



## DEVELOPMENT MANAGEMENT COMMITTEE

# TO COMMENCE ON THE RISING OF THE STRATEGIC PLANNING COMMITTEE WHICH STARTS AT 6.30PM WEDNESDAY 7 MAY 2008

### COMMITTEE AGENDA

COUNCIL CHAMBER,  
HARROW CIVIC CENTRE

#### MEMBERSHIP (Quorum 3)

Chairman: Councillor Marilyn Ashton

#### Councillors:

Don Billson  
Julia Merison  
Narinder Singh Mudhar  
Joyce Nickolay (VC)

Mrinal Choudhury  
Keith Ferry  
Thaya Idaikkadar

#### Reserve Members:

1. Manji Kara  
2. G Chowdhury  
3. Robert Benson  
4. Dinesh Solanki  
5. Husain Akhtar

1. David Gawn  
2. Graham Henson  
3. Mrs Rekha Shah

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 TO COMMENCE ON THE RISING OF THE STRATEGIC PLANNING COMMITTEE WHICH STARTS AT 6.30PM**

**WEDNESDAY 7 MAY 2008**

#### **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;
- (b) all other Members present in any part of the room or chamber.

4. **Arrangement of Agenda:**

(a) To consider whether any item included on the agenda should be considered with the press and public excluded because it contains confidential information as defined in the Local Government Act 1972;

(b) to receive the addendum sheets and to note any applications which are recommended for deferral or have been withdrawn from the agenda by the applicant.

5. **Minutes:**

That the minutes of the meeting held on 2 April 2008 be taken as read and signed as a correct record.

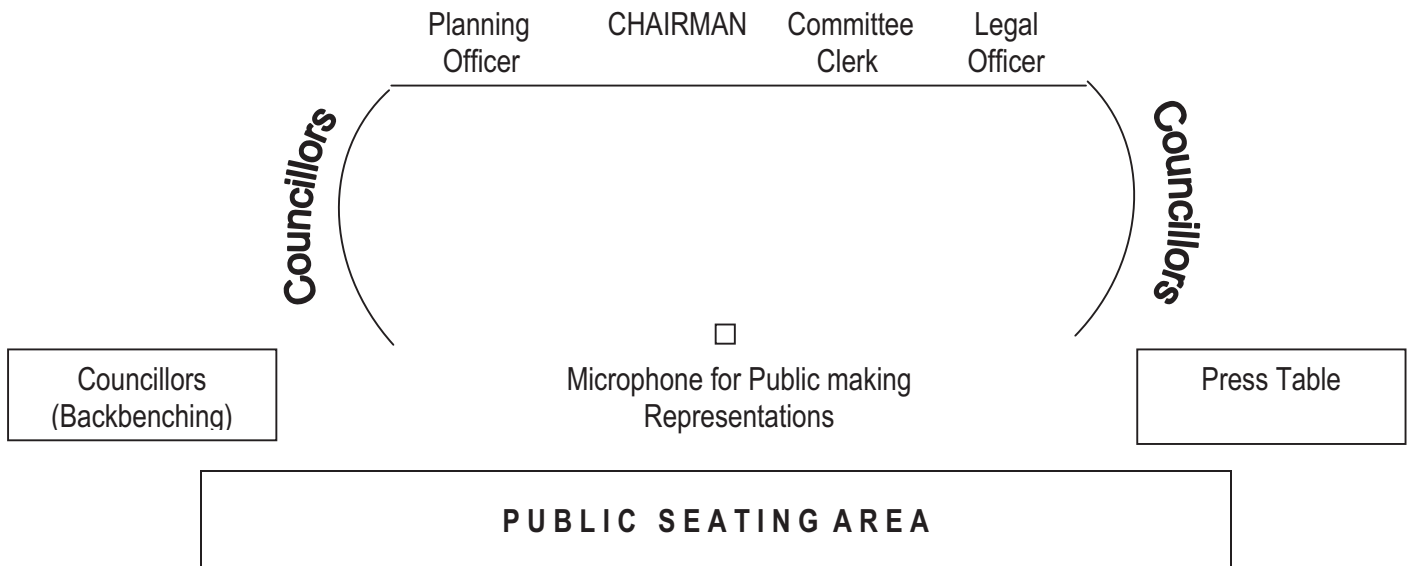
6. **Public Questions:**  
To receive questions (if any) from local residents/organisations under the provisions of Committee Procedure Rule 19 (Part 4B of the Constitution).
7. **Petitions:**  
To receive petitions (if any) submitted by members of the public/Councillors.
8. **Deputations:**  
To receive deputations (if any) under the provisions of Committee Procedure Rule 17 (Part 4B) of the Constitution.
9. **References from Council and other Committees/Panels:**  
To receive references from Council and any other Committees or Panels (if any).
10. **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.
11. **Planning Applications Received:**  
Report of the Head of Planning - circulated separately.
12. **Enforcement Notices Awaiting Compliance:** (Pages 3 - 12)  
Report of the Head of Planning – for information.
13. **Tree Preservation Order No. 904 The Ridgeway (No. 1) West Harrow relating to No 263 The Ridgeway:** (Pages 13 - 20)  
Report of the Director of Planning, Development and Enterprise.
14. **Member Site Visits:**  
To arrange dates for Member site visits that have been agreed during the course of the meeting (if any).
15. **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 Group Manager (Planning and Development), 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 1269). 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).***

