

108 Woodfield Way
London
N11 2NT

25 April 2023

Planning Application HGY/2023/0827 (the 'Application')
Proposed felling of TPO-protected Oak in Scout Park, N11

Dear Sir/Madam,

We write to convey to you our strenuous objection to this Application.

In short summary we contend that the landscape-, conservation-, and historical-amenity provided by the tree is incalculable. The Application and evidence submitted in support does not begin to establish that the proposed felling is necessary, and nor is it apparent that any other options than felling have even been considered, let alone demonstrated to be impossible or unreasonable or disproportionate, when seen against the 'slight' damage said to have been caused by the tree's 4mm roots.

The Application should therefore be refused, the TPO remain in force, and the Oak *in situ* and unmolested, pending the proper exploration of damage mitigation efforts short of felling.

The Order

The London Borough of Haringey (Scout Park, Woodfield Way, London N11) Tree Preservation Order 2010 (the 'Order') appears on its face to have been made on 10 June 2010, or perhaps 2 February 2011, although for a reason which is not known to us it was registered as TPO/2014/2627 and dated 4 Dec 2014: perhaps there was an intervening appeal, or some other delay before the order was uploaded onto the Council's public register.

Inadequate Consultation

As a preliminary point we contend that too few properties have been consulted about this extremely grave application, and that not enough time has been given to permit an adequate response. We are concerned that those properties which were given notification of this application received it so as to coincide almost precisely with the start of the fortnight of school Easter holidays, and that the consultation period ended on 14 April 2023, just before the holidays themselves did.

We note that the first incidents of this episode of subsidence date to summer 2019 (or March 2020, depending on which account one accepts), and that the most recent report relied upon by the applicant's agent is dated September 2022. No explanation has been given as to why, in those circumstances, the Application is dated 24 March 2023.

In any event too little time has been afforded in which to respond, particularly when set against the lifespan and significance of this magnificent tree, and even in the light of the much shorter timescale over which the tree has apparently caused problems to the property at 27 Woodfield Way. Most of the properties in Woodfield Way provide family accommodation, and during the consultation period

many prospective respondents will have been fully occupied taking care of their children, at home or elsewhere. That was certainly the case for us, although in the event our address was not consulted or notified at all, despite benefitting from a clear view of the tree affected and being a few seconds' walk away from it.

When we first heard of the application from neighbours a few days ago there were four comments on the Council's website in respect of the Application. As of the date of this letter there are nineteen, all of which objections, which provides at least some indication of the concern this Application evokes. We suspect the nineteen to be the tip of the iceberg, and suggest that the council re-opens the consultation exercise, consults properties on and around Woodfield Way more broadly, and extends the time for responses.

Scout Park

As we understand it, the Scout Park has since the early 20th century provided a green outdoor sanctuary to children, and it continues in that function, to huge local, national, and international, utility, to this day. Quite aside from the ecological devastation which would be reaped by the destruction of the tree the Application seeks, the irony of the potential destruction of a tree which has provided a leafy canopy for children at play for over a century, and which long pre-existed the property which is the origin of complaint, is devastating.

Woodfield Way

This wholly-residential road encircles the Scout Park, and those residents who do not benefit by backing on to the Park do so through their close proximity to it. Coupled with the green space offered by the adjacent tranquillity of Tunnel Gardens, those who are fortunate enough to be able to make Woodfield Way their home are somewhat insulated from and compensated for their proximity to the A406. Indeed, these 8-acres of ancient woodland idyll are incredibly rare in north London, and no doubt have been a very significant factor attracting Scout Park users, and the occupants of all of the Woodfield Way addresses, to the area.

Substantive observations

As the Crawford Technical Report appended (document 01, page 1) to the application sets out, a good deal of the damage at the property has been occasioned by *'shallow foundations, rather than a direct results [sic] of the influence of the trees'*. Further deficiency in the standard of construction and/or maintenance at the property, causing paving to slump, is described as being *'due to poor compaction of backfill and poor / non-existent pointing allowing rainfall to erode beneath'*.

Dr Dealga O'Callaghan (doc 06) did not make a site visit. He confirms that the foundation of the extension is 1.35 metres deep (para 2.3), whereas the remedial work carried out in 2009 was apparently intended to install foundations to a depth of 3 metres (Doc 01, page 3). Dr O'Callaghan does not address the prospect that the underpinning was not carried out to specification, nor that the specification itself was inadequate, nor whether further underpinning or other work could therefore remedy the situation and save the tree. He has given no apparent consideration whatever to other solutions including the prospect of cutting the Oak's offending roots, or the installation of root barriers, and does not contemplate the prospect of the damage caused by progressive heave

which is likely to be occasioned by the decomposition of the tree's roots underneath 27 Woodfield Way in the event of the tree's demise.

The 2009 underpinning seems to have provided a decade of quiet at 27 Woodfield Way. Had it extended to a depth of 3 metres, as was apparently specified and recorded on plans, then that would have offered considerable additional structural stability, and would have extended below the 2.7 metres depth at which Oak roots were observed (doc 03 p.3), presumably preventing the ongoing damage.

We note that the Crawford Technical Report advised further site investigations and that, if appropriate, a claim should be lodged under the Association of Specialist Underpinning Contractors (ASUC) guarantee if it was found that the foundation construction had not been carried out according to specification. The Application is peculiarly silent on this question, and it is not dealt with elsewhere. According to Companies House the underpinning company, Concrete Foundations Ltd, was dissolved in 2014. Have further investigations been carried out? To what end? Has an ASUC claim been made? Why did not that happen before the (apparent) expiry of the 12-year insurance-backed guarantee?

In the context of a helpful TPO Oak subsidence case, Perrin and Another v Northampton Borough Council and others [2007] EWCA Civ 1353, and interpreting s198(6) Town and Country Planning Act 1990, Chadwick LJ observed: *"Commonsense suggests that the task in such cases should be to identify and evaluate the various possible means of abating or preventing the nuisance – whether by doing something to the tree itself or by other works – and then to ask, in the light of that evaluation, whether it is, indeed, necessary to do something to the tree, and (if so) what."* This Application does not begin to contemplate options other than destruction, and so cannot come close to demonstrating that the felling of the tree is 'necessary'.

In 2004 there was apparently a previous subsidence claim between the insurers of 27 Woodfield Way and those of the Scout Park, and in 2009 the property was apparently-inadequately underpinned. Given that it was only following those two events that the Order was made, in 2010, and in the light of the failure of the Application to explore alternatives, we suggest that the proper course of action is to refuse the Application and allow the recent and proper and valid TPO to remain, alongside the magnificent and irreplaceable feature of outstanding amenity which it serves to protect.

We look forward to hearing from you.

Yours faithfully,

Mark Himsworth

Sophie Walrafen.