
REPORT ON TITLE

in relation to

land adjacent to 60 Magdala Road, Isleworth

for

London Borough of Hounslow



30 Finsbury Circus
London
EC2M 7DT
Ref: PXA/LBH2.9

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Enclosures

The list of enclosures is at the end of the Report.

1. INTRODUCTION, CONFIRMATION AND SIGNATURE

- 1.1 This Report has been prepared by Peter Antoni (direct dial: 020 7880 4416).
- 1.2 We have prepared this Report for the London Borough of Hounslow in connection with their review of part of the property known as 26-36 (even) Magdala Road, land and buildings at the back of 26-36 (even) Magdala Road and 14-24 (even) Worple Road, Isleworth. It may only be relied on by that organisation for that purpose.
- 1.3 It is important that You read this Report. If anything is unclear, or if You have any questions, please contact us straight away.
- 1.4 **Based on our investigation of the title and the information provided to us, We are of the opinion that the title to the Property is good and marketable, subject to the matters referred to in this Report.**

.....
Signed by a Partner of Devonshires Solicitors LLP

.....
18/4/19

Dated

2. DEFINITIONS

- 2.1 In this Report We use a number of words to mean very particular things
- (a) **Excluded Areas** is as defined in **paragraph 7.1**.
 - (b) **You** means The Mayor and Burgesses of the London Borough of Hounslow.
 - (c) **We** means Devonshires solicitors.
 - (d) **Property** means part of the property known as 26-36 (even) Magdala Road, land and buildings at the back of 26-36 (even) Magdala Road and 14-24 (even) Worple Road, Isleworth which is highlighted in yellow (for identification purposes only) on the plan at **Appendix 1**.

3. EXECUTIVE SUMMARY

- 3.1 In accordance with Your instructions, We have investigated Your title to the Property, including making appropriate searches and enquiries.
- 3.2 Whilst We strongly advise You to read the entire Report, We would draw Your attention, in particular, to the following:
- (a) a prospective purchaser/ developer may require indemnity insurance (at Your expense) in respect of the statutory rights and easements which may have been granted to the owners of the Excluded Areas and which may therefore, potentially burden the Property (see **paragraphs 7.2-7.5** below);
 - (b) In accordance with **Section 13** below, a prospective purchaser/developer may require chancel repair liability insurance

to be put in place given that the Property is in an area which may attract chancel repair liability; and

- (c) In accordance with **paragraph 14.4** below, we are checking (with the highways authority) the implications of the part of the Property being identified as being an “unadopted private” area.

4. EXTENT OF PROPERTY

4.1 The Property comprises only part of an existing Registered Title and therefore a new plan has been drawn up showing the Property highlighted in yellow. This is attached at **Appendix 1**. You have instructed us that:

- (a) the red edging on this plan is now inaccurate;
- (b) You only require us to report to You on the area We have highlighted in yellow which forms part of Title MX104497.

4.2 Please check:

- (a) That this plan accurately reflects the extent of the Property that You are reviewing; and
- (b) That the land shown on this plan in yellow is sufficient for Your purposes without the need to encroach on any other land.

4.3 You have confirmed to us that there are no discrepancies between the boundaries of the Property shown on the plan and the boundaries ‘on the ground’.

4.4 Note that the plan at Appendix 1 is not Land Registry compliant (i.e. they will not accept it for the purposes of a transfer document). This is because the red line does not fully encompass the Property (i.e. there is a gap). We would also suggest that the boundary along Worple Road is in an odd location given the boundary of the relevant title. There may be good reason for that but would suggest You check and consider it further.

5. TITLE

5.1 Title to the Property is freehold and comprises part of Title MX104497.

5.2 A copy of the Land Registry's official copies dated 18 March 2019 are annexed at **Appendix 2**.

5.3 You are the registered owner of the Property, as We expected.

6. TITLE MATTERS BENEFITING THE PROPERTY

6.1 The Title Register does not refer to any rights benefiting the Property. If You believe the Property should benefit from any rights then please let Us know as this will be relevant to a prospective purchaser/ developer.