**ENFORCEMENT NOTICES AWAITING COMPLIANCE 24 April 2008**

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
9 WEST DRIVE GARDENS, HARROW (Ward = Harrow Weald)  Roof alterations without planning permission	EAST/631/02/FUL ENF/480/02/EAST LP/MW/PEN13018	GDM	20-Sep-02	20-Sep-02 (Legal Contact Officer - AK)	11-Feb-03	21-Mar-03	Hearing 03-Jun-03	10 months	21-Jan-.04 21-Mar-04 26-APR-04	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, no works carried out. Planning app P/3293/04/DFU submitted. App refused. Borough Solicitor sent letter before action. Enf Officer has visited site with a view to preparing prosecution witness statement. Site visit carried out and the case is being assessed.
81 ROXETH HILL, HARROW ON THE HILL (Ward = Harrow on the Hill)  Erection of roof extension	ENF/24/05/P Appeal 3308	AB5		(Legal Contact Officer - AK)	08-Dec-04	14-Jan-05	Hearing 18-Oct-05	9 Months	19-July -06 (following appeal decision)	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 - The property owner is required to removed roof extension and reinstate the roof to its former condition or build in accordance with planning permission P/93/05/DFU the compliance period has been varied from 3 months to 9 months. Recent site visit established that no action had been taken to comply with amended notice. Owner subsequently wrote to Council requesting more time, Council did not agree to this and Officer now drafting prosecution witness statement. <b>Update site visit required by Enforcement Officer.</b>

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**ENFORCEMENT NOTICES AWAITING COMPLIANCE 24 April 2008**

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
154 EASTCOTE LANE, SOUTH HARROW (Ward = Roxbourne)  Single storey rear extension and raised patio	ENF/317/03/P	GW	17-Mar-04	23-Mar-04  (Legal Contact Officer - AK)	27-May-04	30-Jun-04		3 Months	01-Oct-04	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. Draft prosecution statement prepared. Case Officer to undertake site visit, to proceed with prosecution subject to site visit.  12/02/2008 visit by case officer. Single storey rear extension and raised decking observed to be in exististence. The case is being assessed for prosecution.
REGENT HOUSE, 21 CHURCH ROAD, STANMORE (Ward = Stanmore Park)  Erection of Four Air Con Units on a Listed Building	ENF/442/02/EAST	CJFAND AB  RJP (case Officer)	10-Jul-03	16-Jul-03  (Legal Contact Officer-AK)	13-Jan-05	23-Feb-05	Appeal dismissed.	3 Months	01-Mar-06 (following appeal decision)	An incomplete application for the screening of the units was submitted in Nov 2004. The applicant is looking to provide further information to make this application valid. Appeal dismissed. Case Officer to follow up and take necessary action. Site visited and the case is being assessed.
BROOMHILL, MOUNT PARK ROAD, HARROW ON THE HILL (Ward = Harrow on the Hill)  Compliance with condition 8	ENF/625/03/P	GDM  RJP (Case Officer)	08-Dec-04	(Legal Contact Officer - AK)	07-Feb-05	11-Mar-05	Written Representations	3 Months	09-APR-05 09-DEC-05	Appeal submitted. Appeal determined and upheld. Enforcement officer to monitor conditions. Conditions have not been met, case officer drafted Breach of Condition Notice. <b>Site visit required by Enforcement Officer.</b>

