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Holm Oak

49 Willow Rd. Hampstead. NW3 1TS. July 2020

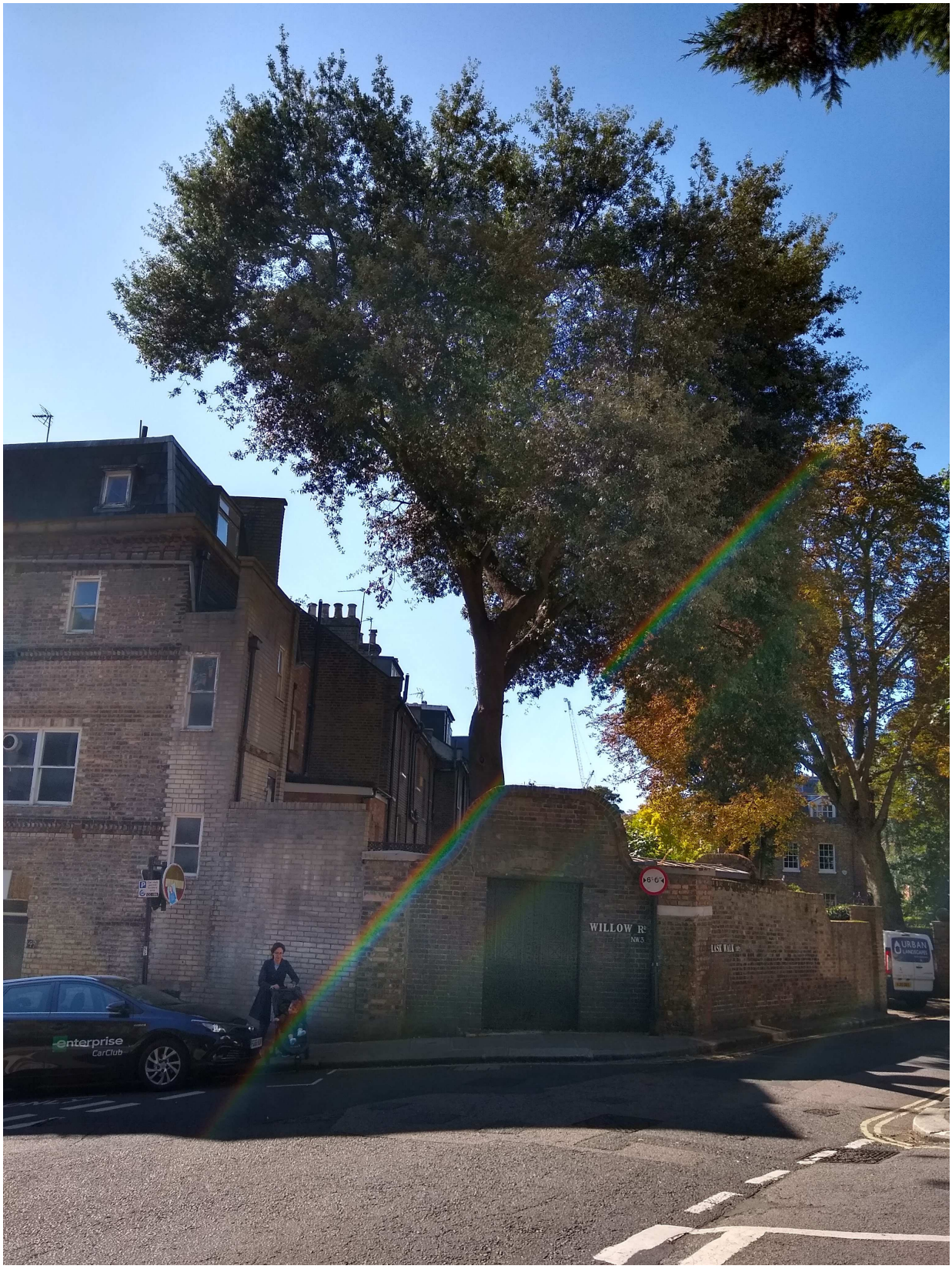
In the absence of adopted local supplementary planning guidance specific to trees British Standard 5837 2012
"Trees in relation to Design, Demolition and Construction – Recommendations" **(BS)** is used as the criterion for tree submissions to the Local Planning Authority **(LPA),** the London Borough of Camden.

Number 49 was visited to inspect a Holm Oak (Quercus ilex) growing in the yard of the adjacent Gardnor House. (Flask Walk NW3 1HA).

The tree is confined by built structures.
The stem diameter of the tree is circa 900mm.
The vast majority of its normative root protection area (as described in the BS) is paved or built over. However there is an area of permeable ground at the base of the tree.

The most recent substantial new building adjacent to the tree is the Gardnor House garage (planning reference P9601034).

The LPA would have taken consideration to table 1 of the then current 1991 BS5837. The application plans indicate that the Holm Oak was a substantial tree at the time of building the garage.



The owner of the tree has had the Holm Oak reduced and reshaped.
The LPA was informed by section 211 notice reference 2019/1636/T.

The current BS5837 (2012) requires arboriculturalists to investigate where roots are. Appendix A of the BS - paragraph 2.2. describes the typical form of roots.

