

**CITY OF LEEDS TREE PRESERVATION ORDER (NO.41) 2024  
TPO 2024 41 (5 ST MARGARETS DRIVE, ROUNDHAY, LEEDS LS8 1RU)**

**1. BACKGROUND**

A request to serve a new Tree Preservation Order (TPO) was received by the Council on 24 May 2024.

LCC Officer visited site 24 May 2024. While access to the site was limited, the tree was visible from Fitzroy Drive and Oakwell Mount. The tree was in good condition and was considered to have amenity value.

The Tree Preservation Orders and trees in conservation areas Guidance 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

In order to prevent potentially unsuitable work to a 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 28 May 2024.

**2. OBJECTION**

An objection to the Order were received from Mr and Mrs Walwyn, of 12 Oakwell Mount, by way of email and letter on 24 June 2024.

The objection may be summarised as follows;

- The tree has not been maintained and is negatively affecting the objector’s grounds (1-6)
- The tree was only assessed from the highway, not the objector’s property, so the impact on the property is not appreciated (7-9)
- The tree is an invasive species and does not contribute to the local ecosystem (10-13)

- The tree does not have aesthetic value and is not in keeping with the landscape (14)
- A boundary prune will not cause “significant harm” (15)

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

1. T1 is a Cypress at the southern boundary of the owner’s property, and the northern boundary of the objector’s property. T1 appeared to be a more ornamental variety of Cypress, with a slightly weeping form.
2. The lack of management of T1 has allowed it to develop an attractive, natural form, to the benefit of the tree’s wider amenity value.
3. T1 does slightly overhang the objector’s property. However, from reviewing available images, including those provided by the applicant, this appears to only affect a very small area of the shrub bed at the northern boundary of the garden. The managed lawn and shrubs immediately adjacent to the tree appear largely unaffected.
4. Shading of the objector’s property is considered to be minimal, due to the trees location on the northern boundary of the garden.
5. Nuisance such as shading, seeds, 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.
6. The nuisance issues associated with the tree are not considered to be significantly negatively impacting the objector’s ground and property, at this stage.
7. Assessment of T1 was limited to visibility from the highway, due to limited access at time of site visit. This is considered sufficient to assess the amenity value of trees, using TEMPO methodology.
8. The Council considers TEMPO when serving new TPOs (Tree Evaluation Method for Preservation Orders, produced by Forbes-Laird Arboricultural Consultancy). TEMPO considers the condition, life expectancy, visibility, form and threat to trees and groups. T1 was found to meet the criteria for a TPO under TEMPO.
9. The TPO has been served on a provisional basis, and the Council allows for objections to the Order. If information comes to light that suggest a TPO is not suitable, it will not be confirmed. In that context, assessment from the highway is a reasonable approach.
10. It is claimed that T1 is invasive, and negatively affecting the growth of adjacent plants.

11. This is not a relevant test, with regards to the TPO. The relevant tests are that the tree has amenity value, and that it is expedient to make the Order.
12. It is not clear that T1 is invasive, as it was difficult to determine the species/cultivar from the highway. However, from the photos provided it is clear that T1 is not significantly negatively affecting the growth of plants and shrubs in the garden, except for those directly underneath the lowest branches.
13. It should be noted that Cypress trees are popular for roosting and nesting birds and other animals, with their crowns provided sheltered habitat, and so will provide some ecological value.
14. T1 is an early-mature to mature Cypress tree, with an attractive, natural form and is in keeping with the wider landscape, where many mature trees are present.
15. If T1 is pruned to the boundary, as outlined in the objection, this would be detrimental to its form and amenity value, and likely detrimental to its condition and long-term prospects due to the significant percentage of leaf-bearing structure being removed.

#### **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**

The Order should be confirmed as originally served.