

PART III. REGISTER OF PLANNING CHARGES
(c) Planning charges registrable under the Town and Country Planning Acts, 1947 to 1954

1	2	3	4	5
	<p>County of London (Hampstead H.5) Tree Preservation Order, 1964, made under Section 29 of the 1962 Act by Hampstead Borough Council and confirmed subject to modification by the Minister of Housing and Local Government on 6th May, 1964.</p>		<p>Town Hall N.W.1.</p>	<p>5 June 1964</p>
<p>GOLDHURST TERRACE</p>	<p>Nos. 23, 25, 27, 29, 39, 49, 63, 73, 93, 107, 111, 121, r/o 125, 129, 2, r/o 2, r/o 4, 4, 6, r/o 8, 14, 16, 20, 28, 30, 32, 36, 42, 46, 52, 58, 60, 64</p>	<p>replaced by individual entries</p>		<p>9/10/89 MUA.</p>

PART III. REGISTER OF PLANNING CHARGES

(a) Schemes in course of preparation and priority notices relating thereto

1

2

3

4

PART III. REGISTER OF PLANNING CHARGES

(b) Schemes in operation and priory notices relating thereto

H-5

Town Clerk
LEGAL/EGP/JD

Planning Officer
HR-TR

19th September, 1967

Re: Borough of Hamstead (No. H5) Tree Preservation Order

In reply to your memorandum of the 13th September, I enclose herewith the original confirmed Tree Preservation Order. I shall be pleased if you will return it to me at your earliest convenience.

Town Clerk

Enc.

Legal Section
LONDON BOROUGH OF CAMDEN

TOWN CLERK'S DEPT.
CAMDEN
1.4 SEP 1967

MEMORANDUM

From: Planning Officer

To: Town Clerk

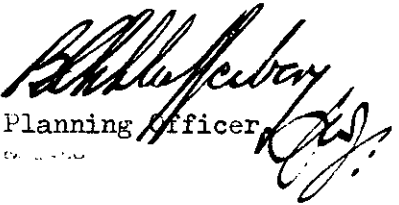
Ref: HR - TR.

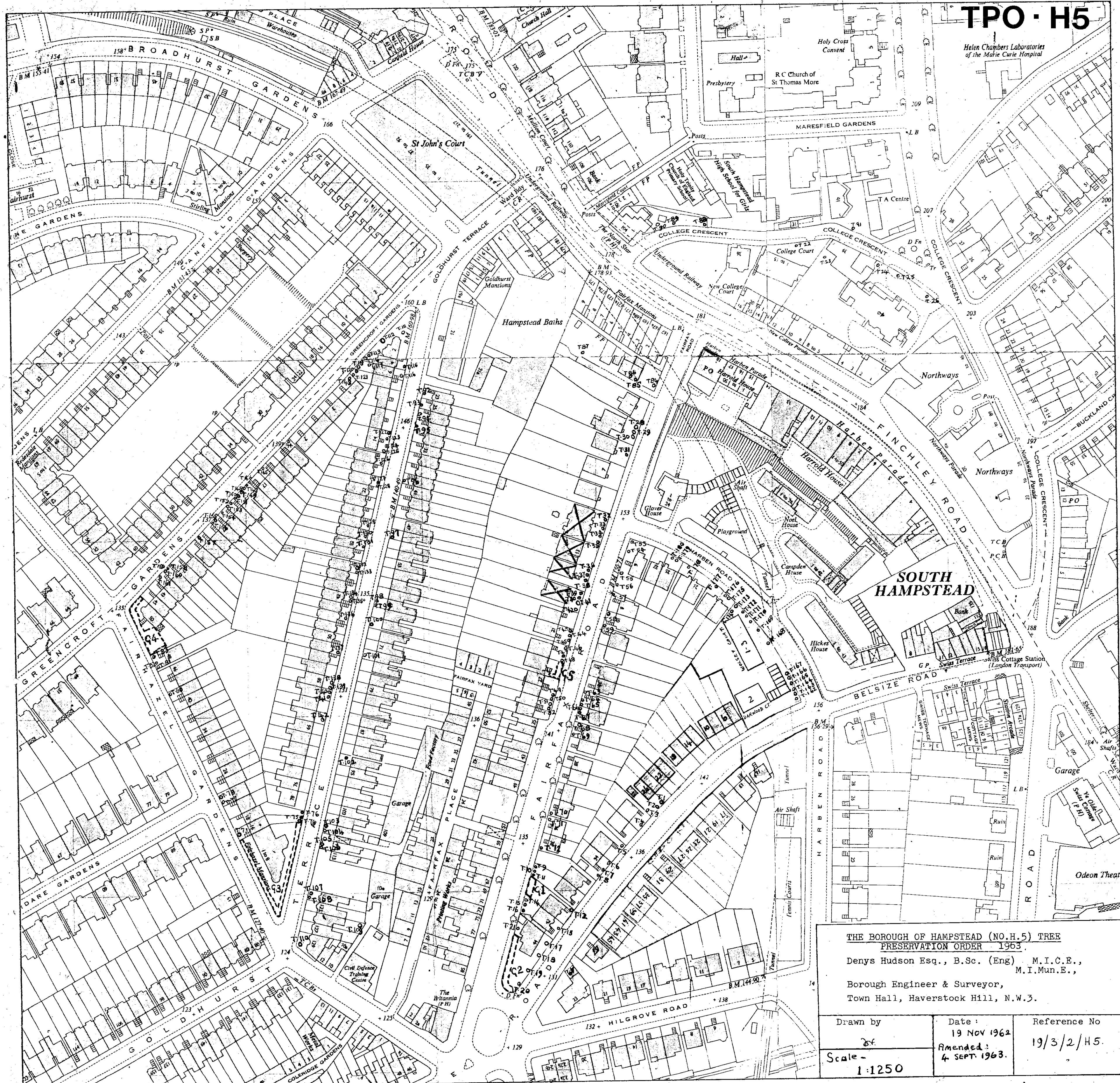
Your Ref:

