



**DEVELOPMENT MANAGEMENT  
COMMITTEE  
WEDNESDAY 25 FEBRUARY 2009  
6.30 PM**

**COMMITTEE AGENDA**

**COMMITTEE ROOMS 1 & 2,  
HARROW CIVIC CENTRE**

**MEMBERSHIP (Quorum 3)**

**Chairman: Councillor Marilyn Ashton**

**Councillors:**

**Husain Akhtar  
Don Billson  
Julia Merison  
Joyce Nickolay (VC)**

**Keith Ferry  
Krishna James  
Thaya Idaikkadar**

**Reserve Members:**

1. Manji Kara
2. G Chowdhury
3. Dinesh Solanki
4. Ashok Kulkarni
5. -

1. Mrinal Choudhury
2. Graham Henson
3. Jerry Miles

**Issued by the Democratic Services Section,  
Legal and Governance Services Department**

**Contact: Vishal Seegoolam, Senior Democratic Services Officer  
Tel: 020 8424 1883 E-mail: vishal.seegoolam@harrow.gov.uk**

***NOTE FOR THOSE ATTENDING THE MEETING:  
IF YOU WISH TO DISPOSE OF THIS AGENDA, PLEASE LEAVE IT BEHIND AFTER THE MEETING.  
IT WILL BE COLLECTED FOR RECYCLING.***

**HARROW COUNCIL**

**DEVELOPMENT MANAGEMENT COMMITTEE**

**WEDNESDAY 25 FEBRUARY 2009**

**AGENDA - PART I**

**Guidance Note for Members of the Public Attending the Development Management Committee (Pages 1 - 2)**

1. **Attendance by Reserve Members:**

To note the attendance at this meeting of any duly appointed Reserve Members.

Reserve Members may attend meetings:-

- (i) to take the place of an ordinary Member for whom they are a reserve;
- (ii) where the ordinary Member will be absent for the whole of the meeting; and
- (iii) the meeting notes at the start of the meeting at the item 'Reserves' that the Reserve Member is or will be attending as a reserve;
- (iv) if a Reserve Member whose intention to attend has been noted arrives after the commencement of the meeting, then that Reserve Member can only act as a Member from the start of the next item of business on the agenda after his/her arrival.

2. **Right of Members to Speak:**

To agree requests to speak from Councillors who are not Members of the Committee, in accordance with Committee Procedure 4.1.

3. **Declarations of Interest:**

To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Committee, Sub Committee, Panel or Forum;
- (b) all other Members present in any part of the room or chamber.

Enc. 4. **Minutes:** (Pages 3 - 10)

That the minutes of the meeting held on 21 January 2009 be taken as read and signed as a correct record.

5. **Public Questions:**

To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).

6. **Petitions:**

To receive petitions (if any) submitted by members of the public/Councillors.

7. **Deputations:**

To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B) of the Constitution.

8. **References from Council and other Committees/Panels:**  
To receive references from Council and any other Committees or Panels (if any).
9. **Representations on Planning Applications:**  
To confirm whether representations are to be received, under Committee Procedure Rule 18 (Part 4B of the Constitution), from objectors and applicants regarding planning applications on the agenda.
10. **Planning Applications Received:**  
Report of the Head of Planning - circulated separately.

Members are reminded that, in accordance with the Planning Protocol, where Councillors disagree with the advice of the Chief Planning Officer, it will be the Members' responsibility to clearly set out the reasons for refusal where the Officer recommendation is for grant. The planning reasons for rejecting the Officer's advice must be clearly stated, whatever the recommendation and recorded in the minutes. The Officer must be given the opportunity to explain the implications of the contrary decision.

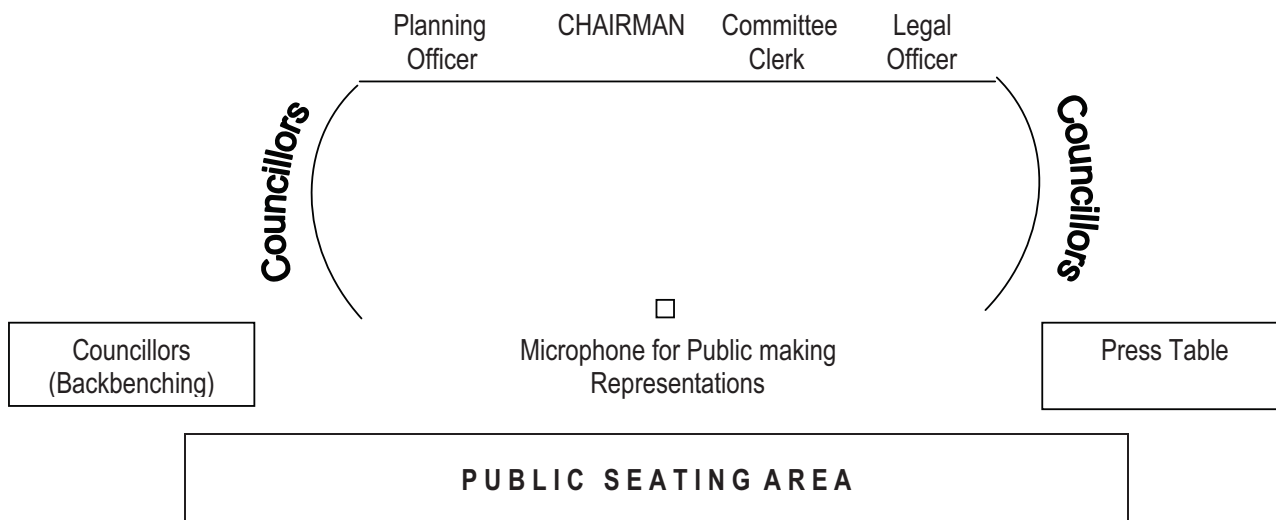
- Enc. 11. **Enforcement Notices Awaiting Compliance:** (Pages 11 - 26)  
Report of the Head of Planning – for information.
- Enc. 12. **Tree Preservation Order No. 930:** (Pages 27 - 38)  
Report of the Tree Preservation Officer.
- Enc. 13. **1 and 2 Bankfield Cottages, Ass House Lane, Harrow:** (Pages 39 - 42)  
Report of the Director of Legal and Governance Services.
- Enc. 14. **Land to the North Side of Greenhill Way, Harrow:** (Pages 43 - 46)  
Report of the Director of Legal and Governance Services.
- Enc. 15. **Urgent Non-Executive Decision:** (Pages 47 - 50)  
Report of the Director of Legal and Governance Services.
16. **Member Site Visits:**  
To arrange dates for Member site visits that have been agreed during the course of the meeting (if any).
  17. **Any Other Urgent Business:**  
Which cannot otherwise be dealt with.

**AGENDA - PART II - NIL**

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**GUIDANCE NOTE FOR MEMBERS OF THE PUBLIC  
ATTENDING THE DEVELOPMENT MANAGEMENT COMMITTEE**

**Typical Committee Room Layout (for Committee Rooms 1&2)**



**Order of Committee Business**

It is the usual practice for the Committee to bring forward, to the early part of the meeting, those planning applications where notice has been given that objectors wish to speak, or where members of the public have come to hear the debate.

You will find a slip of paper on your seat for you to indicate which item you have come for. This should be handed to the Committee Administrator prior to the start of the meeting.

Although the Committee will try to deal with the application which you are interested in as soon as possible, often the agendas are quite long and the Committee may want to raise questions of officers and enter into detailed discussion over particular cases. This means that you may have to wait some time. The Committee may take a short break around 8.30 pm.

**Rights of Objectors/Applicants to Speak at Development Management Committees**

Please note that objectors may only speak if they requested to do so before 5pm on the working day before the meeting. In summary, where a planning application is recommended for grant by the Head of Planning, a representative of the objectors may address the Committee for up to 3 minutes. Where an objector speaks, the applicant has a right of reply. Planning Services advises neighbouring residents and applicants of this procedure.

The Development Management Committee is a formal quasi-judicial body of the Council with responsibility for determining applications, hence the need to apply rules governing the rights of public to speak. Full details of this procedure are also set out in the **“Guide for Members of the Public Attending the Development Management Committee”** which is available in both the Planning Reception or by contacting the Committee Administrator (tel 020 8424 1883). This guide also provides useful information for Members of the public wishing to present petitions, deputations or ask public questions, and the rules governing these procedures at the Development Management Committee.

## Addendum Sheet

In addition to this agenda, an Addendum Sheet is produced on the day of the meeting. This updates the Committee on any additional information received since the formal agenda was published and also identifies any applications which have been withdrawn by applicants or which officers are recommending for deferral. Copies of the Addendum are available for the public in the Committee Room from approximately 6.00 pm onwards.

