

72 Southfield Road
Northampton
NN5 6HL
01604 750709
davidctodd1@gmail.com

Monday, 04 November 2019

Dear Mr Hazell

NBC Tree Preservation Order No240
Land to rear of 48-84 Southfield Road, Northampton

I write to acknowledge your authorities letter of 25th October imposing the above mentioned Tree Preservation Order. I am writing to let you know of my objections to the order on the following grounds; Nuisance, Climate Change and Fairness.

Nuisance

We have lived here for four years and during that time we have come to realise what a nuisance these lime trees cause to us and **all** who live in houses close to them. For significant periods of the year we are solely employed in the garden clearing fallen leaves, twigs and branches. The trees not only drop leaves but seed and spit. This proves to be a constant problem for our gutters and roof gully's which get blocked with annoyingly costly frequency. We are unable to use outside clothes lines as they and any clothing left on them are coated in sticky lime. As are our house windows and even our car parked to the front of the house gets a regular coating. It was difficult enough to get tree owners to take action before the order. Now it will be even more difficult! We often put out two large brown bins of tree waste. As we get older I suspect that will become even more challenging to achieve.

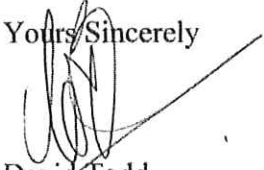
Climate Change

In the relatively brief time we have lived here we have been able to note the effect of climate change on our weather and in turn, the effect it is having on the trees to our rear. Using schoolboy trigonometry I estimate that the tree to our rear (No 9) is in excess of 90ft high. The rear of our house is some 45ft from the base of the tree. All the data I have read on these trees suggests that they can grow some 2 to 4 feet a year. When the winds blow as they have been doing so over the last few days, it is easy to imagine this enormous tree or others (within the order) falling on a house. We regularly get pelted by twigs and branches which hit the windows of our property. In the garden we have often found large boughs which could have seriously injured anyone underneath. This threat is only going to get worse by all forecasts and the prospect of having to go through even more layers of bureaucracy to get any remedial work done is appalling.

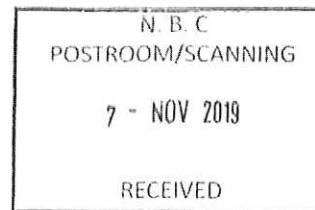
Fairness

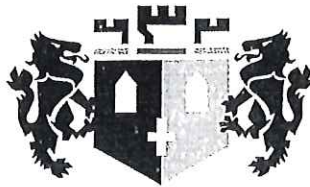
We have owned this property for more than 6 years and during that time we do not recall any maintenance being done by the borough council on the trees situated in the park land to the right rear of our property (St Crispin's Park). It only seems fair to me, that should this order be confirmed, that it should extend to the trees in the park too. If the tree owners are to be burdened with layers of bureaucracy why should the council be allowed to get away without? It's long been said that "what's sauce for the goose should be sauce for the gander".

Yours Sincerely


David Todd

J Hazell Esq Project Officer Arboriculture
Northampton Borough Council
The Guildhall, St Giles Square
Northampton NN1 1DE





**NORTHAMPTON
BOROUGH COUNCIL**

Planning Service
The Guildhall
St Giles Square
Northampton, NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
E-Mail: planning@northampton.gov.uk

Mr D Todd
72 Southfield Road
NORTHAMPTON
NN5 6HL

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Mr Todd,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write to acknowledge receipt of, and thank you for, your letter of objection to the serving of TPO No. 240 dated 4 November, upgrading the protection offered to these particular trees within the St Crispin Hospital Conservation Area.

You categorise your objections under the three main headings of nuisance, climate change and fairness.

Under nuisance you raised several points, including:

- leaves in the autumn
- deadwood in the crowns throughout the year
- seed in July
- honeydew in spring

Unfortunately, trees behaving as nature intended, for example

- seasonally losing leaves, shedding pollen or dropping fruit,
- developing dead wood throughout their lives, and dropping small dead twigs or branches at any time of year,
- growing tall as they mature and swaying in the wind,

are not grounds for grounds for consent to carry out for work to a tree that is individually protected by a TPO or which is growing within a CA. By extension therefore it is not grounds, in our opinion, to refuse to confirm the Order.