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**ENFORCEMENT NOTICES AWAITING COMPLIANCE 24 April 2008**

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
35 ORCHARD GROVE, EDGWARE (Ward = Edgware)  Extensions over 70 cubic metres.	ENF/483/04/P	RJP (report)  GW (Case Officer)	17-May-05	7-June-05  (Legal Contact Officer-AK)	24-Nov-05	04-Jan-06	Appeal submitted. Appeal withdrawn	6 months	05-Jul-06	Section 330 notice served on 6-July-05. Section 330 Notices were returned unopened. Enforcement Notices issued. Appeal Submitted, awaiting outcome. Appeal withdrawn. Appellant intends to comply with The Town and Country Planning (General Permitted Development) Order 1995. Enforcement Officer to monitor and ensure compliance. <b>Needs prosecution report by Enforcement Officer.</b>
61 OXLEAY ROAD, HARROW (Ward = Rayners Lane)  Erection of rear extension and wall	ENF/425/04/P	RJP (Report)  DMc (Case Officer)	17-May-05	7-October-05  (Legal Contact Officer - SY)	20-Jun-05	14-Nov-05		6 months	15-May-06	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.  12/02/2008 visit by case officer. Single storey rear extension and wall at rear observed to be still in existence. The case is being assessed for prosecution.
22 WALTON ROAD, HARROW (Ward = Marlborough)  Unauthorised construction of a single storey rear extension and front porch.	ENF/573/03/P	RJP (report)	27-Jul-05	10-Aug-05  (Legal Contact Officer- SY)	17-Oct-05	28-Nov-05	Appeal Dismissed (P/70/06/DCP).	3 months	01-Mar-06 28-Jun-06	Appeal fee not paid to the Planning Inspectorate, thus appeal not validated. Planning Inspectorate confirmed in letter dated 27 March 2006. Case re-allocated to new Officer to carry out site visit. Site visited on 6 February 2008. Awaiting drafting of prosecution report.

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**ENFORCEMENT NOTICES AWAITING COMPLIANCE 24 April 2008**

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
1 WILDCROFT GARDENS, EDGWARE (Ward = Canons)  Unauthorised construction of gates, walls, railings and pillars	ENF/700/04/P	AB5	11-Jan-06	23-January-06 (Case Officer-SC)	07-Jun-06	19-Jul-06	Appeal Dismissed	1 Month	25-February-2007 (following appeal decision)	S330 Notice served on 17 February 2006. Appeal lodged on ground (a), Appeal dismissed on 25th January 2007, compliance due by 25th February 2007. Full compliance not secured - Case Officer assessing if in public interest to instigate prosecution proceedings.  12/02/2008 visit by case officer. Wall and gates fronting highway reduced to 1 metre; piers remain. Partly complied; revisit in 3 months.
108 WAXWELL LANE, PINNER (Ward = Pinner)  Unauthorised construction of a raised rear deck and trellis	ENF/647/04/P	RJP (Report)	07-Dec-05	9-December-05  CML (Legal Contact Officer)	20-Apr-06	24-May-06		2 Months	24-Jul-06	S330 Notice served 10-January-2006. Needs to be allocated to new Case Officer to establish if compliance secured.  12/02/2008 visit by case officer unable to gain access. <b>Site visit required by Enforcement Officer.</b>
462 HONEYPOT LANE, STANMORE (Ward = Queensbury)  Unauthorised construction of a single storey rear extension	ENF/619/04/P	RJP (Report)  DMC (Case Officer)	15-Mar-06	17-Mar-06  SY (Legal Case Officer)	14th May 2007	13th June 2007		3 Months	13-Sep-07	<b>Site visit required by Enforcement Officer.</b>
76 FORMBY AVENUE, STANMORE (Ward = Queensbury)  Use of outbuilding as two self-contained residential units	ENF/401/06/P	NR	28th February 2007		23rd July 2007	23rd August 2007		3 Months		<b>Site visit required by Enforcement Officer.</b>
Raw Lasan, 154 Stanmore Hill, Stanmore (Ward = Stanmore Park)  Unauthorised timber decking in the garden.	ENF/495/06/P	GW	Approved by committee on 18 December 2007.		26/02/08	31/03/2008		2 months	30/05/08	Memo to be sent to Legal to initiate enforcement. Draft report prepared for delegation and passed to Legal. Notice served on 26 February 2008.

