

[REDACTED]
3 Winster Avenue
M20 2YG
[REDACTED]

To Whom It May Concern.

We wish to have the Tree Preservation Order removed from the tree on our property, 3 Winster Avenue, M20 2YG, as the tree is causing ongoing damage to our home.

We bought the house in November 2019 and at the time specifically asked the surveyor to reference cracking towards the gable end of the house due to the proximity of the tree. We were advised that these cracks were due to settlement over time and that the patching up around the gable end window on the first floor was where the window installers had done a bodge job of the installation and it had to be patched up. We accepted this assessment by the surveyor and the information from the vendor and went ahead with the purchase. Please see file 'E Stout - 3 Winster Avenue'.

In 2021, we were going to build a small extension to the property, but the cost of this was too high and as a result we decided to retrofit our existing property instead. We replastered the kitchen and bedroom around the cracked areas and undertook a full renovation of the property. The cracks returned in the same place shortly afterwards and we instructed our insurers to undertake subsidence investigations.

The initial investigation report stated:

The pattern and type of cracking would suggest that the damage has resulted from subsidence of the site. The most likely cause of subsidence is the shrinkage of underlying soils due to seasonal variations in moisture content. This will have been exacerbated by the moisture extracted by the roots of the nearby vegetation.

Please see file titled 'Short report letter'.

The insurers undertook a geological survey to ascertain the soil type, a tree survey, level and crack monitoring for a year, a drain survey and a survey to check for water leakage. Please see files 'Crack monitoring' and 'level monitoring' and 'drainage repairs report'. They did not provide us with a copy of the geological report, water leakage report or the tree report despite repeated requests for this, but the property was found to be built on sandy soil.

Our drains were found to be compromised by tree roots and had to be re-lined. Please see 'Drainage Repairs Report'. This was completed in Jan 2023

After a year of monitoring, the insurance company stated that the movement in our home is 'within tolerance levels' and that they would move to repairs, which surprised us as it was evident that the cracks were getting larger. The insurers paid for further repairs to our superstructure that were completed in March 2025. Please see 'Repairs SOWUP Copy'.

We trusted the decision that the insurance company had made and assumed that there was no longer an issue with movement in our home. Less than 5 months after extensive repair work, the cracks have returned in the same positions indicating that the problem is still ongoing and will continue to get gradually worse. The movement is now apparent further down the property and the upstairs and downstairs architrave in adjacent rooms are coming off the doorways and new doors that were installed in April 2025 are already beginning to jam due to movement.

The insurance company mitigated the likelihood of the movement being due to soil type as it is built on sandy soil; the sewers have been repaired for almost 3 years so should no longer pose a risk or cause for this movement; and leaking water was not found to be an issue. The surveyor said while he was on site that it would certainly be the tree that was causing the issue, but we do not have anything written from the insurance company that would corroborate this – I assume because this would then make them liable for the cost of dealing with the root cause of the movement. The insurance company were extremely hard to deal with, and they only shared our crack and level monitoring documents so we could have them independently reviewed after I threatened to apply for a Subject Access Request.

We bought the house in good faith, believing that the tree and house had cohabited with no issues so far; however, this is clearly not the case.

Since moving in the tree has posed an increasing threat to our home. We have had continued and sustained cracking in our superstructure; the roots of the tree severed the underground electricity cables last year, leaving our street with no electricity; our sewer pipes have had to be relined; branches have fallen on our roof, cracking tiles and damaging our car, and the roots allegedly also severed the internet cables which had to be repaired by Openreach this year.

We initiated contact with our insurance company when the cracks reopened and they advised that as the previous case had been settled, we would need to open a new claim rather than re-open the previous claim. This would most likely entail another year at least of monitoring and waiting. Whilst we would love for the cost of the works to be paid for by an insurance company, we feel that the issue is now becoming more urgent. We would like to be proactive with the matter and take action before more drastic damage is done to our home or the neighbouring properties, or someone is hurt. The tree is absolutely beautiful and we love it, but we also love our home and family and the tree is increasingly putting their safety at risk.

The tree has been maintained roughly every 5 years since the TPO was put on it in 2002. I do not have the expertise to discuss the health of the tree, however we did have an arboriculture report done in 2021 when we were considering extending our property. This shows the roots extending far beneath our property and the uneven canopy of the tree.