Under climate change you raise the concern of falling branches, and an administrative hurdle to go through before any work can be undertaken. Climate change, whilst a genuine current concern, is not considered when reviewing an application to carry out work to a protected tree as it is not one of the criteria under which the Order was served, which was for public amenity. Falling branches has been dealt with above, and the administrative burden is different, but of no greater magnitude, than the current requirements under the Conservation Area regulations.

Under your final heading, of fairness, you may not have noticed that the line of 69 lime trees surrounding the open space were worked on this summer by our environmental services

contractor, and that they had carried out that work after we raised no objection to their formal notification N/2018/1603.

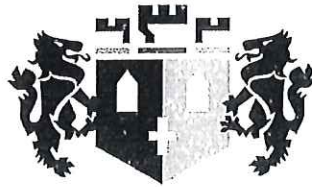
I hope the above explains the background to the making of the Order and will allow you to withdraw your objection to its serving? If so, then please would you write to confirm your withdrawal of your objection? If your objection were to stand then we would be obliged to hold a specific Committee meeting to seek their approval for the confirmation of the Order, rather than simply rely upon the delegated authority that has been given to the Head of Planning to confirm the order, an example of being "burdened with layers of bureaucracy" that you seem to decry in your letter.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

Jonathan Hazell
Arboricultural Officer
Planning Service

Working pattern: 08:00 – 16:00, Tuesday and Thursday



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BOROUGH COUNCIL**

Planning Service
The Guildhall
St Giles Square
Northampton, NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
E-Mail: planning@northampton.gov.uk

Mr D Evans
60 Southfield Road
NORTHAMPTON
NN5 6HN

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Mr Evans,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write to acknowledge receipt of, and thank you for, your comprehensive letter dated 10 November that was written following the serving of TPO No. 240 that sought to upgrade the existing protection offered to some of the trees within the St Crispin Hospital Conservation Area.

You have raised several points about the lime trees which I have listed below:

- deadwood in the crowns throughout the year
- honeydew in spring
- pollen in June
- seed in July
- leaves in the autumn

Unfortunately, trees behaving as nature intended, for example

- seasonally losing leaves, shedding pollen or dropping fruit,
- developing dead wood throughout their lives, and dropping small dead twigs or branches at any time of year,
- growing tall and swaying in the wind

are not grounds for grounds for consent to carry out work to a tree that is protected by a TPO or which is growing within a CA. By extension therefore it is not grounds, in our opinion, to refuse to confirm the Order.

Your observations about the history of the trees, whilst interesting, is not of direct bearing to the serving and confirmation of this particular Order: the purpose of a TPO is not to prevent management, but rather to allow tree management that will maintain the public amenity. The serving of the Order need not therefore prevent a management plan from being put in place, but it is not our role to do that.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,


Jonathan Hazell
Arboricultural Officer
Planning Service

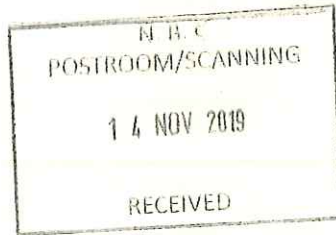
Working pattern: 008:00 – 16:00, Tuesday and Thursday



David Evans
60 Southfield Road
Duston
Northampton
NN5 6HN

☎01604 460321

dh.evans659@ntlworld.com



Mr Johnathan Hazell
Project Officer
Arboriculture
Northampton Borough Council
The Guild Hall
St Giles Square
Northampton
NN1 1DE

Your Ref: LP/PTP008522

10 November 2019

Dear Mr Hazell

Tree Preservation Order No. 240

Thank you for your letter LP/PTP008522 dated 25/10/19.