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**ENFORCEMENT NOTICES AWAITING COMPLIANCE 24 April 2008**

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
32 RUSLAND PARK ROAD, HARROW (Ward = Marlborough)  Unauthorised construction of a two/three storey side to rear, single storey front to side extension and rear dormer	ENF519/05/P	RJP (Report)	07-Jun-06	19-June-2006  JM (Legal Case Officer)	13th Sept 2007	27-Feb-08	Appeal lodged (Written Reps)	3 Months changed to 6 months on appeal.	26/07/2008 (from appeal decision)	Notice was withdrawn on 13 September 2007 and reissued on 13 September 2007. Awaiting appeal decision. <b>The appeal succeeds in part and the notice is upheld with variations (27/02/2008).</b> Compliance period changed to 6 months. The site is being monitored.
RAVENSHOLT, 12 MOUNT PARK ROAD, HARROW ON THE HILL (Ward = Harrow on the Hill)  Unauthorised erection of a wire fence with concrete posts and reed panelling	ENF/353/03/P	RJP (Report)  RJP (Case Officer)	28-Jun-06	4-July-2006  (Legal Case Officer - SY)	31st August 2007	1st October 2007 25 February 2008	Appeal Lodged (Written Reps)	1 Month. Details of landscaping to be submitted within 3 months and to be implemented within 6 months from the date of the LPS's approval.	25/11/2008 (maximum; from the appeal decision)	Awaiting appeal decision.  <b>The appeal succeeds in part and permission granted for the metal fence and concrete posts subject to the condition requiring submission and implementation of landscaping details. The appeal fails with regard to the reed panelling. The notice, as corrected, is upheld. (25/02/2008).</b> The site is being monitored.

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**ENFORCEMENT NOTICES - AWAITING APPEAL DECISION**

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
37 NORWOOD DRIVE, HARROW (Ward = Headstone North)  Conversion of dwellinghouse into 7 self-contained bedsits	ENF/0152/06/P	GW	28th February 2007		16th July 2007	16th August 2007	Appeal lodged (Hearing)	3 Months		Appeal Hearing scheduled for 9-April-2008.
4 AYLWARDS RISE, STANMORE (Ward = Stanmore Park)  Development without planning permission: Erection of replacement detached two-storey house and detached garage, without compliance with pre-commencement conditions.	ENF/0353/07/P	AB5			6th August 2007	5th September 2007	Appeal Lodged (Public Inquiry)	6 Months		Public Inquiry 08-Jan-2008 - await outcome. <b>The appeal is allowed and the enforcement notice is quashed (21/02/2008).</b>
4 AYLWARDS RISE, STANMORE (Ward = Stanmore Park)  Development without planning permission: Erection of replacement detached two-storey house and detached garage, outside the scope of planning permission.	ENF/0282/07/P	AB5			6th August 2007	5th September 2007	Appeal Lodged (Public Inquiry)	6 Months		Public Inquiry 08-Jan-2008 - await outcome. <b>The appeal is allowed, the enforcement notice with corrections is quashed and planning permission granted in the terms set out in the Formal Decision (21/02/2008).</b> Compliance with the conditions is being monitored.
14 ROXETH GREEN AVENUE, HARROW (Ward = Roxbourne)  Unauthorised construction of a rear extension	ENF/744/05/P	RJP (Report)  MHX (Case Officer)	28-Jun-06	04-Jul-06	31st August 2007	1st October 2007	Appeal Lodged (Written Reps)	3 Months		Awaiting appeal decision

