

CITY OF LEEDS TREE PRESERVATION ORDER (NO.32) 2023 TPO 2023 32 (2 NORTHROP YARD PUDSEY LS28 7RS)

1. BACKGROUND

A Conservation Area notification under s.211 of the Town and Country Planning Act 1990 (Ref: 23/04916/TR) was received by the Council. The notification was validated on 10 August 2023.

When considering applications under s.211 of the Town and Country Planning Act 1990 to grant consent to carry out prohibited activities to a tree in a Conservation Area in accordance with the 6 March 2014 Tree Preservation Orders and trees in conservation areas Guidance (Paragraph: 118 Reference ID: 36-118-20140306) Leeds City Council ('LCC') "may:

- make a Tree Preservation Order if justified in the interests of amenity, preferably within 6 weeks of the date of the notice;
- decide not to make an Order and inform the person who gave notice that the work can go ahead; or
- decide not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice."

The Tree Preservation Orders and trees in conservation areas Guidance also provides guidance on the definition of amenity:

"What does 'amenity' mean in practice?

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future."

Paragraph: 007 Reference ID: 36-007-20140306

The notification detailed that mature Sycamore T1 would be removed.

LCC Officer visited site 22 August 2023, to assess the notification. T1 is a mature tree in good overall condition with amenity value, being visible from the highway to the south.

In order to prevent removal of a prominent tree with amenity value, it was deemed expedient for the Council to serve a Tree Preservation Order ('TPO') on the site, which was made on 07 September 2023.

2. OBJECTION

On 23 September 2023, an objection to the Order, was subsequently received from a Mr Wilkinson at 7 Lower Tofts Road, by way of an email.

The objections detailed may be summarised as follows;

- The tree causes shading at the neighbouring property (1-3)
- The tree causes nuisance issues including leaf litter and sap (4-6)
- The tree crown is too close to the property, potentially resulting in direct damage and allowing squirrels to access the loft (7-8)

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

1. The Sycamore tree protected by TPO 32_2023 is located to the south and west of the objectors property. Due to the proximity and location of the tree, there will be some shading of the property during the afternoon and evening.
2. However, the tree will not be causing direct shading of the property throughout the morning and early afternoon. As such, direct shading caused by the tree is not considered to be excessive.
3. Direct shading may also be mitigated through targeted lateral reduction at the east aspect, and through minor crown lifting of smaller diameter secondary and tertiary branches.
4. Seasonal nuisance such as seeds, sap, leaf litter and occasional dropping of minor twigs and branches should be expected and tolerated as part of living close to established trees, even when trees are routinely managed.
5. As with direct shading, seasonal nuisance associated with sap can be mitigated through targeted lateral reduction. This would reduce the overhang of the tree and so reduce the area of the garden affected by sap.
6. Two Ash trees close to the property were removed as part of a recent planning application (Ref: 21/01288/TR). Nuisance associated with trees will have been reduced as a result of these trees being removed.
7. The proximity of the tree crown to the neighbouring property roof was noted at time of site visit. As per the Tree Works Officer Report associated with the application: "actionable nuisance issues associated with T1, including crown proximity to the neighbouring property [...] can be managed through minor pruning"
8. Targeted lateral reduction to facilitate suitable clearance from the property would be considered appropriate and would be supported as part of a separate planning application made under the TPO.

4. CONCLUSION

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

The Council will consider future tree works applications. Permission is not required for the removal of dead wood.

5. RECOMMENDATION

That the Order be confirmed as originally as served.