

32 Chevin Road  
Off Belper Road  
DERBY

Mr A Shervill  
Tree Preservation Order Officer  
Derby City Council Environmental Sustainability Unit  
Development and Cultural Services Department  
Roman House  
Friar Gate  
Derby  
DE1 1XB

Your ref:  
Our ref: AJN/CAW

13 December 2005

Dear Mr Shervill

**Town & Country Planning Act 1990 – Tree Preservation Order 2005 Number 443 – Derby City Council (111 Duffield Road, Derby)**

I write further to the receipt of a letter from your Andrea Sealy, legal clerk, dated 14 November 2005 which had attached to it a formal notice relating to the aforementioned Tree Preservation Order.

Prior to the receipt of this letter, I wrote to yourselves on 3 October 2005 notifying the Council of my intention to fell the tree mentioned under the order as this lies within the Strutts Park Conservation Area. I also submitted supporting information in the form of detailed structural reports prepared by the insurance company acting on behalf of my next door neighbour at 113 Duffield Road, Derby, which recommended due to structural problems directly due to the root growth of the aforementioned tree, that this be felled. It was stated in the order that the evidence submitted to justify the removal of the tree is "insufficient" even though this was prepared by a qualified professional experienced in this such matters. Further in their opinion, the damage the tree roots are causing is, in effect, a legal nuisance.

I also received a letter from your Mr Mike Kaye dated 28 November 2005 stating that under the Conservation Area rules the reason that it would not be possible to carry works out on the tree is in fact that the tree lies within the Strutts Park Conservation Area. With all due respect, I was aware that the tree fell within the Conservation Area and that is why I made the application by giving you 6 week's notice. The fact that the tree lies within a Conservation Area does not automatically mean that it cannot be felled. Again, no reasons were specified in that letter explaining why it should be retained when considered alongside the detailed information supplied from the next door neighbours insurance company as outlined above.

Continued/...

2.

A Shervill Esq  
13 December 2005

In order to comply with the regulations of the Town and Country Planning (Trees) Regulations 1999, I confirm that:-

- a) This objection is made in writing and has been delivered by hand to the Development and Cultural Services Department at Roman House, Friar Gate, Derby on 13 December 2005.
- b) I specify that the tree is that attached to the order 443 notated T1, a copy of which is attached.
- c) My objection rests upon the fact that the roots of the tree are causing structural damage to my next door neighbour's property which constitutes a legal nuisance. Detailed evidence in the form of reports prepared by experienced professionals on behalf of the insurance company acting for my next door neighbour at 113 Duffield Road have already been submitted to yourselves which recommends the felling of the tree.

I also attach herewith e-mails dated 18 November, 21 November and 29 November addressed to Sarah Morris, your colleague in the planning department dealing with this matter.

I would point out that I have had no response to any of the e-mails sent or any of the points raised which I find most unhelpful.

Specifically in relation to the e-mail dated 18 November 2005, I asked you identify the reasons for the evidence supplied being insufficient.

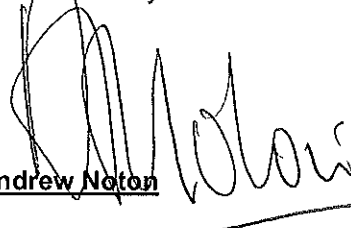
In relation to my e-mail dated 29 November 2005, I understand following a conversation with Sarah Morris yesterday that she has not in fact written to the insurance company as she said she would be doing, which is not helping my position in relation to 'nuisance' being caused to the adjoining property.

Consequently I would appreciate it if this matter could be addressed as a matter of priority, as I am sure you appreciate I am in a difficult position, on the one hand having a TPO attached to the tree and on the other, this tree causing a legal nuisance to my neighbours. In any event, I do not need your consent to work/fell a protected tree when this is to prevent and control a legal nuisance as outlined under Paragraph 13 of the DTLR Guide on Protected Trees which you kindly supplied me with. Please confirm this point.

I would also be grateful if you could please give me a call on 07718 516 479 to discuss the matter further.

I look forward to hearing from you.

Yours Sincerely

  
Andrew Norton