**ENFORCEMENT NOTICES - AWAITING APPEAL DECISION**

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
THE BOTHY, 65 OLD REDDING, HARROW WEALD (Ward = Harrow Weald)  Rear Decking (rear extension should be PD)	ENF/519/06/P	LH (Case officer)	17th July 2007	31st July 2007	6th November 2007	10th December 2007		3 Months	9th March 2008	Appeal lodged; <b>public inquiry to be held 9 September 2008</b> . Awaiting appeal decision.
GROVE END, GROVE HILL ROAD, HARROW (Ward = Greenhill)  Outbuilding larger than 10 cubic metres in conservation area.	ENF/633/06/P	LH (Case officer)	17th October 2007	19th October 2007	8th January 2008	7th February 2008		3 Months	7th April 2008	

SITES BEING MONITORED/INVESTIGATED FOR ENFORCEMENT										
ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
Land to the rear of 48 The Avenue, Harrow Weald. (Ward = Harrow Weald)  S215 Notice		AB5	08-Feb-06	23-Feb-06 06-Mar-06  (Legal Case Officer - SY)						Land Registry Search carried out; owner not contactable. Site visited by officer and under review.
Rear of 62-72 Orchard Grove, Harrow (Ward = Kenton East)  Unauthorised change of use from a service road to a builders yard and the erection of a pole with a CCTV camera	ENF/117/04/P	DMC (Case Officer)  RJP (Report)	15-Mar-06	17-Mar-06  (Legal Case Officer -SY)						S330 Notice served 22-June-2006. Site visit required by Enforcement Officer.
46 REPTON ROAD, KENTON (Ward = Kenton East)  Unauthorised change of use to a builders yard.	ENF/565/04/P	AB5	27-Jul-05	10-Aug-05  (Legal Contact Officer- SY)	27-Oct-05	02-Dec-05	Appeal dismissed	3 months	18th January 2007 (following appeal decision)	S330 notice served on 25-August-05. Appeal lodged, but appeal dismissed on 18th October 2006. Case Officer monitoring to ensure compliance. Site visited on 8/11/07. and again on 15/11/07. Most of the materials have been removed. Continually monitored.
67 ARGYLE ROAD, HARROW (Ward = West Harrow)  Unauthorised construction of a raised rear deck and railings	ENF/78/04/P	GW	07-Dec-05	9-December-2005  Legal Case Officer - AK)	06-Apr-06	10-May-06	Appeal dismissed	1 Month	8th December 2006 (following appeal decision)	S330 notice served 10-January-2006 Enforcement notice served. Appeal dismissed on 8th November 2006.  12/02/2008 visit by case officer. Raised decking has not been completely demolished - work seems to be ongoing.

**ENFORCEMENT NOTICES AUTHORISED AWAITING SERVICE**

ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
2 West Drive, Harrow Weald, HA3 6TS (Ward = Harrow Weald)  Unauthorised parapet wall over the side extension; air conditioning units over the roof. Roof light and rear balcony.	ENF/335/06/P	GW								Planning permission refused for the works (application reference P/2563/07 on 18 October 2007). Draft report prepared for delegation and passed to Legal.
69 Winchester Road, Harrow (Ward = Kenton East)  Unauthorised front porch and single storey rear extension and conservatory.	ENF/502/06/P	GW								Planning permission refused for the development (application reference P/3001/06 on 15 January 2007). Draft report prepared for delegation and passed to Legal.
23 Nolton Place, Edgware HA8 6DL (Ward = Edgware)  Unauthorised onversion of house into 4 flats and conversion of outbuilding into 2 flats.	ENF/366/06/P	GW								Draft report prepared for delegation and passed to Legal.
66 Woodhall Gate, Pinner (Ward = Hatch End)  Unauthorised roof lights and turrets.	ENF/167/07/P	LH								Draft report prepared for delegation and passed to Legal.

