

**CITY OF LEEDS TREE PRESERVATION ORDER (NO.10) 2016,  
32 KENSINGTON TERRACE, HYDE PARK, LEEDS LS6 1BE.**

**1. BACKGROUND**

A tree works application (16/01306/TR) to fell an Oak Tree situated within the grounds of 32 Kensington Terrace, Hyde Park was received in April 2016.

A site visit was subsequently undertaken to view the proposals and it was evident that the tree in question was prominent and possessed significant amenity value. The works proposed were considered to be excessive, detrimental and unnecessary.

It was, consequently, considered expedient to protect the tree and an Order was therefore, made and served on 12 April 2016.

**2. OBJECTION**

An objection to the TPO was subsequently submitted on 11 May 2016 by way of a report of a firm of Independent Arboricultural Consultants on behalf of the owner of 34 Kensington Terrace; a property in relation to which branches of the tree overhung.

The points raised in the objections can be summarised as follows:

1. Persons of interest were not notified of the order, i.e. whilst the owner of 34 Kensington Terrace was obviously aware of the Order in that he had objected to it, the report stated that the Order had not personally been received by him
2. Whilst the covering letter attached to the Order stated that Council have made the order "in the interests of amenity", no information supplied to quantify any "amenity" within the letter or Order.
3. The plan poorly represents its close proximity to a boundary wall and disregards the inappropriate location of the tree.

The stability of the wall is unclear at the present time, however, there does appear to be movement and the tree appears to be implicated in the direct damage to the nearby brick out building as shown opposite. It is assumed that the growth of the tree and in particular the secondary thickening of the lower stem and the combination of expansion/lifting of the roots is related to the failure of the outbuilding. In addition, this poses a foreseeable risk to the nearby wall and hard-surfacing within number 32 & 30 Kensington Terrace.

The tree appears to have contributed to the failure of the outbuilding in addition to being suspected of causing current direct damage to the wall. Further increases in the trees volume, which is a requirement of the trees biology through secondary thickening, will cause further damage, which is

expected to result in the failure of the wall – typically in this region a tree of this species can readily attain a stem diameter in excess of 1500mm in diameter and if allowed to develop to maturity can be expected to at least double in volume

The current damage observed is a nuisance and the risk offered by further growth constitutes a foreseeable nuisance.

### **3. COMMENTS OF THE TREE OFFICER IN RELATION TO THE OBJECTION**

1. In addition to the service of the Order on the owner of 32 Kensington Terrace, a copy of the order was in fact sent out by Legal Services to numbers 30 and 34 Kensington Terrace on 12<sup>th</sup> April 2016 by ordinary post. In view of the suggestion that the owner of 34 Kensington Terrace had not received the Order, it was re-served on 23 May with a revised objection period of 23 June. No further objection was received.
2. The Tree Officer did in fact complete an Amenity Valuation Checklist as part of his site visit. The covering letter dated 12 April sent out with the Order explicitly stated 'If you wish to receive a copy of the Council's amenity evaluation, please let me know. A copy of this Checklist was e-mailed to the Arboricultural Consultants on 20 May, following receipt of the objection.

In this regard it is considered that the amenity of the tree is clear. It is a large Oak in a prominent location, clearly visible to the locale. It is the only tree on this road (Back Kensington Terrace) as well as the adjacent road, Ebberston Terrace. It not only represents a visual amenity due to its treeless environment but also provides vital natural habitat to local wildlife.

3. Whilst it is accepted that the boundary wall appears to be in a state of disrepair, no technical evidence has been provided to show that the Oak Tree is the cause of this. As and when the wall is repaired, it is anticipated that an appropriate building solution would be available to accommodate the tree. Were this to prove not to be the case, an application for consent to carry out works to the protected tree, accompanied by appropriate supporting evidence could be submitted to the Council for due consideration.

#### **4. CONCLUSION**

The Order is warranted on the grounds of amenity and expediency and, therefore, the imposition of the Order is appropriate.

The Council would consider any sensible tree works application on its merits.

Any future development related tree issues can be considered through the Planning process, where trees will be one of many considerations

#### **5.RECOMMENDATION**

That the Order be confirmed as originally as served.