Date: 13th September 1967

Town and Country Planning Act 1962
The Borough of Hampstead (No.H5) Preservation Order 1964

I shall be glad to receive a copy of the Tree Preservation Order as confirmed by the Minister. I have a copy of the first Schedule but have no information as to whether the Order contained a clause permitting the removal of registered trees in the case of development approved under the Town and Country Planning Acts as is the case in some Orders.


Planning Officer



SOUTH HAMPSTEAD

THE BOROUGH OF HAMPSTEAD (NO.H.5) TREE PRESERVATION ORDER 1963.

Denys Hudson Esq., B.Sc. (Eng) M.I.C.E., M.I.Mun.E.,

Borough Engineer & Surveyor,
Town Hall, Haverstock Hill, N.W.3.

Drawn by
J.C.
Scale -
1:1250

Date:
19 Nov 1962
Amended:
4 SEPT. 1963.

Reference No
19/3/2/H5.

TOWN AND COUNTRY PLANNING ACT, 1962.

THE BOROUGH OF HAMPSTEAD (NO. H.5)

TREE PRESERVATION ORDER 1964.

B.H. WILSON, M.B.E., M.A., LL.B.
Town Clerk and Solicitor,
Town Hall, Hampstead,
N.W.3.

TOWN AND COUNTRY PLANNING ACT, 1962

TREE PRESERVATION ORDER

THE MAYOR, ALDERMEN AND COUNCILLORS OF THE METROPOLITAN BOROUGH OF HAMPSTEAD (in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 29 of the Town and Country Planning Act, 1962 and subject to the provisions of Section 13 of the Forestry Act, 1951, hereby make the following Order:

1. In this Order -

- "the Act" means the Town and Country Planning Act, 1962;
- "owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee 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 hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful 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 annexed hereto, 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, or 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 a permission to develop land under Part III of the Act, or

(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.

7. The provisions set out in the Third Schedule to this Order, being provisions of Parts III and VII 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 118 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 29 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 128 of the Act.

12. Any person contravening the provisions of this Order is guilty of an offence under subsection (1) of Section 62 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.

FIRST SCHEDULE - TREES SPECIFIED INDIVIDUALLY
(Encircled in black on the Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T. 1	Yew	26 Belsize Road
2	Laburnum	26 " "
3	Lime	26 " "
4	Laburnum	28 " "
5	Lime	32 " "
6	"	34 " "
7	Laburnum	34 " "
8	Lime	34 " "
9	"	r/o 38 Belsize Road (fronting Fairfax Road)
10	"	" " " " "
11	"	" " " " "
12	"	40 Belsize Road
13	"	42 " "
14	"	r/o 42 Belsize Road (fronting Fairfax Road)
15	"	" " " " "
16	"	" " " " "
17	Plum	44 Belsize Road
18	Flowering Cherry	44 " "
19	Horse Chestnut	44 " "
20	Elm	44 " "
21	Sycamore	44 " " (fronting Fairfax Road)
22	Silver Birch	College Court, College Crescent
23	Ash	Walter Scott Motor Co.Ltd. College Crescent
24	Lime	Royal Free Hospital, College Crescent
25	"	" " " " "
26	"	" " " " "
28	Thorn	3 Fairfax Road
30	Ash	3 " "
31	Robinia	5 " "
32	Plane	} Site of 11-17 Fairfax Road
33	Lime	
34	Plane	
35	Lime	
36	"	
37	"	
38	"	
39	"	
40	"	
41	"	
42	"	
43	Prunus Pissardi	21 Fairfax Road
44	Malus	21 " "
45	"	21 " "
46	Lime	23 " "
47	"	23 " "
48	"	23 " "
49	"	29 " "
50	"	29 " "
51	"	31 " "
52	"	31 " "
53	Privet	6 " "
54	Laburnum	6 " "
55	Robinia	6 " "
56	Prunus Pissardi	6 " "
57	Lime	8 " "
58	Thorn	10 " "
59	Lime	10 " "

