#### TOWN AND COUNTRY PLANNING ACT 1971

### TREE PRESERVATION (AMENDMENT) ORDER NO. 5

THE LONDON BOROUGH OF CAMDEN in pursuance of the powers conferred in that behalf by Section 60 and Section 287(3) of the Town and Country Planning Act 1971 hereby revokes the Tree Preservation Order No. Hampstead No. 9 made by the London County Council on 16th July 1956 and confirmed by the Minister of Housing and Local Government on 24th November 1956 insofar as it relates to the tree(s) shown numbered T16, T40, T47, T74 in that Order which trees are shown similarly numbered and described in the Schedule to this Amendment Order:-

#### Provided that

- (a) this amendment shall not prejudicially affect anything done or suffered to be done or any right, privilege, obligation, liability or penalty acquired, accrued or incurred under the said Tree Preservation Order No. 9 or affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty, and
- (b) any application for consent made and not determined and any consent granted under the said Order insofar as it relates to the trees shown in the Schedule to this Amendment Order shall continue in force and have effect as if it had been made or granted under this Amendment Order.

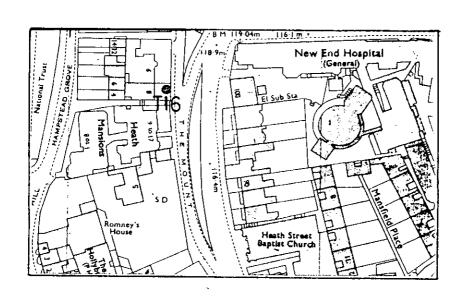
### SCHEDULE

Tree No. (on Map N	Description	Situation
T16 (7) T40 (8) T47 (8) T74 (8)	One Almond One Cherry One Birch One Malus	8 The Mount, NW3 Terrace Lodge, Admirals Walk, NW3 Admirals House, Admirals Walk, NW3 Upper Terrace House, Upper Terrace, NW3

GIVEN under the Common Seal ) of THE MAYOR AND BURGESSES )
OF THE LONDON BOROUGH OF CAMDEN ) hereto affixed by Order on the )
31st day of October 1983 )

L. Miclison

Chief Executive



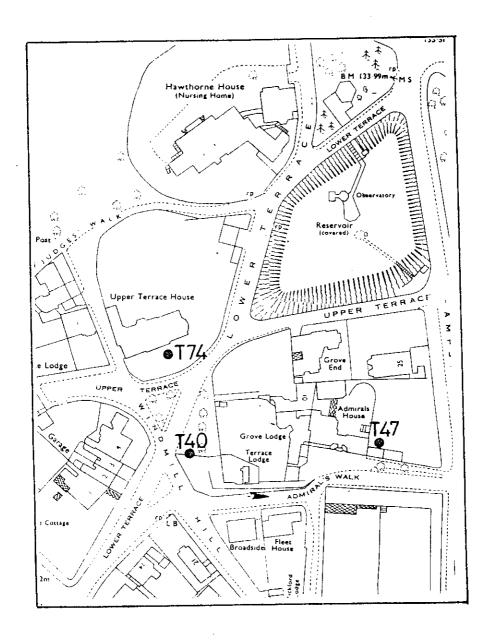
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7. 9H T16

REVOCATION

P. Date 7/81 Scale 1:1250



J. Vicas

8. REVOCATION

Date

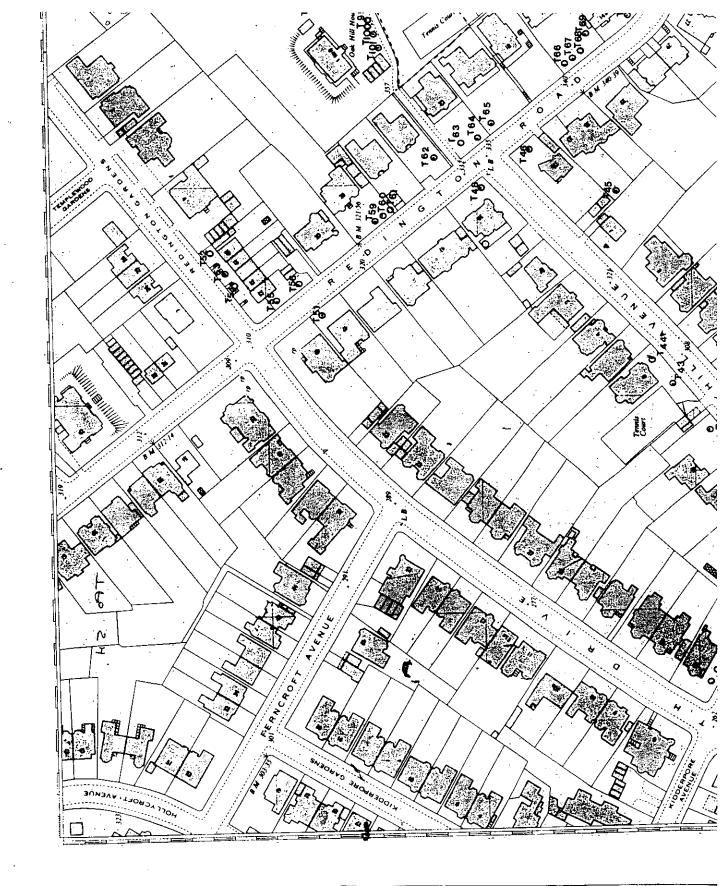
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## TOWN AND COUNTRY PLANNING ACT. 1947

THE COUNTY OF LONDON (HAMPSTEAD NO. 9) Hot of as TO TO THE PRESERVATION ORDER 1956 TESTS TO THE PRESERVATION ORDER 1956

a religion to pre-bainon of We enoligienth and this decisions often 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: and the viriality and small of the country produce the second country planning Act, 1947, hereby make the following Order: and the viriality and the second country planning act, 1947, hereby

for which they are so respond or granting conduct that they "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 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; Vandsa mortgagee in possession; and the Minister of Housing and Local Government: seelad cent baciboow a to trepelas light

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule bereto, no person shall, except with the consent of the authority and in accordance with the conditions wif any composed on such consent, cut down, top, lop, or wilfully destroy for cause for permit the cutting down, topping; lopping or wiltuludestruction of any tresspecified 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 desderined in the manner indicated in the said First Schedule on the map sealed with the Common Seal of the authority and marked "Map referred with the Common Seal of the authority and marked Mapererered to in the County of London (Hampstead No. 9) Tree Preservation Order, 1956", which map and a centified copy thereof have been deposited for inspection the former at the offices of the council 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. First Schedule. for profection of the replanting;

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. od and to lil true to annual voic pales at the

(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 consents 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 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.

- 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, square (2.1
- (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. (dynadana) son oli val
- (2) The time within which any such claim shall be made as aforesaid shell be a period of twelve months from the date of the decision of the authorsty, 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. (valged vorseined new
- 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.

