

Report of Head of Planning & Enforcement  
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED),  
SECTIONS 198-201 AND 203

**TREE PRESERVATION ORDER NO. 759 (TPO 759):  
11 HARVIL ROAD, ICKENHAM**



**Figure 1:** The subject Beech tree in the front garden of 10/11 Harvil Road (viewed from Highfield Rd)

## **1.0 Summary**

1.1 To consider whether or not to confirm TPO 759 (with or without modification).

## **2.0 Recommendations**

2.1 That TPO 759 is confirmed.

## **3.0 Information**

3.1 The making of TPO 759 was authorised under delegated powers on 26th April 2017, because a nearby resident advised the Council that the subject Beech tree was under threat of being removed.

3.2 This Beech tree is an attractive landscape feature that contributes to the amenity and arboreal character of the local area. The tree merits protection on amenity grounds.

3.3 The tree has a long-life expectancy and so has the potential to develop into a significant landscape feature that will provide amenity for decades to come.

#### 4.0 The Objection

4.1 A formal objection (summarised verbatim below) to TPO 759 was received from Mr & Mrs Matharu (at No. 11 Harvil Road) for the following reasons:

1. **Boundary Wall** - The tree is currently on my property boundary wall and in the long-term, we wish to build a brick or fence boundary wall to preserve my family's privacy and better space maintenance. The current positioning of the tree may prevent such development.
2. **Right to Privacy** - Our right to privacy (Article 8 of Human Rights Act 1998) will be affected if we are not able to maintain our privacy by developing a suitable wall or fence with my neighbour. As a consequence of the Order, we would be forced to lose our right to privacy on my property and family life.
3. **Access Concerns** - Due to the tree and vast hedges surrounding my property boundary, the access entry between no. 10 and no. 11 Harvil Road is detrimental impact as there are open gaps to enter through my premises without permission.
4. **Tree Condition** - The tree does not get look to be in good health condition and over time the tree branches may get weaker and will damage my property.
5. **Visibility Concerns** - The tree impacts our visibility from my property as it prevents our view from the left hand side of the property.
6. **Safety Concerns** - Due to the close positioning of the tree to my property, poor weather may cause the tree to fall and put my property at risk of damage and thus my family at potential danger risk
7. **Financial Implication** - The Preservation Order puts a financial risk where any tree maintenance or work with seeking the Council's approval would come at a significant risk to my family.
8. **General Garden Maintenance** - The tree acts as a shade over the front garden and doing so prevents parts of the front lawn getting sunlight and in doing so preventing growth and plantation. Leaves falling in the garden frequently need to be cleared and causes prolonged garden maintenance.

## 5.0 Observations on the objections to TPO 759:

5.1 It is possible to build a wall or fence to each side of the tree and /or also box it off (see Figure 2 below). Alternatively, a boundary hedge could be planted.



**Figure 2:** An example of a fence constructed around a tree

5.2 As mentioned in Section 1, it is possible to successfully construct a wall or fence around an existing tree. It is also worth noting that only a 2m wall or fence could be constructed along the boundary (without planning permission). This tree could add to and improve privacy.

5.3 The access point into the property is situated on the opposite side to the Beech tree and so it does not impede access in any way (see Figure 3 below).





**Figure 3:** The Beech and the entrance to 11 Harvil Road

5.4 At the time the Beech tree was inspected, it appeared to be in good health. There are no reasons to suspect the tree is dangerous or that any branches will become weaker. If, in the unlikely event, the tree did become dangerous, consent would not be required for its removal.

5.5 The house is centrally located within a large, wide plot and the Beech tree is on the boundary. The small Horse Chestnut situated centrally within the front lawn blocks more of the views than the Beech. In any case, there are still very impressive views from most parts of the house.

5.6 As already mentioned in section 4.4, the tree appears to be in good health. There is no reason to suspect the tree will fall.

5.7 A TPO adds no extra financial burden to tree maintenance and there is no cost to submit a TPO application.

5.8 The Beech tree is located south-east of the house and so can only shade a part of the front garden and the front of the house in the morning. The main amenity area (the rear garden) will not be affected. In any event, shading (and leaf fall) is a natural phenomenon associated with trees and is to be expected as a consequence of living in a sylvan environment.

## **5.0 Other matters:**

There were no other objections to or representations about TPO 759.

## **6.0 Conclusion**

It is recommended that TPO 759 be confirmed.

The following background documents were used in the preparation of this report:

- Provisional Tree Preservation Order No. 759 (2017)
- Letter of objection to TPO 759



SIGNED

MEMBER OF THE COUNCIL

SIGNED

AUTHORISED OFFICER

Beech at 11 Harvil Road  
Ickenham

Tree Preservation Order Number

**759**

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Date: April  
2017

