



Appeal Decision

Hearing held on 14 January 2014

Site visit made on 14 January 2014

by Lesley Coffey BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 February 2014

Appeal Ref: APP/TPO/X5210/3384

111A Camden Street, London NW1 0HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
 - The appeal is made by Mrs Ruth Jones against the decision of the Council of the London Borough of Camden.
 - The application Ref: 2013/3052/T, dated 14 May 2013, was refused by notice dated 10 July 2013.
 - The work proposed is staged removal of London Plane Tree and replacement Prunus Kanzan.
 - The relevant Tree Preservation Order (TPO) is C1016, which was confirmed on 10 October 2013.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issue to be whether the risk posed by the tree to the listed building justifies its removal, having regard to its contribution to public amenity and the setting of the listed building.

Reasons

3. The appeal tree is a mature London Plane tree and would appear to be in excess of 100 years old. It seems to be in good health with no obvious defects. It is situated adjacent to the rear boundary of the appeal property and about 11 metres from the property.
4. The appeal property occupies the lower and upper ground floors of 111 Camden Street. It forms part of a terrace of Grade II listed buildings built in about 1791. The adjacent terraced dwellings in Greenland Road are also Grade II listed buildings.
5. The tree is visible over the top of the roofs of the dwellings at 107 -117 Camden Road and in public views from the north-eastern part of Camden Street. It is particularly prominent in views from either end of the terrace where it can be seen through the gap between the rear gardens of the properties at 107-117 and the flank elevations of the dwellings at Greenland Road and Carol Street.

6. There are number of other mature trees within the locality, including those within a small park, a short distance to the east of the appeal site. Whilst in some longer distance views the appeal tree is seen together with the trees in the park, from most public viewpoints its contribution to public amenity is as an individual tree. There is considerable public support for the retention of the tree which provides a verdant focal point for surrounding residents.
7. London Plane trees are a typical feature of the London streetscape and although the appeal tree may be more recent than the surrounding dwellings, it is nevertheless of a considerable age. It makes a positive contribution to both the setting of the listed terrace and the character and amenity of the locality. I consider that even if the tree were to be crown reduced it would continue to make a significant contribution to the character of the area and setting of the listed building.
8. The tree is considered by the appellant to be a contributory factor in damage to the boiler room at the rear of the property. The boiler room takes the form of a small closet wing. Although it is of a considerable age, similar additions were not evident elsewhere within the terrace, and it would seem that it is an addition to the original building.
9. The cracks were first noticed by the appellant in about August 2011. They takes the form of internal and external cracks between the closet wing and the main building, and the walls and ceiling of the closet wing. At the time of my visit, following a sustained period of heavy rainfall, the cracks were slight, however, photographs submitted by the appellant confirm that the cracks were considerably wider in September 2012.
10. The freehold of the property is owned by Camden Council. The Housing Department advise that a similar pattern of cracking occurred in about 2003/4. The appeal tree was severely reduced in 2005 in order to address the problem. Following further investigations, a report from the Council's Bridges and Structure Team concluded that the tree was the probable cause of the damage. It recommended that either the tree should be removed, or that the boiler room should be underpinned.
11. These investigations comprised crack monitoring, ground investigations and a CCTV survey of the drains. The crack monitoring took place between May 2006 and February 2007. It shows that the external cracks reduced in width over the entire monitoring period, including the summer months. The internal crack increased in width between June 2006 and September 2006 and reduced over the remainder of the monitoring period. The results of this monitoring does not indicate is a clear seasonal pattern of movement.
12. The ground investigations comprised a single borehole and trial pit adjacent to the closet wing. Due to the lightwell/sunken garden around the lower ground floor, the foundations to the closet wing are at a much lower level than the garden, and comprise brickwork on clinker and brick rubble resting on clay sub-soil.
13. Evidence of tree roots were found in the single trial pit and bore hole. Roots were found at depths of between 1750mm and 2800mm below the level of the garden. Those at 1750mm were identified as roots from a plane tree and were found to have moderate starch content. The underlying soil would appear to be silty clay and soil analysis indicates that the soil is desiccated. However,

there is no evidence to suggest that the level of desiccation in the vicinity of the closet wing is greater than elsewhere within the site or the overall terrace. Much of the rear garden is paved, including the area close to the trunk of the tree and it is unclear whether the extent of this hard surfacing contributes to the observed soil desiccation.

