HOLLIS

To: Ms S Setufe
Senior Architect & Innovative Sites Programme Manager
Be First
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By email only to: selasi.setufe@befirst.london

Our ref: 108611-100/PL/TSS
Date: 13 May 2021

Dear Selasi

Garages Adjacent West Road, Romford, London, RM6 6YA (Site 12)
Party Wall etc. Act 1996 (the "1996 Act") and Neighbourly Matters

We have been instructed by London Borough of Barking & Dagenham to advise on issues that will need to be taken into consideration in respect of the Party Wall etc. Act 1996 and access issues in the event of redevelopment of the garage block adjacent to West Road RM6 6YA (the "Site"). Our preliminary advice is set out in this report.

Introduction

Our assessment of party wall and access matters in relation to the proposed redevelopment is set out below and is based on a site inspection as well as the following information provided to us:

- A site location plan entitled West Road RM6 6YA showing the site (tinted in blue) and the properties and land immediately neighbouring the Site.

We understand that it is proposed to redevelop the Site to provide a new housing, however, no architectural, or engineering designs or details for the proposed development have yet been produced.

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In light of the limited amount of information currently available, the reader is advised to treat this as a preliminary assessment at this stage. It is recommended that the preliminary advice in the report be re-considered once the proposed Site layout and building design has been established, in order to confirm, with greater accuracy, the nature of the notices that would need to be served under the Party Wall etc. Act 1996 and the nature of any access issues that are likely to arise.

In formulating our recommendations, we have inspected the Site, utilised online street mapping, online aerial photography and have briefly checked Land Registry title data relating to the neighbouring properties and land. Title information relating to the neighbouring properties and land is attached at **Appendix 1** to this letter.

The Site



Photo of the front elevation.



Site plan.

The Site is located to the west of West Road with St Chad's park to rear (west) of the Site. From the information we have received, the ownership of the garages includes the private road running in from West Road. Access to the Site is via a private road only which leads to gated entrance into the Site itself. The main part of the site is square on plan.

The Site is approximately 540 sq. m in area and consists of 14 garages arranged in two short opposing terraces. The garages are formed with concrete panels and corrugated sheet roof. The Site has been provided with a bitumen macadam hardstanding.

The garages are built up to the boundary line on the north and south edges of the Site. The west and east edges of the Site have not been built on.

Party wall matters – notice provisions

In simple terms, the 1996 Act will apply if it is proposed to:

1) Construct a wall up to, or astride the legal boundary between land in different ownership (Section 1: *Line of Junction* works); and/or
2) Undertake certain building works to a wall in joint ownership, or in some cases a neighbour's external wall (Section 3: *Party Structure* works); and/or
3) Undertake excavation works within certain dimensional parameters (3 and/or 6 metres) of a neighbour's building or structure (Section 6: *Adjacent Excavation* works).

Each of the three situations described above has been considered in relation to redevelopment of the Site and our observations are set out under the numbered headings below.

1) Line of junction works.

Line of junction works arise when construction of a new wall up to or astride a boundary is proposed, which has not previously been built upon (or has been built on, but only to the extent of a boundary wall). A boundary wall is one which, above ground, is positioned wholly on the land of one owner and does not form part of a building.

The Site is separated from the adjoining properties/land on the east and west boundaries by a concrete panel fence only. Therefore, the boundaries have not been built within the meaning of the 1996 Act.

Service of line of junction notices will, therefore, be required on the following properties if the proposed development involves the construction of an external wall of a building and/or free-standing boundary walls up to or astride the legal boundary:

- 40 West Road, Chadwell Heath, Romford RM6 6YA.
- 42 West Road, Chadwell Heath, Romford RM6 6YA.
- 44 West Road, Chadwell Heath, Romford RM6 6YA.
- 46 West Road, Chadwell Heath, Romford RM6 6YA.
- 48 West Road, Chadwell Heath, Romford RM6 6YA.
- Council retained land to the rear of the garages.



Boundary with 48 West Road.



Boundary with the council retained land to the rear.

2) Party structure works.

Party structure works relate to any adaptions proposed to shared walls, partitions or floors. These works also include limited types of building work proposed to external walls of an adjoining owner's property (for example cutting a chase for a flashing to weather the junction between two properties or cutting away projections).

