



10A South Grove, London N6 6 BS

James Argles,
Planning and Building Control,
6th Floor, River Park House,
225 High Road,
Wood Green,
London N22 8HQ.

September 5th, 2023

Dear Mr. Argles,

Re: HGY/2023/2305, 37 Southwood Avenue, N6 5SA
Planning Portal Reference PP-12413552

This is an application to fell a mature monkey puzzle tree (*Araucaria araucana*) in the front garden of 37 Southwood Avenue, N6 5SA, within the Highgate Conservation Area. The applicant is Miss Emma Whytefield of Property Risk Inspection Limited, arboriculturalists, acting on behalf of Allianz, the insurers of the property. There is no written authority by the property owner for the submission of the application.

The agents allege that the works are proposed “as a remedy to the differential foundation movement at [the property] and to ensure the long-term stability of the building.” (Application, p.4). It is further alleged that the works are proposed to limit the duration of any claim period. It is stated that no alternative to felling, such as root barriers, would be effective or appropriate.

A consideration of the planning history of the property raises significant issues with respect to the appropriateness of felling in this case:

- (1) HGY/2002/0940: application for excavation of basement to form 2 bedrooms, bathroom and utility room, two lightwells to front and rear and new staircase to basement. This was refused on 28/08/02, but granted on appeal.

It is therefore the case that a substantial excavation has taken place in the basement of 37 Southwood Ave. and it is therefore very probable that the sort of differential foundation movement now complained of might have been caused by those works. There is no evidence in the several expert reports supporting the current application as to when this differential movement was first observed.

- (2) HGY/2008/1107, application for tree works “to include removal of 1x monkey puzzle tree.” It is stated in this application that “the tree, monkey puzzle (T1) is the subject of a Tree Preservation Order. The application is in relation to an insurance claim.”

This application was refused for the following reasons:

“The proposal to remove 1x monkey puzzle tree would result in the unacceptable loss of a tree by reason of insufficient evidence having been provided to clearly implicate the tree as the princip[al] cause of the damage and as the tree is of significant amenity value and as such further evidence will be necessary including soil and drainage surveys, details of the existing damage and monitoring results. The proposal would be detrimental to the visual amenity of the area contrary to the provisions of Policy OP 1.6 ‘Tree Protection Tree Masses & Spines’ of the Haringey Unitary Development Plan.” (List of Recommendations)

The Engineer’s Report –Update attached to the current application describes the property as “a Victorian 3 storey house which has been separated into apartments approx. 4 years ago, i.e. in 2019. (Malcolm Baldwin, Engineer’s Report – Update, QuestGates Loss Adjusters). There is no evidence in Haringey’s planning files of any planning application or planning consent for these modifications, which will certainly have involved building works. It is likely that such works might well have contributed to the settlement and hairline cracking now complained of.

* * * * *

Findings contained in the experts’ reports submitted with the current application fall far short of establishing that it is the monkey puzzle tree which has caused the slight settlement and cracking described, which has most likely developed over many years as a result of significant works of construction to the house.

1. Investigation Report, Auger drainage specialists, Wallasey, Wirral CH45 8RH, commissioned by Allianz. They made a site visit on June 13, and reported on June 30, 2023. The initial job summary states:

CCTV survey undertaken.
2 trial holes undertaken.
No drainage defects found.
Requested root samples not taken.

Under “Findings” (p.2) it is stated “We were unable to collect root samples from TH2 because no roots were present during the trial hole, hence no samples were retrieved.”

Five samples taken from TH1 were submitted to Richardson’s Botanical Investigations of Reading for identification. Their conclusions merely state that the samples “could be” from firs, spruce, larch and also araucaria (Monkey Puzzle). In each case they state that the samples revealed too few cells for positive microscopic identification.

Dr. Richardson further noted:

All of the roots described above were very immature—none were over 0.5mm in diameter; most significantly less. (p.2)

His findings certainly do not establish beyond reasonable doubt that roots from the mature monkey puzzle tree in the front garden were the cause of the slight differential settlement damage complained of.

2. Engineer's Report – Update. This report is “based on a Video Survey conducted by MyHomeNeeds on 14 December 2022 as well as subsequent Site Investigations by Augur on 13 June 2023. Thus the same trial holes dug by Augur were the basis for the engineer's findings.

