

From: Sardar Ahmed [REDACTED]
Sent: 29 August 2019 07:44
To: Planning [REDACTED]
Cc: Alya [REDACTED] Naeem Ahmed [REDACTED]
Subject: Tree Application Consultation: 2019/3826/T and 2019/3827/T

Dear Sir/ Madam
Tree Allocation Department

I respond to the recently communicated Tree Application Consultation:
Application **Ref: 2019/3826/T** REAR GARDEN: 1 x Lime (T3) - Fell to ground level.
And **Ref: 2019/3827/T** REAR GARDEN: 1 x Lime (T4) - Fell to ground level.

I would be most grateful if you would consider my objection to the planning requests above, namely to fell 2 Lime Trees, one (T3) in the back of my garden [REDACTED] and the other (T4) in the back of my neighbours garden [REDACTED]

I believe the application has been made by representatives of the ground floor flat, 55 Albert St, NW1 7LX.

The trees do not fall within the property boundaries of 55 Albert Street. The trees are situated in the rear gardens of my property, [REDACTED]

I have recently (12th July 2019) emailed Mr Ilir Hyseni of Camden Council regarding the matter, for advice and to express my reluctance to have the trees felled. Mr Hyseni has been most helpful in overseeing necessary improvement works in my property. If you think appropriate, may I ask you to refer to that email for additional information regarding when the issue was first brought to my attention.

The Application proposals about which I am now writing and which I strongly oppose, appeared after my communicating with Mr Hyseni. The representatives of 55 Albert St did not inform me of their intention to put forward the planning application - which I am also willing to discuss with them directly.

I would be most grateful if you would consider my following points in objection to felling the trees:

1) The Trees - age and background information:

According to the Arboricultural Report commissioned by 55 Albert Street, the trees (T3 & T4) in our gardens are mature Lime Trees, with an age similar to that of my property. Assuming my property dates back to Regency times (early 1800s), this indicates a property age and therefore tree age of approx 200 years.

I believe these Lime Trees to be native trees. Such trees can reach a maximum potential height of 23 metres (depending on surroundings and growth conditions).

Trees T3 and T4 measure approx 13-13.5 metres in height. Apparently, Lime trees grow an average of 40-50cm per year until they reach their mature height. These numbers suggest that my tree would have reached it's mature height within 30 years of being planted. This therefore suggest that my tree has been at it's mature height of 13 metres for over 150 years. I assume similar applies to tree T4.

2) Tree Felling Application:

It is proposed by the representatives of 55 Albert Street that both my tree (T3), and the very similar tree (T4) in the garden of my next-door neighbour (28 Mornington Terrace), are causing changes to the ground, which they claim is responsible for subsidence, and therefore some structural damage to the rear ground floor extension at 55 Albert St.

3) 55 Albert Street - Single Storey Ground Floor Extension - Background information:

I note, in 2004 representatives of 55 Albert Street requested planning permission for retention and modifications to the single storey ground floor extension.

The requested planning application was REFUSED by Camden Council in 2004, for the following reasons:
Reason 1:

'It is considered that the retention of the rear overhanging extension is detrimental to the character and appearance of the building in particular and the Conservation Area in general, due to the use of inappropriate materials, the window design, the uncharacteristic location of the extension and the overall cluttered and overdeveloped appearance of the rear extension...'

Reason 2:

'The rear extension has led to the basement flat being substandard...'

It is extremely important to note that as well as Camden Council refusing planning consent, there was also a **Warning of Enforcement Action to be Taken**. Obviously, the single storey extension remains in place and it is the reason for the tree felling application which I am opposing.

4) Building Foundations for 55 Albert Street - Single Storey Ground Floor Extension:

According to the Engineer's Opinion and the Geotechnical Reports supplied by 55 Albert St, the extension is built on London Clay soil, and has a foundation going down only 80cm.