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No. on Description		Situation	
\( \text{T. 1} \) One Lime \( \text{T. 2} \) One Flewering Cher: \( \text{T. 3} \) One Sycamore \( \text{T. 4} \) One Sycamore \( \text{T. 5} \) One Lime \( \text{T. 6} \) One Laburnum \( \text{T. 7} \) One Sycamore \( \text{T. 8} \) One Sycamore \( \text{T. 8} \) One Sycamore \( \text{T. 10} \) One Sycamore \( \text{T. 11} \) One Mulberry \( \text{T. 12} \) One Evergreen Oak \( \text{T. 13} \) One Thorn \( \text{T. 14} \) One Yew \( \text{T. 15} \) One Thorn	ry / 8, Ho 210, Ho 12, Ho 4, Ho 1, Th "Romne Hol	lly Hill lly Hill lly Hill lly Mount lly Mount e Mount y's House", ly Bush Hill e Mount	

# FIRST SCHEDULE (continued)

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

No. OI	Description	Situation
400	- One-Almond 31/15/23	
T.17	One Thomas	8 - Mac Mount
מריים לו		9, The Mount
1 114	I Ino Dudwat	38, Hampstead Grove
T. 20	One Thomas	36, Hampstead Grove
T.21	One Robinia	34, Hampstead Grove
	10 10 10 10 10 10 10 10 10 10 10 10 10 1	now grove Housen and
T.22	One Swamp Commen	Hampstead Grove
T.23		
		Old Grove House,
√T•24		Hampstead Grove
T.25		4 12, Hampstead Grove A
√T.26		10, Hampstead Grove
√T.27	One Lime	6, Hampstead Grove
/T.28	One Elm	4, Hampstead Grove
T.29		"Bolton House, Windmill Hill
√T.30	UNS HOTES Chastrut	"Volta House", Windmill Hill
T. 34	Une Chenwe	II Windows and the same
T.35	One Recable	4. Windmill Hill
T.36	Une Thorns	1 - Garage (Reign Lage - 1/)
T.37	One Birch)	arckrord Todge
T.38	(One Thorn)	Admirals Walk
T.39	One Holly)	
Betio-	One Cherry 31/13/83	14.0
T.41	One Thorn	Terrace Lodge,
T.42		Admirals Walk
T.104	One Cherry)	The state of the s
T-43	One Lombardy Poplar)	W 55 (100 K) 1 (100 K) 2 (100 K)
T.44	I UTIM MIGAN DAWIA	Netley Cottage,
T.45	Una Rinch	Upper Terrace
T.46	one inorn	- Partition
	1/1/Shy 3	
T.48	Une Beech	
T.100	One Lime	Admirals House,
T.102	One Plane	Admirals Walk
T.103	One Lime	
T.49	One Lime	Land boliven Nos 4 and b trognal Rice
T. 50	One Lime	"Windrush", Windmill Hill
T.51	One Horse Chestnut)	
T.52	One Evergreen Oak	
T.53	One Beech	Four Ways Cottage,
T.54	One Horse Chestnut	4. Frognal Rise
/	One Lime	1200
√T.56	One Lime	
T.57	One Sycamore)	Land bellion 2005 4 X
T.58	one plexuole)	~6, Frognal Rise
	One Magnolia	Brown 7 Pd -
	One Laburnum ) One Rowan	Frognal Rise House,
	One Cherry )	Frognal Rise
	One Pohenia	
	One Robinia	"KYK-OAER-AL", Frognal Rise
	One Stroomen	A ADTINE WITOG
1 .	One Sycamore)	
1	One Thorn	
	One Sycamore	A second
_ ^ I	One Malus	1, Lower Terrace
i	One Malus	
	One Mulberry	til skall i kalendar i Armania
	One Almond	
1	· ·	

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# FIRST SCHEDULE (continued)

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

No. or		Situation
Map 72 73 75 76 77 77 77 77 77 77 77 77 77	One Sweet Chestnut One Holly One Makes 2//07/ One Cherry One Cherry One Thorn One Evergreen Oak One Holly One Beech One Horse Chestnut One Thorn One Cedar One Elm One Sycamore One Horse Chestnut One Horse Chestnut One Sycamore One Horse Chestnut One Thorn One Sycamore One Maple One Horse Chestnut	"Upper Terrace House", Upper Terrace  Hawthorn House, Lower Terrace
T.97 T.98 T.99	One Sycamore One Bay One Sycamore	4, Lower Terrace Upper Terrace Lodge, Upper Terrace

## TREES SPECIFIED BY REFERENCE TO AN AREA

None

# (within a broken black line on the map)

ſ	No. on		
	Map	Description	Situation
	<b>√6.1</b>	Eleven Lime	Land comprising the garden at the rear of No. 3, The Mount
	G. 2	Seven Lime	Land comprising a bank flanking the roadway at the west end of Admirals Walk
	G.3	Six Lime	The land adjacent to Grove Lodge, Admirals Walk fronting Lower Terrace

## 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 of the works of the land as defined by the Act and of the works of the land as defined by the Act and of the works of the land as defined by the Act and of the land as defined by the Act and of the land as defined by the Act and of the land as defined by the Act and of the land as defined by the Act and of the land as defined by the land as define 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

(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 undertaking; transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919, and

(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.

Provisions of Part III of the Act as adapted and modified

- to apply to this Order. 15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.
- (2) 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 in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

- (3) The decision of the Minister on all applications referred to him under this section shall be final.
- (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

## 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.

## THIRD SCHEDULE

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

- 15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.
- (2) 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 in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

- (3) The decision of the Minister on all applications referred to him under this section shall be final.
- (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

REGISTERED

- decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they application referred to him under that section.
- of an application for consent under the Order, 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 the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this 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 the notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

21. (1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

- (2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.
- (3) 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 carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) 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 sub-section (1) of this Section.

(1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing 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 Artigle 10 of the Order it is shown that he 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 has otherwise suffered 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.

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(2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, 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 the depreciation in value of any interest in a 1948 ? land) arising out of anything done briomitted to be done to be during that period as the sale of the best made and the control of the best made and the best made and the control of the best made and the best made

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Given under the official seal of the Minister of Housing and Local Government this way of hima nineteen hundred and fifty-six.

(Sgd.) E.H.T. W

Assistant Secretary, Ministry of Housing and Local Government.

P. 3889

The Minister of Housing and Local Government hereby confirms the foregoing Order Subject to the modifications shown

(L.S.)

Given under the official seal of the Minister of Housing and Local Government this work fineteen hundred and fifty-six.

(Sgd.) J. Rogerson

Assistant Secretary, Ministry of Housing and Local Government.

THE COUNTY OF LONDON
(HAMPSTEAD NO.9)
TREE PRESERVATION ORDER, 1956

J. G. BARR,
The Solicitor,
London County Council,
The County Hall,
\*Westminster Bridge,
S.E.1.



Carden

## TOWN AND COUNTRY PLANNING ACT. 1947

THE COUNTY OF LONDON (HAMPSTEAD NO. 9).
TREE PRESERVATION ORDER, 1956

Control of the service of the Section

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 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 sealed with the Common Seal of the authority and marked "Map referred to in the County of London (Hampstead No. 9) Tree Preservation Order, 1956", 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.
- 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.
- 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 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.

## FIRST SCHEDULE

## TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

	No. on Map
T. 1 One Lime T. 2 One Flowering Cherry T. 3 One Sycamore T. 4 One Sycamore T. 5 One Lime T. 6 One Laburnum T. 7 One Sycamore T. 8 One Sycamore T. 9 One Sycamore T. 10 One Sycamore T. 11 One Mulberry T. 12 One Evergreen Oak T. 13 One Thorn T. 14 One Yew T. 15 One Thorn  T. 14 One Thorn  One Thorn	T. 1234567890T.112T.13T.14

