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From: [REDACTED]
Sent: Mon 1 Jul 2019 14:07:05 +0000
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237
Attachments: TPO 652 report 21 Chepstow Place.pdf

Dear [REDACTED]

Further to my previous email and in response to your email dated 20th June:

Thank you for your email which I have forwarded to my colleagues in Legal Property Services, as an objection to the making of the TPO.

Please find the report recommending the making of the TPO attached.

With respect to the issue of nuisance, the Head of Building Control has commented that 'the tree is not mechanically impacting the wall via the trunk' and 'there may be minor upheaval from the roots but this is not substantial'. If there is a case to be made for works to abate a nuisance then these works could only comprise pruning any roots which are specifically causing nuisance to your neighbour. Further investigation would be required in order to determine which roots might be pruned under this exemption.

If the content of this email is sufficient to allow you to withdraw your objection to the Order, please let me know. If I do not hear from you within 21 days of the date of this email, I will assume that you would like your objection to the order to remain.

In this case, this matter will be reported to a Planning Applications Committee, where Councillors will decide whether or not to confirm the Tree Preservation Order. My colleagues in the legal section will contact you in due course to confirm the Committee date.

Please let me know if you have any queries.

Kind regards

Rosie

Rosalee Dobson
Senior Arboricultural Officer
City Highways | City Management and Communities
Westminster City Council
64 Victoria Street London SW1E 6QP
Tel: 020 7641 7761 | westminster.gov.uk

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From: [REDACTED]
Sent: 20 June 2019 17:15
To: Dobson, Rosalie: WCC <rdoobson@westminster.gov.uk>
Cc: [REDACTED]

Subject: Re: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Hi Rosie

Thanks again for coming on 5 June.

I've received the TPO notice, which of course I will be contesting, on the basis of the felling being necessary to abate a nuisance.

The tree is clearly the cause of damage to our neighbours' property (to all of those impacted by the tree pushing out the boundary wall to over a 100mm lean), and to our own.

Please could you and/or Julien provide a report contradicting the report of Ian Drummond Consulting Engineers, as well as Dr Frank Hope's?

I assume this was already prepared in advance of applying for the TPO and can be easily shared.

I look forward to the Council's response.

Best wishes

[REDACTED]
From: [REDACTED]
Date: Wednesday, 5 June 2019 at 15:19

To: "Raven, Avani: WCC" <araven@westminster.gov.uk>, "rdoobson@westminster.gov.uk" <rdoobson@westminster.gov.uk>

Subject: Re: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Hi Rosie and Avani

Rosie, thanks so much to you and Julien for coming today.

If you agree the tree is simply in the wrong size garden, poor thing, then we of course are very happy to replace with a more appropriate species, and so look forward to what you would recommend. I don't know if you'll have seen what number 19 next door planted but that seems like the right size for our small back gardens. Of course, just let me know if you need anything else from me in the meantime.

Avani, Rosie and Julien kindly took a look at the house and what we have proposed/submitted planning for, and Rosie took some photos of what our neighbours at 25 have in terms of the foot print of their glass box, extending out to just behind our closet wing boundary.

I explained to Rosie that my husband is a classical pianist so we are very much hoping to be able to use the GF extension as home for his grand piano, so every little bit of space would be super helpful.

And as Rosie and Julien saw, I'm 32 weeks pregnant with little person number 3, and we are very much in need of the extra space!

If you could take the possibility of extending the GF to the end of 25's glass box extension into consideration I'd be hugely grateful for your thoughts.

I thought I'd share some pictures as to what number 25 have and number 15 have. These are attached, however I think Rosie's photos will be better than mine in relation to number 25.

Look forward to both of your thoughts and thanks so much.

If either of you would like to chat anything through please call me on my mobile, super happy to discuss.

My best wishes

From: [REDACTED]

Date: Saturday, 25 May 2019 at 16:37

To: "Raven, Avani: WCC" <araven@westminster.gov.uk>

Cc: [REDACTED]

Subject: Re: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Hi Avani, so hope you're well and won't mind me emailing you personally.

I just wanted to ask if you could provide your thoughts on what would be acceptable based on precedent for permitted developments at number 23 and number 15.

Number 15 are just completing their rear extension and have built a closet wing to the same boundary line as ours,

They have also been successful in extending their ground floor to the same boundary line, and erecting a garden wall extension at GF level to the same boundary line as their newly built closet wing on the boundary with number 17. This is all on the planning portal. It means that their extension at LG and GF are the same.

Our neighbours at number 23 have also extended their property at LG and GF to just shy of the boundary of our closet wing. They actually have part of their glass extension overlooking us. I've provided a link to their photographs and floorplans available on Rightmove.

<https://www.rightmove.co.uk/house-prices/detailMatching.html?prop=46062070&sale=83879703&country=england>

They have erected a quite high fence on our boundary, higher than that which we have with number 19.

My question is, would it not seemingly be a fair ask of number 23 to allow us to extend our GF to the same boundary line as their glass box extension, and in line with the planning permission granted to number 15 for them to extend a brick wall out from their boundary with their neighbours at 17?

It doesn't seem quite right that number 23 can be standing in their study at their window overlooking us but we should only apply to extend our GF to the line of their brick closet wing for their privacy.

I just wanted to ask your opinion, I hope that's possible.

I would actually rather that number 23 couldn't look in on us and like they have with number 25, have a full brick wall on the boundary line, rather than glass. Until last week we were only the tenants of the property but as we are now the fully fledged owners, I'm more minded to think of ways to solve the issue. I'm sure you can understand that.

Rosie Dobson from the Planning Team is coming on 5 June to look at our tree. I wondered, would you be happy for me to show Rosie what I mean and she could feedback to you?

We obviously have taken your advice on the pre application under consideration when submitting our full planning application, but I would just like to chat this through with you if you have time to consider, separately to the planning application we have made of course as I don't want to jeopardise that, we are in desperate need of the extra space as I am soon to deliver baby number 3!

Thanks hugely in advance



From: "Raven, Avani: WCC" <araven@westminster.gov.uk>

Date: Thursday, 16 May 2019 at 11:45

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Dear [REDACTED]

Thank you for your email with revised drawings for this application. As there are such a large number of drawings, it would involve uploading a large number of files to the case and superseding all the previous ones too. It would therefore help if you can provide a smaller number of files each with several drawings; one pdf with all the existing drawings and a separate one with all the proposed drawings and perhaps a separate one for details of windows.

Please let me know if you can do this and send the files to me as soon as possible.

Thank you

Regards

Ms Avani Raven
Senior Planning Officer | North Planning Team
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PO Box 732
Redhill
RH1 9FL

www.westminster.gov.uk



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From: [REDACTED]

Sent: 15 May 2019 15:37

To: Raven, Avani: WCC <araven@westminster.gov.uk>

Cc: [REDACTED]

Subject: 5034 - 21 Chepstow Place London : Westminster Planning Ref: 19/03237

Dear Avani,

Further to your email and conversations with [REDACTED] please find attached the revised planning drawings and a window schedule detailing how we propose to upgrade the current windows for higher thermal efficiency.

We understand and accept the Implications regarding consultations with the Inclusion of the upgraded windows as shown on the attached drawings.

