

**CITY OF LEEDS TREE PRESERVATION ORDER NO.20 (2014)
(LAND TO EAST OF NOS. 46 & 49-59 FOREST BANK, GILDERSOME, MORLEY)**

BACKGROUND

Concerns were expressed by local residents to the Council that some residents in the vicinity of the trees now identified in the Order were carrying out or intended to carry out work that would lead to the unwarranted loss of a number of trees with a subsequent loss of amenity.

A site visit was made and it was concluded that the trees did make a significant contribution to the amenity of the areas, being a small but prominent area of woodland in an area of mature residential properties.

Therefore, a Tree Preservation Order was considered appropriate and that given the number of trees and the nature of the cover, a Woodland designation would be appropriate. An Order was therefore, made on this basis and served on 5 September 2014.

OBJECTIONS TO THE ORDER

Subsequently, 4 objections to the Order were received, one from the owner and 3 from adjacent neighbours.

EXPRESSIONS OF SUPPORT

A letter of support of the Order has been received from the owners of another adjoining property, noting that although they recognise that maintenance is required, they do not wish to see the trees felled.

THE OBJECTIONS

The owner's objection can be summarised as follows:-

1. It is not considered that the trees constitute a woodland due to their position in the landscape.
2. The trees have outgrown their position.
3. The land contains an uneven balance of deciduous trees and shrubs.
4. It is contended that the trees do not contribute to the public amenity as they block light, have damaged fences and residents have approached the owner to have permission to remove the trees.
5. Several of the trees have split and are a safety risk.

The Objections from the neighbouring property owners can be summarised as follows:-

1. The trees are overgrown and have never been maintained.
2. The trees block light
3. The trees are considered ugly
4. There is no benefit to the amenity of the area
5. Removal of the trees would be a positive improvement to the residents concerned and avoid the possibility of damage being caused to neighbouring properties.

COMMENTS OF THE TREE OFFICER IN RELATION TO THE OWNER'S OBJECTION

1. The trees form a tight group with a closed canopy. It was considered that the Woodland designation was the most appropriate for this Order. It is possible to have a piece of woodland within a residential area such as Forest Bank.
2. It is agreed that the piece of woodland requires management. Some trees within it may well be competing with others and appropriate thinning required. The best practice guidance states that this sort of beneficial management should be encouraged.
3. It is not clear what the objection is on the grounds of an uneven balance of trees and shrubs. The objector does not expand on the comment. However, if there is a justification for beneficial works based on the range of species, this would no doubt be agreed
4. The contention that the trees do not contribute to the amenity of the area is not justified. The trees are highly visible in a mature residential area and the public benefit in this respect is clear. However the lack of maintenance will no doubt have led to some conflict, with shading and damage to fences being flagged up as issues. These problems can be alleviated with a comprehensive programme of beneficial maintenance over a period of time.
5. If trees have failed or need work on the grounds of safety, work of this nature would be readily agreed. In the case of dangerous or dead trees, an exemption allows work to be carried out without delay and address any safety concerns of adjacent neighbours.

COMMENTS OF THE TREE OFFICER IN RELATION TO THE OBJECTIONS OF THE NEIGHBOURING PROPERTY OWNERS

1. It is accepted that historic maintenance regime has been lacking and that the woodland now needs work to address the issues
2. It is also accepted that the unmanaged growth of the trees may in some places be causing shade issues.
3. The perception of the trees as ugly is subjective. As described above, the trees are highly visible and the wider public benefit is clear. There is also support for the retention of the trees, as evidenced by the correspondence and the initial approaches from other residents.
4. The benefit to the amenity of the area has been considered above. Additionally, the trees comprising the woodland are an important foil to the built element of the area and will have secondary benefits to wildlife in the locality. Overall, it is considered that the trees are a positive asset.
5. Removal of the trees would have a negative effect on the area generally, creating a more open and exposed environment. It is accepted that there will be some dis-benefits as have been highlighted by the objectors. However, it is contended that the implementation of works to address immediate problems and manage the woodland positively thereafter would alleviate the concerns and produce a woodland that would be an asset to the area as a whole.

CONCLUSION

The points raised by the objectors together with support for the Order have been considered. On balance it is considered that the service of the Order was appropriate in view of the amenity value of the trees and that it should, therefore, be confirmed

RECOMMENDATION

That the Order be confirmed as originally served.