## FIRST SCHEDULE (continued)

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

No. on Map	Description	044444
<u> </u>		Situation
√T.16	One Almond	-0 m
✓T.17	One Thorn	8-Phe-Mount
T. 18	One Chamme	9, The Mount
ים דים	One Cherry	38, Hampstead Grove
# 17	One Privet	36, Hampstead Grove
1.20	One Thorn	34, Hampstead Grove
T <sub>+</sub> 21	One Robinia	"New Grove House", X
		Hampstead Grove
T.22	One Swamp Cyprus)	1
T.23	One Maple	Old Grove House,
T. 24	One Lime	Hampstead Grove
T.25	One Time	12, Hampstead Grove
T.26	One Cherry	10, Hampstead Grove
		~ 6, Hampstead Grove
T. 27	One Lime	4, Hampstead Grove
T.28	One Elm	-"Bolton House, Windmill Hil
T.29		
T.30	One Horse Chestnut)	"Volta House", Windmill Hil
T.34	One Cherry	4, Windmill Hill *
T.35	One Beech)	45 ATTWINETT UTITE 4
T.36	One Thomas	
- <del>2-57</del>	One Black letter 8/6/	Rickford Lodge,
<del>- 7. 38</del> -	One Birch felled 8/6/ One Thorn) sensed 6/51	Admirals Walk
-T.39	One Holly) removed 5/5%	10.20
Tole Ora	OHO HOTTHY NUMBER OF ST	·
T.41	One Cherry	
	One Thorn	Terrace Lodge,
T.42	One Malus	Admirals Walk
T.104	One Cherry)	
T-43	One Lombardy Poplar)	1
T•44	One Black Poplar )	Netley Cottage,
T.45	One Birch	Upper Terrace
T.46	One Thorn	oppor rorrace
	One-Edroh)	
T.48	One Beech)	
T.100	One Lime	Adminology
T.101	One Plane	Admirals House,
T.102	One Lime	Admirals Walk
T.103	One Lime	
T.49	One Lime	× 11000 × 11000
T.50		"Windrush", Windmill Hill
T.51	One Horse Chestnut)	
T.52	One Evergreen Oak	
	One Beech	Four Ways Cottage,
T-53	One Horse Chestnut)	4, Frognal Rise
T.54	One Lime	
T-55	One Lime	
T.56	One Sycamore)	
T.57	One Sycamore)	-6, Frognal Rise
T.58	One Lime	of alogimi hipe
T.59	One Magnolia')	1_
T.60	One Laburnum	Frognal Rise House,
T.61	One Rowan	Frognal Rise
T.62	One Cherry )	
T.63	One Robinia)	- HIZZEZ AARD AT H
T.64	One Almond )	"KYK-OAER-AL", Frognal Rise
T.65		
T.66	One Sycamore)	
	One Thorn	A Majora Company
T.67	One Sycamore)	Land Market Land
T.68	One Malus )	-1, Lower Terrace X
T.69	One Malus )	5 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
T.70	One Mulberry)	
T.71	One Almond )	
- 1		4. 44. 4. 3.
1	· •	1



## FIRST SCHEDULE (continued)

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

No. on		044
	Description	Situation
Map T.72 T.73 T.75 T.76 T.77 T.78 T.79 T.80 T.81 T.82 T.83 T.84 T.85	One Sweet Chestnut) One Holly One Makes One Cherry One Cherry One Thorn One Evergreen Oak One Holly One Beech One Horse Chestnut) One Thorn One Cedar One Elm One Sycamore One Horse Chestnut One Sycamore One Sycamore One Sycamore One Sycamore One Ash One Thorn One Sycamore One Maple One Horse Chestnut One Sycamore One Sycamore One Sycamore One Sycamore	"Upper Terrace House", Upper Terrace  Hawthorn House, Lower Terrace Upper Terrace Lodge, Upper Terrace

## 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	Eleven Lime	Land comprising the garden at the rear of No. 3, The Mount
G.2	Seven Lime	Land comprising a bank flanking the roadway at the west end of Admirals.
G.3	Six Lime	The land adjacent to Grove Lodge, Admirals Walk fronting Lower Terrace

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 i 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 connect otherwise here 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.

### THIRD SCHEDULE

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

- (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.
- (2) 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 in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

- (3) The decision of the Minister on all applications referred to him under this section shall be final.
- (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

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**?**;

- (2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section & they apply in relation to the determination by the Minister of an application referred to him under that section.
- (3) Unless within two months from the date of receipt of an application for consent under the Order, 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 the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this 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 the notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

(1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

- (2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.
- (3) 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 carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) 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 sub-section (1) of this Section.

- 22. (1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing 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 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 has otherwise suffered 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.
- (2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, 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 the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

Given under the Common Seal of the London County Council this described day of thousand nine hundred and fifty-six.

SEALED BY ORDER

(signed) W.O. Hart

Clerk of the London County Council.

The County Hall, Westminster Bridge, S.E.l.

The Minister of Homing and Local Government in exercise of the Minister of Homing upon him by the provises to subsection (4) of the powers confirmed upon him by the provises to subsection (4) of tection 28 of the Town and Country Planning Act, 1947, hereby confirm the above order provisionally.

(L.S.)

Given under the official seal of the Minister of Housing and Local Government this Junio him day of mineteen hundred and fifty-six.

(Sgd.) E. H. T. Willshire

Assistant Secretary, Ministry of Housing and Local Government. 7;

THE COUNTY OF LONDON
(HAMPSTEAD NO.9)
TREE PRESERVATION ORDER, 1956

J. G. BARR,
The Solicitor,
London County Council,
The County Hall,
Westminster Bridge,
S.E.1.

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### TOWN AND COUNTRY PLANNING ACT. 1947

## THE COUNTY OF LONDON (HAMPSTEAD NO. 9) TREE PRESERVATION ORDER, 1956

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 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 sealed with the Common Seal of the authority and marked "Map referred to in the County of London (Hampstead No. 9) Tree Preservation Order, 1956", 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, 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 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.

### FIRST SCHEDULE

## TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

No. on	Description	Situation
T. 6	One Lime One Laburnum One Sycamore One Sycamore One Sycamore One Sycamore One Bycamore One Mulberry One Evergreen Oak One Thorn	6, Holly Hill 8, Holly Hill 10, Holly Hill 12, Holly Mount 4, Holly Mount 1, The Mount "Romney's House", Holly Bush Hill 5, The Mount

## FIRST SCHEDULE (continued)

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

o. on Map	Description	Situation
T.16	0-0 83	0 00
1.10	One Almond	8, The Mount
T.17	One Thorn	9, The Mount
T.18	One Cherry	38, Hampstead Grove
T.19	One Privet	36, Hampstead Grove
T.20	One Thorn	34, Hampstead Grove
T.21	One Robinia	"New Grove House",
		Hampstead Grove
T.22 T.23	One Swamp Cyprus) One Maple	Old Grove House,
-	-	Hampstead Grove
T.24	One Lime 14	- 12, Hampstead Grove
T.25	One Cherry	10, Hampstead Grove
T.26	One Flowering Plum	6, Hampstead Grove
T.27	One Lime	4, Hampstead Grove
T.28	One Elm	"Bolton House, Windmill Hi:
T.29	One Horse Chestnut)	"Volta House", Windmill Hi
T.30 T.34	One Horse Chestmut) One Cherry	•
T.35	One Beech)	h Windmill Hill
T.36	One Deech)	admirals Walk
T = 30	One Thorn)	Rickford Lodge,
T.37	One Birch)	Admirals Walk
T.38	One Thorn)	
T.39	One Holly)	
T.40	One Cherry)	
T.41	One Thorn )	Terrace Lodge,
T.42	One Malus )	Admirals Walk
T.104	One Cherry)	10000
T.43	One Lombardy Poplar)	· ·
T.44	One Block Benley	Notice Cetters
	One Black Poplar	Netley Cottage,
T.45		Upper Terrace
T.46	One Thorn )	
T.47	One Birch)	
T.48	One Beech)	
T.100	One Lime )	Admirals House,
T.101	One Plane)	Admirals Walk
T.102	One Lime	
T.103	One Lime	Land between Nos. 4 and & Frozmal Re
T-49	One Lime	"Windruch" Windmill Hill
		MATERIAL MAT
T.50	One Horse Chestnut)	· ·
T.51	One Evergreen Oak )	1, <u>2</u> , 1 , <u></u> , <u>.</u>
T.52	One Beech	Four Ways Cottage,
T.53	One Horse Chestnut)	4, Frognal Rise
T. 54	One Lime )	1
T.55	One Lime	
T.56	One Sycamore)	Land lativeen NOE 4
T.57	One Sycamore)	and6, Frognal Rise
T.58	One Lime	
T.59	One Magnolia )	
		Frognal Rise House,
T.60	One Laburnum )	Frognal Rise
T.61	One Rowan )	3.0
T.62	One Cherry )	
T.63	One Robinia)	"KYK-OAER-AL", Frognal Rise
T.64	One Almond )	
T.65	One Sycamore)	
T.66	One Thorn	
T.67	One Sycamore)	
T.68		7 Tower Mannes
	One Malus	1, Lower Terrace
T.69	One Malus	
	One Mulberry)	
T.70 T.71	One Almond	· ·

