

Dated 21 December 2021

REPORT ON TITLE

IN RELATION TO

Garages at Kennedy Avenue, Ponders End, Enfield EN3 4PB

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1. Interpretation

The following terms are used in this report:

Benefits: any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest that benefits the Property.

Council: The Mayor and Burgesses of the London Borough of Enfield.

Incumbrances: any right, easement, restriction, stipulation, restrictive covenant, mining or mineral right, franchise or other interest to which the Property is subject.

Property: The property described in paragraph 4 of this report.

2. Scope of the review and limitation of liability

- 2.1 This report has been prepared for the sole benefit of you Inderjeet Nijhar, the Council's Development Manager in Housing and Regeneration, in connection with the Council's Small Build programme and GLA funding agreement and for no other purpose.
- 2.2 The contents of this report are private and confidential. It must not be relied on by or made available to any other party without our written consent.
- 2.3 The report is based on our review of the title documents and our search results attached. As an industry standard most buyers/developers rely on a search obtained within three months of exchange of contracts. A prospective buyer/developer will therefore need to obtain new searches and relevant up to date official copy register entries at the time of their due diligence investigations.
- 2.4 We have not inspected the Property and are unable to advise on the physical condition of the Property. We would advise you to arrange for a survey of the Property to be carried out, if this has not already been arranged. A survey should identify any physical defects in the Property and may warn of potential defects.
- 2.5 We have made no enquiries as to whether there are any actual occupiers of the Property.
- 2.6 We express no opinion on the commerciality of the transaction. We are unable to advise on the value of the Property. We recommend that you have the Property professionally

valued. You should ensure that the valuer is aware of the matters mentioned in this report, as they may affect the value.

- 2.7 We have examined the lease of 108 Kennedy Avenue dated 2 December 1985 registered under title number EGL169557 and numbered 1 in blue on the freehold title plan. The Estate is defined in this lease as the area edged green on Plan B. Rights of way are granted in the lease over the Estate. As you can see from Plan B no part of the Estate falls within the boundaries of the Property. We have not examined the leases mentioned in the schedule of notices of leases numbered 3,4,5,6,7,8 and 9 in blue on the freehold title plan.
- 2.8 We have examined the Transfer dated 26 November 1979 of 51 Kennedy Avenue registered under freehold title number NGL363842 but have not examined the transfers of the other freehold title numbers edged in green on the title plan.

3. Executive summary

This is a summary of the major issues that we think should be brought to your attention:

- 3.1 The garage known as 78 Kennedy Avenue has been excluded from the Property. It is leased to Mukesh Hariprasad Pandya and Tarlaben Hariprasad Pandya of 78 Kennedy Avenue, Enfield, Middlesex for a term of 125 years from 1st April 1987 until 31 March 2112. There are 91 years unexpired of the term remaining. The Property is subject to the rights granted and reserved by this lease.
- 3.2 We understand that the Property has been inspected and the other garages at the Property are not subject to any licences and are vacant. The index map search confirms that the Property falls within part of freehold title number MX471557. However, the Property may be subject to unregistered interests.
- 3.3 The Transfer of 51 Kennedy Avenue states that all walls between the premises and the adjoining premises known as 49 and 53 Kennedy Avenue are party walls and shall be repaired and maintained as such. This means that some of the garages may share a party wall with adjoining properties which needs to be investigated.
- 3.4 A right to build on the Council's adjoining land has not been reserved in the transfer of 51 Kennedy Avenue dated 26 November 1979 of title number NGL363842 edged in green on the freehold title plan (which is adjacent to the Property) irrespective of whether or not the transferee's rights of light and air are affected. A right to light survey is therefore recommended to ensure that the proposed development does not adversely affect the rights of light and air of the occupiers and owners of the surrounding buildings.
- 3.5 A right is granted in the transfer deed dated 26 November 1979 to the transferees of the property at 51 Kennedy Avenue to pass and repass on foot only over the accessway

leading to the rear of the property which is shown coloured brown on the transfer deed plan, in common with the Council and the occupiers of adjoining properties subject to the transferees paying a proper proportion of the cost of maintaining and repairing the same. This accessway abuts some of the garages. This right of way must not be interrupted during any proposed development of the Property. The plan of the Property must be checked carefully to ensure that the boundaries do not encompass any part of this accessway.

- 3.6 All rights granted and reserved as set out in clause 5.
- 3.7 The lessee of the garage at of 78 Kennedy Avenue has been granted a right of way by foot and by vehicle at all times over the Estate and to use any landscaped areas forming the Estate which is shown edged in green on Plan B attached to the lease. The Property falls within the Estate. The Council has reserved a right in paragraph 7 of the Third Schedule to divert, substitute, stop up, close or otherwise alter any of the estate roads, driveways, vehicular accessways or footways or landscaped areas over which the lessee has been granted rights of way. This means that if a proposed development alters the current footprint of the garages then this will encroach on the lessee's rights of way over the Property. In order to resolve this the Council could exercise its reserved right under Third Schedule paragraph 7 of the lease and serve notice on the lessee varying the definition of the Estate by way of a revised Estate Plan to accommodate the proposed development.
- 3.8 The lessee of the garage at 78 Kennedy Avenue has been granted rights of support and shelter and rights to connect into conduits in respect of the garage which will have to be taken into consideration in relation to the proposed development.