## Decisions taken by the Development Management Committee

Set out below are the types of decisions commonly taken by this Committee

### **Refuse permission:**

Where a proposal does not comply with the Council's (or national) policies or guidance and the proposal is considered unacceptable, the Committee may refuse planning permission. The applicant can appeal to the Secretary of State against such a decision. Where the Committee refuse permission contrary to the officer recommendation, clear reasons will be specified by the Committee at the meeting.

### **Grant permission as recommended:**

Where a proposal complies with the Council's (or national) policies or guidance and the proposal is considered acceptable, the Committee may grant permission. Conditions are normally imposed.

### **Minded to grant permission contrary to officer's recommendation:**

On occasions, the Committee may consider the proposal put before them is acceptable, notwithstanding an officer recommendation of refusal. In this event, the application will be deferred and brought back to a subsequent meeting. Renotification will be carried out to advise that the Committee is minded to grant the application.

### **Defer for a site visit:**

If the Committee decides that it can better consider an application after visiting the site and seeing the likely impact of a proposal for themselves, the application may be deferred until the next meeting, for an organised Member site visit to take place.

### **Defer for further information/to seek amendments:**

If the Committee considers that it does not have sufficient information to make a decision, or if it wishes to seek amendments to a proposal, the application may be deferred to a subsequent meeting.

### **Grant permission subject to a legal agreement:**

Sometimes requirements need to be attached to a planning permission which cannot be dealt with satisfactorily by conditions. The Committee therefore may grant permission subject to a legal agreement being entered into by the Council and the Applicant/Land owner to ensure these additional requirements are met.

***(Important Note: This is intended to be a general guide to help the public understand the Development Management Committee procedures. It is not an authoritative statement of the law. Also, the Committee may, on occasion, vary procedures).***

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**REPORT OF DEVELOPMENT MANAGEMENT COMMITTEE**

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**MEETING HELD ON 21 JANUARY 2009**

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Chairman: Councillor Marilyn Ashton

Councillors: \* Husain Akhtar \* Manji Kara (1)  
 \* Don Billson \* Julia Merison  
 \* Keith Ferry \* Jerry Miles (3)  
 \* Thaya Idaikkadar \* Joyce Nickolay (Vice-Chairman) (in the Chair)

\* Denotes Member present  
 (1) and (3) Denote category of Reserve Members

**PART I - RECOMMENDATIONS - NIL**

**PART II - MINUTES**

308. **Attendance by Reserve Members:**

**RESOLVED:** To note the attendance at this meeting of the following duly appointed Reserve Members:-

<u>Ordinary Member</u>	<u>Reserve Member</u>
Councillor Marilyn Ashton	Councillor Manji Kara
Councillor Krishna James	Councillor Jerry Miles

309. **Right of Members to Speak:**

**RESOLVED:** To note that there were no requests to speak from Members who were not Members of the Committee.

310. **Declarations of Interest:**

**RESOLVED:** To note that the following interests were declared:

<u>Agenda Item</u>	<u>Member</u>	<u>Nature of Interest</u>
10. Planning Applications Received. Item 2/01 - 110 Cambridge Road, Harrow.	Councillor Thaya Idaikkadar	Personal interest in that Councillor Idaikkadar lived on the road in which the application was proposed. Councillor Idaikkadar remained in the room during the discussion and decision making on this item.

311. **Minutes:**

**RESOLVED:** That the minutes of the meeting held on 16 December 2008, be taken as read and signed as a correct record.

312. **Public Questions, Petitions and Deputations:**

**RESOLVED:** To note that no public questions were put, or petitions or deputations received at this meeting under the provisions of Committee Procedure Rules 19, 16 and 17 respectively.

313. **References from Council and other Committees/Panels:**

**RESOLVED:** To note that there were no references from Council or other Committees or Panels to be received at this meeting.

314. **Representations on Planning Applications:**

The Committee received a late request for a representation on item 2/08 – Land Adjacent to 1 May Tree Lane, Stanmore. This item had been deferred from the last meeting of the Committee for a Member site visit. This was in addition to another request received by the deadline specified by Committee Procedure Rule 18.2.

**RESOLVED:** That (1) in accordance with the provisions of Committee Procedure Rule 27.1 (Part 4B of the Constitution), Committee Procedure Rule 18 be suspended for item 2/08 to receive representations;

(2) in accordance with the provisions of Committee Procedure Rule 18 (Part 4B of the Constitution), representations be received in respect of item 5/01 on the list of planning applications.

315. **Planning Applications Received:**

**RESOLVED:** That (1) in accordance with the provisions of the Local Government Act 1985, the following information be admitted to the agenda by reason of the special circumstances and grounds for urgency stated:

<u>Item</u>	<u>Special Circumstances / Reasons for Urgency</u>
Addendum	This contains information relating to various items on the agenda and was based on information received after the agenda's dispatch. It was admitted to the agenda in order to enable Members to consider all information relevant to the items before them for decision.

and;

(2) that authority be given to the Head of Planning to issue the decision notices in respect of the applications considered, as set out in the schedule attached to these minutes.

316. **Enforcement Notices Awaiting Compliance:**

The Committee received a report of the Head of Planning which listed those enforcement notices awaiting compliance.

**RESOLVED:** That the report be noted.

317. **Member Site Visits:**

**RESOLVED:** That a Member Site Visit to the following site take place on Saturday 21 February 2009 at 9.30 am:

2/03 – Harrow Fields Garden, Harrow.

(Note: The meeting, having commenced at 6.30 pm, closed at 8.06 pm).

(Signed) COUNCILLOR JOYCE NICKOLAY  
Vice-Chairman in the Chair



**SECTION 2 – OTHER APPLICATIONS RECOMMENDED FOR GRANT**

**LIST NO:** 2/01                      **APPLICATION NO:** P/3587/08/SG  
**LOCATION:** 110 Cambridge Road, Harrow  
**APPLICANT:** Mr Shanti Vara  
**PROPOSAL:** Retention of Single Storey Side to Rear Extension and Single Storey Outbuilding in Rear Garden; Front Porch.  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.  
 [Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

**LIST NO:** 2/02                      **APPLICATION NO:** P/3872/08/GL  
**LOCATION:** Land Adjacent to Leisure Centre, Christchurch Avenue, Harrow.  
**APPLICANT:** Harrow Council.  
**PROPOSAL:** Single Storey Building to Provide Residential Care Home (Use Class C2).  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.  
 [Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

**LIST NO:** 2/03                      **APPLICATION NO:** P/3391/08/HG  
**LOCATION:** 31 Harrow Fields Gardens, Harrow  
**APPLICANT:** Mr Ashish Patel  
**PROPOSAL:** Single Storey Rear Extension and Single Storey Side to Rear Extension.  
**DECISION:** DEFERRED for a Member Site Visit.

**LIST NO:** 2/04                      **APPLICATION NO:** P/3198/08/KR  
**LOCATION:** 90 Kingsfield Avenue, Harrow  
**APPLICANT:** Mr Kamal Rafique  
**PROPOSAL:** Single Storey Side to Rear Extension.  
**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.  
 [Note: (1) During discussion on the above item, it was moved and seconded that the application be refused. The reasons for refusal proposed were that the development would have a significant impact on neighbouring properties and the proposal would be obtrusive and impact on the visual amenity of neighbouring properties. Upon being put to a vote, this was lost;  
 (2) Councillors Husain Akhtar, Don Billson, Manji Kara, Julia Merison, and Joyce Nickolay wished to be recorded as having voted against the motion to refuse the application;  
 (3) Councillors Keith Ferry, Thaya Idaikkadar and Jerry Miles wished to be recorded as having voted for the motion to refuse the application.  
 (4) Councillors Husain Akhtar, Don Billson, Manji Kara, Julia Merison and Joyce Nickolay wished to be recorded as having voted for the motion to grant the application;

(5) Councillors Keith Ferry, Thaya Idaikkadar and Jerry Miles wished to be recorded as having voted against the motion to grant the application.

