

Environmental Services

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Mr & Mrs Colaco
17 Deerings Drive,
Pinner,
HA5 2NZ

16 December 2022

Our Ref: MG20917
Contact: Kay Patel
Direct Dial: 0330 380 1036 ext. 21214
Email: mitigationES@innovation.group

Dear Mr & Mrs Colaco,

THIS LETTER IS OF HIGH IMPORTANCE, PLEASE DO NOT IGNORE

Subsidence Damage at: 16 Deerings Drive, Pinner, HA5 2NZ

We are writing to you on behalf of Aviva, building insurers for the above property. The owner of the above property has reported damage and the insurer's Engineer is satisfied this is caused by shrinkage to the clay soil below the property and this shrinkage is caused by or made worse by the effects of vegetation.

We enclose an Arboricultural Report which identifies that vegetation under your control is contributing to the subsidence damage. Your ownership of the property has been verified by undertaking a Land Registry search, if you believe this information is no longer correct, please advise as soon as possible so that we can direct our correspondence to the correct party.

You will see from the enclosed Arboricultural Report, Table 6.1, the works the Arboriculturalist believes are immediately necessary to resolve the problem. Once the vegetation is managed in line with these recommendations it is the Engineer's expert opinion that the problem caused by the vegetation detailed will be resolved and the damage can be repaired. Please also note any recommendations applicable to your vegetation in Table 6.2 with regards to potential future damage.

Please note vegetation may be protected by a Tree Preservation Order or situated within a Conservation Area and this would need to be checked with the Local Authority prior to any works being undertaken.

To resolve this problem please take the following steps by completing the reply paid postcard – you DO NOT need to put a stamp on:

1. Confirm that the details in the Arboricultural Report are correct and that the vegetation is on your land.
2. Confirm that you are prepared to take the remedial steps recommended in the report.



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We do not recommend carrying out the work yourself as it is hazardous and requires a professional tree surgeon who will also be able to advise you on suitable re-planting options. We are able to assist you by obtaining quotes for the work from contractors in your area who have been vetted by us and are on our panel of approved contractors. If you intend to instruct a contractor direct please let us know when the work is scheduled to be undertaken.

If you decide to instruct your own tree contractor please ensure, where appropriate, stumps are treated to inhibit re-growth. You should note that whilst stump treatment is effective in most cases it cannot be guaranteed and any re-growth should be treated by you as part of normal garden maintenance using proprietary herbicides available at any garden centre. If you require any further information on stump treatment please do not hesitate to ask.

Failure to appropriately manage your remaining stump(s) could lead to regrowth of your vegetation and further occurrences of damage in the future for which you may be liable.

You may also wish to seek independent advice on the effects of the proposed work on your own building and to notify your building and contents insurers with a copy of this letter.

We would be most grateful if, in the first instance, you would contact us on the telephone number listed to discuss the contents of this letter and allow us to address any queries or concerns that you may have or that the issues outlined in the letter may have raised.

It is our intention to work with you to mitigate the cause of the problem however we need to inform you that you do have a legal obligation to abate a nuisance caused by something situated within your curtilage once it has been brought to your attention, in this case vegetation roots causing damage. We are also obliged to advise you that following our initial contact, and subsequent discussions, should you decide not to undertake the recommended vegetation management works the likely result will be further damage to the property leading to more extensive repairs being required such as underpinning. Our Client reserves the right to take legal action to recover their costs, associated with this further damage, and subsequent necessary repairs, from you.

If you have passed this matter to your insurers to investigate on your behalf please notify us of the details of your insurer and policy number so that we can take up discussions with them direct.

We would like to stress that this letter is sent on behalf of the property's insurer and not at the request of the homeowner. It should in no way affect good neighbourly relations.

Thank you in advance for your help in resolving this problem, we look forward to receiving your acknowledgement of our letter and would appreciate your contacting us within fourteen days so that we may progress this matter in a timely manner allowing our Client to arrange the necessary repairs to be undertaken to the damaged property.

Yours sincerely

Kay Patel

Mitigation Department

Enc. Arboricultural Report

Reply paid postcard



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Arboricultural Consultancy for Aviva / Barclays / Woolwich

Note: This report is intended for use between the client, Environmental Services and any parties detailed within the report. It is based on the understanding at the time of visiting the property that Engineers are satisfied that damage is attributable to clay shrinkage subsidence exacerbated by vegetation.