4. The Property

- 4.1 The Property comprises of part of the freehold title number MX471557 of land lying on the east side of High Street, Ponders End.
- 4.2 A plan showing the Property edged in red is attached as appendix 1. Please check the plan carefully to ensure that it accurately reflects the extent of the land. The plan may not show the exact location of the boundaries of the Property. The Property should be inspected to ensure there are no discrepancies between the plan and the site inspection.
- 4.3 The registered owner of the freehold title number MX471557 is The Mayor and Burgesses of The London Borough of Enfield. The class of title is absolute freehold title. Absolute title is the best class of title available.
- 4.4 The land edged and numbered in green on the title plan have been removed from this title and registered under the title numbers shown edged and numbered in green on the title plan. The title numbers edged in green on the title plan which are immediately

adjoining the Property are EGL224286, EGL292703, NGL363842 and NGL387800. The transfers of the parts edged and numbered in green on the title plan were made pursuant to Part V of the Housing Act 1985 with the benefit of and subject to the easements and other rights prescribed by paragraph 2 of Schedule 6 of that Act or pursuant to Chapter 1 of Part 1 of the Housing Act 1980 with the benefit and subject to the easements and other rights prescribed by paragraph 2 of Schedule 2 of that Act.

5. Matters burdening/rights granted to the Property

The Property is subject to the following Incumbrances:

- The Property is subject to rights of drainage, rights in respect of water, gas, electricity, television and telephone supply services and other rights;
- The access ways included in the title number MX471557 are subject to rights of way on foot only;
- The parts of the land which adjoin the parts edged and numbered in green on the title plan are subject to rights of support for the buildings erected on the parts so edged and numbered in green.

5.1 The Transfer of Part in relation to title number NG363842 (shown edged and numbered in green on the title plan) between the Mayor and Burgesses of the London Borough of Enfield (Transferor) and Barry Southerden Jones and Maureen Jones of the property 51 Kennedy Avenue Enfield (which is near to the Property) reserves the following rights:

- the right of passage and running of water and soil, gas, and electricity television and telephone by and through the channels, drains, pipes and sewers, wires and cables in or under the premises;
- the right for the Council and its agents or contractors at all reasonable times to enter upon the property with or without workmen for the purpose of inspecting, repairing, cleansing, renewing, altering or enlarging such channels, drains, pipes and sewers, wires and cables including manholes, or of carrying out repairs or works to the rear accessway or to the adjoining property (if any) of the Council. The Council making good any damage caused as a result of exercising this right without paying any compensation for any temporary disturbance.

5.2 The rights granted to the Transferee are as follows:

- In so far as the Council can grant the same the right of passage and running of water and soil, gas, electricity, television and telephone (in common with the Council and all other persons entitled thereto) by and through the

channels, drains, pipes and sewers, wires and cables in or under the neighbouring land of the Council, the Transferee paying the proper proportion of the cost of maintaining and repairing, cleansing and renewing the same;

- Any other rights, licences, easements, quasi easements (so far as the Council can grant the same) as are at present appurtenant to or enjoyed with the premises;
- The right in common with the Council and the occupiers of adjoining properties and all other persons entitled thereto to pass and repass (on foot only) over the accessway leading to the rear of the premises coloured brown on the transfer plan subject to the Transferees paying the proper proportion of the cost of maintaining and repairing the same.

5.3 The leases specified in the schedule of notices of leases in title number MX471557 grants rights amongst others, including rights of way, drainage, passage and running of water, gas or other piped fuel, heat, ventilation, smoke or fumes, support, shelter protection rights in respect of television and radio aerials, landscaped gardens, paladin bins and communal drying areas. We have examined the lease of 108 Kennedy Avenue in order to determine whether the definition of Estate includes the Property (please refer to clause 2.7) and the lease of 78 Kennedy Avenue. We have not examined the other leases specified in the schedule of notices of leases.