## FIRST SCHEDULE (continued)

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

No. on Map		
T.72 T.73 T.74 T.75 T.76 T.77 T.78 T.79 T.80 T.81 T.82 T.83 T.84	One Sweet Chestnut) One Holly One Malus One Cherry One Cherry One Thorn One Evergreen Oak One Evergreen Cak One Holly One Beech One Horse Chestnut) One Thorn	"Upper Terrace House", Upper Terrace
~ T.92	One Horse Chestnut one Sycamore one Sycamore one Sycamore one Sycamore one Ash	Hawthorn House, Lower Terrace
T.93 T.94 T.95 T.96 T.97 T.98 T.99	One Thorn One Sycamore One Maple One Horse Chestnut One Sycamore One Bay One Sycamore	4, Lower Terrace Upper Terrace Lodge, Upper Terrace

### TREES SPECIFIED BY REFERENCE TO AN APPA

None

# (within a broken black line on the map)

No. on Map	Description	Situation
G.1	Eleven Lime	Land comprising the garden at the rear of No. 3, The Mount
G.2.	Seven Lime	Land comprising a bank flanking the roadway at the west end of Admirals Walk
G.3	Six Lime	The land adjacent to Grove Lodge, Admirals Walk fronting Lower Terrace

#### 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

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 (g) where immediately required for the purpose of carrying out development authorised by a planning permission granted on an application made under Partalli of the Act, or deemed to have been ac granted for any of the purposes of that Part.

to apply to this Order.

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- 15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.
- (2) 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 in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

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- (3) The decision of the Minister on all applications referred to him under this section shall be final.
- 16. (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

- (2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.
- (3) Unless within two months from the date of receipt of an application for consent under the Order, 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 the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this 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 the notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

21. (1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

- (2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.
- (3) 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 carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) 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 sub-section (1) of this Section.

- 22. (1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing 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 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 has otherwise suffered 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.
- (2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, 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 the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

Given under the Common Seal of the London County Council this Section day of One thousand nine hundred and fifty-six.

SEALED BY ORDER

W. O. HART

(45)

Clerk of the London County Council.

The County Hall, Westminster Bridge, S.E.l.

P. 3759 The Minister of Housing and Local Townme of the powers congerred upon him by the of Cection 28 of the Town and Country! is the above Order provin <sub>+</sub>7; Given under the official seal of, the Minister of Housing and Local Government this Lounty third day of August hineteen hundred and fifty-six. (L.S.) (Sgd.) EHT. Willshine Assistant Secretary, Ministry of Housing and Local Government. P 3889 The Minister of Housing and Local Government hereby. confirms the foregoing Order Subject to the modifications shown in nd ink Theron Given under the official seal of the Minister of Housing and Local Government this winty fourth day of the nineteen hundred and fifty-six. (L.S.) Rogeron (Sgd.) Assistant Secretary, Ministry of Housing and Local Government. he tain

THE COUNTY OF LONDON (HAMPSTEAD NO.9)
TREE PRESERVATION ORDER, 1956

J. G. BARR,
The Solicitor,
London County Council,
The County Hall,
Westminster Bridge,
S.E.l.

REGISTERED LONDON COUNTY COUNCIL

13 how Yh 6697 LP/0.1/M  $\mathsf{Ref}^{X}$ 

MEMORANDUM from the Solicitor to the Council

To THE CLERK OF THE COUNCIL (LOCAL LAND CHARGES)

The County of London

Tree Preservation Order, 1956 The above-mentioned Order was confirmed, subject to modifications, by

the Minister of Housing and Local Government on 242 Cloves on which date the Order became operative. I send herewith a copy of the Order as confirmed with map for your retention,

#### LONDON BOROUGH OF CAMDEN

**MEMORANDUM** 

From: Planning Officer \*\* To:

Town Clerk.

Ref: TR/HR/APH. Your Ref: LEGAL/VJD/C11549/JMB

14th July 1967

Tree Preservation Order (Hampstead No.9).

13 Admiral's Walk - Official Search No. C11549.

In connection with the letter dated the 7th July from David Cohen Esq Solicitor I enclose a copy of my reply.

Ballufcelor,

MAN CLERK'S DEF CAMDEN

17 JUL1967

14th July 1967

David Cohen Esq., Solicitor, 80 Wimpole Street, Cavendien Square, London W.1.

DP/JD

TR/HR/APH

Dear Sir.

Tree Preservation Order (Hampstend No.9.)

#### 13 Admiral's Walk - Official Search No. C11549.

Your letter dated the 7th July addressed to the Town Clerk has been forwarded to me for attention. Following a telephone conversation between Mr. Rabson of my Department and yourself I would confirm that the only existing registered tree on the land which now remains is the thorn tree (T.56) situate on the Vindmill Hill frontage some 100 feet from the junction of Admiral's Walk.

The registered birch tree (T.37) was the subject of a consent to fell in August 1961, the applicant being willing to replace the tree and it is noted that there are young trees in the vicinity of the position of this former tree concerning the registered thorn (T.38) and holly (737) consent was granted in May 1958 for the removal of these two trees and their replacement and their may case the subsequent development of new houses on this part of the property in accordance with planning permission granted could be construed as an implied consent for the removal of those two trees.

I om forwarding a copy of this latter to the Town Clerk for his

Yours faithfully,

Planning Officer.

#### OUNTY COUNCIL LONDON

LEGAL AND PARLIAMENTARY. I. G. BARR, B.A., IL.B. Solicitor and Parliamentary Officer I BOROUGH OF HAMPE DEPARTMENT 669710WN CLERK'S DEPARTE THE COUNTY HALL RECEIVED Replies to be sent to the WESTMINSTER BRIDGE 2 3 NOV 1956 Solicitor, quoting LONDON, S.E.1 LP/ 'O. 1/M AGALONILEDGED No. In 21 how 56. Register Dear Sir, FILE Ario d. Town and Country Planning Act, 1947 The County of London (Hampstead No. 9 Tree Preservation Order, 1956

I have to inform you that the above-mentioned Order was confirmed with modifications by the Minister of Housing and Local Government on 24th October, 1956, on which date the Order became operative.

I enclose a certified copy of the Order as confirmed with map, and I should be glad if you would have this document deposited in your office for inspection by the public in accordance with the attached copy Notice."

Yours faithfully.

Council.

Solicitor to the The Town Clerk, Metropolitan Borough of Hampstead, Town Hall, Haverstock Hill. N.W.3.



# LONDON COUNTY COUNCIL

Ext. 6697 27 6

MEMORANDUM from the Solicitor to the Council

To THE CLERK OF THE COUNCIL (LOCAL LAND CHARGES)

The County of London

(Nampstead No.9)

Tree Preservation Order, 1956

The above-mentioned Order was provisionally applicable to rediffication by the state of the

confirmed, subject to modifications, by the Minister of Housing and Local Government on 195, on which date the Order became operative.

as confirmed with map for your retention.

Jeg Barn

### LONDON HOROUGH OF CAMDEN

Alterations to description of situation in Schedules attached to Tree Preservation Orders

	Present address	Former address	Tree Order No.	Tree No.
46-	-48, Parkhill Road	50, Parkhill Road	Camden No. 3	T2, T3, T4
	A, Southgrove	10, Southgrove	Camden No. 7	Т4
	A, Belsize Lane	4. Ornand Road	Hampstead No. 23	T51-T55
	2-144, Haverstock Hill	140, Haverstock Hill*	Hampstead No. 35	<b>T</b> 59
	2, King Henry's Road	148, King Henry's Road	Hampstead No. 33	T62 ·
	, Village Close	25, Belsize Avenue	Hampstead No. 23	T74
	Ornan Ormond Road	47, Belsize Avenue	Hampstead No. 23	т81
	Ornen Ornend Road	49, Belsize Avenue	Hampstead No. 23	T82
	Lower Merton Rise	116, King Henry's Road	Hampstead No. 33	G2(part)
	A, Redington Road.	12. Redington Road *	Hampstead No. 5	Т71
	Rudall Crescent	2, Gayton Crescent	Hampstead No. 13	т89
	e Cottage, Perrins Walk	16, Church Row	Hampstead No. 8	т26, т27
/	2, Windmill Hill	land between 4 and 6, Frognal Rise	Hampstead No. 9	T49, T56,
Ki	ing's College Court ) 5, Primrose Hill Road)	92, Adelaide Road	Hampstead No. 32	T7, T8, T9
	5, Camden Mews	186, Camden Road*	St. Pancras No. 9	T17
	7, Templewood Avenue	68, Redington Road*	Hampstead No. 16	т63
	7, Fellows Road	41, Fellows Road	Hampstead No. 32	T5
	8A, Frognal Gardens	. 18, Frognal Gardens*	Hampstead No. 7.	T41
	D, Lindfield Gardens	2, Lindfield Gardens	Hampstead No. 6	T41
	04, King Henry's Road	116, King Henry's Road	Hampstead No. 33	<b>T</b> 56
	3, Downshire Hill	105, South End Road	Camden No. 34A	T5 .
	2, Murray Mews	43, St. Augustines Rd.	. St. Pancras No. 9	<b>T109</b>

