

Meeting:	Development Management Committee
Date:	7 th 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 th 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 6th 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 6th 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 5th 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 th 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

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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 6th 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



<p>Town & Country Planning Act TPO No. 904 Map Referred to in The Ridgeway (No. 1) West Harrow Tree Preservation Order 2007</p>	<p>O.S. Ref: TQ 1387 Date: 05/12/2007 Scale: 1:604</p>
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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	

