

512 Kedleston Road  
Derby

22 March 2014

The Director of Planning and Property Services  
Derby City Council  
Neighbourhoods Directorate  
The Council House  
Corporation Street  
Derby  
DE1 2FS

Dear Sir,

**Tree Preservation Order 2014, Number 578  
(512 Kedleston Road)**

I am writing to register my objections to the provisional Preservation Order made on 21 February 2014. It simply fails to address the principal concern, namely the stability of the tree in high winds.

In the section headed 'Grounds for making the Order' you observe that "the tree is in a prominent position and can be seen from further afield." This assertion lies at the very heart of the problem, yet the obvious inferences have not been drawn. The tree is totally exposed, and heavy winds assail it after passing unhindered over a large expanse of open fields. The opening sentence of your 'Grounds for making the Order' paragraph invites the reply that there would undoubtedly be considerable visual public interest in a house crushed by a falling tree!

Aside from the visually pleasing nature of this tree to the public, the public don't have to live in the shadow of it. I doubt that inviting members of the public to have this tree in their garden and planted so close to their house would yield many volunteers for ownership.

In these times of increasingly extreme weather conditions, Britain seems to be getting more and more severe storms. During the storms of this January the tree was a very scary vision and twice I had to remove large branches from the road in the morning. Derbyshire was relatively lightly hit by that storm as we only experienced wind speeds of 50 to 60mph. If the storm had passed closer to this area we would have endured wind speeds of 80 to 90mph or more which would have undoubtedly yielded more damage.

Having seen cars crushed when two poplar trees on Victory Road were blown down three years ago (my car was parked about 40 feet away from one of the crushed vehicles) and also seen the tree 100 metres down Kedleston Road (the mere 30 foot specimen outside number 500) blown over in the January of this year our concerns have been heightened.

At 65 feet tall, our tree would do considerably more damage (especially if it falls in the direction of our house or onto traffic driving along Kedleston Road or Quarn Drive) and cause considerably more disruption than the tree outside number 500 which caused Kedleston Road to

be closed for more than seven hours. Similarly, at 65 feet tall it doesn't seem in scale with a 25 feet tall house.

Our main concerns about the tree are:

1. The prevailing wind comes from the fields opposite. The tree is situated on a bank with Kedleston Road and Quarn Drive pathways passing within two metres of the base of the trunk. These pathways are two metres lower than the ground at the base of the trunk. This absence of solid ground on the windward side of the tree exacerbates our concern that winds reach us over open fields. The roots lodged in a six foot mound are uniquely responsible for preventing collapse.
2. Looking at the tree from 100 yards out of town along Kedleston Road the main trunk appears to lean towards the house. An effect which is increased dramatically in the top 10 foot or so. Looking at the tree from the field opposite the main trunk appears to lean quite considerably towards Quarn Drive. Also, on the windward side of the tree the splay of branches is only 15 feet, however the longest branches on the house and Quarn Drive side are 35 feet. This adds to the effects trying to pull the tree over onto the house and / or Quarn Drive.
3. There have been many fallen branches over the years (indeed there is one lodged in the tree at the moment) which doesn't seem entirely indicative of a 100% healthy tree.

I would expect these factors to be taken into account before confirming the TPO, and it would be courteous to provide me with your calculations should you decide that you can confirm that the tree is 100% safe and a 0% risk to anybody.

If the tree remains in situ it will become an ever-increasing danger – not only from its increased size (I don't know at what height the tree will stop growing) but also from its decreasing flexibility and therefore higher likelihood of critical failure.

We originally contacted a couple of tree surgeons over a year ago with a view to lopping off the top section of the tree and general tidying up of the lower branches. However, we were advised by both of the tree surgeons we contacted that this type of tree does not regenerate from the top and would therefore spend the rest of its life looking like the bottom half of a tree. Consequently we then looked at removing the tree completely. However it should be pointed out that our plan was always to replace this tree with one which was more in scale with the surroundings and therefore less likely to threaten safety. Indeed I had already asked Andy Portlock to use a grinding machine to remove the stump ready for re-planting.

When we bought this house in 2010 the standard searches on the house uncovered a proposed "Visibility Splay Improvement". Although the map I have which details this is dated October 1973 and nothing has been done about it since, I still think it would benefit the road safety at the junction between Kedleston Road and Quarn Drive. It is difficult to pull out of Quarn Drive as visibility is restricted by the bend and hill. The decision to pull out onto a road where cars are (notionally) travelling at 40mph is sometimes reduced to guesswork. I have witnessed two minor crashes, several prolonged sounding of horns and many more brakes screeching in the three years I have lived here.