If you need any additional information paperwork to progress this application please let us know.

Regards

[REDACTED]

[REDACTED]



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CITY OF WESTMINSTER

REPORT RECOMMENDING THE MAKING OF A TREE PRESERVATION ORDER BY THE EXECUTIVE DIRECTOR GROWTH PLANNING AND HOUSING UNDER DELEGATED POWERS.

DATE: 11 June 2019

STATUS: FOR GENERAL RELEASE **COMMITTEE:** DELEGATED

WARD: BAYSWATER

REPORT OF HEAD OF ARBORICULTURAL SERVICES

Tree Preservation Order No. 652 (2019): 21 Chepstow Place London W2 4TT

1. Background

- 1.1 On 9th May 2019 the City Council received six weeks' notice of intent to remove one golden false acacia (T1) from 21 Chepstow Place. The tree is protected by virtue of its location within the Bayswater conservation area.
- 1.2 The reasons given for the proposed removal of the golden false acacia T1 are that the tree has caused damage to the adjacent boundary wall, that there are some decaying and girdling roots at the base of the tree which will ultimately lead to its instability, that the tree has outgrown its location, that the Local Planning Authority has previously agreed to tree removals in nearby properties and that the retention of the tree will cause unnecessary problems for the owners.

2. Amenity

Visibility, size and form

- 2.1 The golden false acacia is located in the rear garden of 21 Chepstow Place, on the boundary with Rede Place. It is clearly visible along a considerable length of Rede Place and is overlooked by various properties on Chepstow Place and Rede Place
- 2.2 The tree is 12m high and has a good form. It has previously been subject to a crown reduction which does not detract from its appearance.
- 2.3 By virtue of its size, form and location, the tree makes a significant contribution to visual amenity and a useful contribution to the outlook from nearby properties.

Future potential as an amenity and tree condition

- 2.4 The golden false acacia is a mature tree, in good condition. Two surface roots at the base of the tree have been pruned and there are small areas of dead bark and associated decay and minor girdling surface roots at the base of the trunk. Whilst these structural defects should be monitored, they do not appear to be significant with respect to the current health and stability of the tree and it is still expected to have a considerable life expectancy.

Rarity, cultural or historic value

- 2.5 Golden false acacias are not especially common in Westminster but neither is the species considered to be rare. This tree is not known to have a specific cultural or historic value,

but trees are a key component of the conservation area, and so this tree contributes to this general cultural value.

Contribution to, and relationship with, the landscape

- 2.6 The scale and form of the tree are such that they are in proportion with the host garden and properties on Chepstow Place and Rede Place.
- 2.7 The tree is growing adjacent to the rear boundary wall, but it is not considered to be unacceptably close to the wall.
- 2.8 The golden false acacia tree has been subjected to a previous crown reduction and it is likely that an application to reduce it back to the same reduction points would be considered acceptable.

Contribution to the character and appearance of a conservation area

- 2.9 The loss of T1 would cause harm to the character and appearance of this part of the conservation area.

Other factors

- 2.10 Trees contribute generally to mitigation of climate change, by absorbing and storing carbon dioxide. Invertebrates inhabit trees, and these form a potential food source for birds. The dense evergreen nature of the tree may also provide cover and shelter and potential roosts for birds. The mitigation of air pollution near busy roads such as Bayswater Road is a high priority in Westminster.

Policy considerations

- 2.11 Policy S25 of Westminster's City Plan adopted in November 2016 aims to conserve Westminster's extensive heritage assets including listed buildings and conservation areas.
- 2.12 Policy S38 of Westminster's City Plan adopted in November 2016 aims to protect and enhance biodiversity and green infrastructure.
- 2.13 Policy S31 of Westminster's City Plan adopted in November 2016 aims to reduce air pollution with the aim of meeting the objectives for pollutants set out in the national strategy.
- 2.14 UDP Policy DES 9 aims to preserve or enhance the character or appearance of conservation areas and their settings.
- 2.15 UDP Policy ENV16 states that trees subject to Tree Preservation Orders will be safeguarded unless dangerous to public safety or, in rare circumstances, when felling is required as part of a replanting programme.
- 2.16 There is no requirement to have regard to Development Plan policies when deciding to create a new TPO but special attention should be paid to the desirability of preserving or enhancing the character and appearance of the conservation area.

3. Reasons for proposed removal of the tree T1 and appraisal

3.1 Removal of T1 is proposed on the following grounds:

- The tree has caused damage to the rear boundary wall, which needs to be demolished and rebuilt;
- The tree has structural defects which will ultimately result in its instability;
- The Local Planning Authority has previously agreed to the removal of other trees in the rear gardens of properties on Chepstow Place;
- The tree has outgrown its location and if retained will cause unnecessary problems to the owners;

Structural damage to wall

3.2 The application is supported by a letter from a Structural Engineer, which states that the boundary wall has significant distortions and cracking and an outwards lean into Rede Place. The letter considers that there is no immediate risk of collapse but recommends that the wall is demolished and rebuilt. It states that it is essential that the tree is removed and recommends that the wall is built on a new foundation which extends below the level of tree root activity, and that it is tied in to the returning party fence at each side to provide a buttressing action.

3.3 The Council's Head of Building Control has commented that:

- The tree is not mechanically impacting the wall via the trunk;
- There may be minor upheaval from the roots but this is not substantial;
- The wall has some cracking and bulging to the mews side but this is not severe;
- The party garden wall between 23 and 21 has been rebuilt at some point and the brick slip tying has debonded leaving the rear wall unrestrained at that junction;
- His advice would be to install a structural restraint to the rear wall linked to the party wall (23/21) giving adequate restraint to the lower portion of the rear wall. That may well itself be sufficient to prevent deterioration. The wall may need further remedial works in the near future.

3.4 It is notable that the rear boundary wall extends along the rear of ten properties on Chepstow Place and that it appears to be in very poor condition in several places, with several sections displaying a notable outward lean and cracking.

Condition of the tree

3.5 The application is supported by a report from an arboricultural consultant. He identifies a significant structural root with a diameter of 90mm which has been cut, with associated bark death and decay extending back towards the trunk. The report states that associated decay extends back 400mm to the trunk where the root has a diameter of 350mm but I think these figures are incorrect as the tree trunk itself has a diameter of 320mm at 1.50m above ground level and this root is much smaller than the tree trunk. The report states that this root is the only significant root on this side of the trunk but there is no evidence of trial excavations supporting this claim. The report also describes surface girdling roots and areas of decay. Whilst it is evident that there are some areas of decay and girdling surface roots at the base of the tree, these are not considered to be so significant as to justify tree removal.

3.6 The arboricultural report states that the decay at the base will ultimately result in the instability of the tree. Whilst the decay may progress and cause instability in the long term, the extent of decay is not currently causing the tree to be unstable nor is there any evidence to indicate that the decay is likely to progress very swiftly.

3.7 The arboricultural report also described the crown of the tree as slightly sparse with extensive dead wood present. When I inspected the tree it appeared to be in good vigour with a full crown. It is very normal for the species to have some dead branches which

should be periodically removed.