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<b>LIST NO:</b>	2/05	<b>APPLICATION NO:</b>	P/1503/08/GL
<b>LOCATION:</b>	551 Pinner Road, Harrow		
<b>APPLICANT:</b>	Lexview Ltd		
<b>PROPOSAL:</b>	Change of Use of Ground Floor Motorcycle Shop (Sui Generis) to Restaurant / Takeaway (A3/A5); Single Storey Rear Extension; External Alterations		
<b>DECISION:</b>	GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported and the following:		
	(i) inserting an extra condition to read:		
	<p>The development hereby permitted shall not commence until details of a scheme indicating the provision to be made for people with mobility impairments, to gain access to, and egress from, the building(s) (without the need to negotiate steps) have been submitted to and approved in writing by the Local Planning Authority. The use shall not be commenced until the works have been completed in accordance with the approved details and thereafter retained.</p>		
	<p>REASON: To ensure that the development will be accessible for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan.</p>		
	<p>[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].</p>		

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<b>LIST NO:</b>	2/06	<b>APPLICATION NO:</b>	P/3113/08/NR
<b>LOCATION:</b>	41-42 South Parade, Mollison Way, Edgware		
<b>APPLICANT:</b>	Ransals Ltd		
<b>PROPOSAL:</b>	Use of Premises as Children Day Care Nursery (Class D1) With Outdoor Play Area and Parking at Rear.		
<b>DECISION:</b>	GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported and the following:		
	(i) inserting an extra condition to read:		
	<p>The single parking space at the rear of the site shall be used only for emergency access in accordance with the separate requirements imposed by OFSTED.</p>		
	<p>REASON: To ensure satisfactory provision of parking and in the interests of highway safety.</p>		
	<p>[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].</p>		

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<b>LIST NO:</b>	2/07	<b>APPLICATION NO:</b>	P/2724/08/SB5
<b>LOCATION:</b>	Land at Rear of Laurel Cottage, Church Lane, Pinner.		
<b>APPLICANT:</b>	Mr Michael Potts.		

**PROPOSAL:** Outline Application: (All Matters Reserved) Single and Two Storey Detached Dwelling House With Accommodation in Roofspace; Integral Garage and Off Street Parking.

**DECISION:** REFUSED permission for the development described in the application and submitted plans, for the following reason:

- (i) The proposal, in the absence of any detail with regard to design and materials, could give rise to not preserving or enhancing the character and appearance of the Conservation Area which abuts the site, contrary to HUDP policies D4 and D14.

[Note: (1) During the discussion on the above item, it was moved and seconded that the application be refused for the reason given. Upon being put to the vote, this was carried.

(2) The Committee wished for it to be recorded that the decision to refuse the application was unanimous.

(3) The Head of Planning had recommended that the above application be granted].

**LIST NO:** 2/08 **APPLICATION NO:** P/3007/08/GC

**LOCATION:** Land Adjacent to 1 May Tree Lane, Stanmore

**APPLICANT:** Shield Homes Limited

**PROPOSAL:** Details of Appearance, Landscaping and Scale Pursuant to Condition 2 of Outline Planning Permission P/1897/05DOU Granted 14/09/05 For Erection of Single/Two Storey Detached House.

**DECISION:** APPROVED the details for the development described in the application and submitted plans, subject to the conditions and informatives reported.

[Note: (1) Prior to discussing the above application, the Committee received representations from an objector and the applicant, which were noted.

(2) The Committee wished for it to be recorded that the decision to approve the application was unanimous].

**LIST NO:** 2/09 **APPLICATION NO:** P/1950/08/KR

**LOCATION:** Premier House, 1 Canning Road, Wealdstone

**APPLICANT:** Burnley Property Limited

**PROPOSAL:** Change of Use of First Floor of Building From Library (Class D1) to Function Room (Sui Generis). Single Storey First Floor Extension on Front (West) Roof Terrace and North Side (Canning Road Elevation) to Provide Additional 300 Square Metres Floorspace For Use as Part of Function Room (Class D2).

**DECISION:** GRANTED permission for the development described in the application and submitted plans, as amended on the addendum, subject to the conditions and informatives reported.

[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

**LIST NO:** 2/10 **APPLICATION NO:** P/2964/08/KR

**LOCATION:** 152 Pinner Road, Harrow

**APPLICANT:** Mr Narandra Patel

<b>PROPOSAL:</b>	Change of Use of Retail Shop (Class A1) to Take Away (Class A5).
<b>DECISION:</b>	GRANTED permission for the development described in the application and submitted plans, as amended on the addendum, subject to the conditions and informatives reported and the following: <ul style="list-style-type: none"> <li>(i) inserting an extra condition to read:             <p>The development hereby permitted shall not commence until details of a scheme indicating the provision to be made for people with mobility impairments, to gain access to, and egress from, the building(s) (without the need to negotiate steps) have been submitted to and approved in writing by the Local Planning Authority. The use shall not be commenced until the works have been completed in accordance with the approved details and thereafter retained.</p> </li> </ul> <p>REASON: To ensure that the development will be accessible for people with disabilities in accordance with the policies of the Harrow Unitary Development Plan.</p> <p>[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].</p>

<b>LIST NO:</b>	2/11	<b>APPLICATION NO:</b>	P/2383/08/ML1
<b>LOCATION:</b>	Abercorn Arms, 78 Stanmore Hill, Stanmore		
<b>APPLICANT:</b>	Oval Property Investments		
<b>PROPOSAL:</b>	Single Storey Side to Rear and First Floor Rear Extensions to Provide Restaurant (Class A3)/ Ancillary Function Room (Sui Generis), External Alterations.		
<b>DECISION:</b>	GRANTED permission for the development described in the application and submitted plans subject to a legal agreement, the conditions and informatives reported. <p>[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].</p>		

<b>LIST NO:</b>	2/12	<b>APPLICATION NO:</b>	P/2386/08/LH
<b>LOCATION:</b>	Abercorn Arms, 78 Stanmore Hill, Stanmore		
<b>APPLICANT:</b>	Oval Property Investments		
<b>PROPOSAL:</b>	Listed Building Consent: Single Storey Side to Rear and First Floor Rear Extensions to Provide Restaurant (Class A3)/ Ancillary Function Room (Sui Generis), External Alterations.		
<b>DECISION:</b>	GRANTED permission for the development described in the application and submitted plans, as amended on the addendum, subject to the conditions and informatives reported. <p>[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].</p>		

<b>LIST NO:</b>	2/13	<b>APPLICATION NO:</b>	P/2805/08/ML1
<b>LOCATION:</b>	Abercorn Arms, 78 Stanmore Hill, Stanmore		
<b>APPLICANT:</b>	Oval Property Investments		
<b>PROPOSAL:</b>	Change of Use of Stable Block from Storage to Provide Ancillary Staff Residential Accommodation, With External Alterations.		

**DECISION:** GRANTED permission for the development described in the application and submitted plans, as amended on the addendum, subject to the conditions and informatives reported.

[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

**LIST NO:** 2/14                      **APPLICATION NO:** P/2810/08/LH

**LOCATION:** Abercorn Arms, 78 Stanmore Hill, Stanmore

**APPLICANT:** Oval Property Investments

**PROPOSAL:** Listed Building Consent: Change of Use of Stable Block from Storage to Provide Ancillary Staff Residential Accommodation, With External Alterations.

**DECISION:** GRANTED permission for the development described in the application and submitted plans, subject to the conditions and informatives reported.

[Note: The Committee wished for it to be recorded that the decision to grant the application was unanimous].

#### **SECTION 5 – PRIOR APPROVAL APPLICATIONS**

**LIST NO:** 5/01                      **APPLICATION NO:** P/3901/08/GL

**LOCATION:** Highway Land, St Thomas' Drive (Near Junction With Uxbridge Road), Pinner

**APPLICANT:** Vodafone Ltd

**PROPOSAL:** Prior Approval for Siting and Appearance: 12.4 metres High Telecommunications Mast With Two Associated Equipment Cabinets.

**DECISION:** REFUSED prior approval of details of siting and appearance for the development described in the application and submitted plans, for the following reason:

- (i) The proposed development, by reason of excessive size and siting, would be visually obtrusive on this prominent junction, to the detriment of the visual amenity of neighbouring occupiers and the character of the area, contrary to policies S1, D4 and D24 of the Harrow Unitary Development Plan.

[Note: (1) Prior to discussing the above application, the Committee received a representation from an objector, which was noted.

(2) During the discussion on the above item, it was moved and seconded that the application for prior approval be refused for the reason given. Upon being put to the vote, this was carried.

(3) The Committee wished for it to be recorded that the decision to refuse the application for prior approval was unanimous.

(4) The Head of Planning had recommended that the above application be granted].