<u>No. on</u> <u>Map</u>	<u>Description</u>	<u>Situation</u>
T. 63	Lime	20 Fairfax Road
64	"	20 " "
65	"	20 " "
66	"	22 " "
67	Prunus Pissardi	22 " "
68	Privet	24 " "
69	Horse Chestnut	24 " "
70	Malus	34 " "
71	Laburnum	36 " "
72	Plum	38 " "
73	Lime	16 Fairhazel Gardens
74	"	16 " "
75	"	16 " "
76	"	18 " "
77	"	22 " "
78	"	22 " "
80	Ailanthus	42 " "
81	Lime	48 " "
82	"	48 " "
83	"	48 " "
84	Ash	167 Finchley Road
85	Sycamore	167A " "
86	"	167A " "
87	Flowering Cherry	173 " "
88	Ash	North Star Public House, 104, Finchley Road
89	"	" " " " " "
90	Horse Chestnut	" " " " " "
91	Elm	The Bungalow, 1B Fitzjohns Avenue
92	Lime	23 Goldhurst Terrace
93	"	25 " "
94	"	27 " "
95	"	29 " "
96	"	39 " "
97	Holly	49 " "
98	Lime	63 " "
99	"	63 " "
100	Birch	67 " "
101	Oak	73 " "
102	Cupressus	93 " "
103	Lime	107 " "
104	"	107 " "
105	Thorn	111 " "
106	"	111 " "
107	"	121 " "
108	Lime	121 " "
109	Willow	r/o 125 Goldhurst Terrace
110	Robinia	129 Goldhurst Terrace
111	Flowering Cherry	2 " "
112	Pyracantha	r/o 2 Goldhurst Terrace (fronting Greencroft Gdns.)
113	Plane	r/o 4 " " "
114	Plane	r/o 4 " " "
115	Lime	4 Goldhurst Terrace
116	"	6 " "
117	Thorn	6 " "
119	Lime	6 " "
120	Horse Chestnut	r/o 8 Goldhurst Terrace (fronting Greencroft Gdns.)
121	" "	r/o 8 " " " "
122	Lime	14 Goldhurst Terrace
123	"	14 " "
124	"	14 " "
125	"	14 " "
126	"	16 " "
127	"	20 " "

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T. 128	Lime	20 Goldhurst Terrace
129	"	28 " "
130	"	30 " "
131	"	32 " "
132	"	36 " "
133	"	36 " "
134	"	42 " "
135	"	42 " "
136	"	46 " "
137	Sycamore	52 " "
138	Lime	58 " "
139	"	58 " "
140	"	60 " "
141	"	60 " "
142	Magnolia	64 " "
143	Laburnum	1 Greencroft Gardens
144	Sycamore	9 " "
145	Laburnum	15 " "
146	Lime	19 " "
147	"	19 " "
148	"	19 " "
149	"	21 " "
150	"	21 " "
151	"	21 " "
152	"	23 " "
153	"	23 " "
154	Laburnum	25 " "
155	Plane	27 " "
156	"	27 " "
157	Prunus Pissardi	31 " "
158	Lime	39 " "
159	"	39 " "
160	"	39 " "
161	Laburnum	41 " "
162	Lime	} Wolsey Court, 1-3 Harben Road
163	Ash	
164	"	
165	Sycamore	
166	"	
167	"	
168	Laburnum	
169	Lime	
170	"	
171	"	
172	"	} 17 Harben Road
173	"	
174	"	17 " "
175	"	17 " "
176	"	19 " "
177	Laburnum	23 " "
178	Copper Beech	25 " "
179	Flowering Plum	25 " "
180	Robinia	25 " "

TREES SPECIFIED BY REFERENCE TO AN AREA

None.

GROUPS OF TREES

(Within a broken black line on the Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G. 1	4 Limes	r/o 40 Belsize Road (fronting Fairfax Road)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G. 2	11 Limes	44 Belsize Road (fronting Fairfax Road)
3	24 Limes & 1 Sycamore	Fairhazel Mansions, 14 Fairhazel Gardens.
4	2 Robinias, 1 Lime, 3 Copper Beech & 1 Weeping Ash	50 Fairhazel Gardens
5	3 Limes & 1 Holly	25 Fairfax Road

WOODLANDS

None.