- 3.8 The report estimates that the tree has an estimated remaining contribution of less than 20 years and considers it to be a 'U Category' tree, following the guidance in BS5837 (2012) Trees in Relation to Design, Demolition and Construction. This document is not designed to be used to assess the suitability of trees for new Tree Preservation Orders, BS5837 (2012) Category U trees are those considered to have a remaining contribution of less than 10 years rather than the 20 years cited in the report so it seems to be contradictory. T1 is considered to have a significant expected lifespan, such that it merits retention.

Removal of other trees

- 3.9 The arboricultural report refers to previous tree removals agreed by Westminster City Council. All planning proposals which involve tree removals are considered on their own merits. Any previous tree removals on Chepstow Place do not set a precedent for tree removals in other properties.

Suitability of the tree for the location

- 3.10 The golden false acacia is close to the rear boundary wall, in a location that is normal for a tree in a small garden. The trunk is more than 400mm from the boundary wall. Whilst the roots of the trees are closer to the wall than the trunk, overall the tree is not considered to be too close to the wall.
- 3.11 The tree has been subject to previous crown reductions and it would be reasonable to periodically re-reduce it back to the previous reduction points, to maintain it at a suitable size. This is common practice in Westminster and is not considered to be so onerous as to justify tree removal nor would it be significantly detrimental to the amenity value of the tree.
- 3.12 Removal of the tree would not remove the requirement to undertake repairs to the wall. The Council's Head of Building Council has recommended tying the wall into the side boundary walls. Even if it is demolished and rebuilt, it could be reconstructed using specialist techniques to avoid tree roots and significantly reduce the risk of any future damage caused by the growth of the tree. These techniques might include the use of lintels or micropile foundations.

Public consultation

- 3.13 In response to a public consultation the City Council received one objection to the removal of the tree, on the grounds that the damage to the wall is not noticeable from Rede Place and that the tree is valued as contributing to the green character of the conservation area.

4. Conclusion

- 4.1 The golden false acacia has significant amenity value and makes a positive contribution to the Bayswater conservation area. Removal of the tree on the basis of the damage to the wall, the tree's condition and its unsuitability for the location is not considered to be justified.

5. Recommendations

- 5.1 That a Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990 be made in respect of the tree, shown on the map Registered TPO no. 652.
- 5.2 That if no objections or representations in respect of the making of the TPO no. 652 are made within the prescribed period then the Order be confirmed.

6. Statement of grounds for making Tree Preservation Order no. 652

- 6.1 The tree makes a valuable contribution to public amenity, to the outlook from nearby properties and to the character and appearance of the conservation area.
- 6.2 Having received notice of intent to remove the tree under the terms of section 211 of the Town and Country Planning Act 1990 (as amended) a Tree Preservation Order is considered expedient in the interests of the amenity, and in order to safeguard the preservation and future management of the tree.

From:Tanton, Julian: WCC
Sent:Wed, 5 Jun, 2019 11:27:19 +0000
To:Dobson, Rosalie: WCC
Subject:RE: 19/03524/TCA 21 Chepstow Place

Thanks Rosie

Following our site inspection 05-06-19 I note the following:-

1. The tree is not mechanically impacting the wall via the trunk.
2. There may be minor upheaval from the roots but this is not substantial.
3. The wall has some cracking and bulging to the mews side but this is not severe.
4. The party garden wall between 23 and 21 has been rebuilt at some point and the brick slip tying has debonded leaving the rear wall unrestrained at that junction.

My advice would be to install a structural restraint to the rear wall linked to the party wall (23/21) giving adequate restraint to the lower portion of the rear wall. That may well itself be sufficient to prevent deterioration. The wall may need further remedial works in the near future.

Many thanks

Julian Tanton
Head of Building Control
Growth, Planning and Housing
Westminster City Council
13th Floor, 64 Victoria Street
SW1E 6QP

Tel: 020 7641 7016

<https://www.westminster.gov.uk/building-control>

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From: Dobson, Rosalie: WCC
Sent: 21 May 2019 15:21
To: Tanton, Julian: WCC <jtanton@westminster.gov.uk>
Subject: 19/03524/TCA 21 Chepstow Place

Dear Julian

I would be grateful to receive your comments on this proposed tree removal – please see my memo attached.

I will be arranging a site visit – please let me know if you'd like to attend.

Many thanks

Rosie

Rosalie Dobson
Senior Arboricultural Officer
Development Planning | Growth, Planning and Housing
Westminster City Council, PO Box 792, Redhill, RH1 9FL
Tel: 020 7641 7761 | westminster.gov.uk

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DR. FRANK HOPE

Forensic & Planning Arboricultural Consultant

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ARBORICULTURAL REPORT RELATING TO THE GOLDEN-LEAVED FALSE ACACIA TREE LOCATED WITHIN THE REAR GARDEN OF NUMBER 21 CHEPSTOW PLACE, LONDON, W2 4TT.

CLIENT NAME:

[REDACTED]

Ref: None specified

REFERENCE:

[REDACTED]

DATE OF VISIT:

3rd May 2019

TIME: 10.30am

PEOPLE PRESENT:

Dr Frank Hope
[REDACTED]

1.0 FORMAL DETAILS:

- 1.1 My name is Dr Frank Hope and I am an independent Arboricultural Consultant based at Chestnut House, Northside, Thorney, Peterborough. The practice specialises in arboriculture, urban forestry, biological sciences and project management. I have advised many major clients during the past thirty years, for example, Sainsburys, Midland Bank, Alfred McAlpine, P&O, Ministry of Defence, Environment Agency, The Health and Safety Executive, Metropolitan Police, Local Authorities, Insurance Companies and Loss Adjusters.
- 1.2 For five years (April 1998 to April 2003), I acted for the Office of the Deputy Prime Minister (ODPM) as an Inspecting Officer on Tree Preservation Order Appeals. This provided me with a detailed insight into this topic.

- 1.3 In addition to having a doctorate and a master's degree in Biological Sciences (research on woody plants), I hold the National Diploma in Arboriculture (RFS) which is the foremost practical British qualification in trees and their management. I also hold numerous general horticultural qualifications, the most notable of which is the National Diploma of Horticulture (now the Master of Horticulture (RHS)).
- 1.4 I am a retired Fellow of the Arboricultural Association, and a retired Fellow of the Institute of Groundsmanship. I am a past member of the education committee of the Arboricultural Association, past vice Chairman of the East Anglian Branch, and am a past member of the governing council. I am also a past member of the governing body of the East of England Show.
- 1.5 During 1997 I was one of three people commissioned by the Arboricultural Association to develop a computerised model capable of assessing the future risk of subsidence damage to buildings when trees are growing close-by.
- 1.6 For further detail on my qualifications and experience see Appendix -A-.

