



COMMITTEE REPORT

LOCATION: Boundary 9 And 11 Sutcliffe Close With 41 And 43 Middleway
London NW11 6NT

REFERENCE: TPF/0575/18
WARD: GS
CONSERVATION AREA Hampstead Garden Suburb

Received: 16 August 2018
Expiry: 6 December 2018

APPLICANT: Shelley Field

PROPOSAL: 1 x Oak (applicant's ref. T3) – Remove. Standing in group G5 of Tree Preservation Order

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Oak (applicant's ref T3), standing in group G5 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS including replacement planting

Consultations

Consultation was undertaken in accordance with adopted procedures which exceed statutory requirements:

Date of Site Notice: 25th October 2018

Consultees:

Consulted: 39, 41, 43 Middleway; 9, 13 Sutcliffe Close

Replies: 5 5 objections 0 support

The grounds of objection can be summarised as:

- I strongly object to the proposal to fell this important and lovely tree
- This beautiful tree can clearly be seen not only from Sutcliffe Close itself but from several surrounding roads
- Although very prominent in Sutcliffe Close itself, the tree is also glimpsed between houses from a wide area along the surrounding roads of Litchfield Way, Middleway and Northway
- It seems to me to be in excellent condition

- I understand it has been designated a 'significant tree' by the Hampstead Garden Suburb Trust with a 'healthy crown'
- The Trust's tree survey also comments that it is a 'very large tree filling gaps behind gardens'
- The creation of leafy views such as those afforded by this commanding tree were a central part of the design of Hampstead Garden Suburb and the preservation of this leafy street scene is of utmost importance
- It is also a 'significant' tree in terms of the design of the Suburb
- Such trees, both individually and collectively, are essential to maintaining the overall green and leafy character of the Suburb, and their gradual removal, one by one, over time can only result in a slow but steady and inevitable deterioration of that character
- Mature trees are a key element of the character of the Suburb, an internationally renowned example of early town planning
- It will also result in a loss of wildlife habitat and an increase in overall pollution levels
- The removal of such trees will have considerable long term effects on the Suburb and its character, and they should only be removed if there is absolutely no alternative, which is not the case here
- Their replacement with saplings does not compensate
- I walk round this part of the Suburb several times a week and would find the loss of this tree irreparable
- If I recall properly this tree used to be on public land, a public square in the twittens of HGS. The house owner sec gated off the square with HGST permission [sic]
- This seems to be a case of insurers seeking to be paid twice for the same risk, once by way of the higher premiums charged because of subsidence risk in the area, and again by recovering the cost of underpinning from a third party.
- The applicant refers to underpinning, but alternatives, such as pruning and a root barrier, have been discounted, in the case of pruning because of 'the proximity of the responsible vegetation', which I do not understand, and in the case of a root barrier, due to 'lack of access for the necessary machinery to the rear' although I understand this issue can in fact be dealt with.
- I do not accept the reasons for discounting [pruning or a root barrier] in the supporting papers
- I find it hard to believe that there would be no further damage to the property from heave should the tree be removed
- The possibility of heave related damage if the tree is removed is simply discounted, although this is also hard to understand
- The risk of heave if the tree is removed has not been addressed

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Oak

C09066G/00/TRE – 1 x Oak – Reduce density by 15%. Standing in group G5 of Tree Preservation Order

- Conditional approval 22nd December 2000

TPP/07098/14 – 1 x Oak – Crown thin by 20% as specified. Standing in group G5 of Tree Preservation Order

- Conditional approval 7th January 2015

Building works

C11315 – Single storey rear extension, new loggia and garage door to side elevation of garage – 9 Sutcliffe Close

- Conditional approval 20th April 1993

PLANNING APPRAISAL

1. Introduction

Originally registered as standing at 11 Sutcliffe Close, as stated on the application form, the site address has been amended following site inspection to more accurately reflect the Oak's location.

An application form proposing felling of the Oak at "11 Sutcliffe Close" in connection with alleged property damage was submitted via the Planning Portal in August 2018.

Initially incomplete, the application was validated on 11th October 2018 following receipt of clarification and additional information.