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ENFORCEMENT NOTICES AUTHORISED AWAITING SERVICE										
ADDRESS AND ALLEGED BREACH	ENF/LEGAL/PL. APP REF. NOS.	OFFICER	C'TTEE DATE	MEMO LEGAL	DATE SERVED	EFFECTIVE DATE	APPEAL DATES	COMPLIANCE PERIOD	COMPLIANCE DATE	NOTES
17 Radley Gardens, Harrow (Ward = Kenton East)  Unauthorised conversion of ground floor of property into 2 flats and installation of additional entrance door.	ENF/55/08/P	ML1								Planning permission refused for the development (application reference P/1756/07 on 12 November 2007). Draft report prepared for delegation and passed to Legal.
43 High Street, Harrow on the Hill (Ward = Harrow on the Hill)  Unauthorised cash machine.	ENF/56/08/P	MRE								Planning permission refused for the development (application reference P/3593/07 on 20 December 2007). Draft report prepared for delegation and passed to Legal.
Blackgate, Church Lane, Pinner (Ward = Pinner)  Unauthorised Tree House.	ENF/54/08/P	SB5								Planning permission refused for the development (application reference P/1328/07 on 20 December 2007). Draft report prepared for delegation and passed to Legal.
120 Weald Lane, Harrow Weald (Ward = Wealdstone)  Unauthorised front extension (porch).	ENF/53/08/P	JK								Planning permission refused for the development (application reference P/3355/07 on 11 December 2007). Draft report prepared for delegation and passed to Legal.
132 Turner Road, Edgware (Ward = Queensbury)  Unauthorised conversion and use of dwelling house as 2 self-contained flats.	ENF/52/08/P	NR								Planning permission refused for the development (application reference P/2416/07 on 28 November 2007). Draft report prepared for delegation and passed to Legal.





Meeting:	Development Management Committee
Date:	7 <sup>th</sup> May 2008
Subject:	Tree Preservation Order <i>No. 904 The Ridgeway (No. 1) West Harrow</i> relating to No 263 The Ridgeway
Key Decision: (Executive-side only)	No
Responsible Officer:	Russell Ball, Tree Preservation Officer
Portfolio Holder:	Councillor Marilyn Ashton
Exempt:	No
Enclosures:	Appendix 1: Letter from Mr Gohil (dated 5 <sup>th</sup> January 2008). Appendix 2: TPO No. 904: Map and Tree Schedule.

## SECTION 1 – SUMMARY AND RECOMMENDATIONS

Tree Preservation Order (TPO) *No. 904 The Ridgeway (No. 1) West Harrow* was made on 6<sup>th</sup> December 2007. The TPO is an emergency Order and was made in response to a planning application to build on the plot at Nos. 263 and 261 The Ridgeway. The planning application was regarded as a threat to two trees on the site namely an Oak tree and a Sycamore tree. .

**RECOMMENDATIONS:** The Committee is requested to confirm TPO No. 904 notwithstanding the objections.

**REASON:** The TPO needs to be confirmed within 6 months of the making of the emergency order otherwise the statutory protection afforded to the aforementioned trees will be lost.

## **SECTION 2 - REPORT**

2.1 On 6<sup>th</sup> December 2007, TPO No. 904 was made in respect of an Oak tree and a Sycamore tree at No. 263 The Ridgeway, West Harrow. Both trees provide public visual amenity being clearly visible from the public open space and garden allotments at the rear of the property.

An objection letter was subsequently received from Mr Gohil dated 5<sup>th</sup> January 2008. A copy of the letter is annexed at Appendix 1 to this report.

2.2 A summary of Mr Gohil's objections is set out below together with the Council's response to the objections.

### **First Objection**

2.2.1) The reason given for making the TPO is that the proposed development will impact on the Oak and Sycamore trees. However, Root Protection Area (RPA) calculations indicate that the development will not impact on the trees in question.