From our review of the site there is a party structure to the east and west boundary. So service of notice may be required upon the following properties if the proposed development is built in very close proximity to the boundary:

- 42 West Road, Chadwell Heath, Romford RM6 6YA
- 48 West Road, Chadwell Heath, Romford RM6 6YA



48 West Road.



42 West Road.

3) Adjacent excavation works.

Building work which involves excavation within notifiable distances (3 metres or 6 metres - depending on the depth of any proposed excavation) will require notice to be served on owners of adjoining buildings and structures.

From our review of the Site, it is anticipated that adjacent excavation notices are likely to be required in respect of the following properties, if the proposed development falls within the notifiable distances (3 metres or 6 metres):

- 40 West Road, Chadwell Heath, Romford RM6 6YA.
- 42 West Road, Chadwell Heath, Romford RM6 6YA.
- 44 West Road, Chadwell Heath, Romford RM6 6YA.
- 46 West Road, Chadwell Heath, Romford RM6 6YA.

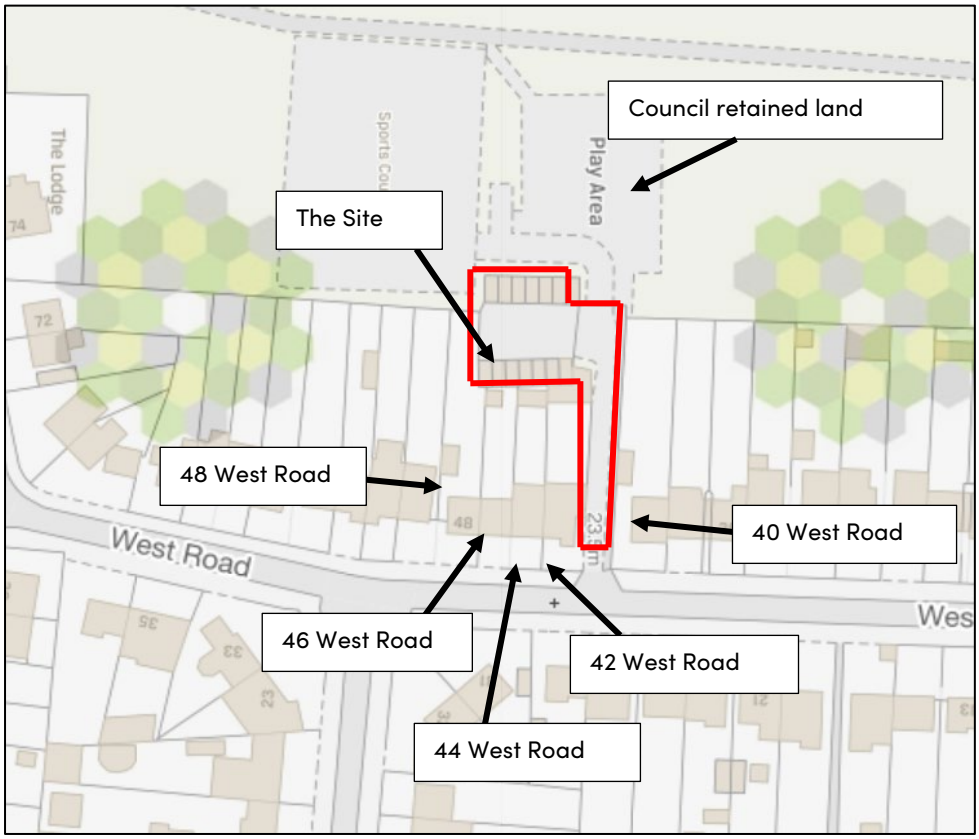
The requirement for service of adjacent excavation notices is subject to confirmation of the depth and position of excavations proposed on the Site and the depth of the foundations of any adjoining buildings or structures within 6 metres of the excavations.

Adjoining owners

The nature of the parties, on whom notices must be served, is prescribed by the 1996 Act. Persons owning the freehold interest in a property and any person with a leasehold interest in the same property must receive notice. Persons with leasehold interests granted for a term of one year, or less, tenants at will and mortgagees are not owners for the purposes of the 1996 Act and do not need to receive notice.