2. Appraisal

Tree and Amenity Value

The Oak subject of this application stands in the corner of the rear garden(s) - appearing to straddle the rear boundaries of 9 and 11 Sutcliffe Close and 41 and 43 Middleway.

The mature Oak is approximately 16 metres in height. It has a well-shaped crown that has been thinned, lifted and tipped back in the past. As noted above, it has most recently been thinned following conditional approval in January 2015. The Oak appears to be in reasonable condition with no major faults apparent.

As observed by objectors, the Oak is very clearly visible from Sutcliffe Close (most clearly through the gap above the single storey garages); there are also glimpsed views from Litchfield Way, Middleway, and from the twitten linking Sutcliffe Close and Middleway.

The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- "Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb".
- "Wherever possible, in laying out the design for "the Garden Suburb" particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that "Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers".
- "Unwin's expressed intention, which he achieved, was: 'to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.'"
- "Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:
 - Creating a rural or semi-rural atmosphere

- Informing the layout of roads and houses with mature field boundary trees
- Providing links with pre-development landscape and remaining woodland
- Creating glades, providing screening and shade, and marking boundaries
- Framing views, forming focal points, defining spaces and providing a sense of scale
- Providing a productive, seasonal interest and creating wildlife habitats

Sutcliffe Close stands in the 'Northway, Middleway and Southway - Area 8' of the Hampstead Garden Suburb Conservation Area Character Appraisal Statement. The Statement notes that the homes in Area 8 "were mostly designed for middle class owner residents, with garage provision" and that there "is a mixture of detached and semi-detached houses, with generous plot sizes throughout". In describing the overall character of Area 8 it comments "This is a quiet, attractive residential area. The fan shaped layout is well designed, utilising the sloping terrain to produce impressive views of the Central Square architecture at the top of Northway, Middleway and Southway roads (...) The closes fill the spaces between the principal roads providing more intimate environments. There is a green ambience, with abundant street trees, views of Big Wood behind the Northway houses, widespread hedging and some grass verges. Apart from the lower section of Kingsley way and Northway, roads are quiet and the closes have a particularly intimate character." Included amongst the Principal positive features are "Closes provide peaceful, intimate spaces"; and "widespread use of twittens provides quick pedestrian access routes between the closes and main roads". In terms of 'Landscape and trees', the Statement observes "a few old trees which pre-date housing development remain on streets on in gardens". The architecture of Sutcliffe Close is described as "Architect J.W. Binge designed the symmetrical Sutcliffe Close in 1926. Each side of the road is made up of a symmetrical group of three, flanked either side by an asymmetrical semi-detached pair. All houses have small set-back garages. At the end of the road sits a group of four, which is again symmetrical. The groups of three and four have internal twitten access passageways to their back gardens."

9 Sutcliffe Close, the property at which the Oak is allegedly implicated in damage, is at the south-west end of a group of three houses; the neighbouring 11 Sutcliffe Close is one of the flanking asymmetrical semi-detached pair. There is a gated access path between the two houses / garages provided access to the rear gardens of 9 and 11 Sutcliffe Close. The twitten linking the Close to the main road runs along the flank boundary of the other side of the semi-detached pair (beside 13). There is nothing evident in the historic Ordnance Survey maps to support the objector's contention that the Oak "used to be on public land, a public square in the twittens of HGS. The house owner sec gated off the square with HGST permission"

The Oak is considered to be of importance to the character and appearance of the Hampstead Garden Suburb Conservation Area – it is a clearly visible mature tree from the intimate Close; the tree contributes significantly to the green ambience; helping to provide screening and mark boundaries; provides seasonal interest and wildlife habitat; it contributes fundamentally to the rural / semi-rural atmosphere and peaceful intimate setting of the houses and the 'Garden Suburb' aesthetic.

The application

The application submitted by MWA Arboriculture Ltd as agent for 'Shelley Field, Cartwright House' (seemingly Crawford and Company Claims Management Chartered Loss Adjusters) was registered on 11th October 2018. The reason(s) for the proposed removal of the Oak (applicant's reference T3) cited on the application form is:

"Reason: The above tree is considered to be responsible for root induced clay shrinkage subsidence damage to the rear of the subject property.