**Response:** the TPO was based on post development pressure (e.g. pressure to top and lop back trees due to tree debris and shading of windows in close proximity to tree crowns) and not the RPA. Such lopping and topping would spoil the form of these trees and therefore impact on the visual amenity they provide.

### **Second Objection**

2.2.2) The trees that were protected are within a line of trees so they should not have been "isolated" for protection.

**Response:** The other species of trees referred to do not have sufficient amenity value to justify their protection by a TPO. Only the Oak and Sycamore tree are worthy of a TPO.

### **Third Objection**

2.2.3) A Planning Condition could be used to protect the Oak and Sycamore trees and they could be re-planted in another position if deemed necessary.

**Response:** Central Government best practice advice is that for long-term tree protection, TPOs should be used instead of planning conditions. Planting new young trees would not immediately replace the visual amenity value these protected trees provide. In the case of the Oak this would take several decades.

### **Fourth Objection**

2.2.4) The TPO has been made to hinder the planning application and not because of the amenity value of the trees.

**Response:** The Council has a legal duty to protect trees threatened by development. The protected trees are on the periphery of the site so they do not have a significant impact on the site's (potential) development footprint. As indicated in paragraph 2.1 above, the subject trees provide visual amenity. Additionally, the TPO also prevents these visually important trees from being lopped and topped due to post development pressure.

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 the objections and the full circumstances due consideration. It is the 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 type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 17 <sup>th</sup> April 2008		
Name: Jessica Farmer	<input type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 17/04/08		

#### **SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS**

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

**Background Papers:** Tree Preservation Order 896

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES/ NO
2.	Corporate Priorities	YES / NO
3.	Manifesto Pledge Reference Number	

**SANJIV M GOHIL**

CHARTERED ARCHITECT

BA Hons Dip Arch RIBA

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5 January 2008

London Borough of Harrow  
Planning  
Civic Centre  
Harrow, Middx.,  
HA1 2UY

Yours Ref ; TPO 904

**BY HAND**

Dear Sirs,

**Town and Country Planning Act 1990**  
**Town and Country Planning (Trees) Regulations 1999**  
**Tree Preservation Order No 904 ; The Ridgeway (No.1 West Harrow)**

We, the owners of 261 and 263 The Ridgeway, North Harrow are in receipt of Tree Preservation Order made on the 6<sup>th</sup> December 2007 for the two no. trees marked T1 and T2 in the garden of no. 263 The Ridgeway.

The reason that you have made a TPO on these two trees is that our application to erect a block of flats will impact on the Oak and Sycamore thus identified.

