

# Appendix 4

Cunningham Lindsey United Kingdom

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Telephone 01902 396000 Facsimile 01902 396039

Cunningham  
Lindsey

For the attention of Mrs V Brown  
Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove  
Worcestershire B60 1AA

15 November 2007

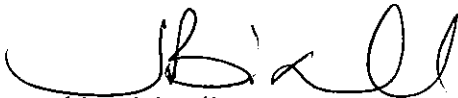
Our Ref: WOHPA/JB/2446379  
Your Ref: PR/PL.17

Dear Mrs Brown

**Tree Preservation Order (No 8) 2007**  
**Tree on land at 48 Lea Green Lane, Wythall, B47 6HW**

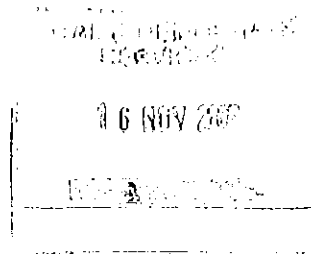
With reference to the above, please find attached the information in support of the case for the Tree Preservation Order not to be upheld. Our Engineering Manager, Simon Davy, will call you on Friday 16 November 2007 to discuss the information.

Yours sincerely



Jackie Bicknell  
*Project Management Services - Customer Support*  
Direct dial: 01902 396038  
E-mail: PMSwolverhampton@cl-uk.com

c.c. Mr Butt



## **Statement in support of Proposal to Fell Tree**

A claim was submitted by the Home owner Mr K Butt in August 2006

### **The Building**

The property is a detached dwelling dating from 1972 with a single storey extension to the front, believe to have been constructed in 1981.

### **The Damage**

The damage was initially noted by Mr Butt in Spring 2006.  
It took the form of cracking to the front and rear walls of the single-storey front extension.

We attach the following documents:-

The site notes from the original site by our Project manager. (Appendix A)  
These show the general site layout and the type of damage

Photographs taken at that initial visit. (Appendix B)

Additional photographs, indicating the current level of damage. (Appendix C)  
We have attempted to match the position from which the original photographs have been taken in order show the cracking in equal light.

Details submitted to us by Mr Butt relating to his monitoring of the damage.  
(Appendix D)

### **Site Investigations**

Investigations reveal the property to have foundations at a depth of 1.0m in the area of damage. This is sufficient to withstand normal seasonal effects and meets the minimum standards related to the time of construction.

The foundations are set within clay ground which is susceptible to shrinkage with extraction of moisture. Tests show the clay to have a range of shrinkage potential from low to high. It is also showing a moisture deficiency confirming the moisture within it.

The investigations also reveal the presence of roots proven by testing to derive from an Oak tree. There is an Oak tree of sufficient magnitude to develop such a root presence sited within the adjacent garden of the adjacent property.

(Appendix E)

### Monitoring

During the case the cracking has been monitored, either visually or more precisely by measurement. The formal monitoring did not start initially and this has weakened the ability to show the movement relating to the recovery of ground moisture. However, it is clear that the crack widths have visibly reduced by reference both to the photographs presented by ourselves, but also in the account forwarded by Mr Butt.

In this instance we have been fortunate that the period from October 2006 to July 2007 has resulted in the West Midlands experiencing total rainfall at 149% of the normal average for the area. This is evident in the degree to which the cracks have closed.

(Appendix F)

Note: All of this information is typical of what would be collected and presented in support of a Recovery claim against a Third Party who's tree is found to be influencing a property on which we are dealing with a claim.

### Other Supporting info

In addition to the above, we are aware that the adjacent property has been extended to the left-hand side. This is not only the side nearest the property we are considering, but also the one with the Oak tree in the front garden.

The extension has been built quite recently and we understand that in order to achieve approval the Building Inspector required the new foundations to be excavated to a depth of 2.0m entirely due to the presence of the Oak tree.

The above has secured the neighbour property against the influence of the Oak tree, as there is no evidence of similar damage even though the building is just as close as the single-storey extension to Mr Butt's property.

### Heave Assessment

As part of our assessment, we have also considered the possibility of heave of the ground, which could in theory occur as a result of removing the tree. This is fully accepted because our greater concern is the potential for significant movement within the main building as the tree develops.

It should be noted that whilst the tree is likely to pre-date 1970, its' growth has been affected by significant crown reduction by the neighbour within the last 5 years. It is believed that it will tend to try to regenerate this earlier growth and therefore the influence of the tree will increase.

