

**Dated 3 May 2021**

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**Report on Title prepared for  
The Mayor and Burgesses of The London Borough of Harrow**

relating to

Land at Antoneys Avenue Pinner Harrow HA5 3LP

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Harrow Council  
PO Box 2  
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Ref: ACB/HRWC-PSPSb-058715b

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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.

**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, The Mayor and Burgesses of The London Borough of Harrow ("the Council"), in considering the proposed disposal of the Property, 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, search results, and any planning documents a
- 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.

## 3. Executive Summary

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

- 3.1 Services (drainage, water, electricity and gas) may run underneath the Property and could affect a development. A site survey and examination of the Property as well as enquiries with utility providers should be carried out to investigate the full extent of services that are applicable.
- 3.2 The restriction (paragraph 6.1) could prevent the registration of a transfer of the Property if it was disposed of for development. Further queries to be made with the Land Registry.
- 3.3 Further investigation into the 1915 restrictive covenants referred to in paragraph 6.2 below could be made to ascertain whether the covenants are still enforceable and if so, may be covered by indemnity insurance.
- 3.4 The Property adjoins woodland. Any tree preservation orders should be considered especially if any scheme or development that requires the removal of trees will need to be carried out in consultation with Harrow Council.
- 3.5 It is possible that the Property is used by members of the public or by neighbouring property owners to access the adjoining woodland. Further investigation regarding any informal use of and parking within the Property should be carried out to ascertain whether any rights have been acquired.
- 3.6 46A Antoneys Close and 21 Haywood Close, both of which are in close proximity to the Property. An investigation of any services, rights of access and easements that have been granted in respect of these properties and any implied rights acquired as well as a physical inspection of the properties would be sensible.

#### **4. The Property**

- 4.1 The Property is land at Antoneys Close, Pinner HA5 3LP.
- 4.2 The title to the Property is freehold, which means that you own the Property outright, in perpetuity.

- 4.3 A plan showing the location of the Property edged in red is attached as Appendix A. 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. You should inspect the Property and let us know if there are any discrepancies between the plan and the site inspection.
- 4.4 The Property is registered at the Land Registry as part of a larger parcel of land – this being land lying to the East of Uxbridge Road, Pinner, Harrow, under title number NGL209992. The class of title is absolute freehold title. Absolute title is the best class of title available.
- 4.5 The registered owner of the freehold land within title number NGL209992 (which includes the Property) is the Council.

## **5. Matters benefiting the Property**

The Property enjoys the following Benefits:

- 5.1 46A Antoneys Close abuts one side of the Property. This house is a former council owned property, which has been purchased under the Council's right to buy scheme. The transfer document dated 8 October 1984 between the Council and ATA Sadler and JL Sadler ("the 46A Antoneys Close Transfer"), which transfers the property, reserved various easements:
- (a) the right to use, maintain and renew all sewers drains and cables and other apparatus or things in on or under the property which belong to the Council or successors in title;
  - (b) the right to enter the property for the purpose of exercising the rights reserved or maintaining the Property making good any damage;
  - (c) The right to carry out works on the Property, considered necessary by the Council, to maintain the stability of the land at the rear of 44-46A Antoneys Close, including constructing a retaining wall on the Property and terracing of the rear gardens.
- 5.2 21 Haywood Close also abuts one side of the Property. The transfer document dated 21 July 1960 between the William Old Limited and WE Mallison ("the 21 Haywood Close Transfer") which transfers the property, reserved various rights:
- (a) a right of light or air now or which might acquired over 21 Haywood Close;
  - (b) a right of way over and along the part of 21 Haywood Close forming part of the road and footpaths;

- (c) a right, together with other owners of Chelsea House Estate, to use all drains, sewers, watercourses, pipes, cables and wires on, over or under 21 Haywood Close.

## **6. Matters burdening the Property**

The Property is subject to the following Incumbrances:

- 6.1 There is a restriction registered on the freehold title, which provides that “except under an order of the registrar no disposition by the proprietor of the land is to be registered unless made in accordance with the Housing Act 1957 or some other Act or authority.”
- 6.2 A conveyance dated 28 December 1915 includes the following restrictive covenants:
  - (a) No building to be erected for or used for manufacturing or laundry and the Property shall not be used any purpose that is noisy and offensive to owners and occupiers of neighbouring properties;
  - (b) No temporary messuage or building nor any caravan or house on wheels shall be placed on the Property other than sheds or workshops or conservatories summer houses or other buildings of like nature;
  - (c) No messuage building or erection on the Property shall be used for any other purpose than a private dwelling house and no trade manufacture or business whatsoever shall at any time be carried out on the Property;
  - (d) No messuage or building of a permanent character shall be erected on the Property other than that proposed by the sketch plan already produced and approved. Not more than one house with the usual offices to be built on the Property [there are a number of further provisions placing limitations on the nature of the building to be built].
- 6.3 The land is subject to rights of drainage and rights in respect of water gas and electricity suppliers.
- 6.4 Any accessways on the Property are subject to rights of way.
- 6.5 The 46A Antoneys Close Transfer was made pursuant to Chapter 1 of Part 1 of the Housing Act 1980, and grants to the owners to use the pipes sewers, drains and other services serving the property which pass through or under the land owned by the adjoining land owned by the Council, as well as a right to enter the Council's adjoining property in order to carry out repairs or maintenance to the property or any building, wall, fence or other structure.

