

**CITY OF LEEDS TREE PRESERVATION ORDER (NO.5) 2018
(8 MEADOW CROFT, EAST KESWICK, LEEDS, LS17 9EH)**

BACKGROUND

In February 2018, A Conservation Area Tree Works notification was received from the owners of No.8 Meadow Croft East Keswick, proposing the removal of an Ash tree in the rear garden.

Subsequently the tree was inspected and found to be making a significant contribution to the amenity of the area.

In view of this amenity value it was considered expedient to protect the tree by way of a Tree Preservation Order. The Order was therefore made and served on 27 March 2018.

OBJECTIONS TO THE ORDER

Two objections to the Order, submitted by the owners of 8 Meadow Croft and by owners of 14 Church Drive, which is situated opposite to the tree.

The Objection of the Tree Owners

The objection from the tree owners is lengthy. The full letter of objection, together supporting evidence comprising photographs, a Tree Report, and a copy of a Homebuyers Report, are appended to this Report as background documents for viewing and consideration.

The owners consider that the Council has been unable to demonstrate the necessity for the Order as required in the guidance, and detail their comments as per the sections in the Government guidance, as supported by the documents referred to above

The objection from the adjoining property owners was made on the grounds that the tree may shed limbs or fail and is disrupting the pavement and that this makes its use difficult.

The main points of objection will be addressed in the comments below.

Comments of The Tree Officer in respect of the objection of the Tree Owners

The amenity assessment is considered to be a fair representation of the situation. The process followed in the making of the Order was consistent with the approach followed in respect of other Orders.

There is no disagreement as to the visibility of the tree, it is clearly significant in the street scene. Likewise, the value of the tree is clearly individual in nature, and consequently other categorisations are not applicable.

The size and form of the tree has been considered, and the assertion that the tree will grow to 45 metres is disputed. Although the species may achieve this in the most favourable conditions and locations, it is highly unlikely that it will do so in this particular case. A height of 45 metres is not considered to be a realistic estimate of what this particular tree will achieve in this location

Whilst a root is visible at the base of the wall outside 25 Church Drive and there is some deflection to the tarmac of the pavement, the wall is a small ornamental boundary wall of light construction and low height (circa 30cm). It is, therefore, not considered on balance, that this is a reason to remove the Order. In addition, it is considered that deflection to the pavement does not constitute a trip hazard, on the evidence of the site visit undertaken

The recent pruning to the tree undertaken by the Council has given a clearance over the highway, ensuring that the tree does not constitute a nuisance in this respect. Many trees co-exist with the highway in this way and continue to contribute to public amenity.

Although the Homebuyer report mentions that there are trees growing close to some drain runs and tree roots can cause damage to buried drains, it does not identify the Ash specifically or highlight any actual damage caused by the tree. Potential issues noted with drainage are also general in nature rather than specific.

The Arboricultural Report notes that there may be conflict with the pavement, and notes dead wood and areas of decay but is not specific as to the extent or significance. The site visit undertaken by the Tree Officer did not result in any significant concerns in this regard.

The report notes that the tree should be removed and replaced as soon as possible but then goes on to say the work is not urgent. It also make clear that there is a low risk of subsidence from the soil evaluation undertaken.

Taking all of the above into account, the view of the Tree Officer is that the Tree has future potential as an amenity and the assertion that the tree has little or no amenity value is disputed. As a maturing native tree it is considered to be making a contribution to the character of the conservation Area. It is a feature in the street scene, and it is expected to fulfil this role for the foreseeable future.

As mentioned above, the tree has been pruned by the Council to provide clearance over the highway, and it is expected that routine maintenance works may be necessary at some point. This is not a reason to remove the tree however.

The owners are correct that the amenity value of trees can also be evaluated by placing a monetary value upon them. The reference to the Helliwell System, as being one of several methods which considers various factors and then allocates a point score for any given tree which can then have a monetary value attached to it, is not disputed.

Whilst the Tree Officer accepts that a monetary value can be calculated by such methods, in terms of assessing trees for the purpose of tree preservation orders, trees are judged on their amenity value alone, as demonstrated by the amenity value checklist completed as during the site inspection, and not by their alleged monetary value.

In assessing overall amenity value, it is not necessary for a positive conclusion to be reached in respect of every category of the checklist, for example, the low importance of wildlife does not diminish the overall amenity value or negate the justification for the Order.

Notwithstanding the points made in objection to the Order, it is considered that the tree does have significant amenity value and that it should be retained.

The Objection of the Owners of 14 Church Drive

This objection is made on the grounds of concern that the tree may shed limbs or fail, and also that the tree may affect the pavement to a degree, so that it will be difficult to push a buggy.

No convincing evidence has been provided that suggests the tree may shed limbs or fail and the Tree Officer did not observe any health issues in respect of the tree during the site visit undertaken. In addition the deflection to the pavement observed during the site visit was not considered to constitute a trip hazard.

CONCLUSION

The various points of objections have been considered and on balance do not outweigh the amenity value of the tree. It is, therefore appropriate to continue to protect it by way of a Tree Preservation Order.

RECOMMENDATION

That the Order be confirmed as originally served