2.0 AUTHORITY AND BRIEF.

2.1 The initial authority for this report was provided by [REDACTED] in the form of an email dated the 2nd of May 2019.

2.2 The objectives of this commission are to:

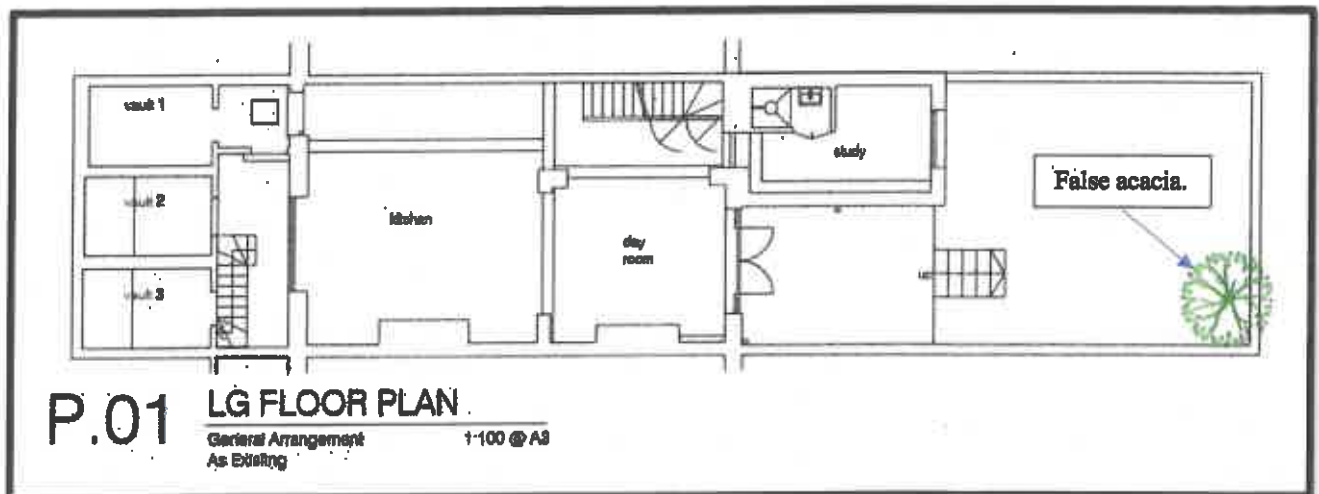
- inspect the golden-leaved False Acacia tree (*Robinia pseudoacacia* 'Frisia') located on the elevated section of the small, rear garden, of number 21 Chepstow Place, London;
- discuss the implications of any legal protection of the tree;
- assess the overall condition of the tree, and assess its safe life expectancy;
- quantify the quality of the tree in accordance with the category rating definitions in British Standard 5837 (April 2012 edition);
- make comment on the damage that the False Acacia is causing to the rear boundary wall of the property;
- identify remedial measures to ensure the integrity and safety of the tree and

the boundary wall.

3.0 DESCRIPTION OF THE PROPERTY.

- 3.1 Number 21 Chepstow Place is a multi-storey, mid-terrace, residential property located on the eastern side of Chepstow Place, London.
- 3.2 The house faces approximately westwards, the front of which abuts the public pavement, i.e. there is no garden to the front of the property, and the entrance is via a low section of steps from off Chepstow Place.

Plan produced by NFA Architects Ltd showing the lower ground floor plan of the existing house.



- 3.3 The rear garden of the property is small, and is on two levels, both of which are currently covered with flags. The garden is enclosed by brick-built boundary walls. The lower level is accessed from the kitchen via French windows.
- 3.4 The upper level is 1.3 metres above the lower level, and is accessed via a flight of six steps from the lower level. There is a small, rectangular bed of soil along the northern section of the rear garden, which contains a poor-quality Camellia shrub. There is also a small, approximately square-shaped bed of soil in the south-eastern corner that contains a middle-aged tree. A wooden seat is located centrally, close to the rear boundary wall.
- 3.5 The rear, eastern boundary wall contains significant cracking, and the wall leans outwards, towards Rede Place to the east. There is a difference in levels between the upper section of the rear garden and the carriageway of

Rede Place. A small storage structure is located against the eastern side of the boundary wall, i.e. along Rede Place.

Picture showing the lower section of the rear garden, with the entrance into the house.



Picture showing the steps leading to the upper, rear garden.



Picture showing the small rectangular bed on the upper section of garden, containing a poor quality 2.5 metre tall Camellia shrub.



Picture showing the False Acacia in the square bed on the upper level of the rear garden.



Picture showing the storage shed along Rede Place, against the eastern side of the boundary wall.



Picture showing the False Acacia in the rear corner of the property.



4.0 DESCRIPTION OF THE GOLDEN-LEAVED FALSE ACACIA.

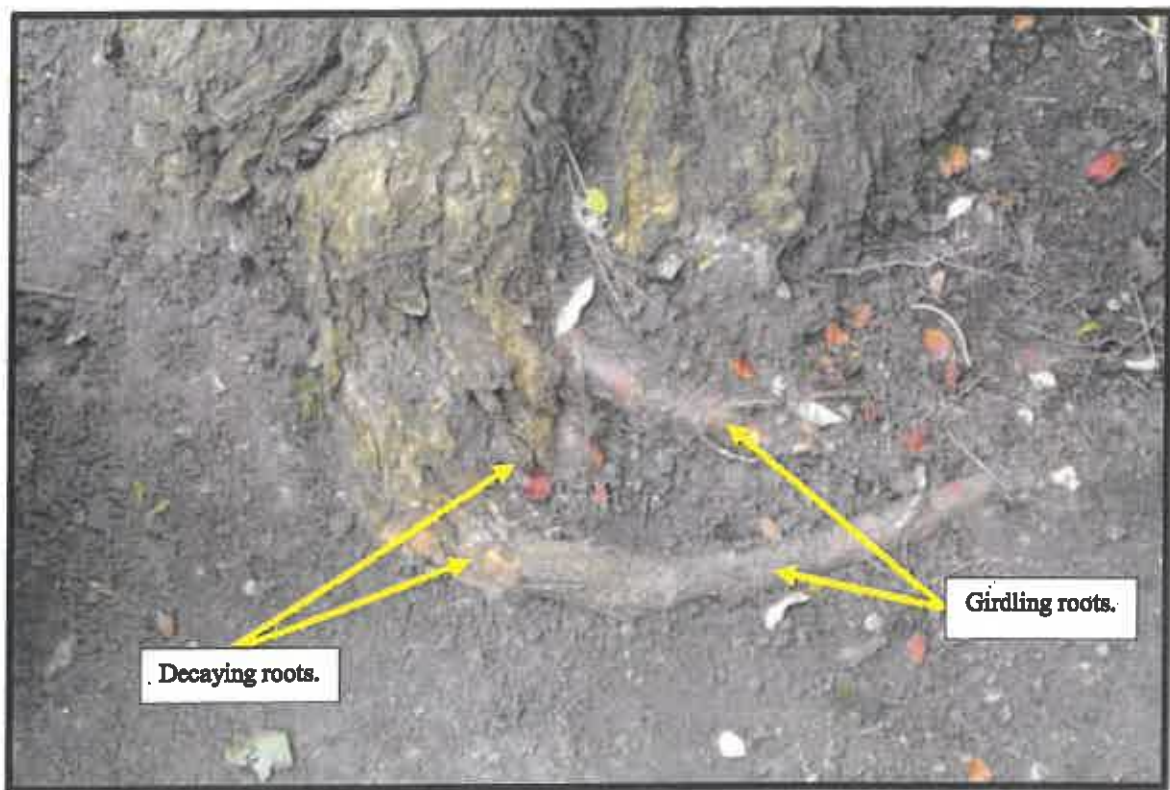
- 4.1 As mentioned in item 3.4 above, the Golden-leaved False Acacia is located in a small, slightly raised, rectangular bed in the rear, south-eastern corner of the elevated section of the garden (See the picture on page 6 above).
- 4.2 The tree, which is middle-aged, is currently in the region of 12.0 metres tall, with an average, overall crown spread of approximately 7.0 metres (See the picture on the previous page). It has a trunk diameter of 320mm, and the main branches emanate between 3.5 metres and 4.0 metres above ground level, where the trunk divides into two. The union of the branches is weak, and this species is known for having brittle branch structures.
- 4.3 The roots of the tree at the extremities of the root plate are growing up against the boundary wall, and are exerting direct pressure on it. This has caused the wall to crack in a number of places, and to move eastwards away from vertical, i.e. in the direction of Rede Place. The trunk is located 500mm away from the wall.