<sup>\*</sup> Retain former address for other tree(s)

#### TOWN AND COUNTRY PLANNING ACT 1971

#### TREE PRESERVATION (AMENUMENT) ORDER NO. 5

THE LONDON BOROUGH OF CAMDEN in pursuance of the powers conferred in that behalf by Section 60 and Section 287(3) of the Town and Country Planning Act 1971 hereby revokes the Tree Preservation Order No. Hampstead No. 9 made by the London County Council on 16th July 1956 and confirmed by the Minister of Housing and Local Government on 24th Rovember 1956 insofar as it relates to the tree(s) shown numbered T16, T40, T47, T74 in that Order which trees are shown similarly numbered and described in the Schedule to this Amendment Order:—

#### Provided that

- (a) this amendment shall not prejudicially affect anything done or suffered to be done or any right, privilege, obligation, liability or penalty acquired, accrued or incurred under the said Tree Preservation Order No. 9 or affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or penalty, and
- (b) any application for consent made and not determined and any consent granted under the said Order insofar as it relates to the trees shown in the Schedule to this Amendment Order shall continue in force and have effect as if it had been made or granted under this Amendment Order.

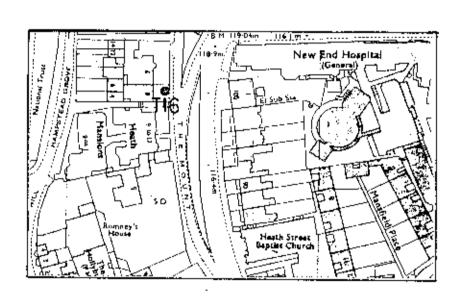
#### SCHEDULE

Tree No.	(on Map No.)	Description	Situation
T16 T40 T47 T74	(7) (8) (8) (8)	One Almond One Cherry One Birch One Malus	8 The Mount, NW3 — Terrace Lodge, Admirals Walk, NW3 Admirals House, Admirals Walk, NW3 Upper Terrace House, Upper Terrace,
			NW3

GIVEN under the Common Seal ) of THE MAYOR AND BURGESSES )
OF THE LONDON BOROUGH OF CAMDEN ) hereto affixed by Order on the )
36st day of October 1983 )

J. Michian

Chief Executive

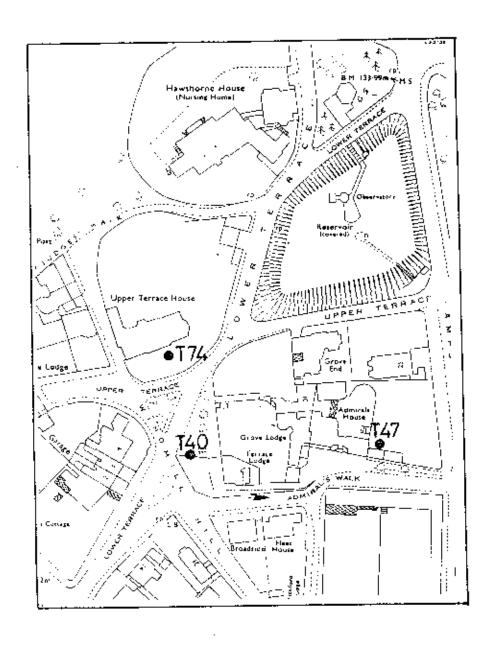


J. Micason

7. 9H T16

REVOCATION

P | Date 7/81 | Scale 1:1250



8. REVOCATION

Date

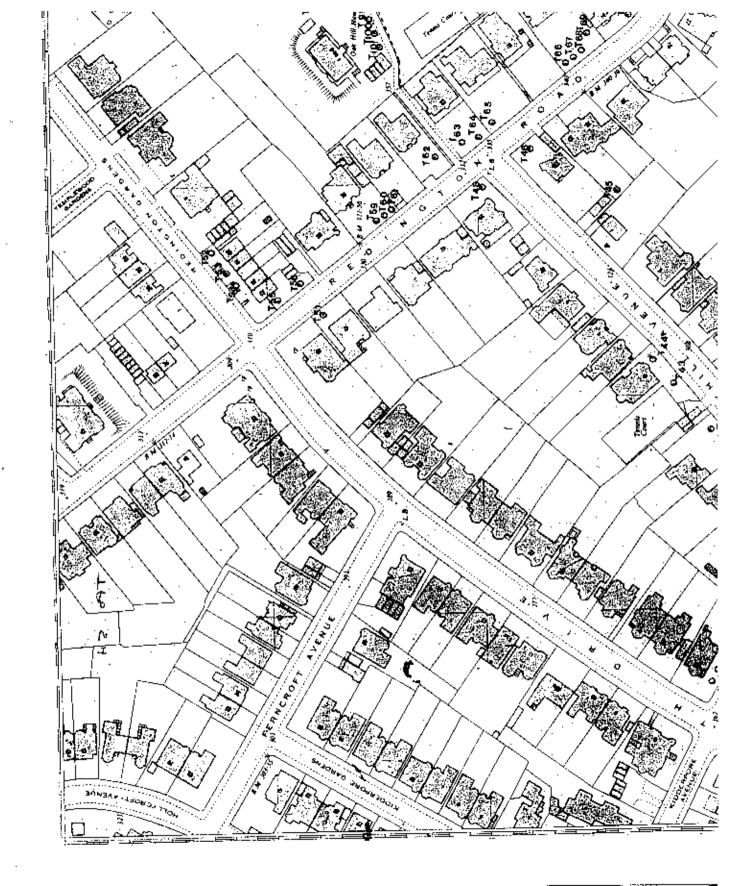
7/80



9H 9H 9H T40 T47 T74

Tree Har.

Scale 1:1250



TOWN AND COUNTRY PLANNING ACT. 1947

THE COUNTY OF LONDON (HAMPSTEAD, NO. 9)1017011100 # TREE PRESERVATION CORPER 1956 COAS QUITE CONTROL

outly decision to the antique of the another the transfer and the mountain THE London County Council of insthis Order cabled the authority") in pursuance of the coweracconferred in that behalf by Section 28 of the Town and Country Planning Act, 1947, hereby make the following Order: and for virialities and small of and the void small brane of the the thereby to the transfer to

----1. THE THE Corder of Address America of the second collection of the second collection and t "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 leafe or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or terent in possession; the unexpired portion of whose lease or tenancy is three years or more; Vandva mortgages in possession; and the Minister of Housing and Local Government, and Low went brollbook s in its grant Willet

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule bereto, no person shall, except with the consent of the authority and in accordance with the conditions, wir enviolingosed on such consent, out down, top, lop, or wilfully destroy or cause consparmit the cutting down, topping, lopping or wilful destruction of tres specified in the Pirst 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 desided in the manner indicated in the said Pirst Schedule on the map sealed with the Common Seal of the authority and marked thapereferred to in the County of London (Hampstead No. 9) Tree Preservation Order, 1956", which map and a centified copy thereof have been deposited for inspection the former at the offices of the 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 spacification in the said First Schedule. First Schedule. for profession of the replanting

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 ogneent is required. bolden provide of Park III of the ka

(1) Where an application for consent is made to the authority under this Order, the authority may great 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 thereofly 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 consents 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 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 shell be a period of twelve months from the date of the decision of the authorsty, or of the Minister, as the case may be, or where an appeal has been made to the Minister against the ecision 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.