The evidence of the site investigation is that there is already root activity from the Oak beneath the front right hand corner of the main building in the vicinity of the chimney stack within the lounge.

### Other Damage

A question has been raised we believe about damage to the junction between the chimney and the main building.

It is understood that the chimney is an addition to the original construction and the gap between this and the main building is the result of shrinkage within the fabric of the chimney as it dried. It anticipated that with removal of the tree and repair of the vertical joint to the main building, no further movement will occur.

### The Future

Whilst we understand that the removal of the tree will affect the immediate area, there is sufficient other vegetation in the area, including a good specimen Oak in the Farmland on the opposite side of the road.

In terms of the damage to Mr Butt's property, it is our professional duty to represent him and his Insurers in this matter. This is the reason for our submission. In addition, we would confirm that given our concerns for the future, if the Tree Preservation Order is upheld, then it would be our duty to seek recompense against the Local Authority for the cost of future damage should it occur. We confirm such damage is going to occur, whether next year or a subsequent year; it is just dependent on the weather pattern.

We confirm that cost for stabilising the complete building could be in the order of £50,000 to £70,000, dependant on the requirements of Building Control and the extent of crack repairs and redecoration required.

We very much hope that this situation will not be allowed to develop.

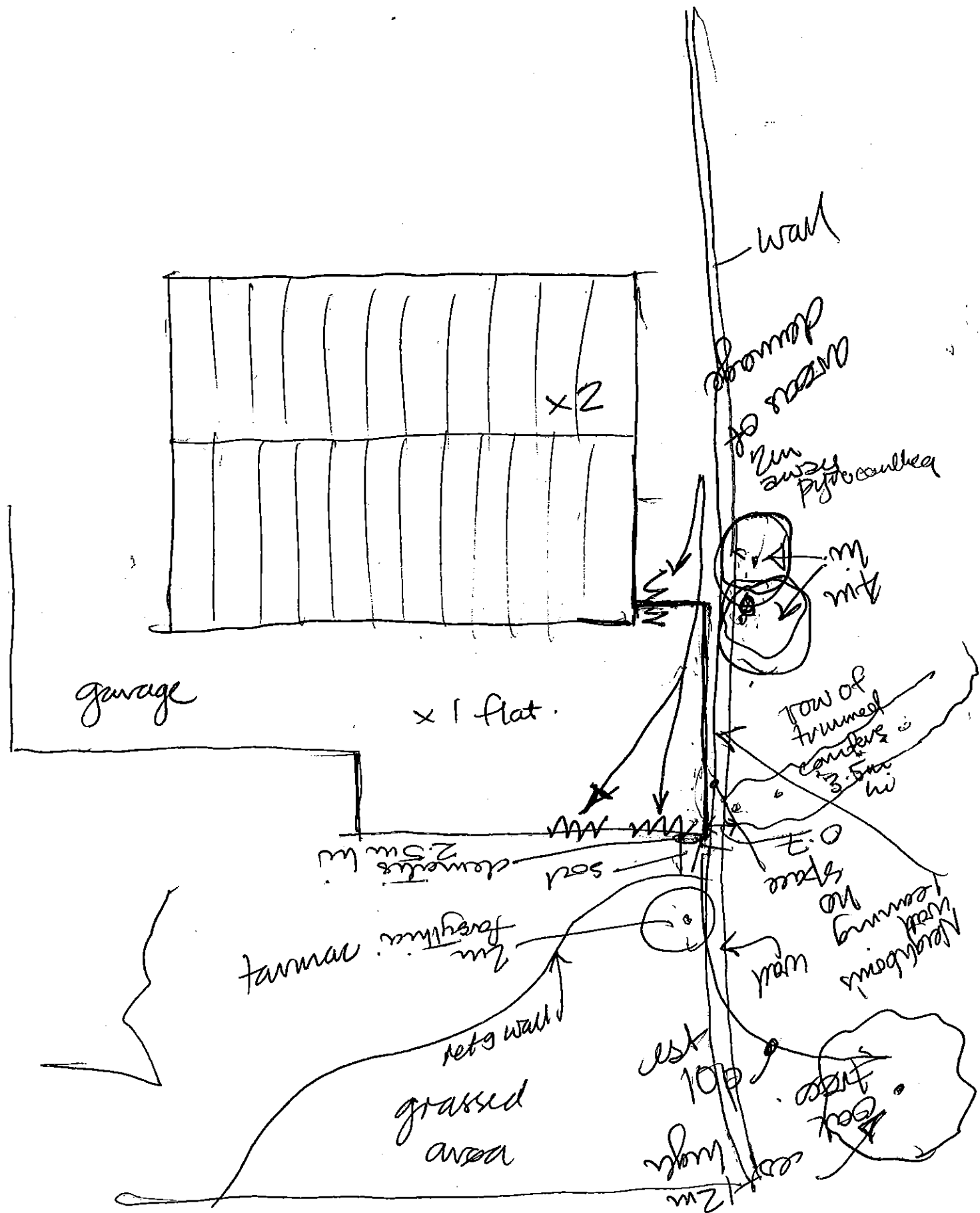
Finally, it should be noted that whilst there are other means of dealing with Mr Butt's property at this time, current legal advice confirms that this alone should not be the reason for upholding the Preservation Order. The proposal we put forward is we believe based on reason and evidence as the most logical and effective way of limiting the issues. If the Preservation Order is not upheld, there is currently no financial implication for the Authority

