

**TOWN AND COUNTRY PLANNING ACT 1990  
CITY OF LEEDS TREE PRESERVATION ORDER (NO.27) 2016  
(95 THE AVENUE HAREWOOD LEEDS 17)**

**1. BACKGROUND**

In September 2016 a Conservation Area Tree Works Notification was received, indicating the intention to remove two Birch trees sited in the front garden of no.95 The Avenue, Harewood.

A site visit was consequently undertaken by the Tree Officer to inspect the trees. Both trees appeared generally healthy and were visible from much of The Avenue, given their frontage position.

At the time, it was considered that they contributed to the amenity of the area, and therefore a Preservation Order to protect the trees was made and served on 25th October 2016

**2. OBJECTION TO THE ORDER**

Subsequently, the owner of the trees objected to the Order; the main points of which can be summarised as follows.

The owners consider that the Tree T2 is in a weak condition, as demonstrated pockets of decay, flaking bark and poor leaf coverage. They are concerned that the tree posed a risk to the adjacent highway in terms of the risk that it may shed limbs or fail as a whole, and have stated that they not prepared to accept the risk.

Whilst the owners consider T1 to be in good health, they are concerned as to the pressure the tree and its roots are bringing to bear on the retaining wall that the tree stands above, which in the past has had to be rebuilt.

It is also pointed out that the frontage wall is Grade 2 listed in addition to the building. A statement from a tree contractor was provided to back up the comments of the owners, together with photographic evidence.

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

The trees have been re-inspected by The Tree Officer in the light of the comments from the owners and the evidence from the tree contractor.

The trees appear well budded and in general health. They are prominent frontage trees to The Avenue. It is agreed that the trees are mature and given the species may be considered to be approaching over- maturity.

The pockets of decay highlighted by the contractor are noted, but not considered to be immediately concerning.

The frontage boundary stone wall is part retaining and is similar to the walls to most of the properties on The Avenue. There is cracking to several of these walls due to the Beech hedging common to most frontage properties. In the vicinity of the trees, there is significant bulging and some displacement of the stones.

It is acknowledged that the wall is part of the listing as a curtilage feature of the listed property, which is a relevant factor that should properly be taken into account.

The re-inspection also allowed an appraisal of the wider amenity issues. The street scene of The Avenue is characterised by the substantial stone properties with Beech hedging above the stone walls as a boundary treatment. On reflection it is considered that the high quality of the architecture and the consistent frontages would mitigate any amenity loss arising from the removal of the trees.

#### **4. CONCLUSION**

It is acknowledged that the owners raise valid points in their Objection. The trees do have some influence on the wall and as a listed structure this must be a consideration.

In addition, the street scene has a character that will not be diminished by the removal of the trees, given the quality of the buildings and frontage features mentioned above.

#### **5. RECOMMENDATION**

For the reasons stated above, that the Order should not be confirmed.