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ENFORCEMENT GRID - January 2009

Sent to Legal		ENFORCEMENT GRID - January 2009									
Date Report Sent	Enforcement Reference	Address	Ward	Site Officer	Date Reported	Notice Served	Appealed	Date for compliance	Complied	Breach, Progress And Comments	
Feb 08											
14/02/08	502/06	69 Winchester Road	Kenton East	SSB	27/07/06					<p><b>Unauthorised front porch, single storey rear extension and conservatory</b></p> <p>Planning permission refused for the development (application reference P/3001/06 on 15 January 2007)</p> <p>Legal officer - Abi Kolawole Agreeing content of delegated report with planning Iken ref - EC-003430</p> <p>Being reassessed under the current GPDO</p>	
14/02/08	0054/08	Blackgate, Church Lane	Pinner	SSB	01/02/08		Yes			<p><b>Unauthorised Tree House</b></p> <p>Planning permission refused for the development (application reference P/1328/07 on 20 December 2007)</p> <p>Legal officer - Louise Humphreys Iken ref - EC-003479</p> <p>On hold - S78 appeal lodged</p> <p>Appeal dismissed legal informed 26/1/08</p> <p>Preetinder sent report for amendment to Planning.</p> <p>13/01/09 Amended report sent to legal</p>	

14/02/08	0167/07	66 Woodhall Gate, Pinner	Hatch End	LH	03/07/07											<p><b>Unauthorised rooflights</b> 06/11/08 Legal officer - Pretinder Cheema Iken ref - EC-003416 Legal requested new format 27/11/08 Ammended report sent to legal 31/12/08 - Report cleared - sent to AP 05/01/09 - Report cleared by AP</p>
14/02/08	0052/08	132 Turner Road	Queensbury	NR	01/02/08											<p><b>Unauthorised use of the house as two flats</b> Louise Humphreys - EC003389 Planning permission refused for the development (application reference P/2416/07 on 28 November 2007) Report sent to Planning for amendment. Chased: 27/11/2008 13/01/09 Final draft enforcement report sent to LH</p>
<b>May 08</b>																
14/05/2008	181/07	55 Weston Drive	Belmont	SSB	03/07/07											<p><b>Side boundary walls in rear garden</b> Legal officer - Sarah Inverary in legal 27/10/08 EC-003955 Content of report being agreed with planning</p>
21/05/08	107/08	5 Tithe Farm Avenue	Roxbourne	SSB	28/02/08											<p><b>Two storey side, single storey front and rear extensions including parapet wall on side of two storey side extensions;</b> installation of 3 rooflights on roof of single storey rear extension Legal file with Louise Humphreys. Update requested from planning.</p>
21/05/08	0556/07	7 Wetheral Drive	Belmont	GW	04/10/07											<p><b>Single storey front, single and two storey side and rear extensions</b> 06/10/08 S78 appeal submitted 24/10/08 legal officer - Pretinder Cheema EC-003984 Awaiting outcome of S78 appeal.</p>



21/05/08	0036/08	197 & 199 Northolt Road	Harrow on the Hill	SSB	17/01/08					Use of part of ground floor of Nos. 197 and 199 Northolt road as retail (class A1) Awaiting outcome of S78 appeal 23/10/08 legal officer - Preetinder Cheema EC-003982 09/12/08 - Appeal allowed - Case being reviewed by planning
21/05/08	539/05	110 Welbeck Road	West Harrow	SSB	13/07/05					<b>OUTBUILDING</b> Being reassessed by planning in view of new GPDO Legal officer - Preetinder Cheema EC-004028
21/05/08	0500/07	39 Waverley Road	Rayners Lane	GW	21/09/07					<b>Single storey rear extension</b> Legal officer - Louise Humphreys Iken Ref - EC-003717 Agreeing content of delegated report with planning.
<b>Jun 08</b>										
02/06/08	277/08	2 Headstone Lane	Headstone North	SSB	29/05/08					<b>Large outbuilding in rear garden</b> Legal officer - Preetinder Cheema Iken Ref - EC-003703 S78 appeal lodged - awaiting decision 26/11/08 - Appeal allowed - case being reviewed by planning
05/06/08	650/07	57 Oxford Road	Headstone South	SSB	20/11/07					<b>Conversion to flats</b> Legal officer - Louise Humphreys Iken Ref - EC-003706 Case on hold - S78 appeal submitted
<b>Jul 08</b>										
07/07/08	413/08	173 Uxbridge Road	Harrow Weald	SSB	25/07/08					<b>Unauthorised roof lights</b> Legal officer - Abi Kolawole Iken Ref - EC-003770 9/10/08 2nd draft to legal Awaiting further evidence from Planning before issuing notice.
<b>Aug 08</b>										

27/08/08	0034/08	3 Aylwards Rise	Stanmore Park	SSB	16/01/08									<b>Non-compliance with condition 2 of planning permission P/3088/06/DFU granted on appeal (ref APP/IM5450/A/07/2039231)</b> Legal Officer - Sabrina Sangha Additional information included in report by planning. Report signed off by planning
Sep 08														
16/09/08	248/07	65 Bessborough Road	Greenhill	SSB	30/07/07									<b>Unauthorised SSRE - on HOLD until Jan09 on plannings instructions</b> 24/10/08 legal officer - Marieke Van Den Bergh EC-004020 Legal informed to proceed to issue Enforcement
16/09/08	125/08	145 High Street	Wealdstone	GW	07/03/08									<b>Unauthorised SSRE</b> legal officer - Sarah Inverary 20/11/08 revised rpt sent to sarah EC-004008 Agreeing content of delegated report.
Oct-08														
01/10/08	141/07	9 West Drive	Harrow Weald	GW	19/06/07									<b>Fence adjacent highway</b> Legal Officer - Louise Humphreys. On hold pending confirmation that breach not immune from enforcement action. 15/01/09 - PCN served
06/10/08	72/07	12 Ashburnham Avenue, Harrow	Greenhill	PA	03/04/07									<b>Roof height on existing two storey side to rear extension</b> 24/10/08 legal officer - Marieke Van Den Bergh EC-004016 09/12/08 Draft report sent to legal To be reassessed by Planning.
06/10/08	163/08	90 Boxtree Lane	Harrow Weald	GW	11/04/08									<b>Single storey front, side and rear extension</b> 24/10/08 legal officer - Marieke Van Den Bergh EC-004019 Agreeing content of delegated report with planning.

06/10/08	514/07	41 The Drive	West Harrow	GW	21/09/07						<p><b>Single storey side to rear extension, and conservatory</b>  24/10/08 legal officer - Marieke Van Den Bergh - EC-004015  21/11/2008 amended rpt to legal  Legal Officer - Louise Humphreys.  14/01/09 Report signed off by planning.</p>
08/10/08	604/07	40 Braithwaite Gardens	Belmont	GW	15/10/07						<p><b>Two storey side extension and single storey rear and front extension including front porch, with parapet to two storey side extension, and increased height and parapet to part of single storey rear extension</b>  Legal Officer - Louise Humphreys Change of fee earner memo sent.  Agreeing content of report with planning.  21/11/2008 amended rpt to legal  Legal Officer  14/01/09 Report being signed off by planning.</p>
08/10/08	573/08	4 Elm Park	Stanmore Park	SSB	18/06/03						<p><b>Non-compliance with conditions 1,2,3,4,6,&amp;7 of planning permission P/343/07 DDP granted on appeal on 26 June (ref APP/M5450/A/07/2051212)</b>  Legal officer - Louise Humphreys EC-003944 agreeing content of delegated report with planning</p>
08/10/08	249/08	40 Bedford Road	Headstone South	GW	14/05/08						<p><b>Unauthorised conversion and use of the dwelling house as two flats</b>  Legal officer - Abi Kolawole EC-003941  Agreeing content of report.</p>

10/10/08	0077/08	31 Cannonbury Avenue	Pinner South	GW	29/01/08						<p><b>rear conservatory</b> 28/10/08 - File with Sarah Inverary 31/12/08 revised rpt sent to sarah EC-004021 Draft enforcement report sent to legal 26/11/08 S78 appeal has been lodged Awaiting outcome of appeal.</p>
10/10/08	0380/07	12 Courtfield Crescent	Greenhill	SSB	13/09/07						<p><b>Unauthorised conversion and use of the dwelling house as four self-contained flats</b> 27/10/08 file passed to Preetinder Cheema EC-004001 Report with Planning for amendment.</p>
10/10/08	0059/08	58 Chandos Crescent	Edgware	GW	07/02/08						<p><b>Detached outbuilding at rear and canopy over sun deck</b> 28/10/08 - File with Sarah Inverary EC-004022 Agreeing content of report with planning.</p>
14/10/08	0170/07	40 Spencer Road	Wealdstone	PB	03/07/07						<p><b>Single/two storey side extension providing an attached dwelling house; use of existing house as two flats; single storey rear extension</b> 06/11/08 Legal officer - Louise Humphreys 17/11/08 file passed to legal officer Report has gone to Planning for amendment.</p>
15/10/08	0592/07	542 Uxbridge Road	Pinner	BC	09/10/07						<p><b>Single storey extension to former garage and continued use of former garage and extension as office space</b> 27/10/08 file passed to Preetinder Cheema EC-004002 Agreeing content of delegated report with planning. 15/12/08 - Amended report sent to Preetinder - Passed to Abi</p>

