

Meeting:	Development Management Committee
Date:	Wednesday 23 <sup>rd</sup> January 2008
Subject:	Tree Preservation Order No. 896 relating to Royston Grove, Hatch End
Key Decision: (Executive-side only)	No
Responsible Officer:	Graham Jones, Director of Planning, Development & Enterprise
Portfolio Holder:	Councillor Marilyn Ashton
Exempt:	No
Enclosures:	<ol style="list-style-type: none"><li>1) Plan showing individual and groups of trees subject to Tree Preservation Order No. 896</li><li>2) Mr Gosrani's letter (dated 4<sup>th</sup> December 2007) on behalf of himself.</li></ol>

## **SECTION 1 – SUMMARY AND RECOMMENDATIONS**

Tree Preservation Order (TPO) No. 896 covers 11 properties in Royston Grove. Objections have been made against this TPO in respect of the trees at Cheadle Cottage, Royston Grove. TPO No. 896 represents a resurvey of TPO No. 215 that was made in 1983. This report sets out the reasons why TPO No. 896 should be confirmed.

### **RECOMMENDATIONS:**

The Committee is requested to confirm TPO No. 896 notwithstanding the objections.

**REASON:** A significant number of the trees covered by TPO No. 896 are protected by the existing TPO No. 215 (confirmed in 1983). However, due to changes in relation to the number and nature of trees on site, TPO No. 215 is out of date and in need of revision. The intention is to confirm TPO 896 and then revoke TPO No. 215 to ensure continuity of tree protection.

## SECTION 2 - REPORT

2.1.1 On 5<sup>th</sup> November 2007, TPO No. 896 was made in respect of 17 trees and 2 groups. TPO No. 896 was made following a resurvey of the existing TPO No. 215 that was made in 1983 in respect of the same site. Such revisions are in accordance with the Government's guidelines on good practice which advise local planning authorities to keep their TPO's under review.

2.2 Collectively the trees and groups included in TPO No. 896 form part of an important tree mass in the rear gardens of Royston Grove. As such their loss in part or whole would have a negative impact on the local landscape.

2.3 On 6<sup>th</sup> December 2007 an objection letter was received from Mr Gosrani stating that:

(A) The trees situated in his garden and identified in TPO No. 896 (namely a Norway Maple, a Plum & a Purple Plum) are common species in the locality.

(B) During a site visit, a Council officer had indicated to him that the trees individually are not worthy of a TPO.

The specific objection and the Council's view are set out below.

2.3.1 Objection A: The trees are common species.

**Council's Arboricultural Officer's Response:** The fact that the trees are of a common tree species does not detract from the fact that they form part of a valuable tree spine that runs in the rear gardens of Marn House to Heathroyd (a total of 5 properties).

2.3.2 Objection B: The subject trees are not individually worthy of a TPO.

**Council's Arboricultural Officer's Response:** The objector is correct in his reporting of comments made during the site visit, namely that the individual trees are not worthy of a TPO. As a group, however, they are worthy of retention/protection. Accordingly, they have been specified as G1 on TPO No. 896. Trees that were protected individually are 'specimen' trees in their own right.

2.4 Regulation 5 of the Town and Country Planning (Trees) Regulations 1999 provides that if objections are properly made, a local planning authority cannot confirm a TPO without giving the objections proper and due consideration.

2.5 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: -

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

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

2.6 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.

2.7 It is accordingly recommended that the TPO be confirmed.

**Financial Implications**

There are no financial implications.

**Performance Issues**

Please provide details of specific performance indicators on which this report impacts (LAA, BVPI, CPA, PAF). What is the target for positive change in this PI or how is a negative impact being mitigated?

**SECTION 3 - STATUTORY OFFICER CLEARANCE**

Name: Sheela Thakrar	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 8 <sup>th</sup> January 2008		
Name: Tina Thakore	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 7 <sup>th</sup> January 2008		

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

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

**Background Papers:** Tree Preservation Order 896  
Tree Preservation Order 215

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

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

1)



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2)

**RAJ GOSRANI**

Mr. R Ball  
Planning Arboricultural Officer  
Harrow Council  
P O Box 37  
Civic Centre  
Station Road  
Harrow HA1 2UY

**HARROW  
COUNCIL**

Our ref: RG/100  
4 December 2007



*ALSO BY EMAIL*

Dear Mr. Ball

**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999  
TPO 896: ROYSTON GROVE HATCH END**

Thank you for your letter of 5 November 2007.

I wish to object against the order. This relates to the following trees:

1. 1 x Norway Maple
2. 1 x Plum
3. 1 x Purple Plum

The Grounds for objection are that such trees are common in any garden in this area and you had indicated to me at the time of your visit, that these trees individually would not attract a TPO. I wish to retain the right to plant more appropriate trees, in my garden, as and when I choose.

I trust that you will consider this favourably and look forward to hearing from you in due course.

Yours sincerely

  
RAJ GOSRANI

**Cheadle Cottage  
Royston Grove  
Pinner  
Middlesex  
HA5 4HD**

**Tel: 020 8424 9755  
Fax: 0871 6612241**

**email:rai@rca.co.uk**