

REGISTERED
LONDON COUNTY COUNCIL

Ext. 6697

29 Oct 58

Ref. LP/O.1/M

MEMORANDUM from the Solicitor to the
Council

To THE CLERK OF THE COUNCIL (LOCAL LAND
CHARGES)

The County of London

(Hampstead No. 32)

Tree Preservation Order 1957

The above-mentioned Order was confirmed, ~~subject to modifications~~, by the Minister of Housing and Local Government on 24th October 1958 on which date the Order became operative.

I send herewith a copy of the Order as confirmed with map for your retention.

J. G. Barr

Am. Tree Section. 6TH Floor
Copy of HAMPSTERS NO 32 BY
Promised.

07.02.96

H32
File



ENVIRONMENT

London Borough of Camden
Camden Town Hall
Argyle Street
London WC1H 8EQ

Tel 0171 278 4444
Fax 0171 860 5713

with compliments

TOWN AND COUNTRY PLANNING ACT, 1947

The County of London (Hampstead, No. 32)
Tree Preservation Order, 1957

THE LONDON COUNTY COUNCIL (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 28 of the Town and Country Planning Act, 1947, hereby make the following Order:

1. In this Order—

"the Act" means the Town and Country Planning Act, 1947;

"owner" means the owner in fee simple, either in possession or who has granted a lease of which the unexpired portion is less than three years, a lessee (including a sub-lessee) or, in possession, the unexpired portion of whose lease or tenancy is three years or more, and a person in possession; and

"the Minister" means the Minister of Housing and Local Government.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule, no person shall, except with the consent of the authority and in accordance with the conditions, if any, of such consent, cut down, top, lop or wilfully destroy or cause or permit the cutting down, topping, lopping or destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map, sealed with the Common Seal of the authority and marked as being the map made in this Order which map and a certified copy thereof have been deposited for inspection, the former at the offices of the authority and the latter at the offices of

the Council of the Metropolitan Borough of Hampstead.

which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan, specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4.—(1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit; and may refuse consent.

Provided that where the application relates to any woodland specified in the First Schedule to this Order, the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied—

(a) that the refusal or condition is in the interests of good forestry; or

(b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6.—(1) Where consent is granted under this Order to fell any part of a woodland then unless—

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with

(b) the authority with the approval of the Minister dispense with replanting, the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provisions of this Order replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to—

- (a) species;
- (b) number of trees per acre;
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

8. Subject to the provisions of this Order, any person who has suffered damage or has incurred expenditure in consequence of any refusal of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such damage or expenditure.

Provided that no compensation shall be payable in respect of damage suffered or expenditure incurred by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

9. In assessing compensation payable under the last preceding Article or under Section 22 of the Act as applied by this Order account shall be taken of:

- (a) any compensation or contribution which has been paid in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 28 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and
- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

10.—(1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority such service to be effected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by prepaid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

11. Any question of disputed compensation shall be determined in accordance with the provisions of Section 110 of the Act.

12. Any person contravening the provisions of this Order is guilty of an offence under sub-section (6) of Section 28 of the Act and liable on summary conviction to a fine not exceeding fifty pounds; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

THE SCHEDULE referred to
TREES SPECIFIED INDIVIDUALLY
 (encircled in black on the map)

