

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/1004/T	Jonathan Cowley	29/03/2021 11:59:57	OBJ	<p>7 Gayton Road, Hampstead, NW3 1TX ("the Property") 31 Spencer Walk, Hampstead, NW3 1SU ("the Neighbouring Property") (together, "the Properties")</p> <p>We act for Ms Michele Najmann, the owner of the Property and have been instructed in relation to this application notice dated 5 March 2021 ("the Application Notice"). The Application Notice refers to an intention to carry out works to a tree at the Property.</p> <p>Our client has discussed the proposed works at length with the owner of the Neighbouring Property. They are aware our client is keen to resolve any issues subject to various factors being agreed or taken into consideration, details of which are set out below.</p> <p>Covid-19</p> <p>Firstly, our client [REDACTED] [REDACTED] [REDACTED] This is relevant as access to the Property's garden is through the Property, rather than an external gate.</p> <p>As a result of the above any work to the tree will need to be carried out via the garden of the Neighbouring Property or alternatively through the public access path nearby. We understand this will not impact on the practicality of any works and understand it will not be an issue. Our client is willing to assist in any way although she does request consideration of the above be taken into account when contractors attend to carry out works.</p> <p>The Tree</p> <p>Our client objects to the removal of the tree and echoes the comments of Patricia Scott and both Alan Gregg and Angela Clist, who have likewise provided comments and noted their objection to the Application Notice. Our client likewise agrees with the comments made by the Hampstead Neighbourhood Forum who have objected to the removal of tree. Clearly, the tree is enjoyed by many residents of the neighbourhood.</p> <p>The tree is of substantial age and fits the aesthetic of the area surrounding the Properties. The tree similarly provides privacy – as part of an unbroken green canopy with nearby trees – to our client from surrounding properties without impacting on the amenity of the area. Our client would prefer the canopy to remain in its current form and notes the objection made by Hampstead Neighbourhood Forum refers to the garden of the Property being part of Biodiversity Corridor A in the Hampstead Neighbourhood Plan. Our client believes removal of the tree would go against the policies set out in the objection and Camden County Council should consider this when making its decision.</p> <p>Our client therefore does not agree with its removal and believes pruning can resolve any issues which it may be causing (although, as set out below, it is denied any such issues are being caused by the tree and we put the applicant to proof of the same). Similarly, the tree is not infected or dangerous and does not pose a risk to</p>

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the surrounding trees. Accordingly, the initial position should be for the tree to be pruned rather than removed. Removal of the tree should only be permitted in the event no further action is suitable.

Our client is also concerned removal of the tree will damage surrounding areas and may cause issues to the land it sits on. Our client understands that removing the tree may cause the roots to shrink back which could cause subsidence issues throughout the neighbourhood. As set out below, the applicants have failed to carry out a survey to map the roots and therefore our client is concerned the roots could span a vast area, which, in turn, could cause further damage to the wall and nearby houses.

In addition to the potential subsidence issues (which have not been properly dealt with by the applicants) there is a further risk the roots will in turn disturb the rat burrows. This may cause an infestation and our client is therefore of the view the tree should not be removed.

The Application Notice

Notwithstanding the above, we have reviewed the Application Notice and note the applicant has failed to properly set out their claim that the tree has caused damage to the Neighbouring Property. In addition, they have failed to provide sufficient cause to show removal of the tree as the only option to prevent any damage being caused.

In the absence of such evidence we do not believe the works should be carried out and invite Camden County Council to make a Tree Preservation Order on the basis its preservation is desirable in the interests of amenity. As set out above, the tree is of substantial age and fits the aesthetic of the area. Its removal would have a significant impact on the environment and enjoyment by the public (in addition to the residents) as the tree is visible from a public access path.

In addition, as there is a clear risk of the tree being cut down (or pruned in a way which would significantly impact its beauty) we believe a Tree Preservation Order should be granted without delay to protect the tree and the nearby environment.

Our client is concerned the Application Notice (and, accordingly, any resulting works) are being rushed owing to the applicants' intention to carry out works to the Neighbouring Property's garden. Removal of the tree roots (or, the shrinking back of the same) is likely to cause further damage to surrounding areas in particular the wall which runs alongside the back of the Properties. We note the applicants have not confirmed a survey has been carried out to map the roots of the tree and highlights any areas of concern. Likewise, the applicants do not appear to have raised the risk of any subsidence damage in relation to the wall (which is lengthy and not limited to the Properties) or nearby houses. In the absence of this, Camden County Council should not permit the removal of the same.

Next Steps

As set out above, we invite Camden County Council to make a Tree Preservation Order on the basis the preservation of the tree is desirable in the interests of amenity and the applicants have failed to set out why the tree should be removed. In the absence of the necessary evidence this cannot be permitted. We have separately written to the applicant and invited them to withdraw the Application Notice and to make a new

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application for the pruning of the tree only.

Our client has confirmed they are willing to agree to the pruning on the tree provided any contractors attend via the Neighbouring Property and the public access path to ensure the proper safety measures in terms of covid-19 are complied with. Likewise, our client requires the proper safety measures in terms of the tree works themselves are complied with. To date no such confirmations have been forthcoming.

In the future, however, our client is willing to agree to maintaining the tree going forward.

Please note the contact details set out below.

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