We have been advised that the lopsided canopy poses a greater threat to the tree during high winds. The force from wind pressure torque obeys a cubic power law – such that each extension in any direction from the trunk creates 1000 times more force on the trunk at 10 metres from the trunk than it does at 1 metre. Thus, if the canopy is lopsided, the force on the trunk increases as the cube of the distance from the furthest point from the trunk and makes it more likely that the tree could come down in a storm. Yet, if the tree were to fall, it wouldn't just bring down the branches but could also up-end the root system – and the roots opposite the branch with the most torque (the one currently furthest away from the property) are those most likely to lift the root opposite it (ie the roots that are under our home).

There was recently a situation just two streets away from our home where a branch fell from a tree, killing a lady, making the issues we face feel even more significant. The tree is our responsibility as it is on our land, and it is becoming increasingly terrifying to live in such close proximity to it. The tree is fully mature and has been put under stress in recent years due to our increased weather changes. Neighbours who have lived on the street for a long time have reported leaves dropping earlier and increased mast years which is reported as a stress response by the tree. Whilst I believe the tree is healthy, we have been advised that if it is having to deal with longer droughts and stronger winds as we are currently experiencing, it is likely to push out more aggressive root systems to survive.

We would like to apply to either have the TPO removed so we can fell it and plant a more appropriate tree for the location or apply to drastically reduce the canopy by up to 70% in an attempt to reduce the root activity. Advice online from the RHS says that up to a 70% canopy reduction is appropriate for mature trees where necessary.

Arborists have advised us that a 70% reduction will reduce the risk of wind catching the canopy but the root system will not 'shrink' in relation to the canopy reduction. They have also advised that the tree may not survive a large canopy reduction and that we are then putting our house at more risk as we would have an enormous, unwell tree in close proximity to our home. The safest and most cost effective way to deal with it is to remove it now while it is healthy.

Our surveyor and structural engineer have both said that the tree should absolutely go given the evidence of movement and the mitigation of other factors such as soil type, drainage issues or water leakages. We do not have official reports as these are professionals we asked to review our insurance data to give us peace of mind after our insurance claim rather than to gather evidence, so we did not instruct them to generate a report. If you do require a written report from either of the above we can pay to have that done if necessary, however we are reluctant to spend large sums of money on consultants if this will not have an impact on our situation.

We were advised that the readings from the subsidence investigations show that our house is rocking rather than sinking/ subsiding – so although the ‘subsidence’, or overall drop in levels is possibly within tolerance levels as stated by the insurance company, the house is still moving up and down which will cause continued and exponential damage to our superstructure. This is often found in clay soil areas, however, is uncommon in sandy soils like the soil our house is built on. The house is built with a concrete slab foundation and therefore the up and down movement in the corner of our home is making the whole house rock. Having mitigated clay soils or drainage issues, this is almost certainly due to root activity from the tree – either where the whole root system is moving up and down under force (eg during storms) or where the root system is expanding or moving.

We are aware that felling the tree is also not a ‘fix all’ solution and that removing it may potentially cause issues with cavities in the soil under our home and the street as the roots decay. It is not a decision we wish to take lightly; however, it is one that we feel we need to take imminent action with.

We spoke to John Kelsey in the planning department, who was really helpful and recommended we apply to either have the tree felled or to have a significant canopy reduction. An either/or application may give us the opportunity to discuss the situation with you before a decision is made. We were intending to have the tree pruned this winter anyway, however with the cracks in our home returning and having reviewed the subsidence data with an engineer, we would now like to take more drastic action than just a 30% reduction as is standard with trees with a TPO. Had we known the damage would continue, we would have started the process earlier than this to give ourselves a better timeline for our planning application. If we are denied permission to fell the tree and instead must prune it, this needs to be carried out during the trees dormant phase and before nesting season. With this in mind, we would really appreciate a speedy decision on this.

We would openly welcome dialogue and discussion with you on the matter and any input/ advice from experts that you have in your teams/ network regarding our home and the tree. I have also provided some photographic evidence of the cracking in our home (see file ‘3 Winster photos’) and welcome visits to our property from any relevant surveyors/ engineers/ tree specialists from your department.

Best wishes

A black rectangular box used to redact a signature.

3 Winster Avenue, M20 2YG.