No. on Map	Description	Situation
T.1 ✓	Sycamore	1 Eton Avenue
T.2 ✓	Sycamore	25 Primrose Hill Road
T.3 ✓	Thorn	26 Fellows Road
T.4 ✓	Plane	32 Fellows Road
T.5 ✓	Ash	41 Fellows Road <i>now 6047</i>
T.6 ✓	Lime	20 Merton Rise
T.7 ✓	Sycamore	92 Adelaide Road
T.8 ✓	Lime	
T.9 ✓	Ailanthus	102 Adelaide Road
T.10 ✓	Lime	
T.11 ✓	Horse Chestnut	106 Adelaide Road
T.12 ✓	Lime	112 Adelaide Road
T.13 ✓	Sycamore	114 Adelaide Road
T.14 ✓	Sycamore	122 Adelaide Road
T.15 ✓	Copper Beech	126 Adelaide Road
T.16 ✓	Fig	163 Adelaide Road
T.17 ✓	Thorn	159 Adelaide Road
T.18 ✓	Flowering Cherry	149 Adelaide Road
T.19 ✓	Ash	145 Adelaide Road
T.20 ✓	Thorn	
T.21 ✓	Lime	141 Adelaide Road
T.22 ✓	Ash	119 Adelaide Road
T.23 ✓	Lime	
T.24 ✓	Lime	13 Primrose Hill Road
T.25 ✓	Weeping Ash	
T.26 ✓	Lime	88 King Henry's Road
T.27 ✓	Lime	
T.28 ✓	Birch	92 King Henry's Road
T.29 ✓	Lime	94 King Henry's Road
T.30 ✓	Robinia	98 King Henry's Road
T.31 ✓	Ash	100 King Henry's Road
T.32 ✓	Robinia	
T.33 ✓	Lime	102 King Henry's Road
T.34 ✓	Lime	
T.35 ✓	Ash	104 King Henry's Road
T.36 ✓	Birch	112 King Henry's Road
T.38 ✓	Lime	113 King Henry's Road
T.39 ✓	Lime	107 King Henry's Road
T.40 ✓	Sycamore	91 King Henry's Road
T.41 ✓	Laburnum	91A King Henry's Road
T.42 ✓	Flowering Pear	8 Merton Rise
T.43 ✓	Lime	10 Merton Rise
T.44 ✓	Lime	2 Elsworthy Road
T.45 ✓	Plane	
T.46 ✓	Hornbeam	4 Elsworthy Road
T.47 ✓	Hornbeam	6 Elsworthy Road
T.48 ✓	Robinia	8 Elsworthy Road
T.49 ✓	Birch	
T.50 ✓	Maple	8 Elsworthy Road
T.51 ✓	Birch	
T.52 ✓	Birch	8 Elsworthy Road
T.53 ✓	Prunus Pissardii	
T.54 ✓	Lime	8 Elsworthy Road
T.55 ✓	Birch	
T.56 ✓	Maple	8 Elsworthy Road
T.57 ✓	Birch	

T.P.D. 32(H)

THE SCHEDULE (continued)TREES SPECIFIED INDIVIDUALLY (continued)
(encircled in black on the map)

No. on Map	Description	Situation
T.58 ✓	Sycamore } <i>Maple</i>	10 Elsworthy Road
T.59 ✓	Lime }	
T.60 ✓	Lime }	
T.61 ✓	Thorn	18 Elsworthy Road
T.62 ✓	Plane }	20 Elsworthy Road
T.63 ✓	Plane }	
T.64 ✓	Thorn	22 Elsworthy Road
T.65 ✓	Plane	26 Elsworthy Road
T.66 ✓	Holly	30 Elsworthy Road
T.67 ✓	Thorn	32 Elsworthy Road
T.69 ✓	Ailanthus }	42 Elsworthy Road
T.70 ✓	Plane }	
T.71 ✓	Robinia }	
T.72 ✓	Thorn }	
T.73 ✓	Birch }	

TREES SPECIFIED BY REFERENCE TO AN AREA

NONE

GROUPS OF TREES
(within a broken black line on the map)

No. on Map	Description	Situation
X G.1 ✓	One Holly Fourteen Lime One Sycamore	Land comprising part of the garden fronting No. 15 Eton Avenue

