

# Delegated Report

**Officer**

Tom Little

**Application Number(s)**

2020/0048/T

**Application Address**

15 Maresfield Gardens  
London  
NW3 5SN

**Proposal(s)**

REAR GARDEN: 1 x Beech - Fell to ground level.  
1 x Oak (T2) - Fell to ground leve

**Recommendation(s):**

Objection to works to trees in a conservation area

**Application Type:**

Notification of Intended Works to Tree(s) in a Conservation Area

## Consultations

<b>Adjoining Occupiers:</b>	No. notified	<b>36</b>	No. of responses	<b>5</b>	No. of objections	<b>5</b>
<b>Summary of consultation responses:</b>	<ol style="list-style-type: none"> <li>1. The trees have been here for many years and have not previously caused subsidence and there is no evidence of subsidence on our side.</li> <li>2. They offer privacy from neighbours.</li> <li>3. Reduce pollution and reduce traffic noise from Finchley Road and Maresfield Gardens.</li> <li>4. Felling the trees could cause heave in both buildings</li> <li>5. The trees predate mourne house and the foundation design should have taken account of the presence of the trees</li> </ol>					
<b>CAAC/Local groups* comments:</b> *Please Specify	<p>Evidence in the submitted Arboricultural report is very flimsy. It simply relies on a separate structural report to say the trees are causing structural damage and notes the building is on Shrinkable London Clay.</p> <p>The trees are in good health and the Arboriculturist report does not contest this. They are both visible from the road and contribute greatly to the Character of the Conservation Area.</p> <p>The Arboriculturist report does note that the trees predate the construction of Mourne House. Indeed they predate the house by a considerable period and would have been mature in the middle of the 20c when Mourne House was built. At the time of construction the location of the two trees should have been noted and foundations designed accordingly to accommodate any root activity.</p> <p>The cracks occur at the junction of the rear single story extension and the taller main building. This indicates that the single storey extension is on separate foundations to the main building which sits on lower foundations at basement level. There appears to be differential movement between the main and the rear extension building. There is no indication of structural damage in the main building. This indicates that there is possibly inadequate foundations for the rear single storey stair building element and detailing did not allow for movement between the two building elements. There appears to be insufficient detailing to accommodate differential movement. Underpinning and/or other structural work may be necessary.</p> <p>The Arboriculturist report states that the crack was noted in September 2019. This does not indicate the crack is recent as the building undertook a major repainting works in the Autumn of 2019 when such cracks would have become apparent. There is no evidence that a structural crack measuring device has been applied to the crack(s) to monitor the extent and character of any movement over a period of time.</p> <p>The Second "Technical" report dated 22 October 2019 by "Crawford Claims Solutions" is incomplete and inconclusive as it requires further investigations before a conclusive report can be submitted. It calls in its recommendations for trial pits and boreholes but these were carried out after the report and are not included in its final conclusions. It also suggests monitoring over a period of up to 12 months. This has not been done to support the application to fell. Therefore the Technical Report does not conclusively support the felling of the two trees.</p>					

	<p>The NNA asks why residents of 15 Maresfield Gardens should be required to fell two trees within their garden, which are of great amenity value both to them and the Community, when at the time of the design and construction of Mourne House these trees existed. The setting out of the building and the structural design should have taken account of the location of the trees and the risks of building so close to the boundary should have been recognised and addressed.</p> <p>The Insurers are seeking to adopt the cheapest solution by felling neighbouring trees rather than undertaking remedial foundation and structural work to address the issue of differential movement within the building.</p> <p>The NNA ask that the felling of the two trees be refused and a TPO be put on both.</p>
--	---

## Assessment

The trees are both visible from the street down the side of the property. They are considered to provide visual amenity to a public place and to make a positive contribution to the character of the conservation area. They are mature trees that appear to be in good health and provide habitat for wildlife as well as contributing to the urban tree canopy and providing mitigation against the effects of climate change.

The application alleges that the trees are contributing a contributory factor in clay shrinkage subsidence in an adjacent building. However, the evidence submitted is not considered to be sufficient to demonstrate that the trees are involved. The soil analysis submitted seems to be somewhat ambiguous regarding the level of desiccation, which may be due to the trial pit/bore holes being carried out in November. The root analysis identified roots from the oak but not the beech. No evidence from crack/level monitoring demonstrating seasonal movement associated with the water uptake from vegetation has been submitted at this time.

It is recommended that a tree preservation order is served to protect the visual amenity the trees provide and preserve the character of the conservation area.