Holm Oak is a Mediterranean species which is now naturalised in Great Britain.
The species has tough leathery leaves which are exchanged in early summer.
The tree has evolved to grow in hot dry conditions and has a mechanism to close down activity during drought.
Holm Oak is a low water demander.

The party wall between number 49 and Gardnor House was built in the 18th century. Inspection pits have confirmed that it is founded at depth on brick corbels.

A tree owner cannot have an easement for roots across a boundary wall.

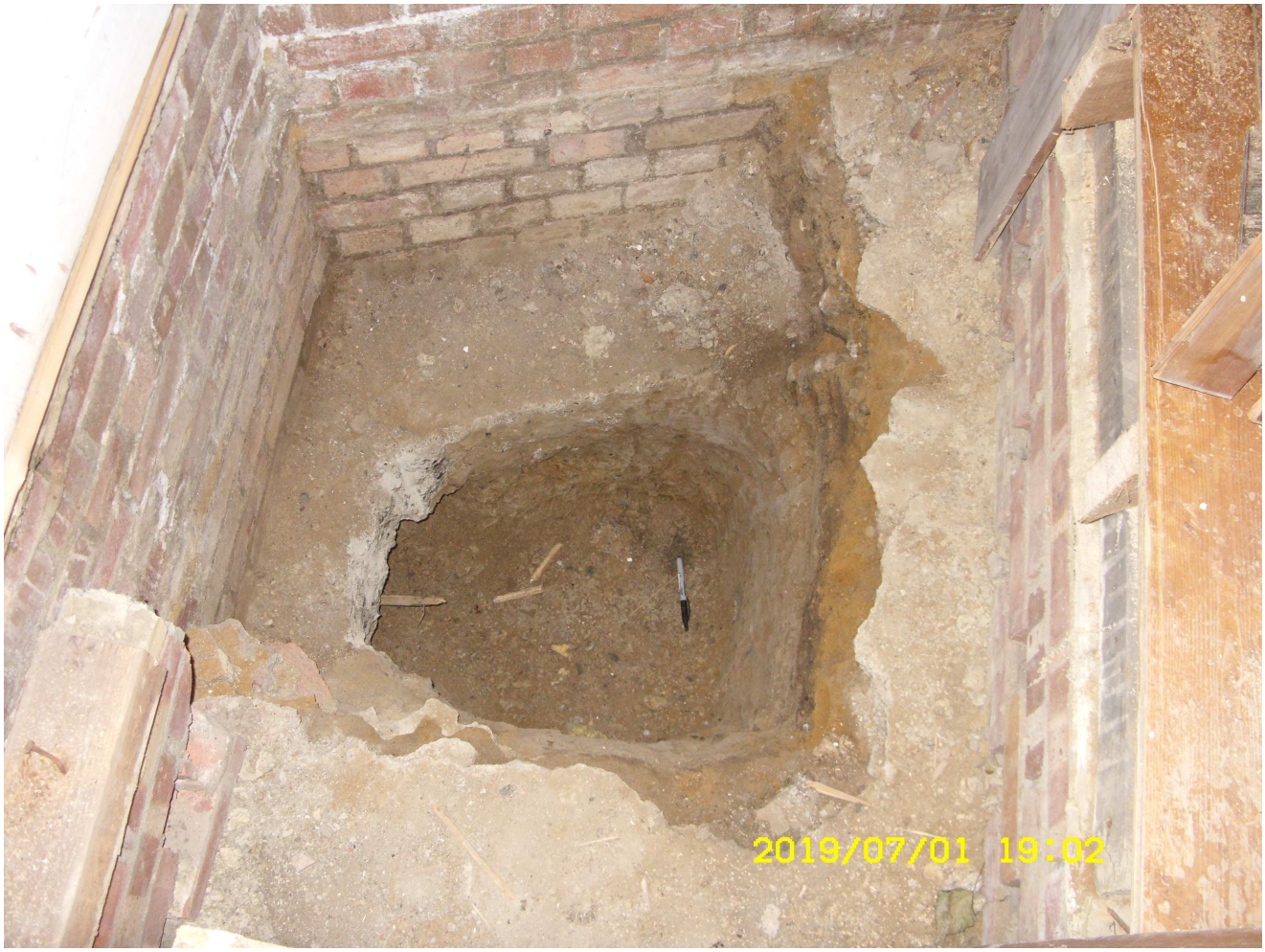
A house owner has common law rights to prune back roots to his boundary.
He does have a duty of care to his neighbour.

The Holm Oak is subject to planning controls by virtue of the conservation area and this does include all parts of the tree including roots.

Roots can be severed as an exception in the Tree Preservation Order regulations if an owner can demonstrate that they are causing an actionable nuisance – that is if they are causing actual or foreseeable damage.

Site investigations have revealed that Holm Oak roots have not breached the fabric of the party wall and consequently have not caused an actionable nuisance.

Site surveys place the foundations of the party wall at 1740 mm below the ground level of the Holm Oak.



