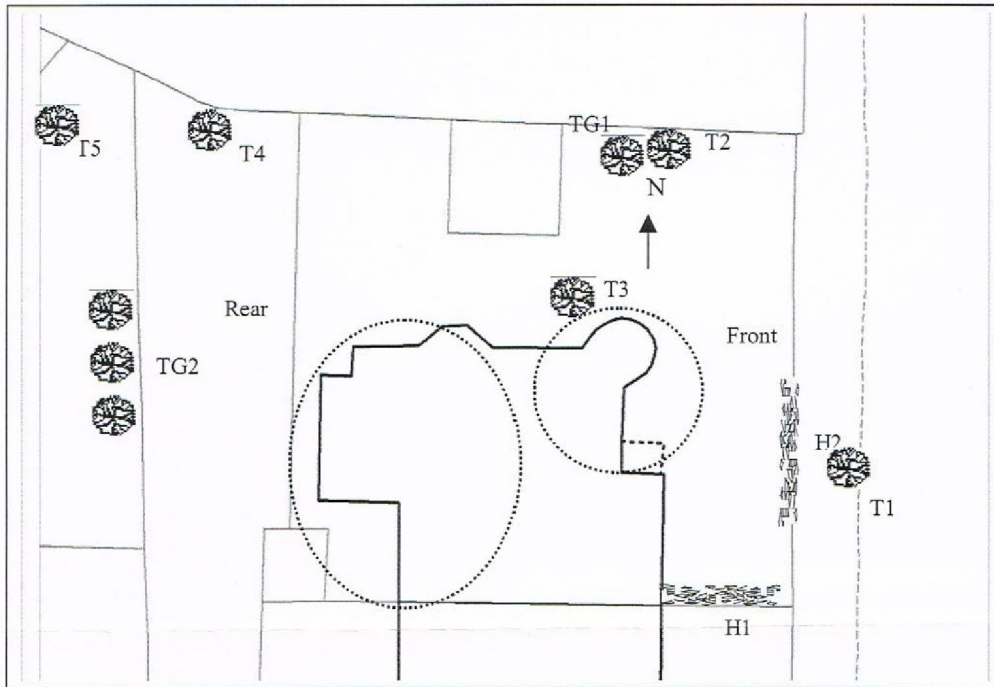
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## 7. CAD and Images



Please note that this plan is not to scale  
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