Our site inspection and review of the information available online at Land Registry indicate that the following number of interests will require service of notice:

Properties	Freehold owner	Leasehold owners
40 West Road, Chadwell Heath, Romford RM6 6YA	1	0
42 West Road, Chadwell Heath, Romford RM6 6YA	1	0
44 West Road, Chadwell Heath, Romford RM6 6YA	1	0
46 West Road, Chadwell Heath, Romford RM6 6YA	1	0
48 West Road, Chadwell Heath, Romford RM6 6YA	1	0
St Chads Park, Chadwell Heath - (Council retained land to the rear of the garages)	1	0
Total	**6**	**0**



It should be noted that registration of a leasehold interest at Land Registry is only possible if the term of the interest granted is 7 years or more. Leases granted for a term of years that is shorter than 7 years cannot be registered. Thus, it is possible that further un-registered owners could be identified in due course, or that a number may be discounted following further research if a lease term has expired since this report was issued.

Upon receipt of a notice served pursuant to the 1996 Act, an adjoining owner may consent to the works identified in the notice, at which point, no further input is required by Party Wall Surveyors. Alternatively, the owner may dissent to the works identified. Upon dissenting, the adjoining owner can either agree to the appointment of a single 'agreed surveyor', to act impartially between the parties, or alternatively appoint a separate surveyor to act on their behalf.

Once a dispute has arisen and a surveyor, or surveyors, are appointed, they will produce an Award governing the timing, manner and execution of the notifiable works.

Party Wall matters – delivery programme

The Act sets certain statutory timescales which must be adhered to and have been put in place to safeguard the interests of both the developer and adjoining owners/neighbours.

Adjacent Excavation and Line of Junction notices must be served minimum of one month before works to which they relate commence on Site, whilst Party Structures notices have a two-month notice period. However, we recommend that you allow at least three to four months (from the date the notices are served) to agree the Awards. The speed with which Awards can be agreed is ultimately dependent on the flow of design information from a project team as the timing and manner of executing the work can't be agreed without relevant design information, risk assessments and method statements.

Fee budgets for party wall matters

Developer's party wall surveyor

The developer's surveyor's fees will be dependent on, among other things, the precise nature of the development proposed, the number of notices served, and the number of Awards agreed as a result.

Based on the preliminary information available, it is considered that up to 6 notices will need to be served and 6 Awards with schedules of condition might therefore result. We recommend you budget an average figure of £2,250, plus VAT, per Notice and Award/Schedule of Condition. A total fee budget in respect of services required from a developer's party wall surveyor might be up to £13,500 plus VAT.

Once re-development proposals have evolved into a more definitive scheme, we would be happy to provide more definitive guidance as to the fee budget required. It may also be possible to reduce the number of Notices/Awards required if the proposed development is positioned away from the adjoining buildings and boundaries. We would be happy to provide advice at the design stage to assist with this.

Neighbours' party wall surveyors

It is the convention in party wall matters that the developer pays the reasonable fees of the neighbour's party wall surveyor(s). The surveyor's reasonable fees could also include any advising structural engineers the neighbour's surveyor may wish to appoint. We recommend a fee budget for the involvement of adjoining surveyors similar to that of a developer's party wall surveyor.

Access matters

Access/Oversail licences

In limited circumstances, rights of access to a neighbor's land and/or air space can be obtained under the Party Wall etc Act 1996, but only in respect of the building work identified in the initiating notices.

However, in most circumstances a developer will not have a right to enter neighbouring land, or air space for the purpose of erecting a scaffold or to oversail with a crane. Separate access licence agreements would be required for such access and there are no statutory procedures to be followed in respect of the procurement of such licences.

The adjoining owners do not have to grant you a license, but commercial owners tend to be amenable to this, subject to payment of financial consideration being offered. There is no formula for calculating the financial consideration and it is usually agreed by commercial negotiation. In some cases, neighbors might take a rather mercenary, single-minded approach.

On the basis of the information available at present, it should be possible to demolish the existing garages and clear the Site without needing access to adjoining land for that purpose.

