

**CITY OF LEEDS TREE PRESERVATION ORDER (NO.32) 2024  
TPO 2024 32 (RICHMOND ROAD LS6 1BX, AND BUCKINGHAM AVENUE LS6  
1DJ)**

**1. BACKGROUND**

A request to serve a Tree Preservation Order ('TPO') on a mature Oak tree at 1 Buckingham Avenue LS6 1DJ was received by the Council in April 2024. Local residents highlighted that the property was due to be sold, and were concerned that the Oak tree, which was not protected, would be felled without consultation by the potential owners.

As per Government guidance: "Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution."

Paragraph: 010 Reference ID: 36-010-20140306

In that context, the request to serve a new TPO was reasonable. A Leeds City Council ('LCC') Tree Officer visited the site to assess the amenity of trees in the area, for a new TPO. The site visit took place 11 April 2024.

"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 Oak tree that had the TPO requested was noted to be in good condition and prominent from the highway, with amenity value. However, it was noted that the tree was in close proximity to a garage and boundary wall, with potential implications for both structures.

A number of other trees with amenity value were noted at time of site visit. As the trees were located outside a Conservation Area and did not have other protection, these were included in the TPO.

It was deemed expedient for the Council to serve a provisional TPO. This was served on 06 June 2024, to ensure that it was served on the new homeowner and that all interested parties could be properly notified.

**2. OBJECTION**

An objection to the Order was received from Mr Leon Lok, of 1 Buckingham Avenue, who had been notified of the TPO by letter.

The objection may be summarised as follows;

- The Oak tree (T4) is causing damage to the garage, based on the Level 3 survey completed during the purchase of the property, and prior to the TPO being served.

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

1. The objector has provided a copy of relevant pages of the structural survey. This includes comment from the surveyors, and photos of the damage to the garage that could not be observed at time of site visit, due to limited access.
2. The evidence provided by the objector has been reviewed and it is clear that the tree is implicated in existing structural damage at the property. It is notable that the evidence was gathered before the TPO was served, and so will not have been biased by the imposition of the Order.
3. In that context, it is unsuitable to include T4 within the TPO. The TPO should be amended, and T4 should not be included within the final amended Order.
4. LCC Officer has contacted the objector to confirm that the objection has been accepted and that they will recommend the TPO is amended prior to confirmation. The objector has been informed that, should they wish to apply to remove the tree under the provisional TPO, this will be recommended for approval and replacement planting will not be conditioned.
5. No other objections have been received. As such, the remaining trees included in TPO 32\_2024 should be included in the final amended Order.

### **4. CONCLUSION**

T4 is implicated in property damage. The TPO should be amended, and T4 should not be included in the amended Order.

Regarding the other trees on the Order, it is considered that 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 amended to no longer include T4.

The amended Order, which includes T1, T2, T3 and G1, should be confirmed.