5.4 The lease of Flat 78 Kennedy Avenue includes a garage which is excluded from the red lined plan of the Property but includes rights granted and reserved which affect the Property. The rights granted to the lessee which affect the Property are as follows:

- The Estate is defined as the land edged in green on Plan B and includes the Property. The lessee has been granted a right of way on foot only at all times and for all purposes connected with the usual or normal enjoyment of the Flat (in common with the Council and all persons authorised by them) over the estate roads, accessways and footways from time to time forming part of the Estate now existing or hereafter to be constructed over the Estate but without prejudice to the rights reserved to the Council;
- A right of way (in common with the Council and all persons authorised by them) at all times for all purposes with or without vehicles over and along the estate roads, vehicular accessways and driveways now existing or hereafter to be constructed over the Estate but without prejudice to the rights reserved by the Council;
- The right to enjoy the amenity of any landscaped areas on the Estate but without prejudice to the rights reserved by the Council;

- The definition of Flat includes the garage. The right to subjacent and lateral support and shelter and protection from the elements for the Flat from the other parts of the block and from the foundations and roof thereof;
- To the extent that the same are available the free running of water, soil, gas or other piped fuel, heat, ventilation, smoke or fumes over through and along all drains, sewers, watercourses or pipes or other installations for such free running, drainage, disposal or supply together with the right to the use or maintenance of cables or other installation for the telephone or for the receipt directly or by landline of visual or other wireless transmissions in, on or under the adjoining or neighbouring land or premises whether or not the same shall be owned by the Council to and from the Flat but subject to the rights reserved by the Council.

6. Index Map Search

The result of our index map search dated 26 August 2021 confirms that the Property is registered under the title number stated in clause 4.1 of this report.

7. Local land charges search

A search of the local land charges register shows matters such as compulsory purchase orders, tree preservation orders, planning enforcement notices and financial charges registered against a property. You should note that the search result provides a snapshot of the register on the date of the search. Local land charges registered after the date of the search will still bind a property.

The local land charges search was provided by Enfield Council on 7 October 2020. The result of the search revealed that the following local land charges are registered against the Property:

- There is a restriction on the local land charges register registered on 16 February 2018 concerning permitted development borough wide relating to houses in multiple occupation;
- The Property is located within a smoke control area which was declared as such from 9 May 1967 pursuant to a smoke control order under the Clean Air Act 1956.

8. Local authority search

A local authority search reveals important information about a property, such as planning permissions and building regulation consents, proposals for road schemes, environmental and pollution notices. A local authority search only reveals matters that affect the property being searched against. It will not disclose matters that affect neighbouring properties.

The local authority search was provided by Enfield Council on 11 October 2020. The result of the search revealed the following information:

- Kennedy Avenue is a highway maintainable at public expense;
- Since April 2012 the Mayor of London has been charging CIL in Enfield at the rate of £20 per sqm. Following approval at Full Council on 23rd March, Enfield's CIL was adopted on 1st April 2016;
- There is a pending planning permission Reference:19/00111/OUT for the subdivision of site, demolition of existing building and erection of 5-storey building with basement to provide mixed use retail unit (A4/A3) on the ground floor and 8 self-contained flats on the upper floor together with alterations to existing vehicular access, service road, parking, service yard and landscaping (Site A) (OUTLINE some matters reserved- Access and Landscaping).
No decision had been made up to the date of the search result. We understand that this outline planning application was in respect of Public House 1 High Street EN3 4EJ and has been refused;
- There are proposals for a railway, tramway, light railway or monorail within the local authority's boundary;
- The Property is not situated in a conservation area;
- There is a public right of way which abuts on or crosses the front boundary of the Property;
- The Property is not subject to a tree preservation order;
- The Property is not in a radon gas affected area.

9. Drainage and water enquiries

The replies to drainage and water enquiries show whether a property is connected to the mains water supply and mains drainage. The replies may also show the location of public sewers within the boundary of a property and other such matters that may restrict development.

Replies to the drainage and water enquiries were provided by Thames Water Property Searches on 26 September 2020. The replies did not show any entries that adversely affect the Property however as this is a plot of land limited information was available.

10. Environmental search

The environmental search provided by Landmark Information dated 6 October 2021 revealed:

- The level of risk associated with the information assessed in the report is:
- (1) unlikely to have an adverse effect on the value of the property; and
- (2) is not such that the property would be designated “contaminated land” within the meaning of Part 2A of the Environmental Protection Act 1990.
- An elevated flood risk at the Property has not been identified.
- A screening of Energy and Infrastructure projects has identified a project/s at or close to the Property. Landmark information have recommended the purchase of a SiteSolutions Energy and Infrastructure report to better understand the potential impact on the Property;
- The Property is not considered to be within a radon affected area;
- No environmental constraints have been identified within 250 metres of the Property.

11. Chancel Repair search

A chancel repair search shows whether the owner of a property may be liable to contribute towards the cost of repairs to the chancel of a parish church.

The chancel repair search was provided by ChancelCheck on 28 September 2020. The result of the search confirms that the Property is within the historical boundary of a parish which continues to have a potential chancel repair liability. The Council has put in place chancel repair indemnity insurance to cover this risk.

12. Conclusion

Based on our investigation of the title and subject to the matters referred to in this report, we are of the opinion that the Council has a good and marketable title to the Property.

London Borough of Enfield Legal Services

Dated 21 December 2021