This foundation depth may only just be adequate if there were no trees in the local vicinity (the usual recommended minimum foundation depth however, is 90cm - 100cm for medium to high plasticity clay soil found in London/ Southeast England). With my tree and that at No 28 Mornington Terrace, dating back >150years, (much older than the extension), the proximity of the trees should have been taken into account when much more recently, the extension was built, especially if it's long term structural integrity was an important feature.

In fact, according to the Soils Report put forward by No 55 Albert St, the ground upon which the extension is built upon is mostly on Clay Soil of Very High Plasticity (VH) - so whether the extension took into account the the nearby trees or not, it was not even built on an adequate Building Regulation recommended minimum foundation depth of 100cm.

There is no report submitted which suggests that the foundations underlying the extension are adequate nor that the construction of the extension has been subject to Building Control supervision or approval.

With mature trees already in the local vicinity of structures to be built on London Clay Soil, according to Building Control Regulations, where trees already exist, the extension foundations need to go down to tree-root level. It is suggested in the Geotechnical report and the Root Report that there are roots ~3.3 metres below ground level, and a very significant number of these roots are from Ficus species (i.e. plants other than the Lime trees). So the existing foundation to the extension falls way short of what Building Control would approve.

Perhaps as permission for the extension was refused in 2004 with warning of enforcement action, the extension was never intended to be permanent. This may be why the foundations were not properly considered or made sure.

It follows therefore, that the trees in my garden and at number 28 Mornington Terrace's garden should not be considered responsible for problems encountered by an extension built on wholly inadequate foundations and with seemingly no Building Control supervision nor approval.

5) Rainwater Drainage on site at 55 Albert St:

From the Geotechnical Report, the Rainwater downpipe on the extension is seen not to be connected to the sub-surface drainage system and is discharging to below ground level, which may be causing drainage problems disturbing groundwater equilibrium conditions adjacent to the extension, precisely where the problem is reported to be.

Referring back to the Engineer's Opinion report, the extension was built on London Clay Formation, comprised of Clay, Silt and Sand. In light of what seems inadequate or improper rainwater drainage through sandy soils, this can cause collapse of the soil structure and therefore the reported problems with the extension, rather than any trees.

6) Timing of Claimed Damage to Extension at 55 Albert St (see also point (5) above):

It is worthy of note that the claimed problems with cracks to the extension were first noted in October 2018. October is generally accepted as being mid-autumn.

According to Annual Weather Average charts for the UK, October is the wettest month of the year, with rainfall in October exceeding levels higher than in any other month of the year.

Problems with tree related subsidence are usually reported mid-end summer, not approx 2-3 months later in mid-autumn/ October in the midst of the year's highest rainfall.

The timings in this case suggest that autumnal/ October rainwater flooding, with problematic, inadequate drainage, at the site, adjacent to the reported problems, may well be the real culprit (see also point (5) above).

7) Timings, Type & Reliability of Investigations and Reports carried out for 55 Albert St:

Although the claimed damage to the extension was discovered and reported in October 2018, the investigations were not carried out until Feb 2019, 5 months later.

For investigations regarding subsidence to carry greater accuracy, it is suggested that they need to be conducted towards the middle or end of summer when tree/ plant related subsidence problems arise. But again, mid-end of Summer 2018 was ~2-3 months *before* any damage was even claimed to have arisen, i.e. October 2018.

This again, puts into question the validity of the conclusions that can be drawn from the results of investigations put forward by 55 Albert St.

Furthermore, soil or root identification may not be the most reliable method for determining if a given tree/ plant is responsible for subsidence, (especially where there are numerous plants/ trees in the vicinity). It is considered that Level Monitoring is a more reliable method for such determination, which I cannot find in the reports, suggesting that this useful investigation has been omitted.

8) Potential for Progressive Ground Heave and Damage to Buildings if the trees (T3 & T4) are felled:

According to Building Control regulations, in normal weather conditions clay adapts to the way nearby trees use water and maintains a steady amount - with the trees drawing out what they need. If you remove a mature tree, the clay won't be able to contain the excess water and will swell - sometimes with enough force to move foundations and lift concrete ground floors, causing serious structural damage.