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority

- (1) to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous;
- (2) to the cutting down, topping or lopping of any tree -
 - (a) in compliance with an obligation imposed by or under an Act of Parliament;
 - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
 - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
 - (d) for the purpose of preventing or abating a nuisance;
 - (e) in the case of a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (f) by or at the request of an Electricity Board within the meaning of the Electricity Act, 1947, where such tree obstructs the construction by the Board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919 and the Electric Lighting Act, 1882 or interferes or would interfere with the maintenance or working of any such line.
 - (g) where immediately required for the purpose of carrying out development authorised by a planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part.

THIRD SCHEDULE

Provisions of Parts III and VII of the Act as adapted and modified to apply to this Order.

22-(1) The Minister may give directions to the authority requiring applications for consent under the Order, to be referred to him instead of being dealt with by the authority.

22-(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

22-(3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

22-(4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

22-(5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

22-(6) The decision of the Minister on any application referred to him under this section shall be final.

23-(1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

23(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

23-(4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

23-(5) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

23-(7) The decision of the Minister on any appeal under this section shall be final.

24. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 22 of this Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

27-(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by order revoke or modify the consent to such extent as they consider expedient.

27-(2) An order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

27-(3) Where an authority submit an order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice on the owner of the land affected, and on any other person who in their opinion will be affected by the order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the

Minister, before confirming the order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

27-(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

27-(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (2) of this section.

118-(1) Where any person is affected by an order under section 27 of this Act, or by a notice served on him under sub-section (3) of the said section in a case where the order is not confirmed then, if, on a claim made to the authority within the time and in the manner prescribed by Article 10 of the Order, it is shown that he -

(a) has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or

(b) has otherwise sustained loss or damage which is directly attributable to the revocation, modification, or stay of operations,

the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

118-(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be taken to be included in the expenditure incurred in carrying out that work.

118-(3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done during that period.

DATED this 20 day of January 1964

{ THE COMMON SEAL of the Mayor, Aldermen
{ and Councillors of the Metropolitan
{ Borough of Hampstead was hereunto
{ affixed in the presence of:-

M. Oatley
Mayor.

B. H. White
Town Clerk.



*Plan for
Bled.*

6058.

60287
Clark's Dept.
12/5
Land Changes
Division
H.5 Order

*Confirmed 6th
May 1964*

TOWN AND COUNTRY PLANNING ACT, 1962
THE BOROUGH OF HAMPSTEAD
TREE PRESERVATION ORDER 1964

THE MAYOR ALDERMEN AND COUNCILLORS OF THE METROPOLITAN BOROUGH OF HAMPSTEAD acting for and on behalf of the London County Council the Local Planning Authority of the administrative County of London (in this Order called "the authority") and in pursuance of the powers conferred in that behalf by Section 29 of the Town and Country Planning Act, 1962 hereby make the following Order:

1. In this Order -

- "the Act" means the Town and Country Planning Act, 1962;
- "owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee 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 hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful 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 annexed hereto, 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 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 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, or 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 a permission to develop land under Part III of the Act, or

(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.

7. The provisions set out in the Third Schedule to this Order, being provisions of Parts III and VII 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 118 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 29 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 128 of the Act.

12. Any person contravening the provisions of this Order is guilty of an offence under subsection (1) of Section 62 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.

80287

REGISTERED

FIRST SCHEDULE - TREES SPECIFIED INDIVIDUALLY
(Encoloured and Encircled in black on the Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T. 1	Yew	26 Belsize Road ✓
2	Laburnum	-26 " " ✓
3	Lime	-26 " " ✓
4	Laburnum	-28 " " ✓
5	Lime	-32 " " ✓
6	"	-34 " " ✓
7	Laburnum	-34 " " ✓
8	Lime	-34 " " ✓
9	"	-r/o 38 Belsize Road (fronting Fairfax Road) ✓
10	"	" " " " " " ✓
11	"	" " " " " " ✓
12	"	-40 Belsize Road ✓
13	"	-42 " " ✓
14	"	- r/o 42 Belsize Road (fronting Fairfax Road) ✓
15	"	" " " " " " ✓
16	"	" " " " " " ✓
18	Flowering Cherry	44 " " ✓
19	Horse Chestnut	-44 " " ✓
20	Elm	-44 " " ✓
21	Sycamore	44 " " (fronting Fairfax Road) ✓
✓22	Silver Birch	- College Court, College Crescent ✓
✓23	Ash	-Walter Scott Motor Co.Ltd., College Crescent ✓
✓24	Lime	✓Royal Free Hospital, ⁴⁰ College Crescent ✓
✓25	"	" " " " " " ✓
✓26	"	" " " " " " ✓
28	Thorn	-3 Fairfax Road ✓
30	Ash	-3 " " ✓
31	Robinia	-5 " " ✓
✓32	Plane	} Site of 11-17 Fairfax Road ✓
✓33	Lime	
✓34	Plane	
✓35	Lime	
✓36	"	
✓37	"	} X
✓38	"	
✓39	"	
✓40	"	
✓41	"	
✓42	"	} ✓
✓43	Prunus Pissardi	
✓44	Malus	
✓45	"	
✓46	Lime	
✓47	"	-23 " " ✓
✓48	"	-23 " " ✓
49	"	-23 " " ✓
50	"	-29 " " ✓
51	"	-29 " " ✓
52	"	-31 " " ✓
53	Privet	-31 " " ✓
54	Laburnum	-6 " " ✓
55	Robinia	-6 " " ✓
56	Prunus Pissardi	-6 " " ✓
57	Lime	-8 " " ✓
58	Thorn	-10 " " ✓
59	Lime	-10 " " ✓