WOODLANDS

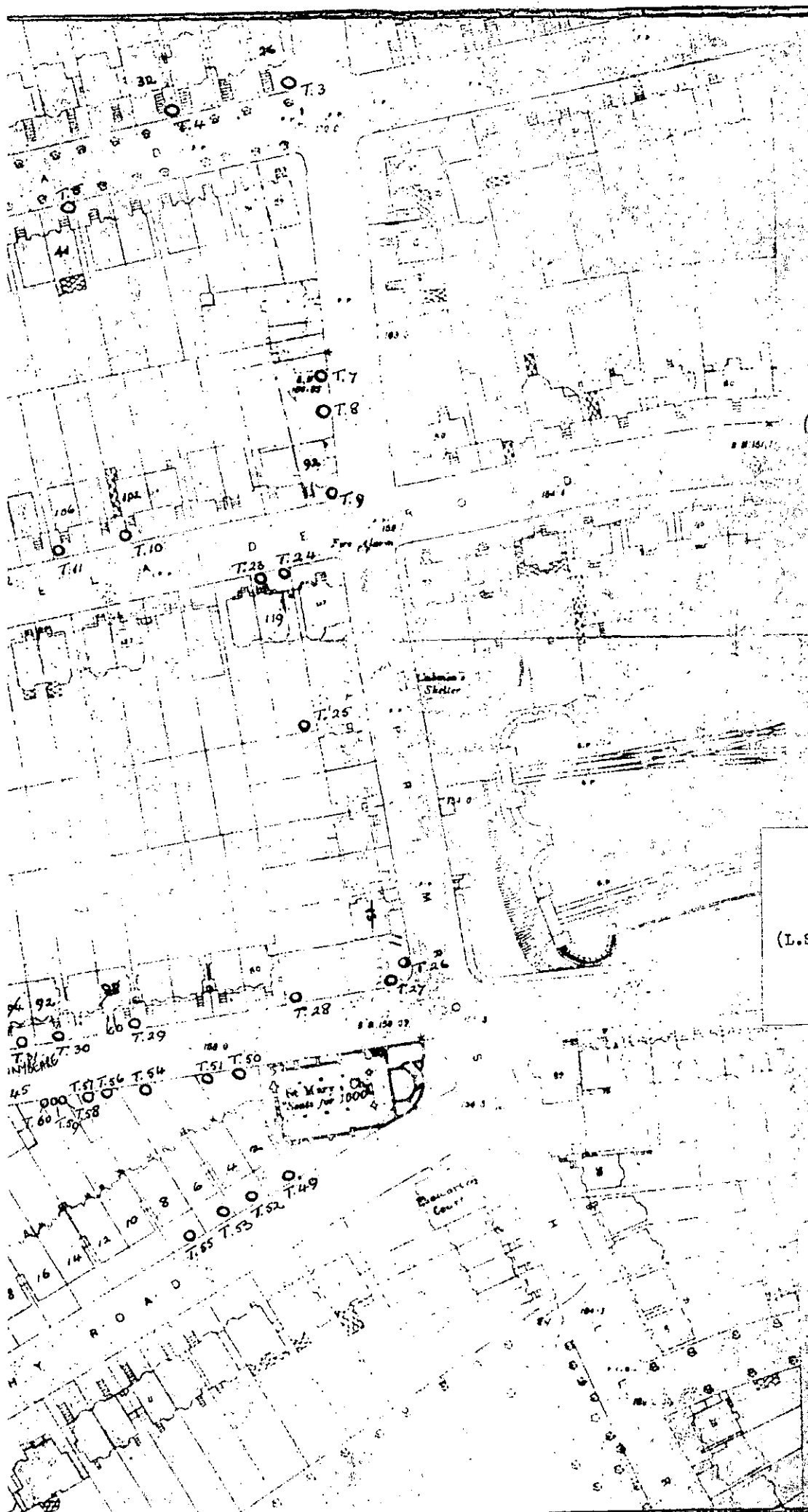
NONE

DATED the 11th day of November 1958

Noted

Clerk of the London County Council

The County Hall
Westminster Bridge
S.E.1



Amendments shown in
red agreed with
C.O. Foxes (Mr. Lane)
(Map numbering was
inaccurate but details
on schedule correct)

4/11/58

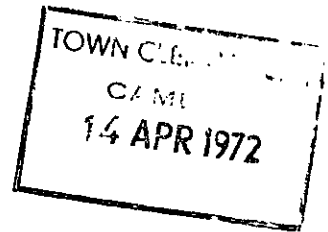


(Sgd.) E.H.T. WILTSHIRE
Assistant Secretary
(L.S.) Ministry of Housing
and Local Government
24th day of October 1958



LONDON BOROUGH OF CAMDEN

MEMORANDUM



From: Director of Planning
and Communications

To: Town Clerk

Ref: 113-40-HR

Your Ref:

Telephone inquiries to: Mr. Rabson Ext. 207

Date: 13th April 1972

Referring to my memoranda of the 9th June 1969 and the 24th June 1970 I now enclose a list of alterations to the description of premises, the subject of Tree Preservation Orders, in addition to those notified to you previously.

A handwritten signature in dark ink, appearing to read "R. Rabson".

Director of Planning
and Communications

Borough of Hampstead

19/3/2

MEMORANDUM

From:

THE TOWN CLERK

Ref. RL/VB Ext. 277

Your Ref.

To. Borough Engineer and Surveyor

3.

Date. 6th February, 1958.

L/10/3/32

County of London (Hampstead No. 32)
Tree Preservation Order, 1957

27 FEB 1958

I have received from the London County Council a certified copy of this Order and Map which have been submitted to the Minister of Housing and Local Government. The copy Order and Map have been placed on deposit for public inspection in my Department. I enclose a copy of the Notice and Schedule of specified trees.

...

W

FILE

P. H. Wilson
Town Clerk.

21/3/58 JCS

Borough of Hampstead

19/3/2

MEMORANDUM

From:

THE TOWN CLERK

Ref. RL/VB Ext. 277

Your Ref.

To. Borough Engineer and Surveyor

3.

13th November, 1958.

County of London (Hampstead No. 32)
Tree Preservation Order, 1957

I have been advised by the London County Council that this Order was confirmed by the Minister of Housing and Local Government on 24th October, 1958, on which date the Order became operative. A certified copy of the confirmed Order, with Map, will be on deposit in my Department.

I enclose a copy of the Notice of deposit, together with a schedule of specified trees.

...

P. H. Wilson
Town Clerk.

WB