The risk of progressive heave following felling of trees is considered a problem particularly with London Clay soils where low permeability leads to deeper permanent drying.

Bearing in mind that the planning application to fell the trees (T3 & T4) has been proposed to protect the integrity of the extension at No 55 Albert Street, it seems entirely contradictory and reckless to it's structural integrity to cut down nearby mature trees.

Furthermore, the changes to ground conditions caused by cutting down the trees may be extensive enough to cause serious structural damage to other surrounding buildings (in addition to the extension in question), which again, seems an entirely reckless outcome.

Bearing in mind my opposition to the felling of the trees, I cannot be held responsible for any such adverse outcomes.

9) Management (Pruning Vs Felling) Additional Trees/ Plants in the vicinity of the extension at 55 Albert St:

Referring back to the Arboricultural Report, there are 6 trees/ plants of age category 1 (younger than the age of the property) near to 55 Albert St's extension, which, if not mature-vegetation, can be more likely to contribute to a variation to the groundwater equilibrium conditions.

This may especially apply to young plants SG1 and T1 which are 3 metres tall and right adjacent to the extension.

In addition, there is a Local Authority owned tree (T6), just as tall as T3 & T4, yet closer to the building (extension) in question that may soon be under threat if it is subject to the same conclusions as T3 & T4.

Furthermore, there is another Lime Tree (T5), a similar height (13.5metres) to T3 & T4, and which is also a similar distance to the extension at 55 Albert St, but where the management advice put forward in the Arboricultural Report is to manage by 'pruning'. There is no reason put forward as to why pruning is appropriate for this tree (T5) rather than felling and vice versa for trees T3 & T4.

Where it is proposed that subsidence risk related to this additional vegetation can be managed by pruning, a report Published in the Journal of Building Appraisal (2005, vol 1, No 2, pp 113-129) suggests that pruning can and is likely to make the problem of subsidence worse.

This brings into question the validity of the entire set of recommendations as put forward by the representatives of 55 Albert Street.

10) Loss of Amenity:

Loss of two mature native Lime trees in the back gardens would lead to a significant loss of enjoyment of the natural space in the garden. I have grown to very much appreciate the natural greenery that the trees bring as well as the feeling of a little bit of privacy the trees bring to the garden space.

Felling the trees would inevitably lead to a starker, less natural and less enjoyable environment in the garden. The trees as with most natural plants are eco-friendly and contribute to reduction of pollution, so every effort should be made to retain them.

In conclusion:

For good reason, Planning Consent for retention (and modification) of the extension at 55 Albert Street was refused by Camden Council, with warning of enforcement action. To this day, the presence of the extension violates policies EN1, EN22 and EN19.

All the points I raise above strongly suggest that the extension at 55 Albert St was built without prioritising good building principles, and without good regard to it's neighbours. It does not even seem to serve the property adequately - neither the main building to which the extension is attached, nor the extension in and of itself. Perhaps it was never intended to be a permanent structure? On these points alone, I hope Camden Council sees fit to attend to the ongoing problem of the extension, perhaps by revisiting the original reasons for Planning Consent refusal.

With the continued presence of the extension, it's owners now seem to amplify complications by further threatening the amenities enjoyed by it's neighbours, in calling for the felling of the Lime trees.

It would be a great shame for these ~200 year old trees to be felled just because it is claimed they contribute to problems to an extension which has been inadequately built, in the apparent absence of Building Control approvals, which has questionable legitimacy in light of refused Planning Consent and in fact, where felling the trees can potentially cause local ground to swell with water and so cause significant structural damage to nearby buildings. In addition, the timings of the reported damage, being in October, the wettest month, with improper drainage to the site, built on London Clay soil with sandy components, suggests that the improper water drainage causing collapse of soil structure may well be the real culprit.

It is for all these points above that I respectfully request you refuse permission to allow the trees to be felled.

Thank you,

Sincerely

Dr MS Ahmed
For and on behalf of Ms Alya Razak