7. RIGHTS ADVERSELY AFFECTING THE PROPERTY

7.1 The parcels of land edged and numbered in green on the title plan (at **Appendix 2**) no longer form part of the title. These are titles MX386721, AGL61357 and AGL8799 (“**Excluded Areas**”). The Excluded Areas were transferred pursuant to Part V of the *Housing Act 1985* (“**Housing Act**”), which is the section enabling certain qualifying tenants to exercise their

'right to buy' the reversionary freehold or leasehold interest in their rented property ("**Right to Buy**").

- 7.2 Whenever a conveyance of freehold land is made under a Right to Buy (which is the case in respect of the Excluded Areas), the transfers will be deemed to include the benefit of certain rights and easements as set out in paragraph 2 of that schedule. Accordingly, to the extent that such rights exist, they will burden the Property. The rights in question are:

- (a) The right of support;
- (b) The right to the access of light and air; and
- (c) Rights to use and maintain service media.

- 7.3 These rights apply even though they are not specifically identified. Unfortunately, there is no certain way of ascertaining the precise extent of how the above rights and easements affect the Property or if, in practice, they affect it at all. It would be sensible to arrange an inspection to identify:

- (a) whether there are any indications that service media may cross the Property;
- (b) whether there are any windows (or other openings (e.g. glass/doors) in buildings on the Excluded Areas which would have their right to light infringed if the Property were developed.

- 7.4 A prospective purchaser/developer may require indemnity insurance against the possibility of these rights being enforced by the relevant adjoining tenants. You should avoid approaching anyone to find out any further information about these rights, as insurers will then unlikely be willing to provide cover.

- 7.5 We would make the following additional comment:

- (a) If it is clear that such rights exist in practice and will clearly be infringed by development it is not a forgone conclusion that insurance will be available.
- (b) If insurance is not an option You may wish to consider appropriating the land for planning purposes. This can, in certain circumstances, be done under s203 of the *Housing and Planning Act 2016*. Such appropriation has the effect of overriding certain rights (and converting them into damages claims). This would not be a procedure You should adopt lightly and further work would be required to assess if it's a viable route. In deciding whether to exercise such powers You should not be considering the benefit in connection with the potential sale but, broadly, You would be entitled to take into account the benefit of the potential development.

- 7.6 Title to the Property is subject to rights of drainage and rights in respect of water, gas, electricity and other services. There is however, no way of ascertaining what these rights are and over which parts of the Property they affect. Again, a prospective purchaser/developer may require indemnity insurance against the possibility of these rights being enforced by a third party unless it is clear that no such service media exists. Please

refer to our comments on obtaining an insurance policy in **paragraph 7.3** above.

- 7.7 Title Registers may not include all adverse rights to which the Property is subject. It is possible for third parties to acquire rights against a property in a number of ways that do not require them to be registered at the Land Registry. Such signs might include occupiers, gates, pathways, parking spaces, flues, overhangs, manhole covers, service media or openings. This is not an exhaustive list of possibilities. If there are signs that the Property is being used for any of these purposes or anything else then please let Us know.

8. LEASE TO WHICH THE PROPERTY IS SUBJECT

There are no leases registered against the freehold title to the Property. Notwithstanding this, You should carefully inspect the Property to ensure that the Property is vacant.

9. INDEX MAP SEARCH

We have undertaken a Search of the Index map with the Land Registry. This does not reveal any matters which We believe need to be brought to Your attention but, for completeness, a copy is attached at **Appendix 3**. Please note the search originally captured three titles however, since then, You have instructed Us that You only require Us to review the area highlighted in yellow on the plan in **Appendix 1**.