<u>No. on</u> <u>Map</u>	<u>Description</u>	<u>Situation</u>
T ✓ 63	Lime	20 Fairfax Road
✓ 64	"	20 " "
✓ 65	"	20 " "
✓ 66	"	22 " "
✓ 67	Prunus Pissardi	22 " "
✓ 68	Privet	24 " "
✓ 69	Horse Chestnut	24 " "
✓ 70	Malus	34 " "
✓ 71	Laburnum	36 " "
73	Lime	16 Fairhazel Gardens
74	"	16 " "
75	"	16 " "
76	"	18 " "
77	"	22 " "
78	"	22 " "
80	Ailanthus	42 " "
81	Lime	48 " "
82	"	48 " "
83	"	48 " "
✓ 84	Ash	167 Finchley Road
✓ 85	Sycamore	167A " "
✓ 86	"	167A " "
✓ 87	Flowering Cherry	173 " "
88	Ash	North Star Public House, 104, Finchley Road
89	"	" " " " " " "
90	Horse Chestnut	" " " " " " "
✓ 91	Elm	The Bungalow, 1B Fitzjohns Avenue
92	Lime	23 Goldhurst Terrace
93	"	25 " "
94	"	27 " "
95	"	29 " "
96	"	39 " "
97	Holly	49 " "
98	Lime	63 " "
99	"	63 " "
101	Oak	73 " "
102	Cupressus	93 " "
103	Lime	107 " "
104	"	107 " "
105	Thorn	111 " "
106	"	111 " "
107	"	121 " "
108	Lime	121 " "
✓ 109	Willow	* r/o 125 Goldhurst Terrace
110	Robinia	129 Goldhurst Terrace
111	Flowering Cherry	2 " "
✓ 112	Pyracantha	* r/o 2 Goldhurst Terrace (fronting Greencroft Gdns.)
113	Plane	r/o 4 " " " "
114	Plane	r/o 4 " " " "
115	Lime	4 Goldhurst Terrace
116	"	6 " "
117	Thorn	6 " "
119	Lime	6 " "
120	Horse Chestnut	r/o 8 Goldhurst Terrace (fronting Greencroft Gdns.)
121	" "	r/o 8 " " " "
122	Lime	14 Goldhurst Terrace
123	"	14 " "
124	"	14 " "
125	"	14 " "
126	"	16 " "
127	"	20 " "

No. on
Map

Description

Situation

T. 128	Lime	20 Goldhurst Terrace
129	"	28 " "
130	"	30 " "
131	"	32 " "
132	"	36 " "
133	"	36 " "
134	"	42 " "
135	"	42 " "
136	"	46 " "
137	Sycamore	52 " "
138	Lime	58 " "
139	"	58 " "
140	"	60 " "
141	"	60 " "
142	Magnolia	64 " "
143	Laburnum	1 Greencroft Gardens
144	Sycamore	9 " "
145	Laburnum	15 " "
146	Lime	19 " "
147	"	19 " "
148	"	19 " "
149	"	21 " "
150	"	21 " "
151	"	21 " "
152	"	23 " "
153	"	23 " "
154	Laburnum	25 " "
155	Plane	27 " "
156	"	27 " "
157	Prunus Pissardi	31 " "
158	Lime	39 " "
159	"	39 " "
160	"	39 " "
161	Laburnum	41 " "
✓162	Lime	} Wolsey Court, 1-3 Harben Road
✓163	Ash	
✓164	"	
✓165	Sycamore	
✓166	"	
✓167	"	
✓168	Laburnum	
✓169	Lime	
✓170	"	
✓171	"	
✓172	"	17 Harben Road
✓173	"	17 " "
✓174	"	19 " "
175	"	23 " "
176	"	25 " "
177	Laburnum	25 " "
178	Copper Beech	25 " "
179	Flowering Plum	25 " "
180	Robinia	25 " "

TREES SPECIFIED BY REFERENCE TO AN AREA

None.

GROUPS OF TREES

(Within a broken black line on the Map)

No. on
Map

Description

Situation

✓G. 1	4 Limes	r/o 40 Belsize Road (fronting Fairfax Road)
-------	---------	--

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G. 2 ✓	11 Limes	44 Belsize Road (fronting Fairfax Road)
3 ✓	24 Limes & 1 Sycamore	Fairhazel Mansions, 14 Fairhazel Gardens.
4 ✓	2 Robinias, 1 Lime, 3 Copper Beech & 1 Weeping Ash	50 Fairhazel Gardens /
5 *	3 Limes & 1 Holly	25 Fairfax Road /

* This comprises trees 181-184 shown on plan (copied with B. Co.).