# produced pro

TREES SPECIFIED INDIVIDUALEY (CO.)

No. on Map	Description		Situation	
/T. 1 /T. 2 /T. 4 /T. 56 /T. 78 /T. 9 /T. 10	One Sycamore One Sycamore One Lime One Laburnum One Bycamore One Sycamore One Sycamore One Sycamore One Sycamore One Sycamore One Sycamore One Hulberry One Evergreen Oak One Thorn	8, 12, 1, 1, "Ro	Holly Hill Holly Hill Holly Holly Holly Mount Holly Mount The Mount mney's House", Holly Bush Hill The Mount	

3.

## FIRST SCHEDULE (continued)

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

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NAME OF THE SELECTION O

## REGISTERED

## FIRST SCHEDULE (continued)

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

No. or Map	Description	Situation
T.73 T.75 T.76 T.77 T.78 T.78 T.80 T.81 T.85 T.85 T.86 T.86 T.86 T.89 T.89 T.90	One Sweet Chestnut) One Holly One Cherry One Cherry One Cherry One Thorn	"Upper Terrace House", Upper Terrace  Hawthorn House, Lower Terrace
T.99	One Sycamore	4, Lower Terrace Upper Terrace Lodge, Upper Terrace

### TREES SPECIFIED BY REFERENCE TO AN AREA

None

# (within a broken black line on the map)

No. on Map	Description	Situation
√G.1	Eleven Lime	Land comprising the garden at the rear of No. 3, The Mount
G.2	Seven Lime	Land comprising a bank flanking the roadway at the west end of Admirals Walk
G.3	Six Lime	The land adjacent to Grove Lodge, Admirals Walk fronting Lower Terrace

### 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 muisance; (e) in the case of a statutory undertaker where the land on which the tree is situated is operational land as defined by the fact of the 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

(f) by or at the request of an Electricity Board within the meaning of the Electricity Act, 1947, where such tree undertaking; 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

(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.

Provisions of Part III of the Act as adapted and modified

- 15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the support of the supplication shall be so referred according authority and any such spolication shall be so referred according to apply to this Order. authority, and any such application shall be so referred accordingly.
  - (2) 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 in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an applicant of the application the appl afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

- (3) The decision of the Minister on all applications referred to him under this section shall be final.
- (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision. of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

#### SECOND SCHEDULE

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- (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 muisance; (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.

#### THIRD SCHEDULE

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

- 15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.
- (2) Where an application for consent under the Order 18 referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

- (3) The decision of the Minister on all applications referred to him under this section shall be final.
- (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

- (2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.
- (3) Unless within two months from the date of receipt of an application for consent under the Order, 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 the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this 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 the notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

21. (1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

- (2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.
- (3) 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 carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) 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 sub-section (1) of this Section.

and the interest of the second 22. (1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing 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 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 has otherwise suffered loss or demage which is directly attributable to the revecation, modification or stay of operations, the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

(2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred incarrying out that work, but except as aforesaid, 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 the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

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## REGISTERED

The Minister of Honoring and Lord Government in secretary of the powers confuned upon him by the provises to solvention (4) of Section 28 of the Town and Country Planning act, 1947, healy confirm the above order provisionally

Given under the official seal of the Minister of Housing and Local Government this want of himal day of August nineteen hundred and fifty-six.

(Sgd.) ENT. Willshim

Assistant Secretary, Ministry of Housing and Local Government.

P. 3889

The Minister of Housing and Local Government hereby confirms the foregoing Order Subject to the modification shown

(L.S.)

Given under the official seal of the Minister of Housing and Local Government this day of the day of hundred and fifty-six.

(sgd.) J. Rogerson

Assistant Secretary, Ministry of Housing and Local Government.

THE COUNTY OF LONDON
(HAMPSTEAD NO.9)
TREE PRESERVATION ORDER, 1956

J. G. BARR,
The Solicitor,
London County Council,
The County Hall,
Westminster Bridge,
S.E.l.



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#### TOWN AND COUNTRY PLANNING ACT. 1947

THE COUNTY OF LONDON (HAMPSTEAD NO. 9)
TREE PRESERVATION ORDER, 1956

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 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 sealed with the Common Seal of the authority and marked "Map referred to in the County of London (Hampstead No. 9) Tree Preservation Order, 1956", 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, 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 sore;
  - (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 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.

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- 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.

### FIRST SCHEDULE

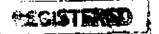
## TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

No. on Map	Description	Situation
T. 1 T. 2 T. 3	One Sycamore One Lime One Laburnum One Sycamore One Sycamore One Sycamore One Sycamore One Mulberry One Evergreen Oak One Thorn	6, Holly Hill 8, Holly Hill 8, Holly Hill 8, Holly Mount 12, Holly Mount 12, Holly Mount 13, The Mount 14, Holly Bush Hill 16, The Mount 16, T
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## FIRST SCHEDULE (continued)

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

No. on Map	Description	Situation
✓ <del>Т.16</del>	Current descende	× ×
VT-17	One Thorn	Gy-Cho-Mount
T.18		9, The Mount
D 10	One Cherry	38, Hampstead Grove
7 - 77	One Privet	36, Hampstead Grove
T. 20	One Thorn	34, Hampstead Grove
T.21	One Robinia	"New Grove House",
		Hampstead Grove
T.22	One Swamp Cyprus)	1
T.23	One Maple	Old Grove House,
		Hampstead Grove
€. 51	One Lime	12, Hampetead Grove
T.25	One Cherry	10, Hampstead Grove
T.26	One Flowering Plum	- 6, Hampetead Grove
T. 27	One Lime	Homostana Com
T.28	One Elm	4, Hampstead Grove
T.29	One Horse Chestnut)	-"Bolton House, Windmill Hil
T.30	One Horse Chestnut)	"Volta House", Windmill Hil
T. 34		
T. 35	One Cherry	4, Windmill Hill X
B 76	One Beech)	
T.36	One Thorn)	Biologous Tasa
<del>-2:57 -</del>	One Birch felled 8/6/ One Thorn sensed 5/51	Rickford Lodge, X
<del>- 7-38</del> -	One Thorn) sensued 5/51	Admirals Walk
<del>-⊈#39</del>	Gno Holly) amore 5/51	
Mark Comm	<del>- One Cherry)</del>	A second second
T-41	One Thorn	Pennone Teller
T.42	One Malus	Terrace Lodge,
T.104	One Cherry)	Admirals Walk
T.43	One Lowborder Dental	
T.44	One Lombardy Poplar)	<u> </u>
T.45	One Black Poplar	Netley Cottage,
	One Birch	Upper Terrace
T.46	One Thorn	
<del>-47</del>	One-Basch)	
	One Beech)	
	One Lime ()	Admirals House,
T.101	One Plane)	Admirale Walk
r.102	One Lime )	
F.103	One Lime )	
T-49	One Lime	-Windmich! We-s-ess with
T.50	One Horse Chestnut)	"Windrush", Windmill Hill
T.51	One Evergreen Oak	1
T.52	One Beech	L 7
T.53		Four Ways Cottage,
T.54	One Horse Chestnut	4, Frognal Rise
	One Lime	
T.55	One Lime	!
T.56	One Sycamore)	1_#_ ×
T. 57	One Sycamore)	-6, Frognal Rise
T.58	One Lime )	
<b>T</b> •59	One Magnolia )	
T.60	One Laburnum )	Frognal Rise House,
T.61	One Rowan	Frognal Rise
Т.62	One Cherry )	
T.63	One Robinia)	"KVK-AARD ATH
T.64	One Almond	"KYK-OAER-AL", Frognal Rise
T.65	One Sycamore	
T.66	One Sycamore)	
	One Thorn	The Marine and Comment of the Comment
T.67	One Sycamore)	الراب الإنجاز المنظمة ا
T.68	One Malus )	- 1, Lower Terrace X
T-69	One Malus )	3 A.
T.70	One Mulberry)	
T.71	One Almond )	· · · · · · · · ·
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### FIRST SCHEDULE (continued)