The requirement for an access/oversail license on any development project will be dependent on the position of the building (or buildings) comprising the development relevant to the position of the legal boundary and the methods of construction envisaged.

The need to obtain consent to access adjoining land for the purposes of re-developing the Site can be avoided if the use of cranes that oversail adjoining land can be avoided and the design of any scheme features a gap between the legal boundary of the Site and the nearest major element of construction (external wall) of a new building of about 1,000mm to 1,500mm from the boundary.

Please let me know if you have any questions or queries.

Yours sincerely



Paul Lovelock
Partner

Encs. Appendix 1 - Title information.

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Appendix 1

Title information

Schedule of title information publicly available from Land Registry for land and properties with boundaries immediately neighbouring the garage site at West Road, Romford, London, RM6 6YA.

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Site 12

Garages Site off, West Road, Romford, London, RM6 6YA

Schedule of Title Information

for

Properties with boundaries adjoining the garages site at West Road, Romford, London, RM6 6YA.

Postal address of Adjoining Property	Nature of Adjoining Property	Title Number		Name(s) of Owner
		Freehold	Leasehold(s)	
42 West Road, Chadwell Heath, Romford, (RM6 6YA)	End of terrace house	EGL127465	None registered	Freehold: Albert David Moore and Patricia May Ann Moore
44 West Road, Chadwell Heath, Romford (RM6 6YA)	Terrace house	EGL185834	None registered	Freehold: John Edward Charles Lockley and Margaret Elizabeth Lockley
46 West Road, Chadwell Heath, Romford (RM6 6YA)	Terrace house	EGL194686	None registered	Freehold: Pathikkumar Avinashbhai Patel and Mitalben Pathikkumar Patel
48 West Road, Chadwell Heath, Romford (RM6 6YA)	End of terrace house	EGL144048	None registered	Freehold: Gary Christopher Inch
St Chads Park, Chadwell Heath (Council retained land to the rear of the garages)	Various – See Note 1 below.	EGL375877	2 registered leases interests (which are not within relevant proximity to the site.)	Freehold: The Mayor and Burgesses of the London Borough of Barking and Dagenham

Note 1:

The freehold title EGL375877 includes the garages site at West Road, Romford, London, RM6 6YA and the land that sits west of the garages. There are 2 registered long leasehold interest that falls within this freehold title which are not deemed to be within relevant proximity to the site. It should also be noted that only the official copy of register of title was available to obtain from the land register at the time of preparing this Schedule of Title and that the Title Plan was not available.

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Properties at West Road

Official copy of register of title

Title number EGL127465 | Edition date 27.03.2018

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- Issued on 01 Apr 2021.
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- This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title.

BARKING AND DAGENHAM

1 (15.02.1983) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 42 West Road, Chadwell Heath, Romford, (RM6 6YA).

2 The Transfer dated 31 January 1983 referred to in the Charges Register was made pursuant to Chapter 1 of Part 1 of the Housing Act, 1980 and the land has the benefit of and is subject to such easements as are granted and reserved in the said Deed and the easements and rights specified in paragraph 2 of Schedule 2 of the said Act.

3 The Transfer dated 31 January 1983 referred to above contains a provision as to boundary structures.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (27.03.2018) PROPRIETOR: ALBERT DAVID MOORE and PATRICIA MAY ANN MOORE of 42 West Road, Chadwell Heath, Romford RM6 6YA.

2 (27.03.2018) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 A Transfer of the land in this title dated 31 January 1983 made between (1) The Mayor and Burgesses of the London Borough of Barking and Dagenham and (2) Albert David Moore contains restrictive covenants.

NOTE: Original filed.

End of register

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TITLE NUMBER		
EGL 127465		
ORDNANCE SURVEY PLAN REFERENCE: TQ4788	SECTION: V	Scale: 1/1250
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Official copy of register of title

Title number EGL185834 | Edition date 12.02.2014

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- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title.

BARKING AND DAGENHAM

1 (21.11.1986) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 44 West Road, Chadwell Heath, Romford (RM6 6YA).

