

Text of an email to the Executive Member for Planning.

28 May 2012

I am writing about a problem which has arisen a few times recently and is illustrated by the attached Planning Inspector's decision relating to four London plane trees to the rear of properties in Richmond Avenue.

In a nutshell, the issue is this: where a resident makes alterations to a property and that property subsequently subsides (while others around it, which have not been altered, are unaffected by subsidence), can that subsidence provide justification for felling mature trees near the property?

The problem is illustrated very well by the situation in Richmond Avenue where:

1. The Inspector accepted (para 10) that the four mature London plane trees (over 22m high) made a very substantial contribution to the amenity of the area, giving (para 7)

‘a great deal of pleasure for those living in surrounding dwellings, in terms of their intrinsic beauty, the softening of views and .. privacy, as well as for the wildlife habitat that they provide’.

2. The trees also provided benefit to the public and contributed significantly to the character and appearance of the Barnsbury conservation area.

3. The trees were close to a property (no 26) which was unaltered and was not suffering cracking. A further property (no 25) was slightly further away but had been the subject of substantial alterations. It was showing signs of cracking caused by subsidence. The inspector found that (para 14) on the balance of probabilities—

“the substantial alterations to no 25, including additions at high level and the removal of lower load-bearing walls, have contributed to the damage that [the property] is now experiencing.”

4. Notwithstanding that this was so, the Inspector held that this did not preclude the appeal trees being a significant contributory factor, holding that it would not necessarily be inappropriate for them to be felled if it were clearly established this was the case (para 14).

5. Indeed, the Inspector went on to hold that felling was appropriate in all the circumstances (rejecting other solutions including underpinning and crown reduction) – only granting what was in effect a stay of execution for DNA testing in the hope that one or more trees might be salvaged if not all four were implicated (para 39). The inspector specifically held that it would be proportionate to allow felling of any trees so implicated notwithstanding their very considerable amenity value (para 32).

This is a very concerning situation and one that has been replicated elsewhere in the borough. With the shortage of family homes in Islington, and the economic downturn, many householders are deciding to make substantial modifications to their homes instead of moving house. In our drying climate, trees will increasingly be under threat if the approach taken in this case is taken elsewhere. It should be for householders and their insurers to bear the cost of making good subsidence

problems caused by alterations they have undertaken. Any other approach threatens the local landscape and is contrary to the public interest. Trees should be there for all to enjoy and their benefits for the wellbeing and mental health of residents are well known.

I would like to explore with you what steps might be taken to protect our valuable mature trees from being felled in similar circumstances in future. In particular, what steps could be taken in order to ensure that householders' proposals to alter the structure of their houses be required to pass more realistic tests of structural integrity in the first place? What modifications could be made to Islington's planning policy (or tree policy?) in order to make clear that it is for householders to take this responsibility? Might it, for example, be made clear to owners making modifications that if there is subsidence following modifications, but neighbouring houses are unaffected, a tree will not be removed?

This is clearly a difficult matter upon which your thoughts would be greatly appreciated.

Best wishes

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