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

No. on Map	Description	Situation
7.73 7.75 7.76 7.77 7.77 7.78 9.88 9.88 9.99 9.99 9.99	One Bweet Chestnut) One Holly One Makus One Cherry One Cherry One Thorn One Evergreen Oak One Evergreen Oak One Holly One Beech One Horse Chestnut) One Thorn One Cedar One Eim One Sycamore One Horse Chestnut One Sycamore	"Upper Terrace House", Upper Terrace Lower Terrace Upper Terrace Lodge, Upper Terrace

#### 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	Eleven Lime	Land comprising the garden at the rear of No. 3, The Mount
G.2	Seven Lime	Lend comprising a bank flanking the roadway at the west end of Admirals Walk
G.3	Six Lime	The land adjacent to Grove Lodge, Admirals Walk fronting Lower Terrace

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.

#### THIRD SCHEDULE

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

- 15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.
- (2) 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 in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

- (3) The decision of the Minister on all applications referred to him under this section shall be final.
- (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 26 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

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- (2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.
- (3) Unless within two months from the date of receipt of an application for consent under the Order, 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 the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this 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 the notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

21. (1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considere expedient.

- (2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.
- (3) 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 carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) 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 sub-section (1) of this Section.

- 22. (1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing 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 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 has otherwise suffered 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.
- (2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, 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 the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

Given under the Common Seal of the London County Council this Sixleman day of thousand nine hundred and fifty-six.

SEALED BY ORDER

(signed) W.O. Hart

Clerk of the London County Council.

The County Hall, Westmineter Bridge, S.E.1. The Minister of Homing and Local Government in exercise of the provise to subsection (4) of the powers confirmed upon him by the provise to subsection (4) of Cection 28 of the Town and Country Flaming Act, 1947, healy confirm the above order provisionally.

(L.S.)

Given under the official seal of the Minister of Housing and Local Government this work, him day of nineteen hundred and fifty-six.

(88d.) E. H. T. Willshire

Assistant Secretary, Ministry of Housing and Local Government. 7;

THE COUNTY OF LONDON
(HAMPSTEAD NO.9)
TREE PRESERVATION ORDER, 1956

J. G. BARR,
The Solicitor,
London County Council,
The County Hall,
Westminster Bridge,
S.E.1.

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#### TOWN AND COUNTRY PLANNING ACT, 1947

## THE COUNTY OF LONDON (HAMPSTEAD NO. 9) TREE PRESERVATION ORDER, 1956

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 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 mortgages 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, groupe of trees and woodlands is defined in the manner indicated in the said First Schedule on the map scaled with the Common Scal of the authority and marked "Map referred to in the County of London (Hampstead No. 9) Tree Preservation Order, 1956", 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 Hempstead, 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 comsent 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 sore;
  - (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 Part III of the Act sdapted 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, 1945, 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 Ecision 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.

#### FIRST SCHEDULE

## TREES SPECIFIED INDIVIDUALLY (encircled in black on the map)

No. on Map	Description	Situation
T. 4 T. 5 T. 6 T. 8 T. 9 T. 10 T. 11 T. 12 T. 13	One Mulberry )	<del>10</del> , Holly Hill

## FIRST SCHEDULE (continued)

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

o on Map	Description	Situation
T.16	One 13	ti mi - a - a - a
	One Almond	8, The Mount
T.17	One Thorn	1 9. The Mount
T.18	One Cherry	38, Hampstead Grove
T.19	One Privet	36, Hampstead Grove
T.20	One Thorn	N. Hampstaad Grove
T.21	One Robinia	"New Grove House",
		Hampstead Grove
T.22	One Swamp Cyprus)	Old Grove House,
T.23	One Maple	Rampatead Grove
T.24	One Lime	- 12, Hampatead Grove
T.25	One Cherry	10. Hampateed Grove
T.26	One Flowering Plum	6, Hampstead Grove
T. 27	One Lime	
T.28		4. Hampatead Grove
	One Elm	"Bolton House, Windmill Hil
T.29 T.30	One Horse Chestmut) One Horse Chestmut)	"Volta House", Windmill Hi:
T.34	One Cherry	Windmill Hill
T.35	One Beech)	Title Techpone
T.36	One Thorn)	admirals Walk
	One Birch)	Alekford Lodge,
т.38	One Thorn)	Admirals: Walk
T.39	One Holly)	
T.40	One Charmy	
	One Cherry)	
T.41	One Thorn )	Terrace Lodge,
T.42	One Malus )	Admirels Walk
T+104	One Cherry)	
T.43	One Lombardy Poplar)	· · · · · · · · · · · · · · · · · · ·
Т.44	One Black Poplar	Netley Cottage,
	One Birch	Upper Terrace
T.46	One Thorn	
T.47	One Birch)	
T.48	One Beech)	
T.100	One Lime	Adminate House
1.100	One Dine	Admirals House,
T.101	One Plane)	Admirals Walk
T.102	One Lime )	fand between Nostand & Fragmal Re
T.103	One Lime )	
T.49	One Lime	"Windrush" Windmill Hill
	One Horse Chestnut)	
	One Evergreen Oak	1
T.52	One Beech	Four Ways Cottage,
T.53	One Horse Chestnut)	4, Frognal Rise
T.54	One Lime	+ * * LOSHOT KIDO
T = 24		1
T.55	One Lime )	Land Latineen Hot 4
T.56	One Sycamore)	
T.57	One Sycamore)	and6, Frognal Rise
T.58	One Lime )	T
T.59	One Magnolia )	Brancal Biog House
T.60	One Laburnum )	Frognal Rise House,
T.61	One Rowan	Frognal Rise
T.62	One Cherry )	
T.63	One Robinia)	"KYK-CAER-AL", Prognal Rise
T.64	One Almena	TITE-CHERARY & PEORIST KING
	One Almond )	1
T.65	One Sycamore)	
T.66	One Thorn )	1
T.67	One Sycamore)	
T.68	One Malus )	I, Lower Terrace
T.69	One Malus )	
T.70	(One Mulberry)	
T.76 T.71	One Mulberry) One Almond	

#### FIRST SCHEDULE (continued)

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

No. on Map	Description	Situation
Men T.72 T.73 T.74 T.75 T.76 T.77 T.78 T.79 T.80 T.81 T.82 T.83	One Sweet Chestnut) One Holly One Malus One Cherry One Cherry One Thorn One Evergreen Oak One Evergreen Oak One Holly One Beech One Horse Chestnut) One Thorn One Cedar One Elm One Sycamore One Morse Chestnut One Sycamore One Maple	"Upper Terrace House", Upper Terrace  Hawthorn House, Lower Terrace
T.96	One Horse Chestrut	
T.98 T.99	One Bay One Sycamore	4, Lower Terrace Upper Terrace Lodge,

#### TREES SPECIFIED BY REPERENCE TO AN AREA

None

## (within a broken black line on the map)

No. on Map	Description	Situation
. G.1	Eleven Lime	Land comprising the garden at the rear of No. 3, The Mount
G.2	Seven Lime	Land comprising a bank flanking the roadway at the west end of Admirals Walk
G.3	S1x Lime	The land adjacent to Grove Lodge, Admirals Walk fronting Lower Terrace

#### WOODLANDS

None:

#### SECOND SCHEDULE

This Order shall not apply so as to require the

- (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 Reilways 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 (a) whome immediately required for the purpose of carrying s.

out der Lopusch amblevised by a planning permission granted on an applicablian made woder Parkelli of the Act, or deemed to have been so granted for any of the purposes of that Part. 

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to apply to this Order. AND THE PROPERTY.