Your letter contains the paragraph:

The Council have made the order because the trees included within this Order have been assessed as being eligible for protection on grounds that they individually and collectively provide considerable public amenity being highly publicly visible within the landscape and are of good form and condition.

I will agree they are fine looking specimens, but hidden beneath the leaf canopy there are a number of dead branches, normally fairly small, earlier this year a more substantial dead branch approx. 75 mm diameter was blown down in high winds, it damaged the fence to No 39 Dave Bowen Close. Looking from afar they are highly visible and statuesque, but when one gets closer, it's clear to see they do have some fairly antisocial habits.

The first of the annoying deposits from the trees comes in April, a sticky substance secreted by the aphids that live on the leaves, this substance lands on everything uncovered in the garden, washing lines, patio furniture, windows and window cills, plant pots and even plant leaves and cars, the only way it can be removed is with hot soapy water.

The second annoying substance comes in June, this is a yellow dusty, powdery substance, this substance is made up from the component parts of the flowers;



This fine dust comes down in such quantities that it can block the outlets in gutters and surface drains.

The third onslaught comes from the seed pods.



This is the fruit of the lime tree and also contains its mechanism of distributing the seeds for onward propagation. These start falling in July and continue until the end of September. It is no exaggeration to say that these get everywhere, gutters, drains, doorways. It is easy to fill the brown wheelie bin with these seed pods and winglets and then fill it again for its' next collection.

The last item to cause grief is of course the leaves, as you are aware these trees have massive canopies made up of huge quantities of leaves, these leaves come from all directions, it is not just the tree directly behind our individual properties. The leaf drop starts in October and continues on until the end of December. Once you think you have cleared them all, a wind blows and small piles of leaves are deposited by wind eddies. Before any use of the washing machine, I have to physically go outside to ensure the outside drain is clear of dead leaves, whatever the month this has to be done to ensure the waste water goes down the drain and is not causing a micro flood underneath the kitchen window.

What came first, the houses or the trees?

The houses and bungalows on the western side of Southfield Road (backing on to St Crispins) were built in 1953. My next door neighbour was one of the original occupants, he was a foreman draughtsman at The Express Lift Company in St James and his wife was employed in St Crispins Hospital. There were no trees when they occupied their new marital home. The land on which the trees stand was part of the St Crispins Hospital Farm.

The farm served two purposes, it provided food for the hospital and secondly it provided a useful and beneficial way for a lot of the patients to pass the time, they were employed as farm workers.

One summer the farmworkers were instructed to plant lime trees round the whole perimeter of the farm, this of course included behind the houses included on the current TPO. Originally the trees were planted too close together and after a few years their canopies were touching, several of the residents in Southfield Road, my neighbours' wife included campaigned to "get something done". The campaign was successful; every other tree was removed giving the remaining trees "elbow room" to carry on with their lives.

I would like to suggest that now their canopies are once again touching something needs to be done about them. (Photo below).