N.B. These indicated on plan but not on schedule should be disregarded. 8/17/44

WOODLANDS

None.

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority

- (1) to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous;
- (2) to the cutting down, topping or lopping of any tree -
 - (a) in compliance with an obligation imposed by or under an Act of Parliament;
 - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
 - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
 - (d) for the purpose of preventing or abating a nuisance;
 - (e) in the case of a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (f) by or at the request of an Electricity Board within the meaning of the Electricity Act, 1947, where such tree obstructs the construction by the Board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919 and the Electric Lighting Act, 1882 or interferes or would interfere with the maintenance or working of any such line.
 - (g) where immediately required for the purpose of carrying out development authorised by a planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part.

THIRD SCHEDULE

Provisions of Parts III and VII of the Act as adapted and modified to apply to this Order.

22-(1) The Minister may give directions to the authority requiring applications for consent under the Order, to be referred to him instead of being dealt with by the authority.

22-(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

22-(3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

22-(4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

22-(5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

22-(6) The decision of the Minister on any application referred to him under this section shall be final.

23-(1) Where an application is made for consent under the Order and that consent is refused by the authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

23(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

23-(4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

23-(5) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

23-(7) The decision of the Minister on any appeal under this section shall be final.

24. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 22 of this Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

27-(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by order revoke or modify the consent to such extent as they consider expedient.

27-(2) An order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

27-(3) Where an authority submit an order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice on the owner of the land affected, and on any other person who in their opinion will be affected by the order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the

Minister, before confirming the order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

27-(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

27-(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (2) of this section.

118-(1) Where any person is affected by an order under section 27 of this Act, or by a notice served on him under sub-section (3) of the said section in a case where the order is not confirmed then, if, on a claim made to the authority within the time and in the manner prescribed by Article 10 of the Order, it is shown that he -

- (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or
- (b) has otherwise sustained loss or damage which is directly attributable to the revocation, modification, or stay of operations,

the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

118-(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be taken to be included in the expenditure incurred in carrying out that work.

118-(3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done during that period.

DATED this 30th day of January 1964.

(THE COMMON SEAL of the Mayor, Aldermen
(and Councillors of the Metropolitan
(Borough of Hampstead was hereunto
(affixed in the presence of:-

(Signed) N. Oatway

Mayor.

The Minister of Housing and Local

(Signed) B.H. Wilson

Town Clerk.

The Minister of Housing and Local Government hereby confirms the foregoing Order

SEAL of MINISTER OF HOUSING
AND LOCAL GOVERNMENT

Given under the official seal of the
Minister of Housing and Local
Government on 6th May, 1964. X

(Signed) S.G.G. WILKINSON

Assistant Secretary,
Ministry of Housing and Local Government

TOWN AND COUNTRY PLANNING ACT, 1962.

THE BOROUGH OF HAMPSTEAD (NO. H.5)

TREE PRESERVATION ORDER 1964.

B.H. WILSON, M.B.E., M.A., LL.B.
Town Clerk and Solicitor,
Town Hall, Hampstead,
N.W.3.

TOWN AND COUNTRY PLANNING ACT, 1962
THE BOROUGH OF HAMPSTEAD

(NO.H.5) TREE PRESERVATION ORDER 1964

acting for and on behalf of the London County Council the local Planning Authority of the administrative County of London
THE MAYOR ALDERMEN AND COUNCILLORS OF THE METROPOLITAN BOROUGH OF HAMPSTEAD/
(in this Order called "the authority") in pursuance of the powers conferred in that behalf by Section 29 of the Town and Country Planning Act, 1962 and ~~subject to the provisions of Section 13 of the Forestry Act, 1951~~, hereby make the following Order:

1. In this Order -

"the Act" means the Town and Country Planning Act, 1962;
"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee 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 hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful 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 annexed hereto, 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, or 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 a permission to develop land under Part III of the Act, or

(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.

7. The provisions set out in the Third Schedule to this Order, being provisions of Parts III and VII 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 118 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 29 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 128 of the Act.

12. Any person contravening the provisions of this Order is guilty of an offence under subsection (1) of Section 62 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.