The above photograph shows more recent building at number 49 adjacent to the party wall (on the left).
The sub base adjacent to the foundations has all of the characteristics of a heavy clay.
The sub base is amorphous and is not a good material for Holm Oak roots.
The sub base is not waterlogged.
The sub base is not showing signs of shrinkage.

There is no evidence of the sub base being disturbed by human activity with the exception of the original foundation trench which must have been dug by hand all of those years ago.

Inspection pits have revealed that there are no Holm Oak roots within the sub base.

The conclusion is that the party wall is a continuous barrier to roots.

The land at whatever depth beneath the curtilage of number 49 is not essential to the normal functioning of the tree.

The tree is giving all indicators that it has not been affected by the building of the adjacent garage – had it been it would have been long gone.

It is most unlikely that the Holm Oak predates the party wall.

It is not known why this tree would have been planted here historically even for its acorns or timber.

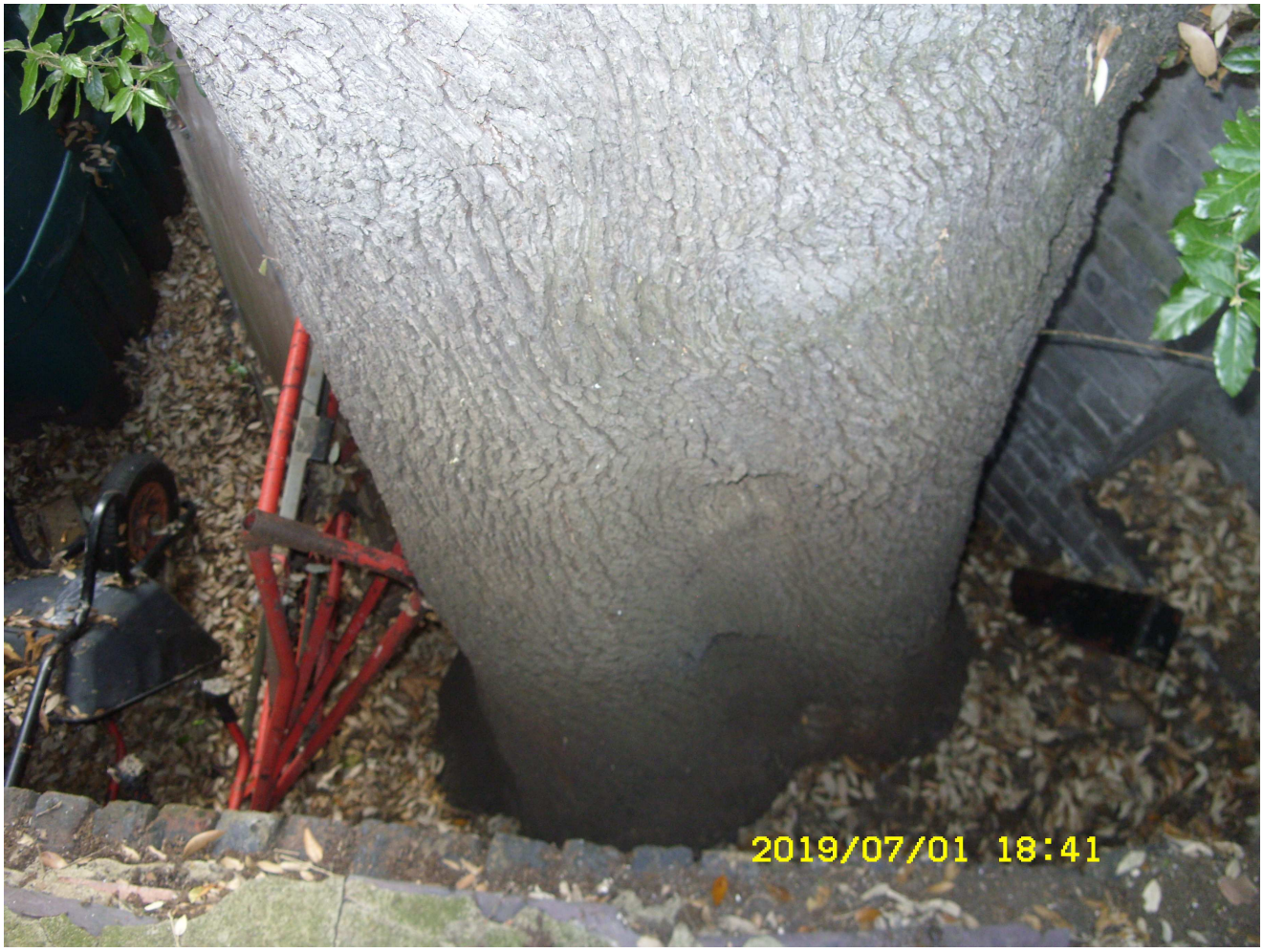
It has never been coppiced and would not even have had a screening purpose over and above the high party wall.

It is unlikely that a tree such as this would have been planted in front of the feature garden gate to Willow Road.

It is suggested that this Holm Oak is in this position as a naturally regenerated tree that has been allowed to develop in the distal part of a garden.

The young tree most likely survived due to a tap root in a crevice or altered material directly below it.

Tim Price. M.arbor.A



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