1. Case Details

Insured	Mr Amit Karia	Address	16 Deerings Drive, Pinner, HA5 2NZ		
Client	Subsidence Management Services	Contact	Ian Domigan	Claim No.	IFS-AVI-SUB-22-0101567
ES Ref	SA-250316	Consultant	Giles Mercer	Contact No.	0330 380 1036
Report Date	26/09/2022				

Scope of Report: To survey the property and determine significant vegetation contributing to subsidence damage, make recommendation for remedial action and assess initial mitigation and recovery prospects. The survey does not make an assessment for decay or hazard evaluation.

2. Property and Damage Description

The insured structure is a 2 storey detached house. The property occupies a level site with no adverse topographical features. Damage relates to the right-hand flank of the insured dwelling.

3. Technical Reports

In preparing our report we have had the benefit of the following technical investigations:

Engineers Report ☒

4. Action Plan

Mitigation	
Insured involved?	Yes
Local Authority involved?	No
Other third party Mitigation involved?	Yes
Recovery	
Is there a potential recovery action?	Yes

Treeworks	
Local Authority	Hillingdon London Borough
TPO / Conservation Area / Planning Protection Searches	Awaiting Searches from LA
Additional Comments	
Awaiting Further Instructions.	
A potential recovery action has been identified.	
Engineers should consider focusing investigations to strengthen factual evidence for disclosure to third party tree owners.	

5. Technical Synopsis

This report is based upon our understanding at the time of visiting the property that Subsidence Management Services have concluded, on a preliminary basis, that the current damage is due to differential foundation movement exacerbated by moisture abstraction from vegetation growing adjacent to the property's foundations.

We have therefore been instructed to assess the potential for vegetation to be influencing soil moisture levels beneath the foundations of the property and, if deemed appropriate provide management proposals which will return long-term stability and allow effective repairs to be undertaken.

The potential drying influence of the vegetation on site, has been considered based on an assessment of overall size, species profile and the proximity of vegetation relative to the advised area of damage.

Based on our observations on site, it is our opinion that the footings of the subject property are within the normally accepted influencing distance of vegetation on site, thereby indicating the potential for the advised damage to be the result of clay shrinkage subsidence exacerbated by the moisture abstracting influence of vegetation.

With due regards to species profile, size and proximity, the Red Oak (T3 & T4), the Horse Chestnut (T1) and the mixed species hedge (H1) are considered the dominant features proximate to the focal area(s) of movement and accordingly, where vegetation is confirmed as being causal, we have identified them as the primary cause of the current subsidence damage.

The size and proximity of the above vegetation is consistent with the advised location(s) of damage and it is our opinion, on balance of probability, that roots from the above vegetation will be in proximity to the footings of the insured property.

Note: additional minor vegetation has been noted on site and, depending on trial-pit location may be identified within future site investigations; however, unless specifically identified within this report, these plants are not deemed material to the current claim nor pose a significant future risk.

Given the above and considering the suspected mechanism of movement, in order to mitigate the current damage thereby allowing soils beneath the property to recover to a position such that an effective engineering repair solution can be implemented, we recommend a program of vegetation management as detailed by this report.

Please refer to Section 6 for management prescriptions.

Preliminary recommendations contained within this report are prescribed on the basis that site investigations confirm vegetation to be causal; management advice is designed to offer the most reliable arboricultural solution likely to restore long-term stability and also facilitate liaison with third-party owners and/or Local Authorities where necessary.

Consequently, we have advocated the complete removal of , the Red Oak (T3 & T4) and the Horse Chestnut (T1) in conjunction with management, to include partial removal of a section of the mixed species hedge H1 (as detailed) as it will offer the most certain arboricultural solution likely to restore long-term stability.

Replacement planting is considered appropriate with regards mitigating the impact of the works suggested; however, species selection should be appropriate for the chosen site and consideration must be given to the ultimate size of the replacement species and any future management requirements.

We recommend the role of vegetation and the efficacy of management recommendations be qualified by means of monitoring.

Please note that the footing of the insured property fall within the anticipated rooting distance of additional vegetation which we believe presents a foreseeable risk of future damage and accordingly we have made recommendations in respect of this.

The extent / impact of vegetation management required to restore and maintain long-term stability at this property is acknowledged. However, we consider the impact on the wider public amenity from the proposed tree works is mitigated by the presence of further trees and the scope for replacement planting.