28/10/08	0051/08	49 Sussex Road	Headstone South	SSB	01/02/08																<p><b>Unauthorised conversion of dwelling house into two self contained flats</b>  Legal officer Louise Humphreys  case on hold pending outcome of the owner's indication that the unauthorised use will cease by 15 December 2008  Site visit to be arranged</p>
29/10/08	260/08	9 Westfield Gardens	Kenton East	PB	22/05/08																<p><b>DETACHED OUTBUILDING AND CONTINUED USE FOR THE PREPARATION OF FOOD FOR COMMERCIAL PURPOSES</b>  Louise Humphreys - EC-004041  Report being signed off by planning</p>
03/11/08	673/05	48 Tillotson Road	Hatch End	PA	19/09/05																<p><b>conversion of single-storey side extension to self-contained flat</b>  03/11/08 report sent to Legal for clearance - Louise Humphreys - EC-004053  Agreeing content of report by planning.</p>
03/11/08	655/07	Meera, 205 Streatfield Road	Queensbury	AK	27/11/07																<p><b>Continued use of ground floor and first floor as hot food takeaway</b>  03/11/08 report sent to Legal for clearance - Louise Humphreys - EC-004052  ON HOLD - new application submitted review at end of month  13/01/09 Amended report sent to legal</p>
26/11/08	370/08	24 Wood End Road	Harrow on the Hill	PA	07/07/08																<p><b>Single storey side to rear extension</b>  Legal Officer - Louise Humphreys.  Agreeing content of report with planning.</p>
<b>Nov-08</b>																					
<b>Jan-09</b>																					

20/01/09	586/05	7 Handel Way, Edgware	Canons	GW	08/08/05					<b>Covered way and use of outbuilding as 2 self-contained units</b> 20/01/09 - Enf report sent to legal - Legal officer - Jessica Farmer
20/01/09	27/06	87 Kenton Lane	Kenton East	GW	20/01/06					<b>Unauthorised use of outbuilding as two self contained flats</b> 20/01/09 - Enf report sent to legal - Legal officer - Jessica Farmer
22/01/09	697/07	13-17 manor Road	Greenhill	SSB	07/12/07					<b>Unauthorised conversion to 15 flats</b> 20/01/09 - Committee report sent to legal - Legal officer - Jessica Farmer
<b>Feb-09</b>										
02/02/09	0692/06	86 Uppingham Avenue	Queensbury	GW	19/12/06					<b>Unauthorised conversion to 2 flats</b> 20/01/09 - Enf report sent to legal - Legal officer - Jessica Farmer
03/02/09	281/08	4 & 6 Camrose Avenue	Edgware	PB	02/06/08					<b>Unauthorised conversion of garage and extension to self contained residential unit</b> 03/02/09 - Enf report sent to legal - Legal officer - Jessica Farmer
03/02/09	757/08	8 Camrose Avenue	Edgware	PB	31/12/08					<b>Unauthorised conversion of garage to self contained residential unit</b> 03/02/09 - Enf report sent to legal - Legal officer - Jessica Farmer
05/02/09	0027/08	31 Cuckoo Hill Drive	Pinner South	GW	09/01/08					<b>variation to planning consent</b> 05/02/09 - Enf report sent to legal - Legal officer - Jessica Farmer

**ENFORCEMENT GRID - January 2009**

ENFORCEMENT GRID - January 2009										
Check compliance - Notice Served	Enforcement Reference	Address	Ward	Site Officer	Date Reported	Notice Served	Appealed	Date of Compliance	Complied	Breach, Progress And Comments
	0594/07	34 Gordon Avenue	Stanmore Park	MM	16/10/07	Yes		30/03/09		Erection of single storey extension (approx 6m wide by 3m deep) on the forecourt of the dwelling S78 appeal lodged - awaiting decision Notice served on 22/08/08 - Awaiting compliance
	669/07	29 Rayners lane	Roxbourne	BC	26/11/07	Yes		05/12/08		Unauthorised single side & rear extension Notice served 25/7/08. S78 appeal lodged and awaiting decision
	0055/08	17 Radley Gardens	Kenton East	ML1	01/02/08	Yes		03/01/09		Unauthorised conversion of ground floor of property into 2 flats and installation of additional entrance door. Planning permission refused for the development (application reference P/1756/07 on 12 November 2007). Draft report prepared for delegation - Notice served on 22/08/08
	102/08	21 Landseer Close	Edgware	SSB	25/02/08	Yes		04/05/09		Unauthorised alteration/extension to roof incorporating raised roof over dwelling house and rear dormer (The Development) 06/11/08 Legal officer -Preetinder Cheema 17/10/08 revised rpt to legal(gw) Notice served 21/10/08
	293/07	52 Adderley Road	Wealdstone	GW	07/08/07	Yes		18/03/09		Unauthorised single storey conservatory extension attached to the existing rear extension 28/10/08 - File with Preetinder Cheema Notice served on 06/11/08
	662/06	1 Constable Gardens	Edgware	SSB	20/07/06	Yes		05/04/09		Unauthorised Single storey rear extension- p/p refused Legal officer - Marieke VandeBergh - EC- 003957 Notice served 24/11/08

ENF/0362/08	2 Alicia Avenue	Kenton West	PA	02/07/08	Yes				<b>Continued use of detached single storey outbuilding in rear garden as dwelling unit</b> Louise Humphreys - EC-004067 Report being signed off by planning Notice Served 18/12/08
228/08	85 Greenway	Pinner	PB	07/05/08	Yes				<b>Single storey side and rear extension</b> Agreeing content of report with planning. Legal officer - Louise Humphreys 31/12/08 - Report cleared - sent to AP 05/01/09 - Report cleared by AP Notice served 03/02/09
0447/07/P	10 Harrow View	Headstone South	SG	16/05/07	Yes				<b>Additional single storey rear extension</b> Legal Officer - Louise Humphreys 31/12/08 - Report cleared - sent to AP 05/01/09 - Report cleared by AP Notice served 03/02/09
625/03	Broomhill, Mount Park Road	Harrow on the Hill	GW		Yes				<b>FENCING AND INCORRECT MATERIAL FOR HARDSTANDING</b> Legal Officer - Louise Humphreys 31/12/08 - Report cleared - sent to AP



**ENFORCEMENT GRID - January 2009**

Notice served - Appeal Lodged		ENFORCEMENT GRID - January 2009									
Enforcement Reference	Address	Ward	Site Officer	Date Reported	Notice Served	Appealed	Date for compliance	Complied	Breach, Progress And Comments		
956/05	85a Whitchurch Lane	Canons	SSB	20/01/05	Yes	Yes	12/12/08		single storey rear extension Notice served on 05/08/08 Appeal lodged		
366/06/P	23 Nolton Place, Harrow	Edgware	GW	03/05/06	Yes	Yes	31/01/09		(i) use of main dwelling as four flats and (ii) use of outbuilding as 2 flats Enforcement Notice served on 26/06/08 Appeal lodged Awaiting appeal decision		
0263/07/P	3 Green Lane Cottages	Stanmore Park	LH	30/07/07	Yes	Yes	03/01/09		Replacement of two timber framed horn style sash windows with two uPVC casement windows Notice served on 22/08/08 - Appeal submitted - Awaiting appeal decision		
0056/08	43 High Street, Harrow	Harrow on the Hill	MRE	01/02/08	Yes	Yes	24/10/09		Unauthorised cash machine. Planning permission refused for the development (application reference P/3593/07 on 20 December 2007). Draft report prepared for delegation and passed to Legal. Notice served 25/7/08. Appeal lodged		
95/07	Unit 3 Ballards Mews/High St. - Edg	Edgware	GW	09/05/07	Yes	Yes	23/04/2009		Unauthorised two extract flues to workshop Legal officer - Louise Humphreys Report being signed off by planning. Notice served 17/12/08. Appeal lodged		

**ENFORCEMENT GRID - January 2009**

PROSECUTION REQUIRED											
Enforcement Reference	Address	Ward	Site Officer	Date Reported	Notice Served	Appealed	Date for compliance	Complied	Breach, Progress And Comments		
339/01	78 Cecil Road	Wealdstone	GW	14/08/01	Yes	Yes	07/09/03		Building works in rear garden adj. to 80 Wellington Rd awaiting prosecution report		
480/02	9 West Drive Gardens	Harrow Weald	SSB	21/08/02	Yes	Yes	21/01/04		<b>Roof alterations without planning permission</b> Notice to be served as soon as possible. Notice of appeal served. Appeal Dismissed Insp letter dated 20-Jun-03. Owners have offered to do works required, starting in Sept 2004. Site inspected in Sept 04, assessment required for prosecution		
317/03	154 Eastcote Lane, S/har	Roxbourne	SSB	03/07/03	Yes		01/10/04		<b>Compliance with condition 8</b> Appeal received, appeal not valid. Section 78 dismissed, owners asked to provide details of timescale for compliance with notice. Agent looking into how to alter development to comply with notice. Prosecution report required		
441/03	Mount Park Manor	Harrow on the Hill	GW	28/07/03	Yes	Yes			<b>TELESCOPIC POOL COVER</b> Reassessment required		
573/03	22 Walton Road	Marlborough	SSB	07/10/03	Yes		28/02/06		<b>Unauthorised construction of a single storey rear extension and front porch.</b> Appeal fee not paid to the Planning Inspectorate, thus appeal not validated. Planning Inspectorate confirmed in letter dated 27 March 2006. Prosecution report required		