Investigations in to the damage have been conducted and the following information/evidence obtained:

- 1. Engineering opinion is that damage is due to clay shrinkage subsidence.*
- 2. Foundations are bearing on to clay.*
- 3. The clay subsoil has a high volume change potential (NHBC Guidelines).*
- 4. A comparison between moisture content and the plastic and liquid limits suggests desiccation in TH/BH1 (March 2017) to the rear of the property.*
- 5. Soil suctions (March 2017) indicate severe desiccation in BH1 (BRE Digest 412) located to the rear the house. Suction values of this amplitude only arise from an external force i.e. soil drying by significant vegetation.*
- 6. Live oak roots have been recovered from below foundation depth in TP/BH1.*
- 7. The observed desiccation is coincident with recorded root activity.*
- 8. Desiccation is at depths beyond ambient soil drying effects and entirely consistent with the soil drying effects of significant vegetation, and in particular the subject oak tree.*
- 9. Level monitoring for the period 04/03/2017 to 07/08/2018 has recorded a pattern of movement indicative of the soil drying effects of the subject oak on soil moisture and volumes to the rear of the property. The uplift phase of the building can only be attributable to an expanding clay soil from a desiccated state due to the soil drying effects of the trees.*
- 10. Drains can be discounted as a causal factor given the recorded desiccation and by reference to the level monitoring data.*
- 11. No tree works have been carried out during the period of the claim or in the recent past.*
- 12. A root barrier has been considered and discounted due to lack of access for the necessary machinery to the rear.*
- 13. There has been no recent building works and the property has not been underpinned.*
- 14. Property repairs shall proceed following the felling of the Oak tree, where consent is granted, at a cost of circa £3k. Should consent not be granted partial underpinning to the property will be required to arrest the movement with costs rising to over £30k.*

Established evidential and legal tests pertinent to subsidence damage claims have been met and the evidence confirms that on the balance of probabilities the cause of the movement and associated damage is the indirect influence of the subject oak tree."

Including the additional information submitted subsequently, the supporting documentation comprised:

- MWA Arboricultural Appraisal Report dated 26th October 2017
- CET Site Investigation Factual Report dated 6th March 2017 (including Drain investigation, Root identification, Trial Pit / Borehole and Soil testing)
- Crawford Preliminary Report dated 18th January 2017
- Crawford Addendum Technical Report dated 7th August 2018
- level monitoring 8/3/17 – 9/8/18 (9 readings at approx. 2 monthly intervals)
- MWA letter of clarification dated 10th October 2018

The tree location cited on the application form is 11 Sutcliffe Close and in the absence of another site being identified, as quoted above, this form suggests that the "damage is to the rear of the subject property". However, it is apparent from the supporting documentary

evidence that the damage is to the garage at the rear of the neighbouring property – 9 Sutcliffe Close.

The damage appears to have first been noted in 2016 (MWA clarifying that the resident first became aware of minor cracking in spring / summer, but the damage had become more significant by December and was reported to insurer). It is described in the Crawford Preliminary Report as being to the garage:

Internal – 13mm vertical tapering crack to left hand flank rear section continues into and across floor slab, various other cracks noted to floor slab

External – 6mm vertical tapering crack to left hand flank

The MWA Report states “*At the time of the engineers’ inspection (16/01/2017) the structural significance of the damage was found to fall within Category 3 (Moderate) of Table 1 of BRE Digest 251.*”

My own observations on site were that the most severe crack was where the garage adjoined the small rear infill extension (approx. 1m x 1m) which currently houses the boiler. This crack aligns with the garage junction with the extension on the furthest side from the house and there appeared to be a lack of ties between the garage and extension walls. The crack extends horizontally across the garage floor. It is understood that this extension occupies the position of the original coalhouse. There is also some minor cracking around the garage door into the rear garden and to the rendering at the rear of the garage.

The floor level in the garage is lower than the floor level of the main house, the infill extension, and the paved area outside – with small steps up to each.