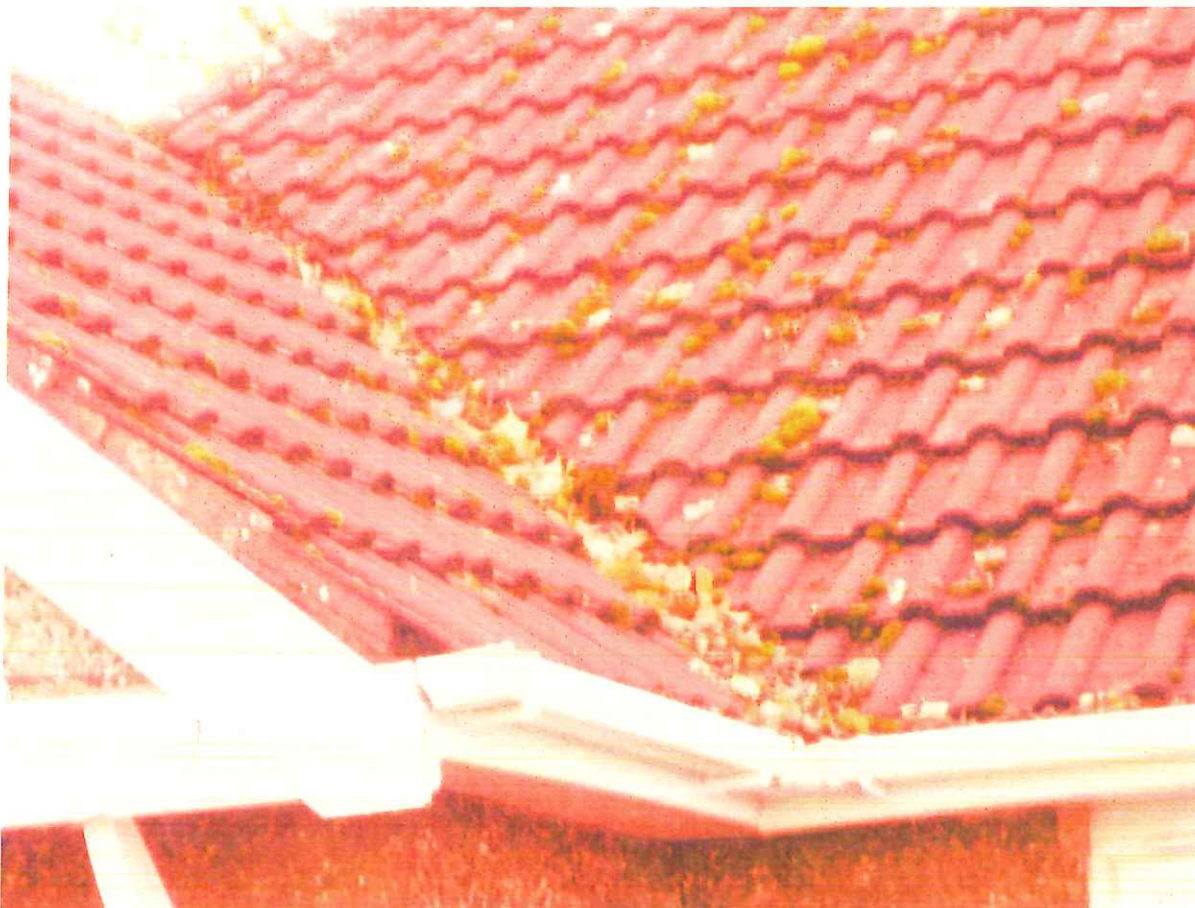
I'm sure in hindsight the hospital management would agree that a hawthorn hedge would have done the job as well as the trees if not better.

From afar they do provide a spectacle and a considerable public amenity. On a yearly basis we have to climb ladders to clean our gutters and roof gulleys, I am 65 years of age and paralysed in both legs from the knee down, I know I won't be able to climb the ladder forever, my neighbour one side is a full time wheelchair user, so he is paying for the removal of the leaves and on the other side there is a lady in her seventies, clearly she cannot be expected to climb ladders to clear up other peoples' rubbish!









Yours sincerely

D. H. Evans

David Evans

David Evans
60 Southfield Road
Duston
Northampton
NN5 6HN
☎ 01604 460321

dh.evans659@ntlworld.com

Councillor Suresh Patel
Northampton County Council
Cabinet Office
County Hall
George Row
Northampton
NN1 1DN

1 July 2015

Dear Mr Patel

Overgrown lime trees, Southfield Road, Duston

It has been about three weeks since I wrote to you about the lime trees in land adjacent to Southfield Road, Duston.

Whilst I was writing to you in early June, it appeared there was pruning program in place to give the trees a trim and thin out. Regrettably the (apparent) pruning program has come to a stop, in the grounds of the two council "Care In the community" bungalows.

We are in the part of the trees annual cycle where, through the aphids that live on the leaves are busy dispensing a sticky substance that covers any surface exposed to the influence of the trees' canopy, ie windows, washing lines, dust bins, cars, guttering, patio furniture, plant pots indeed the plant them selves' get their leaves covered in this sticky messy substance.