Picture showing a large diameter decaying root which has been severed in the past. The loss of bark and decay extends back to the basal trunk.



- 4.4 Physical damage has occurred to some of the roots. One large, surface, structural root, with a severed (by saw) end of approximately 90mm diameter is now exhibiting extensive signs of decay at its distal end. There is extensive bark loss and decay extending approximately 400mm back to the basal trunk, and the root is in the region of 350mm diameter adjacent to the bole of the trunk. It is the only large root on the southern side of the tree. The decay is irremediable, and will continue to worsen throughout the life of the tree. It will ultimately result in the instability of the tree. Other large girdling and decaying roots are present around the basal trunk.

Picture showing decaying girdling roots around the basal trunk of the tree.



- 4.5 Dysfunctional wood is present around the basal trunk, and signs of deterioration are present within the vertical flutes of the bark at the area of the basal trunk (See the picture on page 9 below).
- 4.6 The canopy (branches) of the tree has been reduced in the past, and is slightly sparse, with extensive small dead branches present (See the second picture on page 9 below). The extent of the dead branches indicate that the tree is under stress. It is making little annual extension growth.

Picture showing the poor condition of the basal trunk of the False Acacia.



Picture showing extensive small dead branches in the tree canopy.



5.0 VISUAL AMENITY OF THE FALSE ACACIA.

5.1 The Golden-leaved False Acacia is located adjacent to the rear wall of number 21 Chepstow Place. It can be clearly seen from both directions along Rede Place and from adjacent properties (See the pictures below).

Pictures showing the False Acacia from along Rede Place looking northwards and southwards.



6.0 THE CONDITION OF THE REAR (EASTERN) BOUNDARY WALL.

6.1 The rear boundary wall of the property borders onto Rede Place to the east. There is significant movement and cracking to the wall. There is also a brick-built bin store which has been constructed on Rede Place, butting against the wall (See the pictures above and on the following pages). This store is also exhibiting significant movement away from the wall.

Picture showing the overall unevenness of the boundary wall.



Picture showing the extensive cracking of the boundary wall.



Close-up picture of the cracks in the boundary wall.



- 6.2 Ian Drummond, Consulting Engineers visited the site and inspected the wall on the 2nd of April 2019, and subsequently produced a report dated the 15th of April 2019.
- 6.3 The Ian Drummond report identified the rear boundary wall as being 3.0 metres high from the garden level, and constructed in 215mm thick solid bonded brickwork. It forms part of the wall which runs along the rear boundaries of the properties on Chepstow Place. There are two party fence walls located along the side boundaries of the property; they are both in the region of 1.5 metres high above the garden level, and neither appears to be bonded into the rear boundary wall.
- 6.4 Although the wall is 3.0 metres high when measured from within the property, it is only 2650mm high when measured from off Rede Place, i.e. there is a difference in height on the Rede Place side in the region of 350mm, i.e. the wall on the Rede Place side is higher than the garden.
- 6.5 The rear boundary wall leans outwards towards Rede Place, by at least 100mm. Ian Drummond states that in structural engineering terms this degree of movement is significant (See below for confirmation).

Picture taken by Ian Drummond showing the lean of the wall towards Rede Place.



- 6.6 The Structural engineers have identified that for a 215mm thick solid bonded wall, an outward lean in excess of 75mm is of serious concern. This is because the self-weight of the wall, once it is leaning beyond that limit, actually contributes to further outward movement and sets up tension in the mortar courses which are inherently weak due to the soft lime mortar. Consequently, once the out-of-plumb exceeds 75mm, outward movement of the wall is likely to accelerate in the medium-term. While the Structural engineers do not consider that there is any immediate danger of collapse of the wall, they strongly advise that remedial action needs to be taken in the short-term:
- 6.7 The Structural engineers have identified that significant distortions can be seen in the bed courses of the wall, together with signs of previous repairs. However, the Structural engineering inspection confirms the presence of fresh cracking in the immediate vicinity of the False Acacia.
- 6.8 The Structural engineers consider that there is little doubt that the growth of the False Acacia has resulted in distortions in the wall, as well as the

outward lean. They confirm this by identifying that the retaining element of the wall would normally result in the wall leaning inwards, whereas in this instance it leans outwards.

- 6.9 The Structural engineers confirm that the movement of the wall is active as identified by the presence of relatively fresh cracking in the region of the previously repaired brickwork.
- 6.10 As mentioned previously in this report, a brick-built bin store has been erected against the boundary wall on the Rede Place side. The store leans outwards towards Rede Place by 50mm, which in structural engineering terms is significant. The Structural engineers have identified that this movement has been caused by the influence of the abutting boundary wall. The outward lean of the bin store clearly indicates that the outward movement has occurred since the bin store was constructed.

Picture taken by Ian Drummond showing the lean of the bin Store.



6.11 The Structural engineers are of the opinion that while it may be possible to stabilise the wall by introducing buttresses, this is unlikely to be an acceptable solution as it would involve construction beyond the curtilage of the property. **The engineers consider that the only satisfactory means of the repair would be to take the wall down and reconstruct it plumb.** As the primary cause of the problem is the growth of the adjacent tree, it is essential that the tree is removed as part of the operation, and that the wall is rebuilt on a new foundation that extends below the level of tree root activity. They also recommend that in rebuilding the wall it should be tied into the returning party fence at each side to provide a buttressing action and add stability to the relatively high wall.

6.12 The Structural engineers recommended that the False Acacia should be removed.

7.0 THE HISTORY OF TREE REMOVAL IN THE GARDENS ALONG THE REAR OF CHEPSTOW PLACE.

7.1 The gardens to the rear of the properties close to number 21 Chepstow Place are small, and enclosed. The rear boundaries consist of the same 3.0 metre high, brick-built boundary wall as that of number 15.

7.2 Tree removal has taken place in the past from some of the rear gardens along Chepstow Place. For example, the Local Planning Authority raised no objection to the removal of an Ash tree growing in the rear garden of number 15 Chepstow Place in June 1991.

7.3 The Local Planning Authority raised no objection to the removal of a tree from the rear garden of number 31 Chepstow Place in 2011/2012, where a development including lowering the rear garden was granted planning consent.

