

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
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