As with neighbouring properties, the garden of 9 Sutcliffe Close is sloping – with the house being at a lower level than the rear garden (and the Oak). There is a level paved area at the back of the house and garage (linked to the side access path); the lawned area with planting beds is about a metre higher behind a retaining wall with steps; the Oak is in the far corner of the rear garden. There are a number of shrubs and small trees (including fruit trees) in the rear garden, with larger trees in the rear garden of 11 Sutcliffe Close.

The MWA Report notes “The drains have been surveyed and cracks and fractures were identified in both the rain water system and the foul drain system.” - the Crawford Addendum Technical Report suggesting “*Although the drainage runs are located within the area of damage, the trial pit/ borehole investigations did not reveal any suggestion that potential leakage is adversely affecting the property as no water rise was recorded and the clay is absorbent of water. As such, an escape of water has been dismissed as a possible cause.*” (MWA declined to clarify whether or not the drains had been repaired, quoting only the latter statement.)

The MWA Report comments that “*Live roots were observed to a depth of 1.3m bgl in TP/BH1 and recovered samples have been positively identified (using anatomical analysis) as Quercus spp. and Pomoideae gp. The origin of the Quercus spp. roots recovered from TP/BH1 will be T3 Oak, confirming the influence of this tree on the soils below the foundations. No nearby notable Pomoideae gp. trees were visible.*” There were a number of small trees / shrubs in the rear garden including Apple – the likely source of Pomoideae roots.

The root analysis also identified Acer roots in borehole 2 (the control bore in the front garden) – although removed by the time of my site visit, an Acer is shown on the May 2012 Google Streetview image standing on the flank boundary between the drives of 9 and 11 Sutcliffe Close.

The level monitoring shows some modest movement of most points – however the exception being points 5 and 6, the two rear corners of the garage – which show marked downward movement between 19th June 2018 and 7th August 2018. The Crawford Addendum Technical Report (dated 7th August 2018) notes *“The movement which is focused at level stations 5 and 6 points is pronounced nearest the Oak tree and is not uniform around the property so ‘nominal clay shrinkage’ can be discounted as a cause; the Oak tree is seen to be the source of the ongoing movement to the front right corner of the property.”* – it is unclear why they refer to the front right corner of the property. The level monitoring notes that a new stud was fitted on 7th August 2018 as ‘Point 8 snapped on arrival’ – however MWA confirmed that no other pins were affected. MWA also clarified “No additional [monitoring] data available but further readings anticipated in Oct / Nov 2018 – however, on 18th December 2018, an e-mail was received stating “Double checked with the client and there is no further monitoring available.”

The Crawford Addendum Technical Report indicates the following repair costs: *“Property repairs shall proceed following the felling of the Oak tree at a cost of circa £3k. Should consent not be granted partial underpinning to the property will be required to arrest the movement, should the Oak tree remain, with costs rising over £30k.”*

The MWA Report states *“Consideration has been given to pruning as a means of mitigating the vegetative influence, however in this case, this is not considered to offer a viable long term solution due to the proximity of the responsible vegetation. Replacement planting may however be considered subject to species choice and planting location.”* It may be noted that the Oak is in excess of 12 metres from the rear of the garage. The application form comments *“A root barrier has been considered and discounted due to lack of access for the necessary machinery to the rear.”* – there is, however, no clarification as to why the side access could not be utilised.

There is a self-reinforcing circularity of conclusion between the MWA and Crawford Technical Reports:

- The Crawford Preliminary Report dated 18th January 2017, based on an instruction received on 12th December 2016, seems to have assumed causation of the damage in the absence of any investigations: *“The pattern and nature of the cracks is indicative of an episode of subsidence. The cause of movement appears to be clay shrinkage. The timing of the event, the presence of shrinkable clay beneath the foundations and the proximity of vegetation where there is damage indicates the shrinkage to be root induced.”* The ‘Recommendations’ are: *“Although the cause of the movement needs to be dealt with, we note the vegetation is subject to a Preservation Order. Unfortunately, current legislation requires certain investigations to be carried out to support an application for the tree works. Typically, these investigations would involve trial pit(s) to determine the depth and type of footings, boreholes to determine the nature of the subsoil/influence of any roots and monitoring to establish the rate and pattern of movement. The monitoring data provided must be sufficient to show a pattern of movement consistent with the influence of the vegetation and therefore it may be necessary to carry out the monitoring for up to a 12 month period. It will also be necessary to obtain a*

specialist Arboricultural Report. We will report further once these investigations have been completed."

