

Dear Jamie

Thank you for asking me to advise in relation to this matter. I have considered the application forms provided for both properties, the report from the loss adjuster, the report from Building Control and the public comments made in relation to the application to fell trees protected by TPO's.

It appears on the face of the information that I have available to me that the trees in question are implicated in the subsidence, and as such, consideration will need to be given to whether or not the Council will be exposed to a substantial claim for damages if the applications are refused. However, it is impossible to determine what that exposure would be as there is no financial information in the application providing an estimate as to the likely fees for underpinning, and the usual works associated with subsidence caused by root damage.

The decision will also need to be weighed in the light of the public comment opposing the felling of the trees.

In order to consider and advise on the matter further I would need the additional financial information set out above.

I trust this assists but if you need anything further from me please do revert to me.

Kind regards

Sara Bryan
Senior Contentious Lawyer
Legal Services Team
Havant Borough Council and East Hampshire District Council