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Your Ref: SUB181107-2864
My Ref: TPO 649

Date: 19 June 2019

Dear Sir/Madam

Tree Preservation Order (TPO) Westminster no. 649 (2019)
57 Hamilton Terrace, London NW8 9RG

Thank you for your letter of 24th May 2019.

I note your objections to the TPO on the grounds that the maple tree is considered to be a contributory cause of root induced clay shrinkage subsidence damage to 55 Hamilton Terrace, that the view of the tree is extremely restricted and that it is not viewable from a public place.

Visibility of the red maple tree T1

The tree is clearly visible from Hall Road to the north west of the property. It is also overlooked by many properties, including the substantial block of flats on Maida Vale.

Alleged subsidence damage to 55 Hamilton Terrace

You consider that the maple tree is contributing to subsidence damage to 55 Hamilton Terrace and list the following facts in support of this view:

1. There is plastic clay subsoil below the foundations susceptible to volumetric change under the influence of vegetation.
2. The subject maple tree is 14m from 55 Hamilton Terrace.
3. Engineering opinion is that there is damage to 55 Hamilton Terrace due to clay shrinkage subsidence.
4. It is your opinion that there is damage consistent with the influence of the maple tree on the soils below foundation level.
5. The tree is too close to the building for appropriate pruning to offer a viable long term solution in abating its influence.
6. If the tree is retained, even with pruning, further damage to likely at some point in the future.
7. If stability is to be restored to 55 Hamilton Terrace, the maple tree will need to be removed.

No technical information was originally submitted in support of the proposal for tree removal. In the absence of an appropriate level of evidence implicating T1 in the damage to 55 Hamilton



Terrace, it was considered that insufficient reason had been put forward for the removal of the tree and that it was appropriate to protect the tree by making a TPO. The making of the TPO does not preclude the success of a future application to remove the tree, but allows us to require appropriate levels of evidence in support of tree removal.

Should evidence be provided demonstrating that it is reasonably foreseeable that the red maple tree is the cause of the damage, then the City Council may grant consent to an application for tree removal or may consider it appropriate not to confirm the TPO.

Some evidence was sent to the City Council after the TPO was made. You will need to make a new TPO application if you wish to remove the tree on the basis of that evidence. However, I would refer you to the Planning Portal Guidance for application to trees protected by a TPO, on the grounds of alleged subsidence damage, which lists the information required in order for such an application to be valid. The evidence sent to us following the making of the TPO would not be sufficient to validate a TPO application.

Appraisal

The red maple tree at 55 Hamilton Terrace is clearly visible from Hall Road and is overlooked by many properties. It is a young mature tree, in good condition, with a significant potential lifespan. It has high amenity value and makes a positive contribution to the character and appearance of the conservation area.

No evidence was originally submitted in support of the notification. Some evidence was submitted after the TPO was made, but this evidence would have been insufficient to justify tree removal, even if it had been submitted at an earlier date.

The making of the Tree Preservation Order does not preclude the removal of the tree in the future if an application is submitted, supported by an appropriate level of evidence to demonstrate that, on the balance of probabilities, the tree is contributing to the damage at 55 Hamilton Terrace and that tree removal is the appropriate remedy to the movement.

If the content of this letter is sufficient to allow you to withdraw all or part of your objections to the Order, please let me know. If I do not hear from you within 21 days of the date of this letter, I will assume that you would like your objections 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.

Yours faithfully

Rosie Dobson
Arboricultural Officer