- The MWA Report dated 26th October 2017 in the absence of any monitoring data is written on the basis that *"Opinion and recommendations are made on the understanding that Crawford & Company are satisfied that the current building movement and the associated damage is the result of clay shrinkage subsidence and that other possible causal factors have been discounted."*; and observes *"Based on the technical reports currently available, engineering opinion and our own site assessment we conclude the damage is consistent with shrinkage of the clay subsoil related to moisture abstraction by vegetation. Having considered the available information, it is our opinion that T1 Oak is the principal cause of the current subsidence damage. If an arboricultural solution is to be implemented to mitigate the current damage and allow the soils beneath the property to recover to a position such that an effective repair solution can be implemented we recommend that T1 Oak is removed."* (the reference to 'T1 Oak' is unclear).
- However, the Crawford Addendum Technical Report dated 7th August 2018 notes *"We appointed MWA (Arboricultural Consultants) to provide their recommendations in relation to necessary tree management works to be undertaken in order to return long stability to the property. It is in their opinion that T3 Oak is judged to be exerting the principal vegetative influence in respect of the current damage and is, by virtue of its size and proximity, will be having a significant influence on soil volumes below the insured property."*

It does appear that both MWA and Crawfords have presumed that property damage is the result of clay shrinkage subsidence, and relied on each other's assumption, even in the absence of initial investigation or open-minded assessment of other possible causation or contributory factors. It is also unhelpful that more detailed investigation has not followed up potentially anomalous results.

Our Structural Engineer has assessed the information and notes the following:

- *The cracking is consistent with the garage detaching from the house due to foundation movement and a lack of ties between the garage walls and extension / house walls.*
- *Oak roots noted underside of foundation in trial pit 1 but not in borehole samples (i.e. desiccated area of soil).*
- *The garage foundations are consistent with a property of this age.*
- *There appears to be some desiccation of the soil occurring at 2m deep.*
- *The monitoring is not conclusive – it shows modest seasonal movement with a sudden increase in August 2018 to the rear wall of the garage - only one reading shows significantly high movement to the rear of the garage and further monitoring is required to check whether this is a rogue result.*
- *A heave assessment should be provided for the subject and surrounding properties*

He concludes that *"Although further monitoring is required, on the basis of the information provided to date the Oak tree is likely to be implicated in the damage to the rear of the garage."*

Given the importance of the Oak in the streetscene, its contribution to the character and appearance of this part of the Hampstead Garden Suburb Conservation Area, the cursory investigations and discounting of alternatives, it may be questioned whether the proposed

removal of the significant TPO Oak at this juncture is excessive / premature. However, it should be borne in mind that our Structural Engineer has noted that *“Although further monitoring is required, on the basis of the information provided to date the Oak tree is likely to be implicated in the damage to the rear of the garage”*.

3. Legislative background

As the Oak is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation. In addition to this statutory requirement, the Hampstead Garden Suburb Trust has a separate contractual mechanism of control over treeworks under its Scheme of Management. Consent is required from both bodies independently (and it is possible for consent to be granted by one and not the other).

Government guidance advises that when determining the application, the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have ‘outstanding’ or ‘special’ amenity value which would remove the Council’s liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In this case the applicant has indicated that *“Property repairs shall proceed following the felling of the Oak tree at a cost of circa £3k. Should consent not be granted partial underpinning to the property will be required to arrest the movement, should the Oak tree remain, with costs rising over £30k.”*.