625/03	Broom Hill, Mount Park Road	Harrow on the Hill	SSB	31/10/03	Yes	Yes	11/04/05	<b>BREACH OF CONDITION RE: FENCING AND INCORRECT MATERIAL FOR HARDSTANDING</b> Appeal submitted. Appeal determined and upheld. Planning permission subject to conditions. Enforcement officer to monitor conditions. Enf Officer has visited site. Breach of condition established 05/01/09 - Report cleared by AP
94/04	190 Whittington Way	Pinner South	GW	23/02/04	Yes	Yes		<b>SINGLE STOREY REAR EXTENSION ONTO SINGLE STOREY REAR EXTENSION</b> Appeal withdrawn - reassessment required
160/04	29 The Broadway	Wealdstone	GW	15/03/04	Yes			<b>Installation OF ADVERTISEMENT</b> Reassessment required
425/04	61 Oxley Road	Rayners Lane	SSB	01/07/04	Yes		14/02/06	<b>Erection of rear extension and wall</b> Section 330 notice served on 20-June-05. Enf notice issued. Case Officer visited on 7th September 2006, notice not complied with, letter sent advising owner of intention to commence prosecution proceedings.
483/04	35 Orchard Grove, Edg	Edgware	GW	08/07/04	Yes	Yes	04/07/06	<b>Change of use to flats</b> Section 330 notice served on 6-July-05. Section 330 Notices were returned unopened. Enforcement Notices issued. Appeal Submitted, awaiting outcome. Appeal withdrawn. Re-assessment required for prosecution
619/04	462 Honeypot Lane	Queensbury	SSB	25/08/04	Yes		13/09/07	<b>Unauthorised construction of a single storey rear extension</b> Site visit required by Enforcement Officer.

700/04	1 Wildcroft Gardens	Canons	SSB	21/09/04	Yes	No	19/08/06	<b>REMOVAL OF BUSH ON PAVEMENT AND 4 PILLARS ON FRONT BOUNDARY AT OVER 2M HIGH.</b> Part compiled - Further assessment required
989/04	56 Lake View	Canons	GW	23/10/04	Yes	Yes		<b>Porch has been erected across the front gable</b> Appeal dismissed - needs reassessment
24/05	81 Roxeth Hill	Harrow on the Hill	SSB	06/05/06	Yes		18/07/06	<b>Erection of roof extension</b> AB / RD checking when roof was erected. Borough Solicitor preparing notice. Notice prepared. Planning Appeal part allowed (P/304/03/CFU) Enforcement Appeal Dismissed 18/10/05 with variation Re-assessment required
519/05	32 Rusland Park Road	Marlborough	GW	17/06/04	Yes	Yes	27/08/08	<b>Unauthorised construction of a two/three storey side to rear, single storey front to side extension and rear dormer</b> Notice was withdrawn on 13 September 2007 and reissued on 13 September 2007. Awaiting appeal decision. Appeal dismissed - prosecution required
744/05	14 Roxeth Green Avenue	Roxbourne	SSB	17/10/05	Yes	Yes	17/11/08	<b>Unauthorised construction of a rear extension</b> Appeal dismissed 18 August 2008. Site visit and witness statement required
370/06	399 Alexandra Avenue	Rayners Lane	PA	02/05/06	Yes			<b>installation OF ADVERTISEMENT</b> Reassessment required

401/06	76 Formby Avenue	Queensbury	SSB	24/04/06	Yes		22/11/07	<b>Use of outbuilding as two self-contained residential units</b> Enforcement Officer visited the site. Breach still existing. Prosecution witness statement required.
459/07/P (reregistered)	119 Eastcote Lane	Roxeth	SSB	19/09/07	Yes	Yes	23/06/2001 (original date)	<b>Converted swimming pool enclosure at rear into 3 flats &amp; separate additional unit created at the side of the property.</b> awaiting preparation of prosecution report
183/08	127 Ruskin Gardens	Kenton East	PA	10/04/08	Yes		02/10/08	<b>Property being used as building yard</b> awaiting prosecution report

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Meeting:	Development Management Committee
Date:	25 <sup>th</sup> February 2009
Subject:	Tree Preservation Order No. 930
Responsible Officer:	Russell Ball, Tree Preservation Officer
Portfolio Holder:	Councillor Marilyn Ashton, Portfolio Holder for Planning, Development and Enterprise.
Exempt:	No
Enclosures:	<b>Appendix 1</b> – Extracts from Arboricultural Report <b>Appendix 2</b> -Letter dated 19 <sup>th</sup> January 2009 from Mr Taylor of Fusion Residential <b>Appendix 3</b> – Photograph of driveway

## SECTION 1 – SUMMARY AND RECOMMENDATIONS

Tree Preservation Order (TPO) No. 930 covers the property at 76 Wellington Road and was served as an emergency Order on 16<sup>th</sup> December 2008. Objections have been made against this TPO in respect to the protected Wellingtonia tree at the above address. This is the sole tree covered by this TPO. This report sets out why this TPO should be confirmed.

### **RECOMMENDATIONS:**

The Committee is requested to confirm TPO No. 930 notwithstanding the objections.

**REASON:** This emergency TPO needs to be confirmed within 6 months otherwise the statutory protection afforded to the aforementioned tree will be lost.

## SECTION 2 - REPORT

2.1 On 16<sup>th</sup> December 2008, TPO No. 930 was made in respect of a Wellingtonia tree (the sole tree covered by this TPO) at the front garden of 76 Wellington Road . The land on which the tree is sited and at No. 78 Wellington Road has three planning consents: one in outline for three detached houses, one full permission for three houses and one outline application (won at appeal) for a block of eight flats. As part of the planning applications, an arboricultural consultant report (HB report) was commissioned by the applicant in respect of the subject Wellingtonia (plus other trees on the site). See relevant extracts at Appendix 1.

An objection letter was subsequently received from Mr Taylor, Planning Director of Fusion Residential (at Appendix 2).

2.2 Mr Taylor's objections are set out below with the Council's response

2.2.1 The Wellingtonia causes an undue constraint on the ability to develop the land or subsequently sell the property.

**Response:** It is accepted that this large (35m) tree represents a significant constraint but its visual amenity is related to its size and presence on the site. For this reason, and due to a threat of development, a TPO was placed on the tree. Furthermore, the HB report cites the tree as having a BS:5837 'A' grade (see survey inspection form at Appendix 1). As such, in my opinion, the tree is an asset to any future occupiers of the site.

2.2.2 If the tree were to fall, it could have serious consequences for the 6 other properties in the vicinity of this tree.

**Response:** During my inspection of the Wellingtonia tree no visual defects were noted. No tree defects are noted in the HB survey inspection form (see Appendix 1). Therefore, it is my view that the Wellingtonia is not a hazard tree.

If in future, tree defects become evident, Council permission would likely be granted to carry out appropriate remedial pruning works, including removal & replacement if this can be demonstrated to the Council as justified.

2.2.3 The Wellingtonia is too close to existing property & any future development.

**Response:** Planning permission exists for the site that includes the demolition of the existing house (at No. 76: that is uninhabited) and construction of three houses (P/2090/08 and P/3281/08). There is also an extant outline planning permission for eight flats allowed on appeal (P/4280/07) on 21<sup>st</sup> November 2008. In respect to future development, the HB summary (see Appendix 1), states: "The new building will also be set further away from this tree [the Wellingtonia] than the existing house" and therefore any new development would have an improved relationship and setting with this tree.



2.2.4 It is apparent that the Wellingtonia is causing root damage to the driveway at No. 78 Wellington Road.

**Response:** A visit was made (29<sup>th</sup> Jan. 2009) to evaluate the alleged driveway damage. Running alongside the Wellingtonia there is a driveway that serves the property at No. 78 Wellington Road. On the driveway, immediately adjacent to the tree, a line of tarmac has been lifted (see photo attached as an appendix with a biro pen included for scale). Whilst this has likely been caused by the subject tree, in my opinion, this defect could be remedied with some limited infill to produce a small ramp-like repair over the affected tarmac area. Given the Wellingtonia's significant public visual amenity value this remedial repair could be justified.

It is important to note that there has been no direct formal objection from the owner/occupiers at No.78 Wellington Road on the above driveway damage.

2.2.5 The Wellingtonia is causing "unseen problems for adjacent properties both below and above ground."

**Response:** There is no evidence to support this claim. In any event, applications can be made to the Council in future to remedy such problems when they become apparent with justified reasons to carry out tree works on the Wellingtonia.

