

40 ER Limited  
14 Eaton Mews South, London SW1W 9HP

Tree Preservation Order  
Environment Department REF: **C1165 2016**  
London Borough of Camden  
Old Town Hall, WC1H 9LP

9<sup>th</sup> March 2016

**RE: LAND IN FRONT GARDEN OF 42 ELSWORTHY ROAD LONDON NW3 3DL**

To Whom It May Concern:

I am writing with regard to your letter of March 7<sup>th</sup> re C1165 2016.

I object very strongly to your proposed TPO.

Your argument that the trees 'are considered to provide significant visual amenity and make a positive contribution to the character of the area' is correct.

However there is much more serious issue in that the trees are causing the subsidence to our building 40 Elsworthy Road.

I have enclosed an Engineering Assessment report by Nick Maclean of Ecos Maclean. He is a Primrose Hill – based structural expert with over 40 years experience.

You will note on pages 3 and 4 where I have highlighted Nick Maclean's confirmation that he feels the two Robina trees in the front garden of 42 Elsworthy Road to be at fault.

Whilst the report does categorise the subsidence as 'slight' it is very serious issue. When I purchased the property (Flat 4, 40 Elsworthy Road) in 2015 I was unable to obtain a high-street mortgage for the property because the house is suffering subsidence. As a result I had to obtain expensive commercial finance and buy the company in a company name (40 ER LTD). I now have to wait until the subsidence has been repaired and there is also no further risk (i.e. trees removed) of subsidence before I can obtain a normal mortgage and transfer the ownership of the company back into my own name. I will then have to pay stamp duty for the property again!

I hope the above clearly highlights the seriousness of the subsidence at 40 Elsworthy Road and that whilst the trees do indeed provide visual amenity it shouldn't be at the cost of our homes being ruined.

Best,  
Mads Dal



**Engineering Assessment Report**  
**40 Elsworthy Road**

**Author: Nick Maclean**

**24 Sept 2015**

*Engineering – materials, energy, structure, stability*  
8A Chamberlain St  
London NW1 8XB



Elsworthy Road



### ***Introduction***

This report provides an assessment of the structural condition of the front elevation 40 Elsworthy Road from a visual structural examination, based on Nick Maclean's 40 years experience of appraisal of existing buildings. The brief was to consider the structural significance of the external cracking that is apparent and being monitored in the course of an ongoing insurance claim and for him to give his opinion on effective remedial measures, in particular with respect to the trees in the adjoining front garden.

Nick Maclean, Principal Engineer, Director of Ecos Maclean Ltd, visited the property on 3 September 2015, and met with Mads Dal and the leaseholder of the ground floor flat. Only the front elevation and side passage externally were available for examination, but this was the primary issue, and from this the nature of the property, the pattern and magnitude of cracking and monitoring being carried out and the proximity of the two substantial lime trees in close proximity in the next front garden were established. We were informed that it was a conservation area but LB Camden were willing to consider the removal of at least one of the two trees, and since our inspection have consented to the removal of both.

Ecos Maclean have particular experience over forty years in the appraisal of existing buildings, the way they react to thermal and soil movements and the idiosyncrasies of timber and old brickwork. We then use this insight to design appropriate remedies to ensure overall structural stability to buildings which minimise intervention and so avoid/minimise disruption to occupiers, neighbours and damage to historic and listed buildings.

### ***The Extent and Cause of Cracking***

Firstly, we understand that there is some cracking in the top floor flat, and have pointed out that this is likely to have thermal movement as a contributor. This is commonplace in the upper storey for this type of masonry property, is usually of a decorative nature with cracks less than 5mm.



Elsworthy Road



There are clear signs of vertical movement of the front corner of the building which are associated with the foundations, and resulted in the diagonal crack of 3-4mm under the top floor window near the corner and of not more than 5mm we estimate because it has been repointed. Also, the diagonal cracking in the flanks of the stairs up to the front door also point to relative vertical movement of the front corner of the house. (See photo 1-3) These signs of recent cracking are clear signs of settlement due to foundation movement as a consequence of subsoil desiccation.

At this point I would like to put the magnitude of such cracking in the context of the Building Research Establishment Digest No. 251, Assessment of damage in low-rise buildings. This Digest categorises damage according to crack width, though points out that judgement should be exercised in ascribing a category where movement continues and damage may be progressing to a higher category.

Category 1, 'very slight', covers cracks 0.1mm to 1mm wide and Category 2, 'slight', covers cracks 1-5mm wide (below 0.1mm, cracks are Category 0, 'negligible'). These categories are described as 'representative of aesthetic damage' and Digest 251 goes on to state that Category 2 defines the stage above which repair work requires the services of a builder ie at or below this level the cracking is not considered structurally significant and can be dealt with in the course of normal decoration repairs.

There are two mature robinia trees beside the property and it is clear that the proximity of these two large trees is causing the desiccation of the subsoil at and below the foundations of the house during recent periods of drought.

The extent of the subsidence is *slight* and relatively recent compared with the maturity of the trees and so reducing the subsoil moisture desiccation by removal of the trees will, in our opinion, reduce the subsidence problem to a magnitude which avoids the need for expensive and disruptive underpinning. There will undoubtedly be some heave (soil swelling) movement as the subsoil recovers, but as the vertical movement is small at present, this heave recovery will also be small, and of course only occur once unlike subsidence which would have recurred every drought cycle.

Elsworthy Road



The current situation of minor subsidence, does not, in our opinion, preclude the carrying out of a loft extension/conversion.

To summarise, it is our opinion that the degree of damage that has occurred in the past is in the *slight* category, and not such as to bring into question the overall stability of the property. If the local authority is willing to allow the removal of one of the lime trees as mooted in this conservation area, and crown reduction of the other, then moisture movements will be reduced so that further decorative damage will be minimised. Also, we would have no concerns about the overall stability of the building for the foreseeable future without underpinning being carried out.



Photo 1 the diagonal crack under the top, corner window – clearly subsidence.

Elsworthy Road

**Ecos  
Maclean**



Photo 2. The cracking over the front door – further evidence of subsidence.

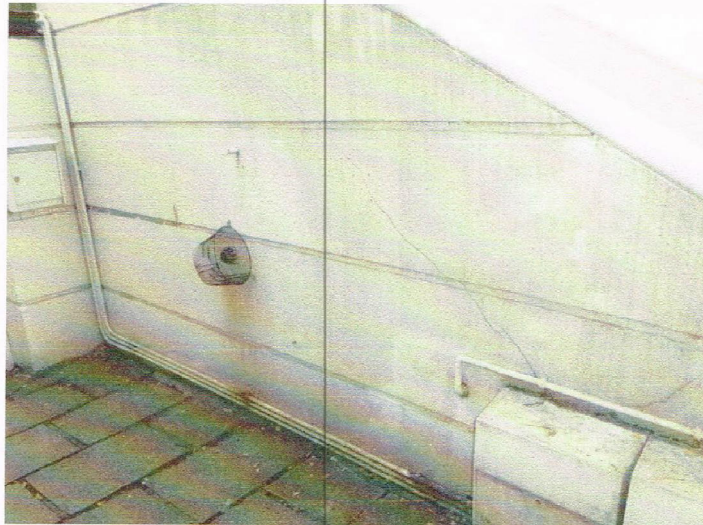


Photo 3. Cracking in the flank of the steps up to the front door.