2 The Transfer dated 17 November 1986 referred to in the Charges Register was made pursuant to Part V of the Housing Act 1985 and the land has the benefit of and is subject to such easements as are granted and reserved in the said Deed and the easements and rights specified in paragraph 2 of Schedule 6 of the said Act.

3 The Transfer dated 17 November 1986 referred to above contains a provision as to boundary structures.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (21.11.1986) PROPRIETOR: JOHN EDWARD CHARLES LOCKLEY and MARGARET ELIZABETH LOCKLEY of 44 West Road, Chadwell Heath, Essex RM6 6YA.

2 (12.02.2014) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 A Transfer of the land in this title dated 17 November 1986 made between (1) The Mayor and Burgesses of the London Borough of Barking and Dagenham and (2) John Edward Charles Lockley and Margaret Elizabeth Lockley contains restrictive covenants.

C: Charges Register continued

NOTE: Original filed.

End of register

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H.M. LAND REGISTRY

TITLE NUMBER		
EGL 185834		
ORDNANCE SURVEY PLAN REFERENCE	TQ4788	SECTION V
		Scale 1/1250
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Official copy of register of title

Title number EGL194686 | Edition date 03.03.2017

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A: Property Register

This register describes the land and estate comprised in the title.

BARKING AND DAGENHAM

1 (24.04.1987) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 46 West Road, Chadwell Heath, Romford (RM6 6YA).

2 The Transfer dated 13 April 1987 referred to in the Charges Register was made pursuant to Part V of the Housing Act 1985 and the land has the benefit of and is subject to such easements as are granted and reserved in the said Deed and the easements and rights specified in paragraph 2 of Schedule 6 of the said Act.

3 The Transfer dated 13 April 1987 referred to above contains a provision as to boundary structures.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (31.03.2010) PROPRIETOR: PATHIKKUMAR AVINASHBHAI PATEL and MITALBEN PATHIKKUMAR PATEL of 46 West Road, Chadwell Heath, Romford RM6 6YA.

2 (31.03.2010) The price stated to have been paid on 19 March 2010 was £202,000.

3 (31.03.2010) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 A Transfer of the land in this title dated 13 April 1987 made between (1) The Mayor and Burgesses of the London Borough of Barking and Dagenham and (2) Susan Anne Fox contains restrictive covenants.

C: Charges Register continued

NOTE: Copy filed.

2 (03.03.2017) REGISTERED CHARGE dated 26 January 2017.

3 (03.03.2017) Proprietor: NATIONWIDE BUILDING SOCIETY of Nationwide House, Pipers Way, Swindon L SN38 1NW.

4 (03.03.2017) The proprietor of the Charge dated 26 January 2017 referred to above is under an obligation to make further advances. These advances will have priority to the extent afforded by section 49(3) Land Registration Act 2002.