7.4 It is evident from previous tree-related applications and developments that the Local Planning Authority recognises that it is acceptable to remove trees, where justified, from within the rear gardens of Chepstow Place.

8.0 INTRODUCTION TO TREE PROTECTION (STATUTORY).

8.1 Local planning authorities look upon trees as being highly beneficial to the locality. To ensure that any important specimens, or significant groups of trees, are retained, they may place **Tree Preservation Orders (TPOs)** on them. In other situations, villages or whole districts may be classified as

Conservation Areas. In these instances certain trees in the designated area will be protected. When trees are protected, legal procedures must be followed before any work is carried out.

- 8.2 When trees are protected by Preservation Orders, no work should be carried out on them without prior written consent from the Local Planning Authority. Once an application is made, the Authority personnel must inspect the trees, and make a decision within a statutory eight week period as to whether the work can go ahead. If no decision is made within the eight week period, the appellant (person making the application) can appeal to the Planning Inspectorate, for non-determination. If the Local Authority refuses the application the appellant still has the right to appeal.
- 8.3 The legislation for Conservation Areas is slightly different to that of Preservation Orders. Trees with trunk diameters of less than 75mm at breast height (1.5 metres) are exempt from the legislation, and no application is required to carry out any work on them. Trees with trunk diameters of between 75mm and 100mm can be removed without permission, if their removal is to allow the further development of other trees growing close-by.
- 8.4 When an application is made to carry out work on a tree located within a Conservation Area, the Local Authority must make a decision within a statutory six week period (not eight as with TPOs). The Local Authority has three options, namely,
1. *Give written permission to carry out the work.*
 2. *Make no written decision within the six week period. If this occurs the application is accepted by default, and the owner of the tree(s) can carry out the proposed work, but it must be completed within two years of the initial application.*
 3. *Refuse consent to carry out the work. If this option is selected the Local Authority must protect the tree(s) with a Preservation Order. In this instance, the owner of the trees has the right to appeal, and the Local Authority must be able to show that the tree(s) are, in fact, worthy of protection. (Bolding added by Dr. Hope).*
- 8.5 If a tree protected by a Preservation Order, or is located in a Conservation Area, is killed, or wilfully destroyed, the owners of the tree, and the contractor who did the work, can both be prosecuted. The fines for killing,

or wilfully destroying a tree can be high, i.e. the current maximum is £20,000 per tree, and there is an automatic requirement to re-plant. The current maximum for minor unlawful infringements, such as pruning, is £2,500.

- 8.6 Trees which are dead, or dangerous are exempt from the legislation (both Preservation Orders and Conservation Areas), although if such trees are removed, the onus of proving that they fell into one of these categories lies with the tree owner. Whenever possible it is strongly recommended that the Local Authority be given at least five days notice before any work on such trees is carried out.

9.0 THE RIGHT TREE IN THE RIGHT PLACE.

- 9.1 In the year 2005 the then Mayor of London (Ken Livingston) produced a document entitled "The Mayor of London Tree and Woodland Framework for London" which provided guidance on the establishment and management of trees within the city. The document was widely accepted throughout the Arboricultural Industry, and remains valid to date.
- 9.2 The publication introduced the concept of "The right tree in the right place". It recognised that although it is laudable to establish large, long-lived trees wherever possible within the City, it is critical to ensure that such trees are growing in appropriate positions, and do not cause unnecessary problems to property owners.
- 9.3 It is generally recognised that although trees may be healthy, and have a useful visual amenity to the locality, it is sometimes prudent for various reasons, such as causing oppressive living conditions, or structural damage, that large species should not be planted, or that if they are found to be growing in the "wrong place", it would be appropriate to remove them.
- 9.4 In the case of the False Acacia located on the elevated section of the rear garden of number 21 Chepstow Place it is clearly the "wrong tree in the wrong place", as its position so close to the boundary wall will mean that it will inevitably cause additional structural damage throughout its remaining life as it continues to produce annual extension growth of its basal trunk; and the canopy of the tree will have to be reduced on a regular basis during its life. The tree has simply outgrown its position.
- 9.5 If retained in situ the tree would cause continued unnecessary problems to the owners of the property.

10.0 THE LEGAL STATUS OF THE GOLDEN-LEAVED FALSE ACACIA WITHIN THE CURTILAGE OF NUMBER 21 CHEPSTOW PLACE.

- 10.1 Number 21 Chepstow Place is located within the Bayswater Conservation Area, and the False Acacia is therefore legally protected by the Conservation Area legislation. No information has been provided to indicate that the False Acacia is legally protected by a Preservation Order, or by any other type of restrictive covenant.
- 10.2 As the False is legally protected no work should be carried out on it without prior consultation and agreement with the Local Planning Authority.

11.0 IS THE FALSE ACACIA WORTHY OF A TREE PRESERVATION ORDER?

- 11.1 The False Acacia is exhibiting significant decay in one of its main structural roots, and other smaller, girdling roots. The decay is irremediable and will continue to develop during the remainder of the tree's short, safe life.
- 11.2 The canopy of the tree is becoming relatively sparse, and extensive small dead twigs/branches are already present.
- 11.3 During pre-planning application discussions relating to the structural condition of the rear boundary wall, the Local Planning Authority suggested that it may be possible to retain the tree, and re-build the wall in situ. However, this suggestion is simplistic, and does not take into consideration the short, safe life expectancy of the tree, nor does it take into consideration that the tree will pose a significant problem for as long as it remains.
- 11.4 The tree does have a visual amenity to the location. However, it is located in a small elevated garden, very close to the rear boundary wall. The roots of the tree have pushed against the wall, causing significant leaning and cracking.
- 11.5 There is a history of tree removal from the rear gardens of properties along Chepstow Place.
- 11.6 The False Acacia is clearly "the wrong tree in the wrong place", and will continue to pose problems for the remainder of its life. It is not worthy of a Preservation Order.

12.0 THE BRITISH STANDARD 5837 CATEGORY RATING OF THE FALSE ACACIA.

12.1 British Standard 5837 is the industry standard, and nationally accepted document, for providing recommendations in relation to the juxtaposition of trees and building structures. Although not a statutory document, the British Standard now forms the basis for almost all arboricultural impact assessments. It was revised and updated in April 2012.

12.2 One of the most fundamental features of the British Standard 5837 category rating system (as identified in the Cascade Chart of page 9 of the British Standard) is the recognition that trees that cannot be realistically retained as living trees in the context of the current land use for longer than 10 years are given the rating of "U".

12.3 Trees which are classified as having a British Standard 5837 category rating of "U", are typically of such poor quality, or have such a short safe life expectancy, that they should be removed from a site. Unless such trees have some special conservation-related value, they are clearly not worthy of a Preservation Order, and should not be used to adversely affect any proposed development.

TABLE 1 – Cascade Chart for tree quality assessment.