This will only last for another couple of weeks, then it will be the turn of the seed pods to leave the tree and require removal from rainwater gutters etc, and sweeping up where ever they fall.

Now the trees are in full leaf, their canopies as well as looking impressive from afar shield our back gardens from full sun from 3 o'clock in the afternoon. Their root systems drain our gardens of moisture and any extra goodness in the way of fertilizer we apply to our own plants is readily absorbed in to the root system of the trees.

In September 2014, a Councillor for the Eastern Districts was looking into a vast number of "Problematic" trees in his area, they had been planted in the expansion program in the 1970's, grown better than expected and were now becoming a problem. (Copy of newspaper cutting is enclosed).

Our trees follow a similar follow a similar pattern, the land they are growing in was farm land for the large hospital located in Berrywood. The farm was run and managed as an operational farm with crops and livestock and all the other things one would expect to find on a farm. My immediate neighbour was an employee at the hospital and can remember the trees being planted in 1953. As they flourished and grew their canopies quickly began to touch and merged in to one large green mass. My neighbour campaigned successfully to get every other tree removed for the health of the trees and in an effort to reduce nuisance to the occupants of Southfield Road.

Fast forward to today, the farm land that had a conservation order placed on it by the Council has been built on and the trees now are the gardens of the houses directly behind the line of trees.

To summarise, it would be fair to say that like the trees in the Eastern Districts, when they were planted it was a good idea, they have had little or no maintenance and upkeep lavished on them and they fall under the heading of problematic trees.

If you could look into this situation, I and my neighbours would be most grateful.

Yours sincerely

David Evans

60 Southfield Road

Eileen Oakenfull

60 Southfield Road



**NORTHAMPTON
BOROUGH COUNCIL**

Planning Service
The Guildhall
St Giles Square
Northampton. NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
E-Mail: planning@northampton.gov.uk

Mrs E Oakenful
62 Southfield Road
NORTHAMPTON
NN5 6HN

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Mrs Oakenful,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write to acknowledge receipt of, and thank you for, your letter concerning the serving of TPO No. 240, upgrading the protection offered to these particular trees within the St Crispin Hospital Conservation Area.

You have raised several points which I have listed below:

- deadwood in the crowns throughout the year
- honeydew in spring
- pollen in June
- seed in July
- leaves in the autumn

Unfortunately, trees behaving as nature intended, for example

- seasonally losing leaves, shedding pollen or dropping fruit,
- developing dead wood throughout their lives, and dropping small dead twigs or branches at any time of year,
- growing tall as they mature and swaying in the wind,

are not grounds for grounds for consent to carry out work to a tree that is protected by a TPO or which is growing within a CA. By extension therefore it is not grounds, in our opinion, to refuse to confirm the Order.

The purpose of a TPO is not to prevent management, but rather to allow tree management that will maintain the public amenity, and so the serving of this Order need not prevent a management plan from being put in place, but it is not our role to do that.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

Jonathan Hazell
Arboricultural Officer
Planning Service

Working pattern: 008:00 – 16:00, Tuesday and Thursday

Notes from Eileen Oakenfull; owner/occupier of 62 Southfield Road.

Reference to the TPO 240; on the lime trees bordering the rear of my garden.

I have lived at 62 Southfield Road for 16 years and over that time the trees have never been looked after or had any attention, just left to grow wild, growing to their current height of 90 feet with their canopies once again touching creating a massive green wall causing the overshadowing our bungalows. Throughout the year shedding their unwanted goods on to my garden, surface drains, roof valleys and gutters. Any day of the year I can have leaves, winglets and seed pods not to mention dead branches brought down by high winds cluttering my beloved garden. My garden is my main hobby, the massive shade they create restricts my choice of planting, any irrigation or feeding I administer to my plants is immediately hijacked by the tree roots and if I do manage to nurture plants through the summer, the trees have the last laugh as they choke the plants in the autumn with their untold volume of leaves just dumped on my garden.