10. DESIGNATED PROTECTION AREA

- 10.1 Properties in certain areas fall within “designated protection areas” under the Housing (Right to Enfranchise) (Designated Protected Areas) (England) Order 2009 (“DPA”). This could be important to a prospective purchaser / developer, especially if they are receiving grant funding for the Property. Where shared ownership properties are being constructed and grant funding is received from Homes England, there are various restrictions in respect to the terms of the leases and subsequent sales of those units.
- 10.2 The Property falls within the parish of Holy Trinity, Hounslow which is not located in a designated protected area.
- 10.3 If you believe the Property is located within an alternative Parish, please let us know so that we can check this. If You require more information on this topic, then please do not hesitate to contact us.

11. LOCAL AUTHORITY SEARCH AND ENQUIRIES

- 11.1 A search of the Local Land Charges Register and Enquiries of the Local Authority gives information about a Property, such as planning permissions and building regulation consents, proposals for road schemes and environmental and pollution notices.
- 11.2 Note that the search relates only to the Property being searched against and will not reveal developments on, or matters affecting any, adjoining or neighbouring property.
- 11.3 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 would still bind You. As an industry standard 'rule of thumb' most people rely on a search for up to three months before exchange of contracts. It is likely therefore that a prospective purchaser/ developer will commission a new search at the time of their due diligence investigations.

- 11.4 The information in this section is based on the search results provided to us on 4 April 2019. A copy of the search results are attached at **Appendix 4**.
- 11.5 The Property is not subject to any recorded planning permissions.
- 11.6 The Local Authority has advised that it may not be aware of works requiring Building Control sign-off. However, Building Control have confirmed (by email on 10 April 2019, at **Appendix 5**) that they do not hold any records.
- 11.7 No part of the Property is currently registered as common land or as a town or village green. However, it is possible for new greens to be registered. Land that is registered is subject to third party rights which might restrict a prospective purchaser's/ developer's ability to use or develop the land. Please let us know if You are aware of anyone using the Property for any purposes.

12. DRAINAGE AND WATER ENQUIRIES

- 12.1 Attached at **Appendix 6** are the replies to the Drainage and Water enquiries given by the relevant water company. These are dated 19 March 2019. Please note the following:
 - (a) The replies indicate that there is a public sewer near the boundaries of the Property. There are restrictions that may require consent from the relevant utility company prior to construction of buildings or other structures over or near to such sewers or drains. It should not be assumed that such consent will be forthcoming or forthcoming on acceptable terms. A number of utility companies will permit construction in these circumstances only if a "Build Over" or "Build Near Agreement" is entered into. These are extremely onerous and may adversely impact sales and mortgageability. You may want to speak to Your technical consultants as to how this would be dealt with by a prospective purchaser/ developer as part of any development. In practice, from our non-technical experience, the location of the infrastructure on the plan would not suggest that this is likely to be a problem.
 - (b) The replies do not confirm that the Property is connected to the mains water supply. You may wish to check the position with Your technical consultants as a prospective purchaser/ developer is likely to want to ensure that a suitable connection will be possible.
 - (c) It is not clear whether foul and surface water from the Property drain to a public sewer directly. You may wish to check the position with Your technical consultants as a prospective purchaser/

developer is likely to want to ensure that a suitable connection will be possible

13. CHANCEL REPAIR SEARCH

- 13.1 The chancel repair search was provided by ChancelCheck on 18 March 2019, and is attached at **Appendix 7**. The search revealed that the Property is within the historical boundary of a parish which continues to have a potential chancel repair liability.
- 13.2 As from 13 October 2013, chancel repair liability will no longer be capable of taking effect as an “overriding interest” but note that this does not mean that the risk of chancel repair liability itself has been extinguished. Purchasers of land for valuable consideration on or after 13 October 2013 will be bound by chancel liability only if the chancel repair liability is ‘noted’ by the Land Registry before they are registered as owner. A risk still remains, however, that such a note may be made at any time up to registration, even after exchange of contracts.
- 13.3 Therefore, whilst We can confirm that the register entries do not note chancel repair liability, a notice could potentially be entered by an interested party before You sell the Property. A prospective purchaser/ developer is likely to require a legal indemnity insurance policy to be put in place prior to exchange of contracts. Whilst there is no guarantee, absent any unusual circumstances of which we are not aware, it is unlikely that there would be difficulty in obtaining such a policy. Our experience is that purchasers would fund such experience themselves.

