

James Argles

From: Planning Support
Subject: FW: Comment Received from Public Access

Application Reference No. : HGY/2022/2764
Site Address: 27 Dukes Avenue London N10 2PX
Comments by: DAWN KEMP
From:
Flat 3, 40 Methuen Park
Muswell Hill
London
N102JS

Submission: Objection

Comments: I object to this application on the grounds that the applicant's claim that a mature tree in good health, one of the oldest trees in the Muswell Hill Conservation Area, is the main cause of slight subsidence in a property (c 20m away and c 4m above the tree base) is unsupported and unacceptable.

The submitted evidence is clearly given to reduce the cost to the insurer of meeting a subsidence claim with little evidence felling the tree would solve the issue. The initial report gives the direction that:

'Engineers should consider focusing investigations to strengthen factual evidence for disclosure to third party tree owners.'

Errors noted in the application:

1. Two photographs submitted with the application show a crack to a wall with a tree of girth c 30cm growing next to the wall. This wall is in fact in the front garden of the property and looks likely to be caused by the olive tree abutting the wall
2. Age Category for tree is given as 1 'Younger than the property', in fact it is either 2 'similar age to the property' or possibly 3 'significantly older'.
3. There is said to be no heave risk after tree removal 'presumably because the roots identified are 1.5mm thick, it makes no mention of heave risk to other properties nearby.

Other causal factors that have been reduced or ignored:

1. The foundations of the extension under the bay window is a concrete slab only 30cm deep 'insufficient for long term stability on clay soil, especially as the building has been substantially extended upwards

2. Other vegetation

The Wisteria

The borehole was significantly far enough away from the wisteria not to detect its roots in the sample, yet the tree has grown abutted to one of the walls where much of the damage seems to appear. Internal cracks are shown in a corner of the building which appears to be the site of the wisteria

Photographs of the wisteria in situ from Google maps show its size c10m and, as do the applicants own photographs, its proximity, directly next to the house wall (which appears to be the place where cracking is shown inside the house.

Francesco Vignoli a leading authority on wisteria writes that 'Wisteria roots spread so strongly and abundantly that if planted near walls or pavements they can easily grow into them causing serious damage'<http://www.wisteria.it/informa-e.htm#01>

Pear Tree

The influence of a mature pear tree, far closer to the property, adding to the dehydration of the soil closer to the second area surveyed was not given any consideration

3 Root evidence is insufficient

Plane tree roots detected were a miniscule 1mm and 1.5mm in width and found only occasionally in three samples, and without DNA analysis there is no evidence they are from the same tree.

Borehole 1 ' foundation slab 30cm

0.3 Occasional roots of live appearance (same depth as foundations)

0.8 to 2.3m no roots detected. Extensive inspection of soil samples

encountered no roots

2.3 to 2.8m occasional roots of live appearance

2.8 to 4m no roots detected. Extensive inspection of soil samples encountered

no roots

Borehole 2

1.4-1.7 occasional roots of live appearance (same approx. depth as foundations)

1.7-4m no roots detected. Extensive inspection of soil samples encountered no roots

4 Climate change

No mention is made of the extreme weather conditions from the summer of 2018 and the heatwaves of 2019 and July 2021 (the month the samples and water readings were taken). The recent hot summers and wet winters have made ground movements significant throughout north London. Previously many properties in the area have suffered from subsidence due to the clay soil.

The report states that the damage has been caused by clay shrinkage subsidence.

Patrick Gray, the British Geological Survey head of digital products, is reported in <https://www.wandsworthguardian.co.uk/news/national/19312372.britains-homes-risk-subsidence-climate-change-study-shows/> as saying

"analysis highlighted the areas most vulnerable to shrink-swell subsidence due to climate change.

"In London, the number of homes and buildings highly or extremely likely to be affected could double from a fifth ' more than 840,000 ' back in 1990 to 43% or 1.8 million by the end of this decade.

'Added to that, Britain is seeing increasingly variable climates. In summer 2018 for example, we experienced some of the warmest and driest summer months in years, whereas 2019 was one of the wettest on record.

'Dry weather and high temperatures are a major factor in the emergence of shrink-swell subsidence and looking to the future, these increases in annual temperatures and variability in rainfall are very likely to continue.'

"The most susceptible areas are London, particularly northern and central boroughs and Kent in the South East, the analysis finds."

<https://www.wandsworthguardian.co.uk/news/national/19312372.britains-homes-risk-subsidence-climate-change-study-shows/>

Sarah Dodd of the UK Subsidence Forum said she had 'no doubt' that the UK's hot dry summer 'could cause very serious damage in houses that would otherwise have only had minor subsidence problems'.

<https://www.telegraph.co.uk/money/consumer-affairs/hot-weather-putting-homes-risk-subsidence/> August 2022

5. 'The survey does not make an assessment for decay or hazard evaluation.'

The topography of the property is not mentioned in the reports. The insured property stands at a considerable height to the property next to it, to which it is attached. The drop between the two appears to be at least ten feet. No survey information is given regarding the foundations of the party wall or the impact they may have on the property's stability.

Conclusion

If this application were to be approved it sets an alarming precedent for insurance companies to go for the cheapest options, through trial and error, to reduce subsidence claims caused most likely by climate change, regardless of the impact to the natural surroundings.

Of course tree roots will sometimes be the cause of major damage to property whether through breaking physical boundaries or taking very substantial amounts of water from the soil, this application does not show either applies here.

To insist vegetation that takes water from the soil must be removed for an insurance claim to be valid, ignoring the impact of significant climate change making clay soil areas particular susceptible to seasonal changes is absurd. We will have no trees left and the actions will not reduce future claims as the loss of tree canopies will only lead to increased problems of flooding and soil instability.

The application states that there is a structural solution to stabilising the building which does not involve felling the tree. I believe this is the action that should be taken to rectify the problems in the property.

The applicants/ insurers threaten: 'Should tree works be prevented due to statutory protection then we will automatically proceed to seek consent for the works and Appeal to the Secretary of State if appropriate.'

I trust for the protection of our shared environment Haringey Council Planning Committee will not be intimidated by such a threat.

Please also note: I received notification of this application by post from the Council on the 3rd November though the letter was dated 17th October. The delay in posting could account for a low number of responses to this application.