2.3 There is no right of appeal to the Secretary of State against the confirmation of a TPO. However, under Section 288 of the Town and Country Planning Act 1990 ("the Act"), the validity of a TPO can be challenged on a point of law by an application to the High Court within six weeks of the date the TPO is confirmed on the grounds that: -

2.3.1 The TPO is not within the powers of the Act, or

2.3.2 The requirements of the Act (or Regulations made under the Act) have not been complied with in the making of the TPO.

2.4 The Committee is requested to give due consideration to the objection. It is the Council's Arboricultural Officer's opinion that the objections do not outweigh the amenity considerations in this case.

2.5 It is accordingly recommended that the TPO be confirmed.

### **Financial Implications**

There are no financial implications.

### **Performance Issues**

None.

### SECTION 3 - STATUTORY OFFICER CLEARANCE

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: ...23 <sup>rd</sup> January 2009		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 4 <sup>th</sup> February 2009		

### SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

**Contact:** Russell Ball, Planning Arboricultural Officer, extn: 6092

76 WR APPEAL

APPENDIX 1  
(1 of 3 PAGES)

P/2087/08/COU



## ARBORICULTURAL IMPLICATION AND TREE PROTECTION REPORT

HARROW COUNCIL  
TOWN & COUNTRY PLANNING ACT 1990  
PLANNING PERMISSION REFUSED

11 AUG 2008

GROUP MANAGER  
PLANNING & DEVELOPMENT

76-78 Wellington  
Road,  
Hatch End

Produced For: Fusion Residential LLP  
Prepared By: Michael Honey, Dip. Arb. (RFS), F.Arbor.A. BA Hons  
Reference: MPH0024/AS  
Date: 18 June 2008



visits by the arboriculturalists during construction and a final visit on completion. A reporting procedure should also be implemented and agreed.

This protective method statement scheme can be endorsed by planning conditions, agreement or obligations as any appropriate arrangement between the developer and planning authority. Further discussion between these relevant parties might therefore be necessary in order to finalise this document.

- **Summary**

The design proposal allows for retention of all those trees of amenity value including all of the A, B and B/C grade specimens. This includes the retention of the important Wellingtonia T14 graded A at the front of number 76. The new building will also be set further away from this tree than the existing house and therefore in an approved relationship and setting with the tree.

The new building's car park basement and access ramp will however encroach partially within the Root Protection Area of the Wellingtonia T14. The access ramps will extend no closer than 8m from T14 and the basement car park approximately 7 metres. The total area of excavation within the Root Protection Area will be less than 15% of the total Root Protection Area. The tree is of a robust species tolerant of root disturbance and the existing house is closer than the proposed basement. Limited root growth is anticipated within the basement area therefore and with reference to BS5837 clause 5.2.4 a 15% encroachment will be acceptable and with limited impact upon this specimen. Protective measures however have been outlined to ensure there is no significant impact upon this specimen.

With the careful implementation of these specific and the general protective measures outlined including the installation of ground protection to allow the storage of materials and vehicle access within the Root Protection Areas, the proposal can be constructed while ensuring the safe retention of the sites trees of amenity value and their continued contribution to the local landscape.

This concludes our report but if we can be of any further assistance, or should you require any further information, please do not hesitate to contact us.

**Michael Honey**  
**HONEY TREE SPECIALISTS LTD**  
Suite 2, Dominion House Business Centre, Lion Lane, Haslemere, Surrey GU27 1JR

# PREDEVELOPMENT TREE SURVEY INSPECTION FORM

REF: MPH0024/AS  
 Surveyor: Michael Honey  
 Weather:

Inspection date: \_\_\_\_\_ Contact: \_\_\_\_\_  
 Client: Village Homes  
 Site: 76-78 Wellington Road, Hatch End



Tree No	English Name	Height m	DBH cm	Spread m	Vigour	Age	BS Cat 2005	BS RPA 2005	Comments Work
T12a	Malus	5	15	2	N	Middle aged	C		Small orchard tree
T13	Laburnum	5	Multi at 10	2	N	Y	C		Untidy possible self sown group
T14	Wellingtonia	35	160	5 to 7	N	M	A	15m	Very large tree of significance and prominence to the local landscape. Good form. Possible loss of upper leader. Climbing inspection advised. Future installation of lightning conductor recommended
T15	Lawson cypress	7	Multi 25 at base	2	N	M	C		Tree of poor multi stem form with limb displacement
T16	Sycamore	16	50	5 to 7	N	Middle aged	B	6m	Reasonable specimen of some local prominence. One extended unbalanced limb

**Notes:**

- As per BS5837, "Trees in relation to construction", 2005.
- Height describes the height of the tree from ground level.
- DBH is the diameter of the trunk at 1.5m from ground level or as defined in the text.
- Spread refers to the crown radius from the trunk centre and is expressed as an average or NSEW aspect, as appropriate.
- Age range is represented as Y-young, SM-Semi mature, M-mature, CM-over mature.
- Vigour is described as N-Normal, INT-Intermediate, L-Low or D-Dead and refers to the general condition of the tree.
- BS Cat. refers to BS 5837, 2005 retention category table 1, where A category retention most desirable (life expectancy 40 yrs +) B retention desirable (20 yrs +) C could be retained (min. 10 yrs) and R (remove).
- Colours: A=LIGHT GREEN B=MID BLUE C=GREY R=DARK RED where indicated on plans.
- BS RPA is BS5837, 2005 recommended Root Protection Area given as the radius of a circle equal to that area. The final RPA may not be represented by a circle within tree protector drawings. All construction operations to take place outside this area.
- RPA based upon canopy spread rather than BS5837, 2005 Table 2

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## APPENDIX 2

Mr Russell Ball  
London Borough of Harrow  
Harrow Council  
Development & Enterprise  
PO Box 37  
Civic Centre  
Station Road  
Harrow, HA1 2UY

19 January 2009

**SUBMITTED BY EMAIL**

Dear Mr Ball

**OBJECTION TO PROPOSED TREE PRESERVATION ORDER 930 WELLINGTON ROAD  
NO.4 HATCH END ON LAND AT 76 WELLINGTON ROAD, HATCH END, HA5 4NH.**

I am writing to formally object to proposed Tree Preservation Order No.4 Hatch End. This proposed Order relates to the Wellingtonia tree in the front garden of our property at 76 Wellington Road, Hatch End.

As you will be aware, Fusion Residential now benefit from two consents for development involving both the curtilage of no.76 and the adjoining property no. 78 Wellington Road. Whilst neither of these consents is guaranteed to be implemented given the current economic climate, the imposition of a TPO would cause undue constraints on our ability to develop the land or potentially sell the property as a going concern.

In accordance with procedures, the purpose of this letter is therefore to clarify which tree this objection specifically relates to and the nature of the objections.

- The tree in question is the Wellingtonia tree in the front garden area of 76 Wellington Road proposed to be subject to TPO no.4 Hatch End.

Our reasons for objection are as follows:

- The Wellingtonia dominates the surrounding area – in particular Wellington Road and Woodridings Avenue. It is located immediately adjacent to at least 6 properties including our own and dominates the outlook from many of these properties. The tree is circa 30m high with a substantial crown spread – a crown we have already had to lift owing to damage being caused to the roof of our property. The tree is exceptionally close

to our property – indeed were it to fall there are at least 6 other properties upon which the tree could land including our own. I do not consider that a tree with so much potential to cause substantial (or indeed further) damage to property should be protected by a Tree Preservation Order.

- We are concerned that by imposing a TPO we will be unable to remove the tree should we a) become concerned as to its health (irrespective of whether the LPA concur with us or not), b) whether we consider it is too close and overbearing to current or future property or c) cause further direct damage to property.
- It is apparent that the tree roots are already causing damage to the driveway of both our property and indeed that of 78 Wellington Road (the owners of which I understand are tired of having to pay to have their driveway repaired).
- As well as damage already apparent to driveways, the tree is no doubt causing unseen problems for adjacent properties both below ground level and above (branches/debris quite often fall on 76 Wellington Road already – indeed as stated above we have had cause to raise the crown to address this problem). For these reasons I conclude that imposing a Tree Protection order places undue hurdles in our way in determining how best to respond to the challenges imposed by the tree. We do not agree that the Council should have the last say in determining whether future potential damage is acceptable or not or indeed whether requests to prune the tree to overcome other concerns, such as the tree being deemed overbearing, should fall to the discretion of the Council.

For the reasons given above I do not consider that TPO 930 Wellington Road no.4 Hatch End should be imposed.

I look forward to acknowledgement of the above and receiving details of the Council's determination upon this matter in due course.