Category and Definition	Criteria (including subcategories where appropriate)	Identification on plan
Trees unsuitable for retention (see note)		
<p>Category U</p> <p>Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years</p>	<ul style="list-style-type: none"> • Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning) • Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline • Trees infected with pathogens of significance to the health and/or safety of other trees nearby or very low quality trees suppressing adjacent trees of better quality <p>NOTE Category U trees can have an existing or potential conservation value which might be desirable to preserve; see 4.5.7</p>	See Table 2

12.4 Item 4.5.8 of the British Standard acknowledges that when categorising a tree, the presence of any serious disease, or tree-related hazards should be taken into account. This is critical as irremediable diseases, especially within the structural roots or branches of trees, can lead to stability, i.e. safety problems.

Picture showing the large irremediable decaying structural root, which will continue to develop for the remainder of the tree's life.



12.5 Based on the physiological and structural condition of the False Acacia, and the fact that it will pose a continued nuisance to the boundary wall, it has a British Standard 5837 category rating of "U". As mentioned previously, the tree has simply outgrown its position.

12.6 The British Standard 5837 category rating of "U" confirms that the tree is not worthy of a Preservation Order.

13.0 TREE SURVEY SUMMARY.

13.1 The following tree data schedule provides detail on the False Acacia.

TREE SURVEY SUMMARY											
Tree No	Species	Height (m)	Branch spread Av. M	Stem Dis mm	Age class	Height of crown clearance m	Physiological condition	Structural Condition	Prelim. Recommns..	Remaining contribution in years	BS: Cat.
1	Golden-leaved False Acacia	12.0	N 3.5 S 3.5 E 3.5 W 3.5	320	MA	3.5-4.0	Poor	Poor	Remove.	<20	U

14.0 CONCLUSIONS.

- 14.1 Concern has been shown in relation to the structural integrity of the rear boundary wall of number 21 Chepstow Place. Structural engineers have inspected the wall, and have confirmed that the extensive cracking and significant lean have been caused by the Golden-leaved False Acacia located in the rear garden of the property. The cracking has been identified as being active, i.e. it is continuing.
- 14.2 The Structural engineers have recommended the removal of the tree so that the wall can be demolished, and be reconstructed on new foundations. They have discounted the simple removal of the wall, and re-building, as the presence of the tree would lead to continued problems to the owners of the property.
- 14.3 The Structural engineers have also discounted the use of buttressing as any such structures would, by necessity, be outside the curtilage of the property.
- 14.4 The False Acacia has simply outgrown its position, and is the wrong tree in the wrong place.
- 14.5 Chepstow Place is located within a Conservation Area, which legally protects the Golden-leaved False Acacia. The tree is not protected by a Preservation Order.
- 14.6 The Golden-leaved False Acacia contains significant decay within its root system. This decay is irreparable, and will continue to increase during the remaining life of the tree. The extent of the decay in the root system confirms that the tree has a short, safe life expectancy, and is not worthy of a Preservation Order. Now would be an appropriate time to remove the tree, and allow the re-building of the boundary wall in its current location.
- 24.7 Any tree works should be carried out in accordance with British Standard 3998 "Tree Work" 2010, and should not be carried out during the bird breeding season, unless an appropriate inspection is carried out to confirm that no bird nesting activity is occurring.

© Dr. Frank Hope.

9th May 2019

DR. FRANK HOPE

APPENDIX -A-

FORENSIC ARBORICULTURAL CONSULTANT

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Dr. Frank Hope

PROFESSIONAL QUALIFICATIONS AND EXPERIENCE

Dr. Hope has been involved with the land-based industries for the past 48 years. During this time he has worked for local government, the Royal Horticultural Society, the Institute of Groundsmanship and private industry. In the early 1970's he trained at the RHS Gardens Wisley and later became a practical arborist in the gardens. For four years he was a lecturer in Horticulture and Arboriculture at the Cheshire College of Agriculture, and has more recently been a part-time lecturer to the BTEC National Diploma course in Countryside management, at the Cambridgeshire College of Agriculture. He has been an Arboricultural and Horticultural examiner for the Royal Forestry Society, the Royal Horticultural Society and the Institute of Groundsmanship.

The majority of his work is based in East Anglia, and London, although he has taken commissions throughout the world. For example, in the 1980's he was involved in the management and harvesting of a 26,000 acre hardwood crop in Malaya. He carries out technical projects for a range of organisations on both Arboricultural and general Horticultural subjects, and has been involved in the proposed re-development of the Elephant and Castle, and the area around Waterloo station in London. He specialises in both legal and planning aspects of trees.

He has been a technical adviser to the Jockey Club and Racecourse Association, and organised all their training courses for over five years.

During 1997, Dr. Hope was one of three people commissioned by the Arboricultural Association to develop a computerised model capable of assessing the future risk of subsidence damage to buildings when trees are growing close-by. He has also given the Association advice on the Arboricultural Appendix to the ISE handbook.

Over the past 20 years, Dr. Hope has been involved in over 3,500 cases involving trees and subsidence damage to buildings. He regularly gives evidence in court, and has experience as a single joint expert. Notable cases in which he has been involved are Siddiqui & Sohanpal -v- London Borough of Hillingdon, Loftus Brigham -v- London Borough of Ealing, Dayani -v- London Borough of Bromley, Berent -v- Family Mosaic & The London Borough of Islington, Robbins -v- London Borough of Bromley, Battley -v- Wycombe District Council, and Middleton -v- Surrey County Council.

For five years (until April 2003), Dr. Hope acted for the Office of the Deputy Prime Minister as an Inspecting Officer on Tree Preservation Order Appeals, which provided him with a detailed insight into this topic.

In addition to having a Doctorate and a Masters degree in Biological Sciences (based on Arboricultural and Horticultural research), Dr Hope holds the National Diploma in Arboriculture (RFS), which is the premier practical qualification for Arboriculture, and the National Diploma in Horticulture (now the Master of Horticulture), administered by the Royal Horticultural Society. The Master of Horticulture is the world premier qualification for general horticulture. Dr. Hope is a past examiner for the final stages of the Master of Horticulture qualification. His personal qualifications are at the highest level; the major ones are as follows:

Doctor of Philosophy (Ph.D):	University of Bath, Biological Sciences Dept. The Development of a computerised Plant Establishment and Growth Model for use with Landscape Trees and Shrubs.
Master of Philosophy (M.Phil):	University of Bath Biological Sciences Dept. The Development of a Computerised Information Retrieval System for Decorative Plant Selection.
National Diploma in Horticulture:	Administered by the Royal Horticultural Society.
National Diploma in Arboriculture (N.D.Arbor):	Royal Forestry Society.
National Certificate in Arboriculture (Distinction):	Royal Forestry Society.

Wisley Diploma in Horticulture:

Royal Horticultural Society.

Advanced Diploma in Horticulture:

Writtle Agricultural College.

Certificate of Education:

Wolverhampton Teacher Training College,
(Wolverhampton Polytechnic).

SOME PUBLISHED WORKS

Recognition and Control of
Pest and Diseases of Farm Crops

Blandford Press 1980
ISBN 0 7137 0995

The Garden Planner

Hardback - Collins 1981
Softback - Fontana 1981
Softback - Pilot 1983
ISBN 0 00 4116622
Co-author of each edition

QL Gardener Manual

Sinclair Research 1985
ISBN 1 850 160449

The New Organic Grower

Cassall Publishers 1990
ISBN 0 304 34013 8

Turf Culture

Blandford Press 1978
ISBN 0 7137 0873 5

Turf Culture - A manual for
the Practising Groundsman

Cassall 1990
ISBN 0-304-31854-X

Rasen

German Edition of Turf Culture
ISBN 3-8001-5038-7

NVQ Levels 1 & 2 manuals

Technical author for the British Association of Landscape
Industries (BALI) instruction manuals for general
horticulture and turf culture at levels 1 and 2, for the
National Vocational Qualifications.