FIRST SCHEDULE - TREES SPECIFIED INDIVIDUALLY
uncoloured and (Encircled in black on the Map)

<u>No. on</u> <u>Map</u>	<u>Description</u>	<u>Situation</u>
T. 1	Yew	26 Belsize Road
2	Laburnum	26 " "
3	Lime	26 " "
4	Laburnum	28 " "
5	Lime	32 " "
6	"	34 " "
7	Laburnum	34 " "
8	Lime	34 " "
9	"	r/o 38 Belsize Road (fronting Fairfax Road)
10	"	" " " "
11	"	" " " "
12	"	40 Belsize Road
13	"	42 " "
14	"	r/o 42 Belsize Road (fronting Fairfax Road)
15	"	" " " "
16	"	" " " "
17	Plum	44 Belsize Road
18	Flowering Cherry	44 " "
19	Horse Chestnut	44 " "
20	Elm	44 " "
21	Sycamore	44 " " (fronting Fairfax Road)
22	Silver Birch	College Court, College Crescent
23	Ash	Walter Scott Motor Co.Ltd. College Crescent
24	Lime	Royal Free Hospital, College Crescent
25	"	" " " "
26	"	" " " "
28	Thorn	3 Fairfax Road
30	Ash	3 " "
31	Robinia	5 " "
32	Plane	} Site of 11-17 Fairfax Road
33	Lime	
34	Plane	
35	Lime	
36	"	
37	"	
38	"	
39	"	
40	"	
41	"	
42	"	
43	Prunus Pissardi	21 Fairfax Road
44	Malus	21 " "
45	"	21 " "
46	Lime	23 " "
47	"	23 " "
48	"	23 " "
49	"	29 " "
50	"	29 " "
51	"	31 " "
52	"	31 " "
53	Privet	6 " "
54	Laburnum	6 " "
55	Robinia	6 " "
56	Prunus Pissardi	6 " "
57	Lime	8 " "
58	Thorn	10 " "
59	Lime	10 " "

<u>No. on</u> <u>Map</u>	<u>Description</u>	<u>Situation</u>
T. 63	Lime	20 Fairfax Road
64	"	20 " "
65	"	20 " "
66	"	22 " "
67	Prunus Pissardi	22 " "
68	Privet	24 " "
69	Horse Chestnut	24 " "
70	Malus	34 " "
71	Laburnum	36 " "
72	Plum	38 " "
73	Lime	16 Fairhazel Gardens
74	"	16 " "
75	"	16 " "
76	"	18 " "
77	"	22 " "
78	"	22 " "
80	Ailanthus	42 " "
81	Lime	48 " "
82	"	48 " "
83	"	48 " "
84	Ash	167 Finchley Road
85	Sycamore	167A " "
86	"	167A " "
87	Flowering Cherry	173 " "
88	Ash	North Star Public House, 104, Finchley Road
89	"	" " " " " "
90	Horse Chestnut	" " " " " "
91	Elm	The Bungalow, 1B Fitzjohns Avenue
92	Lime	23 Goldhurst Terrace
93	"	25 " "
94	"	27 " "
95	"	29 " "
96	"	39 " "
97	Holly	49 " "
98	Lime	63 " "
99	"	63 " "
100	Birch	67 " "
101	Oak	73 " "
102	Cupressus	93 " "
103	Lime	107 " "
104	"	107 " "
105	Thorn	111 " "
106	"	111 " "
107	"	121 " "
108	Lime	121 " "
109	Willow	r/o 125 Goldhurst Terrace
110	Robinia	129 Goldhurst Terrace
111	Flowering Cherry	2 " "
112	Pyracantha	r/o 2 Goldhurst Terrace (fronting Greencroft Gdns.)
113	Plane	r/o 4 " " " "
114	Plane	r/o 4 " " " "
115	Lime	4 Goldhurst Terrace
116	"	6 " "
117	Thorn	6 " "
119	Lime	6 " "
120	Horse Chestnut	r/o 8 Goldhurst Terrace (fronting Greencroft Gdns.)
121	" "	r/o 8 " " " "
122	Lime	14 Goldhurst Terrace
123	"	14 " "
124	"	14 " "
125	"	14 " "
126	"	16 " "
127	"	20 " "

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
T. 128	Lime	20 Goldhurst Terrace
129	"	28 " "
130	"	30 " "
131	"	32 " "
132	"	36 " "
133	"	36 " "
134	"	42 " "
135	"	42 " "
136	"	46 " "
137	Sycamore	52 " "
138	Lime	58 " "
139	"	58 " "
140	"	60 " "
141	"	60 " "
142	Magnolia	64 " "
143	Laburnum	1 Greencroft Gardens
144	Sycamore	9 " "
145	Laburnum	15 " "
146	Lime	19 " "
147	"	19 " "
148	"	19 " "
149	"	21 " "
150	"	21 " "
151	"	21 " "
152	"	23 " "
153	"	23 " "
154	Laburnum	25 " "
155	Plane	27 " "
156	"	27 " "
157	Prunus Pissardi	31 " "
158	Lime	39 " "
159	"	39 " "
160	"	39 " "
161	Laburnum	41 " "
162	Lime	} Wolsey Court, 1-3 Harben Road
163	Ash	
164	"	
165	Sycamore	
166	"	
167	"	
168	Laburnum	
169	Lime	
170	"	
171	"	
172	"	} 17 Harben Road
173	"	
174	"	} 17 " "
175	"	
176	"	17 " "
177	Laburnum	19 " "
178	Copper Beech	23 " "
179	Flowering Plum	25 " "
180	Robinia	25 " "

TREES SPECIFIED BY REFERENCE TO AN AREA

None.