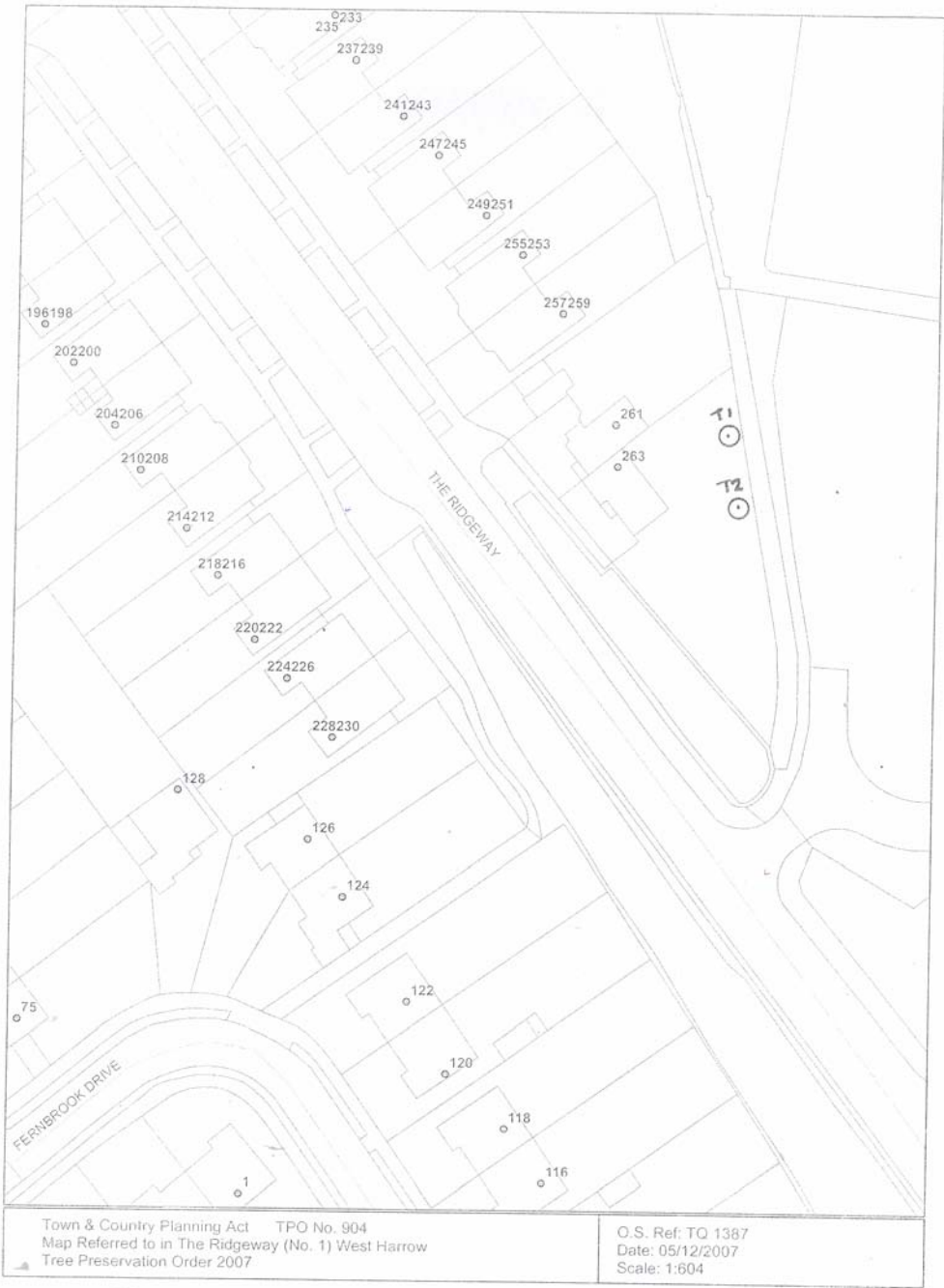
Please take notice that we object to above order for the following reasons;

1. The Root Protection Area, calculated using BS5837:2005, indicates that the proposed building does not impact on the trees in question and therefore the reason stated for the TPO is not valid.
2. These trees are but two in a range of trees along the rear boundary of the properties with the playing field. As such, they should not be isolated and identified as of particular value, over and above any other trees along this boundary.
3. If it is sought to preserve the amenity value that these two trees afford, there does not seem to be any reason why a condition cannot be made of any future Planning permission stating that identical trees be replanted in another position, should it be deemed necessary for the existing trees to be removed (and we do not think that this will necessarily be the case given point 2. above).
4. This TPO appears to have been made expressly to hinder the Planning Application as an obstacle rather than any intrinsic value of the trees themselves.

Yours sincerely

Sanjiv M Gohil

cc Ms B. Wardle 263, The Ridgeway



Urban Living, Planning Services  
 Harrow Council, PO Box 37, Civic Centre, Harrow

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Tree Preservation Order No.904 : The Ridgeway (No. 1) West Harrow

SCHEDULE 1

SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

(encircled in black on the map attached hereto ["the map"])

Reference on Map	Description	Situation
T1	Oak	263 The Ridgeway
T2	Sycamore	263 The Ridgeway

TREES SPECIFIED BY REFERENCE TO AN AREA

(within a dotted black line on the map)

Reference on Map	Description	Situation
	NONE	

GROUPS OF TREES

(within a broken line on the map)

Reference on Map	Description	Situation
	NONE	

WOODLANDS

(within a continuous black line on the map)

Reference on Map	Description	Situation
	NONE	

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