

Hi Alex

Re: The Front Garden Tree

We're contacting you about the tree in your front garden. We appreciate that you have had the tree size reduced when we previously contacted you about it touching the roof, but we continue to experience significant inconvenience and concerns in relation to the effect of living close to the tree which we have outlined below in a number of separate headings.

Structural damage to property, roof & guttering

Roof

- The rapid growth of the horse chestnut tree means that the branches are again getting closer to roof and will inevitably damage it, which will be very expensive to repair.

Roof Flashing

- The flashing, which connects the edges of our 2 roofs is regularly blocked with tree foliage (i.e., leaves, twigs and tree blossom).
- Given the height of the roof it is impossible to access and clear the debris (the window cleaner is not able to reach this height).
- We are very concerned that water collected in the flashing will cause damage and damp to both properties.

Skylights

The skylights on both houses (31 b & c) are covered in a combination of green mould and bird droppings from the tree. Because of the design & location of our skylights it is impossible to clean them either ourselves or by a window cleaner.

Guttering

- The gutters are full of leaves and debris from the tree (see photos).
- This is causing water to pour down the front of your house in heavy rain, which will eventually cause dampness in the wall.
- Up to now we have been arranging for your gutters to be cleaned by the window cleaner and paying him from the house fund.

Public safety

- The large branch that overhangs the pavement and road looks unstable, smaller branches have come off in the recent high winds and we are concerned that a person or vehicle could be harmed if the large branch was to fall.
- Cars parked underneath the tree have paintwork damaged by bird droppings. Your current tenant's new car has been damaged.

- We no longer park our cars near or under that tree notwithstanding the scarcity of parking on Whitelow Rd.

Insects & public health

- Paul, your tenant, was recently admitted to hospital due to sepsis from an insect bite by insects nesting in the tree. This could have been very serious (sepsis can be fatal) and is actually a public health issue.
- We are obviously concerned that we could be both at risk of being bitten and becoming ill.

Leaves & bird droppings

Metal Railings

- The railings are covered in bird droppings after recently being repainted.
- The bird dropping start in spring and finish in late summer.
- The droppings are brown and purple which is very difficult to remove: either with a high-pressure hose or scraping which causes damage to the paint.
- Bird mess is corrosive, so has to be removed quickly before it causes damage, which is extremely unpleasant for us to have to do. It is also a health hazard.

Leaves

- We have to sweep up the leaves and blossom at least weekly during spring and summer.

Bird Droppings

- Throughout the spring and summer there are bird droppings all over the paving in our front gardens.
- Patrick spends a weekend power-washing all the gardens twice yearly, in order to maintain the appearance of all the properties.
- In the winter, the front gardens (and street paving) are a slip-hazard with green moss and slime caused by shade from the tree.
- Last year we had to replace a wooden bench which was covered in bird and leaf mould with another a metal bench which is again covered in bird droppings.
- There is also bird mess all over the pavement, which looks horrible, and also detracts from the appearance of what is an attractive, unique property (and why we all wanted to buy here!).

Right to light

- The large branches significantly reduce light and sunlight in our front garden and front rooms.
- Obviously, this is a matter for you, but your past and current tenants have complained about the lack of light to the front of 31c too.

Maintenance of the communal areas

- We have been maintaining the communal areas of the properties alone for 8 years now.
- As the only owner-occupiers, all the work involved, e.g., fixing the gates, arranging decorators etc falls on us, and we are generally happy to do it.
- However, the tree has been a considerable inconvenience for many years, and as it gets larger it becomes more of a problem.
- Unfortunately, none of the tenants seem to want to take care of the communal spaces or even their own front gardens, though they are happy for us to do it for them (including sweeping up leaves and cleaning their paving).

Planning permission

Removal & replacement with small tree or substantial tree surgery & reshaping of the tree

- We have enquired with the LA planning department and fortunately there is no Tree Protection Order (TPO) on the tree, but it is in a conservation area.
- Removal or tree surgery will require planning permission but is easier to obtain as there is no TPO.
- The planning application free of charge
- Would you consider applying for permission to remove the tree and replacing it with a smaller one?
- We understand that this would be expensive and would be willing to make an equitable contribution to costs as this would benefit both properties and avoids long-term damage to the fabric and structure of both properties.
- We have had an estimate of approx. £2000.
- Patrick's law firm has a conveyancing department, and he would be happy to make the application on your behalf.

We appreciate that you do not visit 31c very often so we have taken several photos which illustrate several of these problems:

- *Tree Debris: Shared roof Flashing*
- *Blocked guttering .*
- *Bird Droppings on the metal railings*
- *Bird Droppings, tree mould & grime on the garden paving*