I cannot agree that the trees are of good form and condition, now their leaves are safely in our gardens, it is clear to see that they are desperately in need of attention, dead branches and branches too close to allow the tree to breathe. These trees need of an urgent a period of "catch-up" care and maintenance. With these trees being the size they are they deserve to be in open park land, after all they are an open country/ parkland tree, these trees now fifty years after they were planted are now inappropriately placed.

I have met local councillors on more than one occasion at my home to discuss the problem trees, I have had promises of works to be carried out, but nothing had ever materialised. I think it's time the residents of 48 – 84 Southfield Road were given consideration as well as the trees in this matter, our lives are blighted by these trees and their huge wall of green shade for the greater part of the year. It's time the residents, Council Tax payers were given the respect you wish to pay these trees.

I look forward to your reply.

Yours sincerely

A handwritten signature in cursive script that reads "E.M. Oakenfull". The signature is written in dark ink and is positioned to the right of the typed name.

Mrs Eileen Oakenful



**NORTHAMPTON
BOROUGH COUNCIL**

Fax: (01604) 837057
Minicom: (01604) 838970

Ms Smith & Mr Leeson
66 Southfield Road
Duston
Northampton
NN5 6HL

Our Ref: LP/PTP008522
Your Ref:
Contact: Lisa Pere
Direct Line: 01604 837339
Email: lpere@northampton.gov.uk
Date: 13 November, 2019

Dear Ms Smith & Mr Leeson

Re: TPO No. 240 – land to the rear of 48-84 Southfield Road, Duston

I write to acknowledge safe receipt and to thank you for your letter received at this office today.

I note the content of your letter and although it does not specifically state that you are objecting to the making of the preservation order, I will pass it onto our Arboricultural Officer, Mr Hazell in the event that he wishes to reply further.

I can confirm that the owner of the land on which the tree at the rear of your property is situated, is indeed the NHS. I have attached a copy of the Land Registry title for your information and which provides their registered office address, should you wish to write to them at any point. As landowner, the responsibility for the tree lies with them; even after the making of the preservation order, the tree remains in their ownership and their responsibility and so any concerns or issues regarding the tree should be addressed to them.

Yours sincerely

Lisa Pere
Property Paralegal
Legal Services

CC Jonathan FY1

66 Southfield Rd.

NN5-6HL

With regard to the lime trees at the edge of our garden, which are actually on N.H.S. land i.e. the Brambels Kent Road. There are so many aspects that are bad they are towering over the garden & the property. The leaf fall starts in July and ends in December,

1 Sticky sap

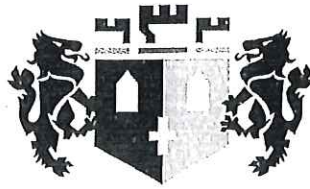
2 The seeds which we round and hand collect in the guttering and all over the garden & Patio.

3 Small maggots float down on thin threads

4 We have had ~~two~~ Parasols which we had to throw away, because they were covered in the black sticky sap, you can't eat outside.

We love trees, we have three in our garden, but they are not lime trees. We maintain our trees so as they do not become a problem to other people.

Yours sincerely
J. B. Smider
M. Henry



**NORTHAMPTON
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Planning Service
The Guildhall
St Giles Square
Northampton, NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
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Ms Smith and Mr Leeson
66 Southfield Road
NORTHAMPTON
NN5 6HL

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Ms Smith and Mr Leeson,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write to acknowledge receipt of, and thank you for, your letter received on 13 November concerning the serving of TPO No. 240, upgrading the protection offered to these particular trees within the St Crispin Hospital Conservation Area.