Yours sincerely

Iain Taylor  
Planning Director  
Fusion Residential  
01923 216536





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Meeting:	Development Management Committee
Date:	25 <sup>th</sup> February 2009
Subject:	1 & 2 Bankfield Cottages, Ass House Lane, Harrow
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Portfolio Holder:	Councillor Marilyn Ashton, Portfolio Holder for Planning Development and Enterprise
Exempt:	No
Enclosures:	None

## Section 1 – Summary and Recommendations

This report seeks an extension of time to complete a Section 106 Agreement (“the Agreement”) relating to 1 & 2 Bankfield Cottages, Ass House Lane, Harrow (“the Site”). The Strategic Planning Committee approved heads of terms for the Agreement on 4 June 2008.

### **Recommendations:**

The Committee is requested to:

Extend the time for completion of the Agreement by two calendar months from the date of this meeting.

### **Reason: (For recommendation)**

To enable settlement and execution of the Agreement.

## Section 2 – Report

On 14 June 2008, the Development Management Committee resolved to grant planning permission (ref no: P/0838/08) for the erection of two two-storey semi-detached houses with parking, subject to completion of the Agreement within six months of the committee date.

The broad terms for the Agreement approved by the Committee require the applicants to implement either planning permission previously granted under reference P/3026/05 or the permission to be granted for the current application but not both.

Negotiations of the Agreement between the applicant and the Council progressed well and the agreement has been executed by the applicant. However, it has not proved possible to complete the agreement within the timescale set by Committee because the applicant wished to discharge a mortgage which existed over the land prior to the completion of the agreement.

The applicant has now provided evidence of the application to HM Land Registry to discharge the mortgage and the agreement is now able to be completed. Committee is requested to extend the time for completion of the Section 106 Agreement for the Site by a period of two calendar months from the date of this meeting.

### Financial Implications

The proposed recommendation raises no financial implications. The developer will bear the costs of completing the Agreement.

### Performance Issues

None

### Risk Management Implications

None.

## Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 8 December 2008		

Name: Abiodun Kolawole



on behalf of the\*  
Monitoring Officer

Date: 11 February 2009

## Section 4 - Contact Details and Background Papers

Contact: Louise Humphreys – Consultant Planning Solicitor, 020 8424 9239

Background Papers:

Officer Report to Development Management Committee dated 4 June 2008

Minutes of Development Management Committee dated 4 June 2008

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO

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Meeting:	Development Management Committee
Date:	25 <sup>th</sup> February 2009
Subject:	Land to the north side of Greenhill Way, Harrow
Responsible Officer:	Hugh Peart – Director of Legal and Governance Services
Portfolio Holder:	Councillor Marilyn Ashton, Portfolio Holder for Planning Development and Enterprise
Exempt:	No
Enclosures:	None

## Section 1 – Summary and Recommendations

This report seeks an extension of time to complete a Section 106 Agreement (“the Agreement”) relating to land to the north side of Greenhill Way, Harrow (“the Site”) and also seeks approval of a change to the provision of affordable housing. The Strategic Planning Committee approved heads of terms for the Agreement on 23 July 2008.

### Recommendations:

The Committee is requested to:

1. Extend the time for completion of the Agreement by two calendar months from the date of this meeting.
2. Approve a change in the provision of affordable housing from nine units comprising three social rented and six shared ownership to nine units comprising three social rented and six intermediate ownership

### Reason: (For recommendation)

To enable settlement and execution of the Agreement.

## **Section 2 – Report**

On 23 July 2008, the Strategic Planning Committee resolved to grant planning permission (ref no: P/1721/08) for the redevelopment of a former car park to provide a block of 37 flats with associated parking (resident permit restricted), subject to completion of the Agreement within six months of the committee date.

The broad terms for the Agreement approved by the Committee relate to the provision of affordable housing in a mix of three social rent and six shared ownership dwellings.

Negotiations of the Agreement between the applicant and the Council have progressed well and the agreement has now been reached between the parties as to the precise content of the agreement. However, it has not proved possible to complete the agreement within the timescale set by Committee.

As part of these negotiations, the applicant has requested that the requirement to provide shared ownership dwellings be amended to intermediate ownership dwellings because of the current economic climate. This request has been discussed with the Affordable Housing – Enabling team and they are content with the provision of intermediate housing in this particular instance; they have advised that shared ownership is included within in the general definition of intermediate housing in any event and that due to the current economic climate the government has recently developed another intermediate housing product (the Intermediate Rent to Homebuy (shared ownership) option), with the specific aim of further assisting first time buyers to enter into home ownership.

### **Financial Implications**

The proposed recommendation raises no financial implications. The developer will bear the costs of completing the Agreement.

### **Performance Issues**

None

### **Risk Management Implications**

None.



### Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 16 February 2009		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 11 February 2009		

### Section 4 - Contact Details and Background Papers

Contact: Louise Humphreys – Consultant Planning Solicitor, 020 8424 9239

Background Papers:

Officer Report to Strategic Planning Committee dated 23 July 2008

Minutes of Strategic Planning Committee dated 23 July 2008

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO

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Committee:	Development Management Committee
Date:	25 February 2009
Subject:	INFORMATION REPORT – Urgent Non-Executive Decision: Woodpeckers and 9 Eastglade Public Inquiry.
Responsible Officer:	Hugh Peart - Director of Legal and Governance Services
Portfolio Holder:	Councillor Marilyn Ashton - Portfolio Holder for Planning, Development and Enterprise
Exempt:	No
Enclosures:	None.

## **Section 1 – Summary**

The Urgent Non-Executive Decision procedure, set out in Part 3 of the Council's Constitution, requires all decisions taken under the procedure to be reported to the appropriate Committee. The Committee is requested to note the action taken under the Urgent Non-Executive Decision procedure, as outlined in Section 2 below.

### **FOR INFORMATION**

## **Section 2 – Report**

### CIRCUMSTANCES

Planning application P/2307/07/COU was refused under delegated powers on 1<sup>st</sup> October 2007. This application sought outline planning permission (Layout, Access and Scale) for the demolition of 9 Eastglade and the erection of 4, two storey detached houses, with accommodation at loft level, double garages and layout of access road and vehicular access onto Eastglade.

Planning application P/0208/08/CFU was reported to the Strategic Planning Committee on 17<sup>th</sup> March 2008. This application sought planning permission for the demolition of 9 Eastglade and the erection of 3 single/two storey detached houses with accommodation at loft level, with double garages, layout of access and vehicular access onto Eastglade. The application was recommended for refusal, the Committee resolved accordingly.

Planning application P/2563/08 was reported to the Development Management Committee on the 3<sup>rd</sup> September 2008. This application sought planning permission for the demolition of 9 Eastglade and erection of 2, single/two storey detached houses with basements and double detached garages, layout of access road and vehicular access onto Eastglade. The application was recommended for refusal and the Committee resolved accordingly.

The appellant had appealed against the Council's decision to refuse planning permission for each of the above applications. The Planning Inspectorate had co-joined all three appeals into one appeal which would be heard at a Public Inquiry which was scheduled to take place on the 24<sup>th</sup> to 27<sup>th</sup> February 2009.

The applicant had provided a full ecological survey as part of the appeal submission to the Planning Inspectorate. The Council's Ecological Consultant was satisfied with the additional information provided and that there were now no grounds for the Council to pursue this reason for refusal. The Council was therefore prepared to withdraw reason for refusal number 5 relating to ecology/biodiversity in relation to the Council's decisions on the three planning applications references: P/2309/07/COU, P/0208/08/CFU and P/2563/08.

As the latter two planning applications were reported to the Strategic Planning Committee and the Development Management Committee respectively, Committee resolution was required to not pursue the reason for refusal relating to ecology.

## ACTION SOUGHT

Action Proposed: To withdraw refusal reason 5 relating to ecology/biodiversity on the Council's decisions for three planning applications, references: P/2309/07/COU, P/0208/08/CFU and P/2563/08. The application site formed part of Woodpeckers, Moss Lane, HA5 3AW and 9 Eastglade, Pinner, HA5 3AN. These decisions had been appealed and a Public Inquiry was scheduled to take place on 24 – 27 February 2009.

Reason no. 5 of the Council's decision to refuse planning permission in relation to all three applications read as follows:-

*The proposed scheme fails to provide sufficient information regarding biodiversity and in the absence of such information and justification the proposed development would be inappropriate and would be potentially harmful to features of natural conservation or ecological value on the site contrary to policies D4, EP262, EP27 and EP28 of the Harrow Unitary Development Plan (2004).*

Date of Request for Action: 13 February 2009

Reason for Urgency: The next available Committee (Development Management) date was 25<sup>th</sup> February 2009. The Public Inquiry commenced on the 24<sup>th</sup> February 2009 and would run for 4 days.

Given the tight timescale, urgent resolution was required prior to the commencement of the Inquiry.

Decision: Officer Recommendation agreed.

## **Section 3 – Further Information**

None.

## **Section 4 - Contact Details and Background Papers**

Contact: Vishal Seegoolam, Senior Democratic Services Officer, 020 8424 1883

Background Papers: Individual Urgent Non-Executive Decision Form, as reported.

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