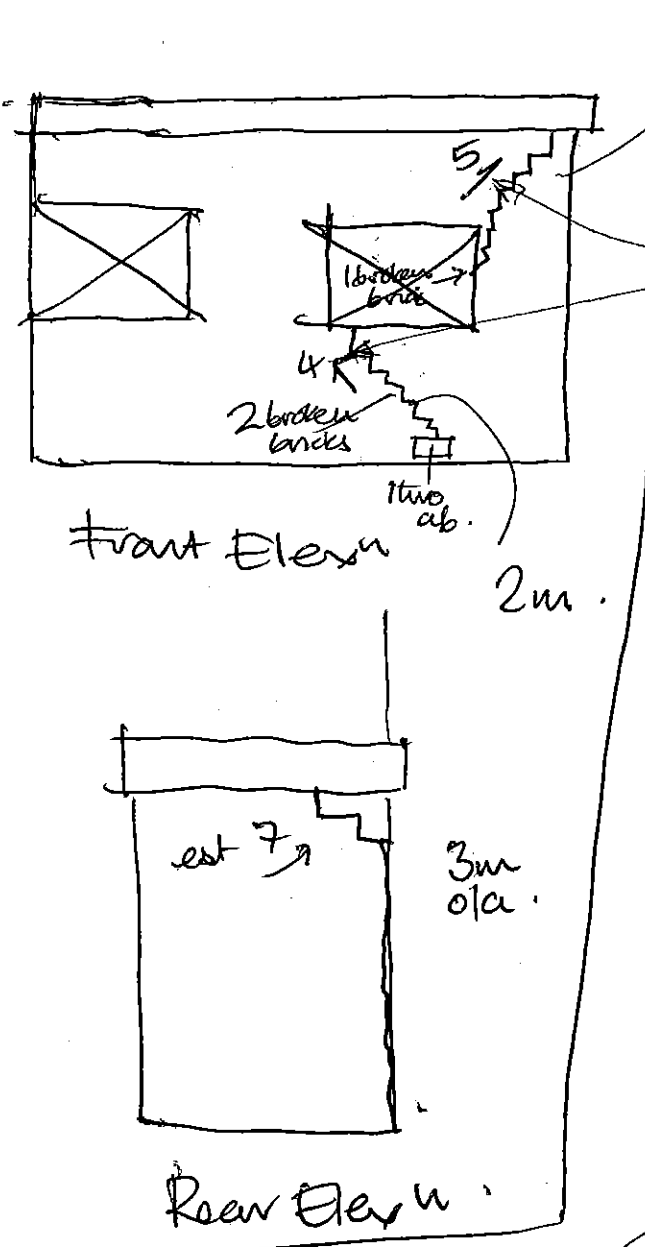
## APPENDIX A

### Original Site Sketches

Site Plan

22/08/06





3m

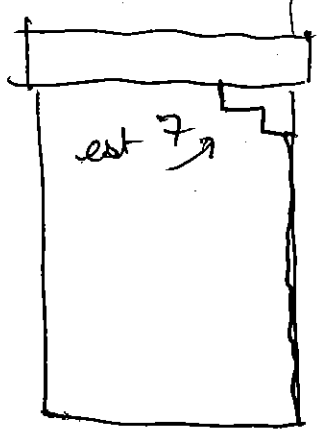
crack widths  
22/08/06

Front Elev'n

2m

External  
 att 1000  
 repair 1000  
 int 1000  
 repair 1000  
 decs 1000

4000-1000  
~~£~~ 3K



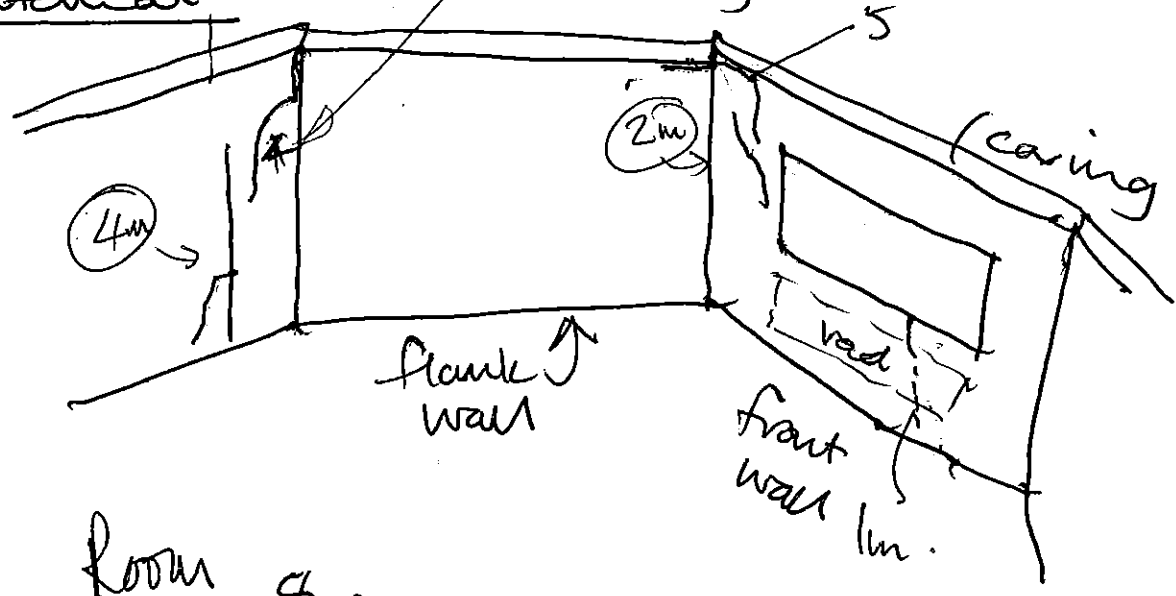
3m  
1.2m

Rear Elev'n

Internal

Crack widths  
22/08/06

Ceiling OK



Room  
4 x 4.8  
x 2.4 high

papered / emulsion

**Please note:** *Appendices B and C comprised scanned photographs which were not of sufficient quality for distribution.*

## APPENDIX D

Submission from Mr Butt

From: "Keith Butt" [keithbutt@waitrose.com](mailto:keithbutt@waitrose.com)  
To: [simon.davy@cl-uk.com](mailto:simon.davy@cl-uk.com)  
Subject: Cracking Lea Green Lane

Following your visit today 3rd October 2007 to reassess the current situation I enclose photographs which were taken on 26th August 2006 together with measurements of crack width, which illustrate the extent of cracking at that time.

The numbered photos represent the following:-

No.	Description of Location	Crack Width mm (my measurements)
14.	Under front window,cracked air brick	2nd Course 4mm 7th Course 2mm.
15	Front right corner	1st Course 5mm 7th Course 2mm
16	Side Wall to right of trees	-
17	Close up of side wall	-
18	Close up of back wall of extension	3bricks out 6mm
19	Back wall extension	6mm
20	Measuring front right corner	5mm
21	Measuring under front window	4mm
22	Back wall	6mm
23	Measuring internal left corner (equiv to outside back wall)	3.5mm
25	Measuring internal right corner (equiv to front wall)	5mm
	Internal wall under window (no photo)	4mm

The photos and measurements clearly show that the cracks have reduced significantly since August 2006.

Simon is this information sufficient or do you require a more official letter?. Please let me know.  
regards  
Keith Butt

(Note. photo 17 is repeated, and order on each attachment not necessarily in correct order)