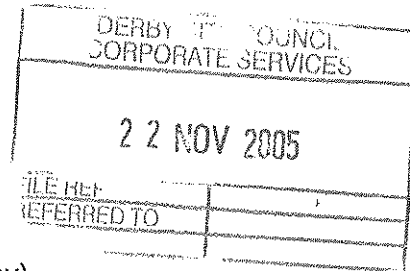


Telephone:
01332-340739

113 Duffield Road
Derby
DE22 1AE

18th October 2005

Corporate Services Directorate
Derby City Council
PO Box 6292
Council House
Corporation Street
Derby DE1 22ZL



Dear Sirs,

Your ref: ADS/10752
Town and Country Planning Act 1990
Tree Preservation Order 2005 Number 443
Derby City Council (111 Duffield Road, Derby)

Thank you for your letter of 14th November advising me of the above Tree Preservation Order.

I wish to lodge an objection to the order on the grounds that the tree in question is causing damage to my property.

About a year ago I informed my insurers that cracks were developing in the walls of my house. Their experts said this was caused by subsidence and the problem was identified as the cedar tree in my neighbour's garden (111 Duffield Road). Over the past year the number and size of cracks have increased quite substantially.

On 4th August this year contractors laying a new gas main dug two holes on my property exposing tree roots which I photographed. One was 5.5 meters from the tree and about 2 meters from the building; the other was about 10.5 meters from the tree and touching the foundations by my back door. Copies of the photographs are enclosed. I also retained a sample of the roots which are about 2cm in diameter.

My house is in a conservation area and was built to a high standard about a hundred years ago. It is similar, but not identical, to my neighbours on either side.

While I would never want to remove a tree without good reason, this one is jeopardising the structure of my house. It could be replaced with another more suitable tree or shrub which would not cause further damage. The cedar tree in question might be expected to double in size over the next 100 years endangering the structure of my house, almost certainly, 111 Duffield Road and probably 115 as well.

If the Council are unwilling to lift the TPO on the tree, I presume they will be taking full responsibility for the damage caused. Is this the case?

Yours faithfully

W J Nicholson