GROUPS OF TREES

(Within a broken black line on the Map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G. 1	4 Limes	r/o 40 Belsize Road (fronting Fairfax Road)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>
G. 2	11 Limes	44 Belsize Road (fronting Fairfax Road)
3	24 Limes & 1 Sycamore	Fairhazel Mansions, 14 Fairhazel Gardens.
4	2 Robinias, 1 Lime, 3 Copper Beech & 1 Weeping Ash	50 Fairhazel Gardens
5	3 Limes & 1 Holly	25 Fairfax Road

WOODLANDS

None.

SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority

- (1) to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous;
- (2) to the cutting down, topping or lopping of any tree -
 - (a) in compliance with an obligation imposed by or under an Act of Parliament;
 - (b) in pursuance of the power conferred on the Postmaster General by virtue of Section 5 of the Telegraph (Construction) Act, 1908;
 - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1868;
 - (d) for the purpose of preventing or abating a nuisance;
 - (e) in the case of a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
 - (f) by or at the request of an Electricity Board within the meaning of the Electricity Act, 1947, where such tree obstructs the construction by the Board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919 and the Electric Lighting Act, 1882 or interferes or would interfere with the maintenance or working of any such line;
 - (g) where immediately required for the purpose of carrying out development authorised by a planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part.

THIRD SCHEDULE

Provisions of Parts III and VII of the Act as adapted and modified to apply to this Order.

22-(1) The Minister may give directions to the authority requiring applications for consent under the Order, to be referred to him instead of being dealt with by the authority.

22-(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

22-(3) Any application in respect of which a direction under this section has effect shall be referred to the Minister accordingly.

22-(4) Where an application for consent under the Order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

22-(5) Before determining an application referred to him under this section the Minister shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

22-(6) The decision of the Minister on any application referred to him under this section shall be final.

23-(1) Where an application is made ~~to the authority~~ for consent under the Order and that consent is refused by ~~the~~ authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Minister.

23(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Minister may allow.

23-(4) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Minister, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

23-(5) Before determining an appeal under this section, the Minister shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

23-(7) The decision of the Minister on any appeal under this section shall be final.

24. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

- (a) give notice to the applicant of their decision on the application; or
- (b) give notice to him that the application has been referred to the Minister in accordance with directions given under section 22 of this Act;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

27-(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by order revoke or modify the consent to such extent as they consider expedient.

27-(2) An order under this section shall not take effect unless it is confirmed by the Minister; and the Minister may confirm any such order submitted to him either without modification or subject to such modifications as he considers expedient.

27-(3) Where an authority submit an order to the Minister for his confirmation under this section, the authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice on the owner of the land affected, and on any other person who in their opinion will be affected by the order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the

Minister, before confirming the order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

27-(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

27-(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (2) of this section.

118-(1) Where any person is affected by an order under section 27 of this Act, or by a notice served on him under sub-section (3) of the said section in a case where the order is not confirmed then, if, on a claim made to the authority within the time and in the manner prescribed by Article 10 of the Order, it is shown that he -

- (a) has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or
- (b) has otherwise sustained loss or damage which is directly attributable to the revocation, modification, or stay of operations,

the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

118-(2) For the purposes of this section any expenditure incurred on matters preparatory to acting on the consent shall be taken to be included in the expenditure incurred in carrying out that work.

118-(3) Subject to the last preceding subsection, no compensation shall be paid under this section in respect of any work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of depreciation of the value of an interest in land) arising out of anything done or omitted to be done during that period.

DATED this 30 day of January 1964

(THE COMMON SEAL of the Mayor, Aldermen
(and Councillors of the Metropolitan
(Borough of Hampstead was hereunto
(affixed in the presence of:-

A. O. [Signature]
Mayor.

[Signature]
Town Clerk.

H.L.G. 15872
The Minister of Housing and Local Government hereby confirms the foregoing
Order subject to the modifications shown in red ink thereon.

Given under the official seal of the
Minister of Housing and Local Government
6TH MAY 1964.



Assistant Secretary, S. G. C. HINDSON
Ministry of Housing and Local Government

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TOWN AND COUNTRY PLANNING ACT, 1962

THE BOROUGH OF HAMPSTEAD (NO. 15)

TREE PRESERVATION ORDER 1964

B.H. WILSON, M.B.E., M.A., LL.
Town Clerk and Solicitor
Town Hall, Hampstead
N.W.3.