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- \* 12 year 15. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.
- (2) 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 in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the Authority:

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

Signal to

- (3) The decision of the Minister on all applications referred to him under this section shall be final.
- (1) Where 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, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

- (2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.
- (3) Unless within two months from the date of receipt of an application for consent under the Order, 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

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(b) give notice to him that the application has been referred to the Minister in accordance with the directions given by him under the last foregoing section;

the provisions of sub-section (1) of this 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 the notification of their decision had been received by the applicant at the expiration of the said period of two menths or the extended period agreed upon as aforesaid, as the case may be.

21. (1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid:

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

- (2) Where an authority submit an order to the Minister for his confirmation under this Section, that suthority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.
- (3) 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 carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of sub-section (2) 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 sub-section (1) of this Section.

- 22. (1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under sub-section (2) of the foregoing Section in a case where the order is not confirmed, then, if on a claim made to the suthority within the time and in the manner prescribed by Article 10 of the Order it is shown that he 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 has otherwise suffered 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.
- (2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, 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 the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

Given under the Common Seal of the London County Council this for day of July One thousand nine hundred and fifty-six.

SEALED BY ORDER

W. O. HART

(L.S.)

Clerk of the London County Council.

The County Hall, Westminster Bridge, S.E.L.

P. 3759 ad Joseph Lovenn The powers conjuned upon him the above Order. Given under the official seal of the Minister of Housing and Local Government this Loundy Third day of August hineteen day of August hundred and fifty-six. (L.S.) (Sga.) EHT. Willshine Assistant Secretary, Ministry of Housing and Local Government. P. 3889 The Minister of Housing and Local Government hereby . confirms the foregoing Order Subject to the modification show m not into Thereon Given under the official seal of the Minister of Housing and Local Government this fring formed day of Clother ninetee hundred and fifty-six. (L.S.) (Sgd.) Assistant Secretary, Ministry of Housing and Local Government.

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THE COUNTY OF LONDON
(HAMPSTEAD NO.9)
PRESERVATION ORDER, 1956

J. G. BARR,
The Solicitor,
London County Council,
The County Hell,
Westminster Bridge,
S.E.l.

RECISTERED 1 ONDON COUNTY COUNCIL 13 how 86 ∘6697∴ LP/0.1/M

MEMORANDUM from the Solicitor to the

Council

To THE CLERK OF THE COUNCIL (LOCAL . LAND CHARGES)

The County of London

Tree Preservation Order, 1956

The above-mentioned Order was confirmed, subject to modifications, by the Minister of Housing and Local Government on 242 on which date the Order became operative.

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

#### LONDON BOROUGH OF CAMDEN

MEMORANDUM

From:

Planning Officer \*\*

Ref:

TR/HR/APH.

To: Town Clerk.

Your Ref: LEGAL/VJD/C11549/JMB

14th July 1967

Tree Preservation Order (Hampstead No.9).

13 Admiral's Walk - Official Search No. C11549.

In connection with the letter dated the 7th July from David Cohen Esq Solicitor I enclose a copy of my reply.

Ullefabr

Planning

CAMDEN

17 JUL1967

14th July 1967

Bovid Cohen Regs. Solicitor. SO Vimpole Street, Cavendich Square, London V.1.

DP/JD

TR/HR/APH

Door Sir.

Tree Preservation Order (Remestend No.9.)

#### 13 Admiral's Valk - Official Search No. C11549.

Your letter dated the 7th July addressed to the Town Clerk has been forwarded to me for attention. Following a telephone conversation between Mr. Rabson of my Department and yourself I would confirm that the only existing registered tree on the land which now remains is the thorn tree (T.56) eituate on the Vindmill Hill frontage some 100 feet from the junction of Admiral's Walk.

The registered birch tree (T.37) was the subject of a consent to fell in August 1961, the applicant being willing to replace the tree and it is noted that there are young trees in the vicinity of the position of this former tree concerning the registered them (T.38) and helly (T.37) consent was granted in May 1958 for the removal of these two trees and their replacement and their in any case the subsequent development of new houses on this part of the property in accordance with planning permission granted could be construed as an implied consent for the removal of those two trees.

I om forwarding a copy of this latter to the Town Clerk for his information.

Yours faithfully,

Plenning Officer.

## LONDON COUNTY COUNCIL

LEGAL AND PARLIAMENTARY. J. G. BARR, B.A., 11.8 Solicitor and Parliamentar DEPARTMENT BOROUGH OF HAMPER THE COUNTY HALL RECEIVED Replies to be sent to the WESTMINSTER BRIDGE 2.3 NOV 1956 Solicitor, quoting LONDON, S.E.1 LP/ 0.1/M AGR. (DV-LEDGING No. In 21 how Y6. Registör Dear Sir; MILE. Town and Country Planning Act, 1947 The County of London (Hampstead No. Tree Preservation Order, 1956

I have to inform you that the above-mentioned Order was confirmed with modifications by the Minister of Housing and Local Government on 24th October, 1956, on which date the Order became operative.

I enclose a certified copy of the Order as confirmed with map, and I should be glad if you would have this document deposited in your office for inspection by the public in accordance with the attached copy Notice.

Yours faithfully,

Solicitor to the Council.

Metropolitan Borough of Hampstead,
Town Hall,
Haverstock Hill,
N.W.3.

The Town Clerk,



# LONDON COUNTY COUNCIL

Ext. 6697 27 0

\\MEMORANDUM from the Solicitor to the Council

To THE CLERK OF THE COUNCIL (LOCAL LAND CHARGES)

The County of London

( Hampstead No.9)
Tree Preservation Order, 1956

The above-mentioned Order was provisionally confirmed, subject to modifications, by the hinister of Housing and Local Government on 1956, on which date the Order became operative.

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

J.g. Bann

### LONDON BOROUGH OF CAMPEN

Alterations to description of situation in Schedules attached to Tree Preservation Orders

		•			
	Present address	Former address	Tree Order No.	:	Tree No.
	46-48, Parkhill Road	50, Parkhill Road	Camden No. 3		T2, T3, T
	10A, Southgrove	10, SouthGrove	Camden No. 7		т4
	17A, Belsize Lane	4, Grand Road	Hampstead No. 23		T51-T55
	142-144, Haverstock Hill	140, Haverstock Hill*	Hampstead No. 35		T59
	122, King Henry's Road	148, King Henry's Road	Hampstead No. 33		т62
	14, Village Close	25, Belsize Avenue	Hampstead No. 23		Т7 <sup>I</sup> I
	47, Ornand Road	47, Belsize Avenue	Hampstead No. 23		T81
	49, Ornen Road	49, Belsize Avenue	Hammstead No. 23		т82
	5, Lower Merton Rise	116, King Henry's Road	Hampstead No. 33		G2(part)
	14A. Redington Road	12, Redington Road *	Hamostead No. 5		T71
	27, Rudall Crescent	2, Gayton Crescent	Hampstead No. 13		T89
	The Cottage, Perrins Walk	16, Church Row	Hampstead No. 8		T26, T27
	22, Windmill Hill	land between 4 and 6. Frognal Rise	Hampstead No. 9		T49, T56,
	King's College Court ) 55, Primrose Hill Road)	92, Adelaide Road	Hampstead No. 32		T7, T8, 1
	35, Camden Mews	186, Camden Road*	St. Panoras No. 9		T17
	17, Templewood Avenue	68, Redington Road*	Hampstead No. 16		<b>T</b> 63
	47, Fellows Road	41, Fellows Road	Hampstead No. 32		T5
	18A, Frognal Gardens	. 18, Frognal Gardens	Hampstead No. 7.		<u> </u>
	2D, Lindfield Gardens	2, Lindfield Gardens	Hampstead No. 6	٠. ٠	<b>T41</b>
	104, King Henry's Road	116, King Henry's Road	Hampstead No. 33		<b>T</b> 56
	33, Downshire Hill	105, South End Road	Caunden No. 34A		75
	42, Murray News	43. St. Augustines Rd.	. St. Pancras No. 9		T109
		_			

<sup>\*</sup> Retain former address for other tree(s)