As to the findings of damage, the engineer's surveyor had access only to the first floor apartment, but the ground floor occupant was not home. He also had no access to the rear external [sic] since this was accessed through the ground floor property.

They noted the following damage:

Hairline crack to the LHS of the internal bay window from the floor up to the ceiling. No other internal cracking was noted.

Stepped cracking to brickwork between GF and 1st floor on RHS of bay, mirrored internally.

Cracking to rendered stone window surround where it joins the brickwork (LHR and RHS)

1.5 mm. Diagonal cracking to stone frame of window on LHS of bay.

Crack through rendered lower brickwork on LHS

They also noted that “the footpath paving slabs are very uneven and when lifted there is [sic] large roots below, showing the tree roots are causing the slabs to move.”

However there is no evidence that the roots under the slabs of the footpath are connected in any way to the hairline cracks noted in the house and it appears they were not examined by Richardsons.

The engineers conclude that the property has become damaged due to clay shrinkage caused by moisture extraction by roots from nearby trees/vegetation. There is no identification of the roots noted under the pathway, and it is clear from the documentation appended to the application that there are other trees in the vicinity, as well as much vegetation and shrubbery in the grounds of 37 Southwood Avenue.

In the section of the Engineer's Update headed Root Identification there is included what is obviously the identical chart of conclusions to that prepared by Richardson's with one distinction: it does not state the possibility that the immature roots examined might be those of the Araucaria (monkey puzzle). Thus there are two versions of the same chart which differ from each other only in this important respect. It would appear that the inclusion of Araucaria in the Richardson version was an afterthought, very tentatively expressed. Richardson's should be asked to elucidate this discrepancy in their findings.

3. Property Risk Inspection report by Emma Whytefield, the applicant, on behalf of Allianz:

The finding that 1. "Tree roots were present underside of foundations..." "Positive Araucaria root ID." Is clearly not supported by the evidence provided by Richardson's.

The finding that 2. "Damage to the insured's property has resulted from tree-related subsidence": "History and timing of damage indicates it is tree root induced movement" and "Pattern of damage relative to the trees and mechanism of movement indicates the itemised tree species." is similarly unsubstantiated by evidence.

There is no information concerning the history and timing of the minor damage complained of, the two boreholes dug in June 2023 were not monitored over time, and there is a serious discrepancy between the very tentative findings of Richardson's Botanical Identifications and the claims made for them.

N.B.: the arboricultural report states that "we believe [the tree to be removed is] not protected under any Tree Preservation Order." (p.1, para 4). This is at variance with the statement in HGY/20081107, Officer's recommendation, that "The tree, Monkey Puzzle T1 is the subject of a Tree Preservation Order." This should be investigated by Haringey's tree officer; if there is no order protecting this tree, then one should be made. This is a highly important tree in the local streetscape, which although possibly 50-75 years old has not heretofore been implicated in any subsidence problems.

The Highgate Society sees no reason why the refusal to grant the application to fell the tree in 2008 should not be affirmed. The evidence submitted now is woefully insufficient to justify felling this mature, attractive tree in the Highgate Conservation Area. If insurers are concerned about possible long term future damage the appropriate remedy would be the installation of a root barrier. The argument put forward on their behalf that the removal of the tree would limit the extent and need for costly CO2 emissions should future remedial works become necessary is not sustainable. On this basis every mature tree in a garden in the conservation area should be removed in case it should in future be found to be causing significant structural damage. In this case the hairline cracks noted after an inadequate examination by the engineers and no proper monitoring over time do not justify the granting of the application, to which the Highgate Society is strongly opposed.

In 2015 there was an appeal decision following Haringey's refusal to allow the felling of a magnificent mature hornbeam at 54 North Hill (HGY/2014/3255) for similar insurance reasons. The inspector ruled that, even if the tree was implicated in the subsidence, it was such an important tree that alternative means of addressing the subsidence must be found, which the insurance company accepted. In the current case, as suggested above, it may well be earlier basement works and building modifications have caused the minor movement now described. In our view the case for felling has not been made.

Yours sincerely,

Arlene Polonsky,
Highgate Society Planning and Environmental Committee
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