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the ‘effective and substantial’ cause of the damage or alternatively whether they ‘materially contributed to the damage’. The standard is ‘on the balance of probabilities’ rather than the criminal test of ‘beyond all reasonable doubt’.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council’s Structural Engineer has noted that *“Although further monitoring is required, on the basis of the information provided to date the Oak tree is likely to be implicated in the damage to the rear of the garage”*.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (having discounted the possibility of using a root barrier, the applicant indicates that stabilisation of the building by partial underpinning will be over £30,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Included in body of report

EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

CONCLUSION

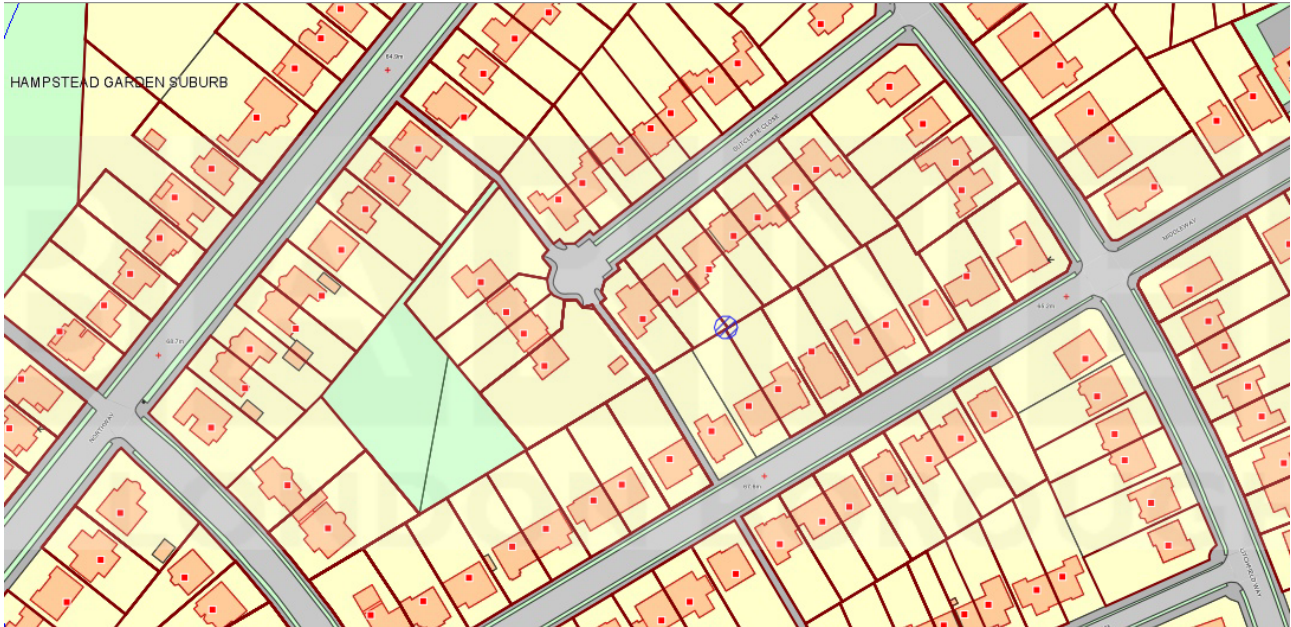
The application submitted by MWA Arboriculture Ltd as agent for 'Shelley Field, Cartwright House' (seemingly Crawford and Company Claims Management Chartered Loss Adjusters) proposes the felling of the mature Oak standing in the corner of the rear garden(s) - appearing to straddle the rear boundaries of 9 and 11 Sutcliffe Close and 41 and 43 Middleway because of its alleged implication in subsidence damage to the garage at 9 Sutcliffe Close.

The proposed felling of the Oak would be detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that although further monitoring is required, on the basis of the information provided to date the subject Oak is likely to be implicated in the damage to the rear of the garage. However, in the absence of such further monitoring, consenting to tree removal may be considered an excessive response on the basis of a potentially rogue result.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree and its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area, it is necessary to consider whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates that partial underpinning would be over £30,000 if the tree is retained) if consent for the proposed felling is refused.



This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and database right 2018. All rights reserved. London Borough of Barnet Licence No. 100017674