14. HIGHWAYS AUTHORITY SEARCH

- 14.1 It is important to establish that the Property directly abuts the adopted highway so that a prospective purchaser/ developer can bring services in to the Property, and so that they can gain access to the Property directly from the adopted highway without passing over any third party land.
- 14.2 Attached at **Appendix 8** is the highways search provided by the Highways Authority on 11 April 2019.
- 14.3 The plan provided by the Highways Authority appears to us to indicate that the Property directly abuts a public footpath (which is coloured yellow on the plan at page 5). That footpath abuts a public highway (which is coloured in pink on the plan at page 5).
- 14.4 In addition to the above, part of the Property is designated as “unadopted private” and we are checking the precise implication of this designation. At the date of this Report, this matter remains outstanding.
- 14.5 In any event, the interpretation of plans is an art rather than a science. You should carefully inspect the Property with these plans and let us know if there is anything ‘on the ground’ that may indicate that the Property does not immediately abut the adopted highway (e.g. a grass verge or a footpath between the Property and the road or where access (pedestrian, vehicular or for services) is along a path rather than directly from the adopted highway). If You are in any doubt, please let us know.

15. ENVIRONMENTAL SEARCH

15.1 A "desktop search" assesses the risk of land being contaminated or susceptible to flooding by collating information from regulatory bodies, floodplain data and reviewing current and historic uses of the land. This search does not include a site visit or testing of soil or groundwater samples.

15.2 We attach at **Appendix 9** a desktop search in relation to the Property, provided on 18 March 2019. We strongly advise that You and Your surveyor or an environmental consultant read the entire report. Please note that solicitors (including ourselves) are not qualified to advise on environmental matters.

15.3 The assessment of the Property provided by the desktop search is set out below. The term "Liabilities" refers to potential liability for remedial works under Part IIA of the Environmental Protection Act 1990 and/or the Water Resources Act 1991. A clear search does not, therefore, necessarily mean that the Property is free from any environmental contamination.

Contamination: No significant contaminant linkage has been identified and any liabilities from contaminated land are unlikely. No further action is required.

Flooding: The property is considered to be at minimal or no risk of flooding.

Radon: The property is not considered to be within a radon affected area. No further action is considered necessary.

Environmental Constraints: environmental constraints have been identified within 250 meters of the Property (details in **paragraph 15.4(a)** below).

15.4 Within the scope of this assessment the following liabilities have been identified:

- (a) There is a world heritage site (being, the Kew Royal Botanic Gardens) within close proximity to the Property. Details are on page 36 of the report. It would be up to the prospective purchaser/ developer to determine how this may impact any proposed development. In practice We doubt this would be a concern to a prospective purchaser.
- (b) The report recommends that any purchaser ask the seller if the Property or surrounding areas have ever flooded previously. You have confirmed in Your response to our enquiries that You are not aware of any flooding at the Property. Accordingly, this is unlikely to be a cause for concern to any prospective purchaser.

16. UTILITY SEARCHES

16.1 The presence of service media (pipes, wires etc.) and associated apparatus may prevent development, make it substantially more costly or slow its progress. If service media exists cross the Property, You should not assume that a prospective purchaser/ developer will be entitled to relocate it or build over it.

- 16.2 We have contacted a number of utility providers to ask them whether they have service media that may affect the Property. These enquiries are not designed to elicit information as to whether the utility providers have sufficient capacity for potential development but are to ascertain whether they have service media that may be impacted by such development.
- 16.3 You should note that the results of these searches are not guaranteed by the utility providers. They do not always reveal all service media and they do not always accurately map service media. That is far from ideal. The only way to be certain as to what service media exists under or near to the Property would be for You to commission a physical services survey. A prospective purchaser/ developer may want to do this.
- 16.4 Below is a list of the searches We have undertaken. They are all attached at **Appendix 10**. Technical consultants would need to advise whether any of the service media revealed would adversely impact likely development.