Although we can do nothing about the front gardens of the houses on the other side of Quarn Drive we had planned to redesign the road end of our front garden by planting the replacement tree a little nearer the house and replacing the existing hedge with one located a few feet nearer the house. This would at least make the ability to judge whether to pull out in one direction a lot easier and result in fewer incidents. However, if the tree remains where it is our ability to affect this is reduced.

I had hoped to do this redesign in this growing season and had started looking at suitable replacement trees. Although I have my own shortlist of replacement species I would consider any particular variety of tree you care to suggest. I already have a small orchard of fruit trees in containers on my patio which were waiting for suitable homes following the redesign.

I await your reply with interest.

Yours faithfully

Paul Whitehall



514 Kedleston Road

Allestree

Derby

DE22 2NG.

21 March 2014

**Re : Tree Preservation Order at 512 Kedleston Road, Derby**

**Your ref : TPO 578**

Dear Sir

I write in objection to the above Tree Preservation Order relating to the Cedar tree in the front garden of 512 Kedleston Road / corner of Quarn Drive and Kedleston Road, Derby that was provisionally made on 21 February 2014.

My objection is based on many reasons but my main concern is that of the safety of my life and that of my family. Recently the UK was subjected to several weeks of extreme weather and particularly strong winds. Fortunately, the local area escaped the worst of this weather but still the wind strength of around 25 mph made us feel very uncomfortable about the Cedar tree in our neighbours garden. Other parts of the UK suffered wind speeds far in excess of this and it is my belief that had the wind speed been any much higher then there was a very real risk of the Cedar tree falling and crashing through our roof. The prevailing wind always blows directly onto the front of our house and owing to the open aspect of the land belonging to Kedleston Estate opposite, there is nothing to temper it. It is evident from looking at the Cedar tree that it has been subjected to winds blowing in this direction for many years as the upper branches lean quite significantly toward the houses. Furthermore, each time we experience windy weather, several branches both dead and living are blown out of the tree, falling in the gardens and on the pavement. I challenge you to make a site visit on a day when the wind is about 20 mph and see for yourself how windy it feels on our front and the effect this has on the tree.

I make further observations and points that appear to have been overlooked in support of my objection to the making of the Order as below.

1. It is a non-native species.
2. It is not considered valuable to wildlife.
3. Due to the size that Cedars achieve, they are more suited to parks and the gardens of large estates rather than modest sized gardens in residential areas.
4. It is a species that is particularly susceptible to honey fungus, the most destructive fungal disease in UK gardens to which no chemical treatment is available.
5. It may also be prone to aphid attack.

I disagree with the reasons stated in your grounds for making the Order as I believe that the full visual impact of the tree in question can only be appreciated from positions directly opposite yet the land opposite belongs to Kedleston Estate and as such is not occupied and therefore there are few people who can appreciate it from this position.

In making this Order, you seem to have based your decision on nothing more than the fact that you maintain the tree "looks nice". I accept that it provides a limited positive visual impact but surely this is far outweighed by the risk to human life should it fall onto the properties at 512 and / or 514 Kedleston Road. I imagine that the person who planted this tree did not ever envisage it growing to the height and size it is today. It is simply too big and too dangerous to be in such close proximity to residential dwellings. I believe you have not considered the wider aspects and full implications in making this Order.

I urge you to fully consider my objection and note the points I raise.

I also enclose a copy of a letter written to the owners of 512 Kedleston Road, Derby stating formally that we have concerns for our safety and wellbeing owing to the threat presented by the Cedar tree.

Yours faithfully

Richard Hubner

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514 Kedleston Road

Allestree

Derby

DE22 2NG

6 February 2014

Dear Abigail and Paul

I write to express my concerns regarding the Cedar tree in your front garden at 512 Kedleston Road, Derby.

I know we have spoken several times about the risks posed by this tree, should it fall as a result of high winds, a lightning strike or any other extreme weather event. However, in the light of the recent stormy weather experienced by many parts of the UK, we are becoming extremely anxious about the dangers this would present to our lives and those of our children notwithstanding damage to property or parked vehicles or indeed passing traffic and pedestrians. It is for this reason that I feel we now need to bring this matter to your attention in a formal manner.

On several occasions, I have observed fallen branches from this tree that have resulted from strong wind and fear that it now presents a significant risk of being uprooted together with the consequential damage that would be caused.

Hopefully, this letter will help lend weight to your argument when exploring the options around selecting an appropriate course of action. Whilst it's an awkward situation given that we are immediate neighbours, I believe it to be a sensible step that would serve to protect both you and I should the need arise at any time in the future.

I would welcome the opportunity to discuss the matter further with you both and feel that it is important to maintain the dialogue between us to achieve a mutually acceptable outcome.

Yours sincerely

Richard Hubner