Numerous articles on Horticulture, Arboriculture and computers in a range of magazines, e.g. Horticulture Week,
The Groundsman, Personal Computer World.

SOME PUBLISHED SOFTWARE

Horticultural Key

Quanta magazine.

Plant Selector II

A.J. Harding Molimerx Ltd.

Computerised Ornamental Plant
Retrieval System

University of Bath.

Genus Plant Selector

Intersearch Ltd.

Plant Establishment and
Growth Model
QL Gardener

University of Bath.
Sinclair Research.

15 April 2019

PROJECT REF 

Dear 

21 CHEPSTOW PLACE W2

We refer to our visit to the above property on the 2nd April 2019 during which we examined the boundary wall to the rear of the property which borders onto Rede Place. The wall is displaying significant structural defects and we would advise accordingly.

Measured from the rear garden of 21 Chepstow Place the wall is 3.0 metres high from garden level and appears to be constructed in 215mm thick solid bonded brickwork. See Photograph 1. The wall runs continuously past the rear of the properties in Chepstow Place in both directions and appears to have been originally constructed as an independent structure. The party fence walls both sides of the property are lower at approximately 1.5 metres above garden level and do not appear to be bonded into the rear wall. A mature tree, thought to be a false acacia, is growing very close to the inside face of the wall. It is apparently from the inside that the wall has an appreciable lean outward.

When viewed from the far side of the wall the outward lean can be measured and is at least 100mm. When measured from Rede Place the wall is only 2650mm high meaning that the ground on the Rede Place side is 350mm higher than the garden level. Despite this the wall still leans outwards. See Photographs 2, 3 and 4.

A bin store has been built up against the outer face of the wall but this has failed to buttress the wall in any way, as the bin store wall itself leans outward by 50mm and consequently it is clear that movement in the main wall has pushed over the bin store wall subsequent to its construction. See Photograph 5.

Significant distortions can be seen in the bed courses of the wall together with signs of previous repairs. However relatively fresh cracking is evident in the immediate vicinity of the tree. See Photographs 6, 7 and 8.

There is little doubt that the growth of the tree over the years has resulted in distortions in the wall as well as the outward lean. This is supported by the fact that the retaining element of the wall would normally result in the wall leaning inwards. It is also clear that the movement is active due to the relatively fresh cracking that can be seen in the previously repaired brickwork. The outward lean of the bin store gives a clear indication that much of the outward movement in the wall has occurred since the construction of the bin store.

For a 215mm thick solid bonded wall an outward lean in excess of 75mm is of serious concern. This is because the self-weight of the wall, once it is leaning beyond that limit, actually contributes to further outward movement and sets up tension in the mortar courses which are inherently weak due to the soft lime mortar. Consequently, once the out-of-plumb exceed 75mm, outward movement of the wall is likely to accelerate in the medium-term. While we do not consider that there is any immediate danger of collapse, we strongly advise that action needs to be taken in the short-term.

While it may be possible to stabilise the wall by introducing buttresses, this is unlikely to be an acceptable solution as it would involve construction beyond the curtilage of the property. We would consider that the only satisfactory means of the repair would be to take the wall down and reconstruct it plumb. As the primary cause of the problem is the growth of the adjacent tree, it is essential that the tree is removed as part of the operation and that the wall is rebuilt on a new foundation that extends below the level of tree root activity. We would also recommend that in rebuilding the wall it is tied into the returning party fence at each side to provide a buttressing action and add stability to the relatively high wall.

We suggest therefore that you obtain any necessary permissions for removal of the tree and reconstruction of the wall which would also involve reconstruction of the bin store on the outer side.

We trust these comments are of assistance and please let us know if you would like our further input in this respect.

Yours sincerely



I G Drummond
for and on behalf of
Ian Drummond Consulting Engineers



Photograph 1.



Photograph 2.



Photograph 3.



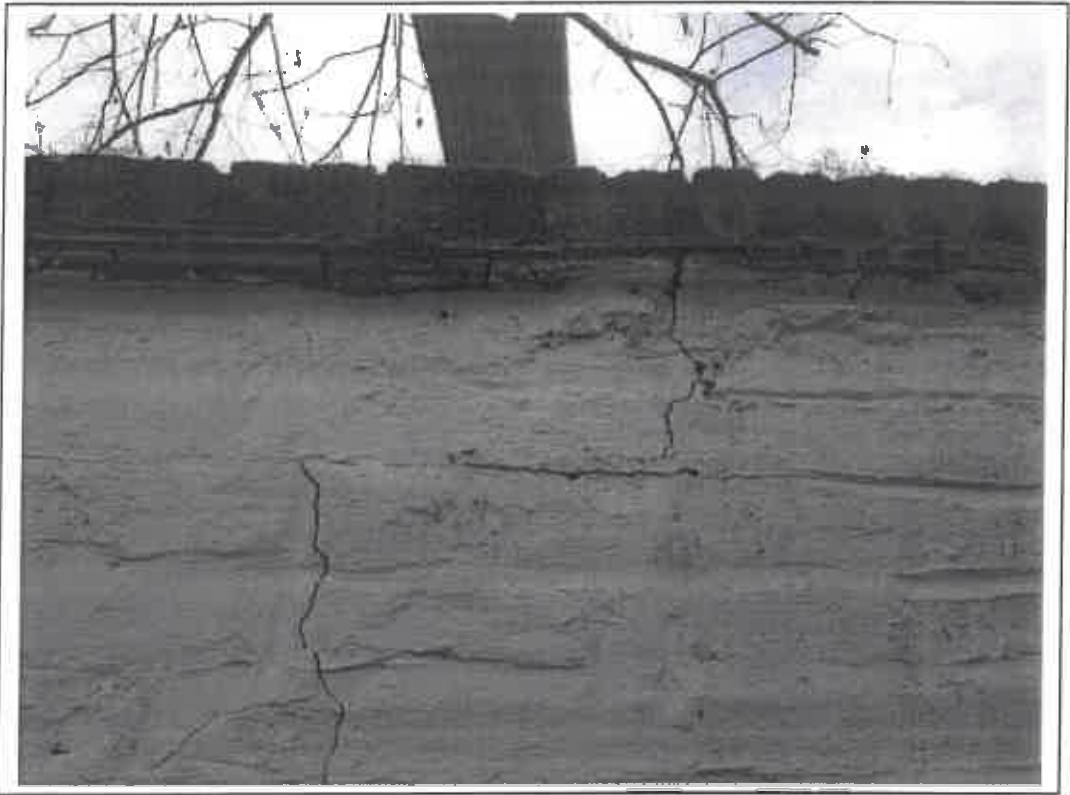
Photograph 4.



Photograph 5.



Photograph 6.



Photograph 7.



Photograph 8.