Type	Date	Our Preliminary Assessment
Cadent Gas Ltd	11.04.2019	The search result includes a plan showing the location of infrastructure which doesn't appear to cross the Property.
Environment Agency (Environmental)	11.04.2019	The Environment Agency has not made a specific search of its records. An environmental permit may be required to carry out work, in, under, over or near to a main river for sea defence.
LinesearchbeforeUdig	11.04.2019	The search indicates that ESP Utilities Group have assets registered within the vicinity of the Property although full details have not been provided.
BT Openreach	11.04.2019	The search result includes a plan showing the location of infrastructure leading into the Property.
Scottish and Southern Electricity	11.04.2019	The search result includes a plan showing the location of infrastructure on the adjacent roadway.
SKY Telecommunications	11.04.2019	The search result includes a plan showing the location of infrastructure on the adjacent

Services		roadway.
Utility Assets	11.04.2019	Utility Assets have not responded to this search. They have advised that they will only respond in the event that they own plant in the vicinity of the Property.
Virgin Media	11.04.2019	The search result includes a plan showing the location of infrastructure on the adjacent roadway.
Vodafone	11.04.2019	The search result includes a plan showing the location of infrastructure on the adjacent roadway.
C.A. Telecom UK (Telecom)	11.04.2019	This company has provided a not affected/ no plant present response.
Energetics (Gas, electric)	11.04.2019	This company has provided a not affected/ no plant present response.
ESP Utilities Group	11.04.2019	This company has provided a not affected/ no plant present response.
GTC (Telecom, Gas, Electric, Water)	11.04.2019	This company has provided a not affected/ no plant present response.
Instalcom	11.04.2019	This company has provided a not affected/ no plant present response.
London Underground	11.04.2019	This company has provided a not affected/ no plant present response.
Network Rail	11.04.2019	This company has provided a not affected/ no plant present response.
Transport for London	11.04.2019	This company has provided a not affected/ no plant present response.
Verizon (Telecom)	11.04.2019	This company has provided a not affected/ no plant present response.

17. REPLIES TO PRE-CONTRACT ENQUIRIES

- 17.1 At **Appendix 11**, We attach a series of questions and the answers to them which We have received from You.

- 17.2 You have indicated in Your replies that You are not sure whether the Property is self-contained and therefore whether, in order to gain access to the Property, one must access a neighbouring Property. If the Property is not self-contained (and therefore, not capable of being accessed independently) then a prospective purchaser will be concerned. Accordingly, We recommend that You satisfy Yourself now that no access rights need to be granted in favour of the Property.

18. BASIS OF AND RELIANCE UPON THIS REPORT

- 18.1 The information contained in this Report is based upon:
- (a) Our examination of the documents of title;
 - (b) The results of the searches which We have carried out in respect of the Property; and
 - (c) Your replies to our enquiries.
- 18.2 We have not inspected the Property or raised enquiries with anyone in occupation of the Property (other than the Seller through its solicitors). We give no opinion in this Report on the capital or rental value of the Property, the financial status of the Seller or the financial status of any Tenant or Occupier. We give no opinion as to the physical or environmental condition of the Property. We would accordingly advise that You make Your own enquiries and satisfy Yourself on these issues.
- 18.3 This Report is addressed to You in connection with Your acquisition of the Property. Neither its contents nor its existence may be disclosed to or relied upon by any third party, without our prior written consent, and its contents may not be used for any other purpose.

APPENDICES

Tab	Document
1.	Plan (with Property highlighted in Yellow)
2.	Title Register & Plan of Title MX104497
3.	Index Map Search
4.	Local Authority Search
5.	Building Control email dated 10 April 2019
6.	Water and Drainage Search
7.	ChancelCheck
8.	Highways Search
9.	'Desktop' Environmental Search
10.	Utility Searches
11.	Your replies to our Enquiries