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Is vegetation likely to be a contributory factor in the current damage?	Yes
Is vegetation management likely to contribute to the future stability of the property?	Yes
Is replacement planting considered appropriate?	Yes
Would DNA profiling be of assistance in this case?	No

6.0 Recommendations

6.1 Current Claim Requirements

These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
H1	Mixed species hedge	1	3	0.6	C - Insured	Maintain as detailed	Remove section of hedge/group to achieve a minimum clearance of 2m to the insured property; do not treat stumps due to translocation risk. Where such a risk exists, we advise that any emergent regrowth is removed annually. Maintain retained section thereafter at broadly current dimensions by way of regular pruning.
T1	Horse Chestnut	1	13.1	6.25	C - Insured	Remove	Remove close to ground level and treat stump to inhibit regrowth.
T3	Oak (Red)	3	24.5	6	C - Insured	Remove	Remove close to ground level and treat stump to inhibit regrowth.
T4	Oak (Red)	3	20	13.75	A - Third Party	Remove	Do not allow to exceed current dimensions by way of regular pruning.
Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property							

* Estimated

6.2 Future Risk Recommendations

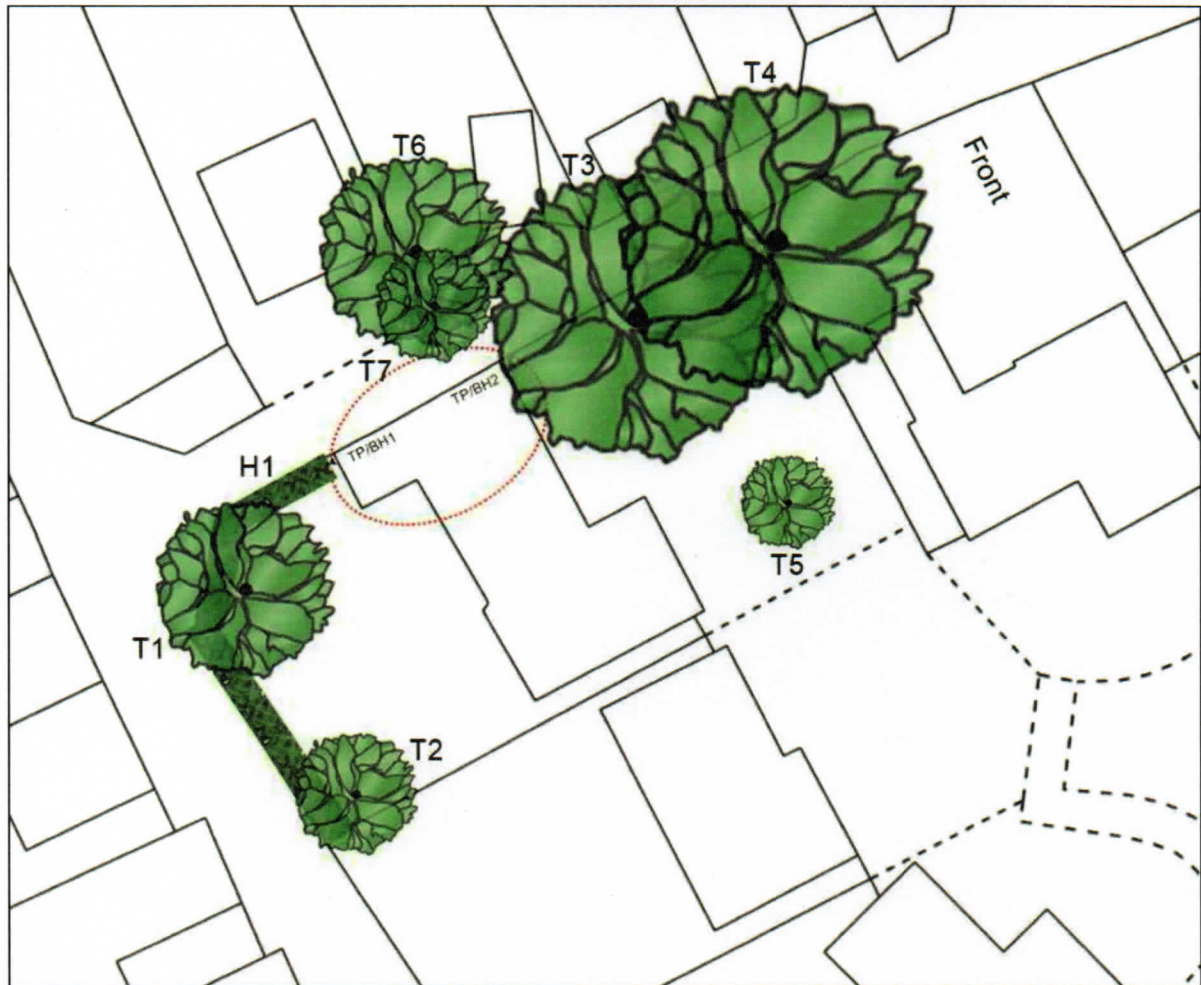
These recommendations may be subject to review following additional site investigations.