End of register

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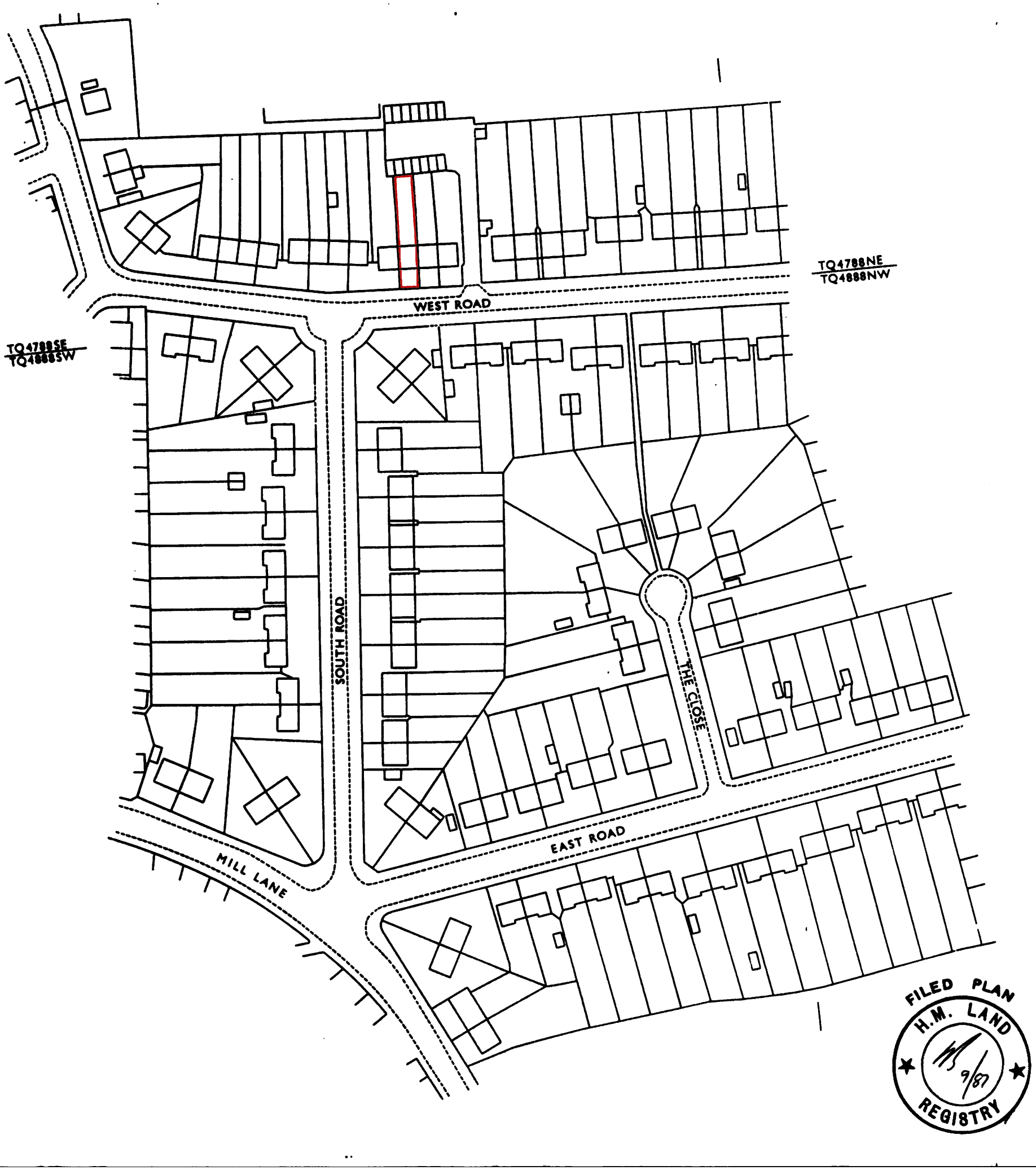
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TITLE NUMBER	
EGL194686	

ORDNANCE SURVEY PLAN REFERENCE	TQ4788	SECTION V	Scale 1/1250
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BOROUGH OF BARKING AND DAGENHAM



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A: Property Register

This register describes the land and estate comprised in the title.

BARKING AND DAGENHAM

1 (18.07.1984) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 48 West Road, Chadwell Heath, Romford (RM6 6YA).

2 The Transfer dated 21 May 1984 referred to in the Charges Register was made pursuant to Chapter 1 of Part 1 of the Housing Act 1980 and the land has the benefit of and is subject to such easements as are granted and reserved in the said Deed and the easements and rights specified in paragraph 2 of Schedule 2 of the said Act.

3 The Transfer dated 21 May 1984 referred to above contains a provision as to boundary structures.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (13.03.2002) PROPRIETOR: GARY CHRISTOPHER INCH of 48 West Road, Chadwell Heath, Romford RM6 6YA.

2 (13.03.2002) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

3 (21.05.2018) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 8 May 2018 in favour of Santander UK PLC referred to in the Charges Register.

C: Charges Register

This register contains any charges and other matters that affect the land.

Title number EGL144048

1 A Transfer of the land in this title dated 21 May 1984 made between (1) The Mayor and Burgesses of the London Borough of Barking and Dagenham and (2) Frederick Charles Fisher and Brenda Maryon Fisher contains restrictive covenants.

NOTE: Original filed.

2 (21.05.2018) REGISTERED CHARGE dated 8 May 2018.

3 (21.05.2018) Proprietor: SANTANDER UK PLC (Co. Regn. No. 2294747) of Deeds Services, 101 Midsummer Boulevard, Milton Keynes MK9 1AA.