14. The CCTV drainage report from the same period found that the drainage run from MH1 towards the neighbouring property at 113 had some displaced joints. It recommended further investigation to ascertain whether this run, which is situated in close proximity to the closet wing, was watertight. Although the appellant had no knowledge as to whether these tests were completed, the owner of 113 states that a collapsed drain at that property has recently been replaced. It may therefore be that leakage from this drain run was a contributory factor to the damage to the property.
15. The tests on which the appellant relies were carried out in 2006. Some of the submitted information, such as the soil type will remain unchanged. However, other vegetation, including 3 eucalyptus trees and a buddleia, has been removed in the intervening period and that the drain run between the appeal property and 113 has recently been repaired. Taking account of these matters and the evidence in relation to crack monitoring, I consider that at present there is insufficient evidence to determine the cause of the damage with a reasonable degree of certainty.
16. The Council's report dated April 2007 states that if the tree were to be removed, the repairs to the dwelling would cost about £6,500 (including the cost of tree removal). However, with the tree remaining in situ, it is considered that underpinning would be necessary to prevent recurrence of the damage. The estimated cost of underpinning would be about £17,000. It is probable that all of these costs have increased considerably since 2007, and therefore the weight to be attached to them is limited.
17. There remains the possibility, as acknowledged by the Council's report, that removal of the tree would not resolve the problem, and that underpinning, or other works, would be required in any event.
18. The damage to the listed building would appear to be confined to the closet wing, and the junction between the closet wing and the main building. No evidence has been submitted to indicate that there has been any significant damage to the main building. There is insufficient evidence to determine the cause of the damage with a reasonable degree of certainty. Furthermore, the removal of the tree may not resolve the problem and that other work may still be necessary. In these circumstances, the risk to the listed building from the appeal tree does not justify the removal of the tree.
19. Therefore having regard to the positive contribution the tree makes to the setting of the listed terrace and the locality as a whole I consider that the risk posed by the tree to the listed building is significantly outweighed by the amenity value of the tree.

Other Matters

20. The appellant states that due to the size and position of the tree, the rear garden remains in shade most of the time and it is difficult to grow plants. Whilst the level of shade within the garden may limit the manner in which the

- garden could be developed, nevertheless it is likely that some shade tolerant plants would grow within the garden.
21. The appeal property has a London roof and leaves from the tree frequently block the roof valley. This requires regular cleaning to prevent the gutters overflowing and problems due to damp. Whilst the clearance of these leaves is a matter of routine maintenance, at times the appellant finds it difficult to obtain access the roof to clear these leaves. I appreciate that this may cause difficulties for the appellant, nevertheless, it is a private matter between the appellant and the Council and does not justify felling the tree. Mrs Jones and her daughter both suffer from asthma and this is apparently exacerbated by the tree. However, there is no evidence to indicate that the tree is a significant threat to their health.
22. The tree does not appear to have been reduced to any significant extent since 2005. I consider that there is scope for such works, which would alleviate the above problems to some extent, whilst maintaining an acceptable level of public amenity.
23. I am mindful that the ongoing situation is distressing for Mr and Mrs Jones, owners, but in view of the considerable contribution of the tree to local amenity and the setting of the listed terrace, I consider that, there is insufficient evidence to justify its removal. Accordingly, having considered all other matters raised, I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ruth Jones	Appellant
Wynne Jones	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Tom Little	Tree and Landscape Officer
Antonia Powell	Conservation Officer

INTERESTED PERSONS:

Lazzaro Pietragnoli	Ward Councillor
Gillian Hammerton	Local resident