Tree No.	Species	Age Cat	Approx. Height (m)	Distance to Building (m) *	Ownership	Action	Requirement
T2	Maple (Norway)	1	8.5	9.4	C - Insured	Action to avoid future risk	Maintain at broadly current dimensions by way of regular pruning.
T5	Birch	3	3.6	4.8	C - Insured	Action to avoid future risk	Do not allow to exceed current dimensions by way of regular pruning.
T6	Cypress	2	15	7	A - Third Party	Action to avoid future risk	Do not allow to exceed current dimensions by way of regular pruning.
T7	Holly	1	7	4.6	A - Third Party	Action to avoid future risk	Do not allow to exceed current dimensions by way of regular pruning.
Age Cat: 1 = Younger than property; 2 = Similar age to the property; 3 = Significantly older than property							

* Estimated

Third party property addresses should be treated as indicative only, should precise detail be required then Environmental Services can undertake Land Registry Searches

7. Site Plan



Please note that this plan is not to scale. OS Licence No. 100043218

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8. Photographs



H1 - Mixed species hedge



T3 - Oak (Red)



General Site



Front

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T1 - Horse Chestnut



T2 - Maple (Norway)

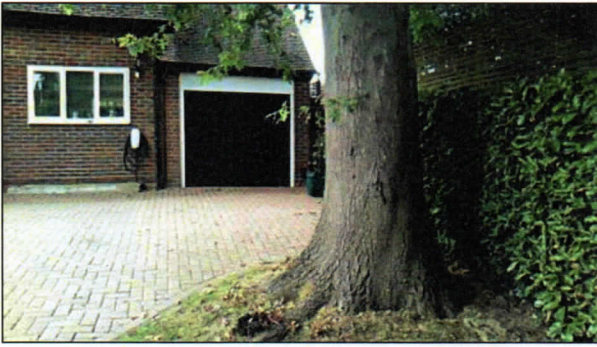


T7 - Holly



T6 - Cypress

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T3 - Oak (Red)



T5 - Birch



T3 - Oak (Red)



T4 - Oak (Red)

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Date: 26/09/2022

Property: 16 Deerings Drive, Pinner, HA5 2NZ

9. Tree Works Reserve - Does not include recommendations for future risk.

Insured Property Tree Works	£6200.00
Third Party Tree Works	£4500.00
Provisional Sum	£0.00

- The above prices are based on works being performed as separate operations.
- The above is a reserve estimate only.
- Ownerships are assumed to be correct and as per Section 6.
- A fixed charge is made for Tree Preservation Order/Conservation Area searches unless charged by the Local Authority in which case it is cost plus 25%.
- 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.
- All prices will be subject to V.A.T., which will be charged at the rate applying when the invoice is raised.
- Trees are removed as near as possible to ground level, stump and associated roots are not removed or included in the price.
- Where chemical application is made to stumps it cannot always be guaranteed that this will prevent future regrowth. Should this occur we would be pleased to provide advice to the insured on the best course of action available to them at that time. Where there is a risk to other trees of the same species due to root fusion, chemical control may not be appropriate.

10. Limitations

This report is an appraisal of vegetation influence on the property and is made on the understanding that that engineers suspect or have confirmed that vegetation is contributing to clay shrinkage subsidence, which is impacting upon the building. Recommendations for remedial tree works and future management are made to meet the primary objective of assisting in the restoration of stability to the property. In achieving this, it should be appreciated that recommendations may in some cases be contrary to best Arboricultural practice for tree pruning/management and is a necessary compromise between competing objectives.

Following tree surgery we recommended that the building be monitored to establish the effectiveness of the works in restoring stability.

The influence of trees on soils and building is dynamic and vegetation in close proximity to vulnerable structure should be inspected annually.

The statutory tree protection status as notified by the Local Authority was correct at the time of reporting. It should be noted however that this may be subject to change and we therefore advise that further checks with the Local Authority MUST be carried out prior to implementation of any tree works. Failure to do so can result in fines in excess of £20,000.

Our flagging of a possible recovery action is based on a broad approach that assume all third parties with vegetation contributing to the current claim have the potential for a recovery action (including domestic third parties). This way opportunities do not "fall through the net"; it is understood that domestic third parties with no prior knowledge may be difficult to recover against but that decision will be fully determined by the client.

A legal Duty of Care requires that all works specified in this report should be performed by qualified, arboricultural contractors who have been competency tested to determine their suitability for such works in line with Health & Safety Executive Guidelines. Additionally all works should be carried out according to British Standard 3998:2010 "Tree Work. Recommendations".