It is understood that the Property is used for access and egress from the garden gate of 46A Antoneys Close to Antoneys Close, without permission from the Council.

- 6.6 Pursuant to the 21 Haywood Close Transfer, the owners of this property have a right to use the roads, drains, sewers, watercourses, pipes, cables and wires on, over or under Chelsea House Estate.

21 Haywood Close is also subject to rights granted by a deed dated 12 July 1993 to a water company, which affect the Property. These rights include the right to keep and retain a sewer (as shown by a brown line on the plan to the deed) which lies under the Property, as well as the right of free passage and running of surface water through the sewer and the right to enter the Property to access the sewer for the purposes of repairing and maintaining the sewer.

- 6.7 A physical inspection shows that the Property is used by local residents for ad hoc parking and on an informal basis.

## **7. Search results**

### **7.1 Index Map search dated 5 May 2020**

The result of our index map search confirms that the Property is registered under the title number stated in paragraph 4.4 of this report.

### **7.2 Local Authority search dated 27 May 2020**

The results of the local authority search provided by Harrow Council reveal the following information:

- The Property is located within a smoke control area which was declared as such from 1 September 1968 pursuant to a smoke control order No 15 made under section 11 of the Clean Air Act 1956.
- The Property lies within an area of special advertisement control designated in the Town & Country Planning (Control of Advertisements) Regulations 1992.
- A tree within the boundaries of 57 Antoneys Close, which is in the vicinity of the Property, is protected by a tree preservation order ("TPO") dated 2 May 2008 (reference: 0304522). Any works to this tree, such as cutting down, pruning (including cutting roots) and uprooting will require local

planning consent. A TPO also prohibits wilful damage or wilful destruction to a protection tree.

- The Council's Local Plan, Environment Agency flood data and the Council's Strategic Flood Risk Assessment reveal that the Property currently falls within an area of "medium probability of flood risk". This means it is an area at risk of flooding but at a probability of less than once in 100 years.
- You must consult with the Ministry of Defence, should you wish to use the Property for any of the following:
  - (i) any applications involving a refuse tip, a reservoir, a sewage disposal works, a nature reserve or a bird sanctuary.
  - (ii) any building, structure or works exceeding 91.4m in height above ground level.
  - (iii) any developments that involve flying activities including gliding, micro-light aircraft, and hang-gliding.
- Antoneys Close is a highway maintainable at public expense.
- No part of the Property is registered as common land or as a town or village green.
- There are no traffic, road or railway schemes affecting the Property, nor is the Property within a Conservation Area.
- There are no notices, orders, directions, and proceedings under the Planning Acts affecting the Property, nor are there any outstanding notices or contravention of building regulations.
- The Property is not located in a "radon gas affected area". The London Borough of Harrow is in an area where less than 1% of homes are estimated to be at or above the action level identified by Public Health England.
- The Property has not been nominated as an asset of community value.



### **7.3 Drainage and Water search dated 2 June 2020**

There are sewers within the vicinity of the Property, the location of which are shown on the plan within the Drainage and Water Search report. The Drainage and Water Search report is available for viewing on the GLA Small Sites Portal.

### **7.4 Environmental search dated 19 May 2020**

The environmental data search provided by Landmark Information revealed:

- The level of risk associated with the information assessed in this report:  
(1) is 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. No further action is required.
- An elevated flood risk at the Property has not been identified. A full flood risk report is not considered necessary.
- Landmark Information have not identified any Energy & Infrastructure projects at or near to the Property. No further action is required.
- The Property is not considered to be within a radon affected area. No further action is considered necessary.
- No environmental constraints have been identified within 250m of the Property.

### **7.5 Utilities search dated 26 June 2020**

The utilities search report is available for viewing on the GLA Small Sites Portal.

## **8. Planning and building regulations**

- 8.1 No planning or building control applications relating to the Property are revealed by the Local Authority Search results.
- 8.2 The Property is in an area where a Community Infrastructure Levy (CIL) charging schedule has been adopted.

Whereas, CIL is a charge on new buildings, above a certain size, that local planning authorities may choose to set, and which is designed to help fund local

and sub-regional infrastructure identified in their development plans. CIL will be paid primarily by owners or developers of land that is developed.

- 8.3 However, if a charging schedule is in place when planning permission is granted, a liability to pay CIL may arise when the development commences. CIL is not currently relevant to the Property as no planning permission applications have been submitted and no entries have been revealed by the local authority search, but it may be applicable to future developments.

## **9. Conclusion**

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.

*HB Public Law*

Signed: HB Public Law, as solicitors for The Mayor and Burgesses of The London Borough of Harrow

Dated: 3 May 2021

## **APPENDIX A: Location Plan of the Property**