You have raised several points which I have listed below:

- honeydew in spring
- seed in July
- falling aphids

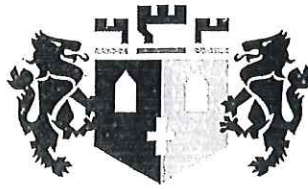
Unfortunately, trees behaving as nature intended, are not grounds for grounds for consent to carry out work to a tree that is individually protected by a TPO or which is growing within a CA. By extension therefore it is not grounds, in our opinion, to refuse to confirm the Order. The purpose of a TPO is not to prevent management, but rather to allow tree management that will maintain the public amenity, and so the serving of this Order need not prevent a management plan from being put in place, but it is not our role to do that.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

**Jonathan Hazell
Arboricultural Officer
Planning Service**

Working pattern: 08:00 – 16:00, Tuesday and Thursday



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The Guildhall
St Giles Square
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E-Mail: planning@northampton.gov.uk

Mrs V A Harrison
52 Southfield Road
NORTHAMPTON
NN5 6HN

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Mrs Harrison,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write following your letter to the Borough Secretary and the reply that you have received from Lisa Pere following the serving of TPO No. 240 dated 4 November.

I will not repeat Mrs Pere's comments, but I would like to let you know that we are aware that some work has recently been carried out to the trees on the NHS property at Willow Close, and that the line of 69 lime trees surrounding the open space were worked on this summer by our environmental services contractor.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

**Jonathan Hazell
Arboricultural Officer
Planning Service**

Working pattern: 008:00 – 16:00, Tuesday and Thursday

copy F 77



NORTHAMPTON
BOROUGH COUNCIL

Mrs V A Harrison
52 Southfield Road
Duston
Northampton
NN5 6HN

Our Ref: LP/PTP008522
Your Ref:
Contact: Lisa Pere
Direct Line: 01604 837339
Email: lpere@northampton.gov.uk
Date: 28 November, 2019

Dear Mrs Harrison

Re: TPO No. 240 – Land to the rear of 48-84 Southfield Road, Duston

I write in reply to your letter of the 23rd November, expressing your concerns regarding the above.

I would advise that the Borough Council have never had ownership of the land at the rear of your home; the land was developed by Wilcon Homes and they purchased the site from The Secretary of State. NBC only own the playing field between Kent Road and Berrywood Road, which we acquired only quite recently in December 2015.

I am sorry to hear that the trees cause you additional work in removing fallen leaves and dead branches from your garden. As point 10, on page 2 of the booklet on TPOs which was provided to you explains however, the making of a Tree Preservation Order, does not make the Local Authority responsible for the trees; that responsibility remains with the landowner.

I can only suggest that if at any point you have any concerns regarding the tree in your neighbours' garden at 33 Dave Bowen Close, that you speak to them and ask them to address any maintenance issues. I would add that the making of the TPO does not prevent them from carrying out any maintenance to their tree, it just ensures that any maintenance is done properly as the owner of the tree is obliged to seek permission from the Council and use a recognised contractor to carry out any tree work.

I will pass your letter to our Arboricultural Officer Mr Hazell in the event that he is able to provide you with any additional information with regard to the decision around the making of the Order.

Yours sincerely

Lisa Pere
Property Paralegal
Legal Services

Mrs V A Harrison
52 Southfield Road
Duston
Northampton NN5 6HN

23rd November 2019

Dear Sir,

In response to your letter dated the 25th October 2019; I feel the need to voice my concerns with regards to the Tree preservation order imposed upon the residents of Southfield Road.

Northampton Borough Council was happy for trees to be placed into the care of private individuals who brought their homes on the Berrywood housing site, instead of remaining the owners of these line of trees.

Unfortunately, these trees have not been maintenance since I moved into my home and believe older residents when they state they have never been touched. In my opinion they are becoming grossly overgrown with branches cracking and falling onto my property. I have had broken branches fall onto my well-maintained garden and sometimes it is a never-ending job of shovelling leaves by the ton and clearing up the falling debris. I love trees however surly we must have a happy medium to ensure safety.

I have heard from other neighbours that it was a resident from the opposite side of the road in Southfield Road voiced his concerns when someone was having one of these trees trimmed. In my opinion it was very much needed to ensure ongoing maintenance and to prevent damage to our bungalows.

I would like some reassurance with regards who will take responsibility when damages occur to my property. I think in the future you would be very quick with stating no responsibility and would put the blame on others who are now having their hands tied.

Your Sincerely

Mrs V Harrison