End of register

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TITLE NUMBER	
EGL 144048	

ORDNANCE SURVEY PLAN REFERENCE	TQ4788	SECTION V	Scale 1/1250
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St Chads Park, Chadwell Heath

Official copy of register of title

Title number EGL375877 | Edition date 03.11.2016

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- Issued on 22 Apr 2021.
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- This title is dealt with by HM Land Registry, Telford Office.

A: Property Register

This register describes the land and estate comprised in the title.

BARKING AND DAGENHAM

1 (04.08.1998) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being St Chads Park, Chadwell Heath.

2 (03.11.2016) A new title plan based on the latest revision of the Ordnance Survey Map has been prepared.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

1 (04.08.1998) PROPRIETOR: THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF BARKING AND DAGENHAM of Town Hall, Barking, Essex, IG11 7LU.

C: Charges Register

This register contains any charges and other matters that affect the land.

1 (04.08.1998) A Conveyance of the land tinted pink on the title plan dated 24 January 1929 made between 1) The Ecclesiastical Commissioners for England (Commissioners) and 2) The Urban District Council of Dagenham (Purchasers) contains the following covenants:-

The Purchasers to the intent and so as to bind as far as practicable the said hereditaments hereby assured into whosever hands the same may come and so as to enure for the benefit and protection of the adjoining and neighbouring property of the Commissioners do hereby covenant with the Commissioners that they will not without the previous written consent of the Commissioners use the said hereditaments for any pyrpose whatsoever other than for the purpose of Public Works and Pleasure Ground in accordance with the Dagenham Urban District Council Act 1928.

2 (04.08.1998) The land is subject to the following rights granted by a

C: Charges Register continued

Conveyance dated 22 April 1948 made between (1) The Mayor Alderman and Burgesses of the Borough of Dagenham and (2) The Gas and Light Coke Company:-

"the Council as Beneficial Owners hereby grants unto the Company and their assigns in fee simple the easements privileges rights and liberties specified in the First Schedule hereto

THE FIRST SCHEDULE above referred to

The easement privilege right and liberty of laying and maintaining mains and pipes for carrying gas of a size hereinafter mentioned in and under the land coloured green on the said plan in the position indicated by means of a red line between the points A and B on the said plan and of inspecting maintaining repairing and renewing such mains and pipes and of obtaining access to the same for any of the purposes aforesaid over and along a track five feet wide above the site of such mains and pipes so indicated by the said red line"

NOTE: The red line referred to is shown by a blue broken line on the title plan. Points A and B were not shown on the Conveyance plan.

3 (04.08.1998) The parts of the land affected thereby are subject to the following rights granted by the Lease of an electricity substation dated 13 January 1965 referred to in the schedule of leases hereto

Together with full right and liberty for the Lessees to lay and maintain inspect renew use alter and remove electric cables and lines and conduits or pipes for carrying the same under or through the land coloured green and brown hatched black on the annexed plan provided always that the land shall be fully restored to its former condition after the completion of such works except that as respects the land coloured brown hatched black on the attached plan the land shall be said to be fully restored to its former condition if the said land has been grassed to the satisfaction of the Borough Engineer and Surveyor for the time being of the Corporation TOGETHER ALSO with full right and liberty for the Lessees in common with the Council its officers servants and all persons authorised by them to pass and repass at all times and for all purposes connected with the use of the demised land as an electricity sub-station with or without vehicles over and along the land coloured brown on the said plan and with or without materials only over and along the land coloured brown hatched black on the said plan.

NOTE: The land coloured brown hatched black referred to is tinted blue on the title plan. The land coloured brown and green is tinted brown and tinted mauve respectively on the title plan.

4 The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto.
The leases grant and reserve easements as therein mentioned.

Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	04.08.1998 Edged and numbered 1 in blue	Electricity substation	13.01.1965 60 years from 25.03.1965	EGL505916
	NOTE: See entry in the Charges Register relaing to the rights granted by this lease.			
2	03.11.2016 Edged and numbered 2 and 3 in blue	land lying to the south west of West Road	30.09.2016 20 years from and including 30.09.2016 to and including 29.09.2036	TGL459610

End of register