
REPORT ON TITLE

In relation to

**22, 24, 26, 28 & 30 Byfield Road,
Isleworth TW7 7AF**

for

London Borough of Hounslow



**30 Finsbury Circus
London
EC2M 7DT
Ref: PXA/LBH2.8**

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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 the property known as 22, 24, 26, 28, 30 Byfield Road, Isleworth TW7 7AF. 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

.....
Dated

2. DEFINITIONS

- 2.1 In this Report We use a number of words to mean very particular things
- (a) **You** means The Mayor and Burgesses of the London Borough of Hounslow.
- (b) **We** means Devonshires solicitors.
- (c) **Property** means 22, 24, 26, 28, 30 Byfield Road, Isleworth TW7 7AF being the whole of the property registered at the Land Registry under Title Numbers MX127168, MX158021 and NGL119475 which is identified in red on the plan you provided 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) In accordance with **paragraphs 7.2 and 7.3** below, a prospective purchaser/ developer may wish to obtain indemnity insurance (at Your cost) in respect of the restrictive covenant affecting the Property;
- (b) In accordance with **Section 14** 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;
- (c) In accordance with **paragraph 15.4** below, We have enquired about the "unadopted private" status of the Property as revealed

in our Highways Search. Upon receipt of a response, We will report to You separately on this point.

4. EXTENT OF PROPERTY

- 4.1 The Property is made up of a number of separate Registered Titles. Plans of each Registered Title are attached to this Report at **Appendices 2, 3 and 4**. Please check that the land shown edged red on these plans (but excluding the land edged green), when taken together, reflect the extent of the Property that You are reviewing. Note that the areas which are edged in green on the plans have been removed from the titles. For ease of reference, We have highlighted the areas of land which remain in Your ownership in yellow on each of the title plans at **Appendices 2, 3 and 4**. Please therefore confirm that the yellow highlighted areas, when taken together, reflect the extent of the Property.
- 4.2 You have confirmed to us in Your replies to our enquiries that there are no discrepancies between the boundaries shown edged red on these plans and the physical boundaries 'on the ground'.
- 4.3 Note, the plan attached 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).

5. TITLE

- 5.1 Title to the Property is freehold and is comprised of the following three titles:
- (a) MX127168;
 - (b) MX158021; and
 - (c) NGL119475.
- 5.2 A copy of the Land Registry's official copies dated 18 March 2019 are annexed at **Appendices 2, 3 and 4** respectively.
- 5.3 You are the registered owner of all three titles comprising the Property, as We expected.

6. TITLE MATTERS BENEFITING THE PROPERTY

The Title Registers do 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 By a conveyance dated 19 June 1869, all three titles comprising the Property are subject to a number of restrictive covenants. The relevant restrictive covenants are set out in the schedule of restrictive covenants in each title comprising the Property and are as follows:
- (a) Each purchaser is forthwith to make and afterwards to maintain the boundary fences on the sides of their lot marked "T" within the boundary.
 - (b) Nothing is to be erected within five feet of any 'Road' except fences and those not more than six feet high.

- (c) No dwelling house or portion of any dwelling house is to be erected of less value than £150 – the value of a house is the amount of its net first cost in materials and labour of construction only estimated at the lowest current prices.
- (d) The trade of an innkeeper victualler or retailer of wine spirits or beer is not to be carried on upon any lot.
- (e) No building shall be erected as a factory and no manufacture or noxious or offensive trade or business shall be carried on upon any lot.
- (f) The conveyance to each purchaser shall contain a mutual covenant by the vendors and purchaser with each other and with the owners of all the other lots now offered to observe the above stipulations with a proviso limiting the personal liability to the period of ownership.

7.2 Assuming that the prospective purchaser would be acquiring the Property for residential development, the bulk of these covenants would not seem problematic. However, the covenant that nothing is to be erected within five feet of any "Road" may be an issue as given the extent/location of the Property We would anticipate that development would be likely to extend to the road.

7.3 Accordingly, a prospective purchaser is likely to require indemnity insurance against that restrictive covenant. In practice, whilst You should not assume that insurance is definitely forthcoming, our experience is that absent any unusual surrounding circumstances, and provided that there is no evidence of the restrictive covenants being enforced now or in the recent past, insurance will likely be available. You should avoid approaching anyone to find out any further information about these restrictive covenants, as insurers will then unlikely be willing to provide cover. This could therefore have an adverse impact on the saleability of the Property. A prospective purchaser is likely to want to put an appropriate policy in place and it is likely that they will want You to be liable for such costs.

7.4 Entry C2 of the Charges Register to title MX127168 provides that the small strip of land hatched in blue on the plan to this title (at **Appendix 2**) is subject to "rights of way". Unless this right of way can be accommodated within any new development, a prospective purchaser is likely to require indemnity insurance against the possibility of these rights of way being exercised by a third party. Please refer to our comments on indemnity insurance in **paragraph 7.2** above.

7.5 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. It is therefore important that You inspect the Property prior to exchange of contracts and let us know if there are any signs of any third parties having rights over the Property. 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. You have indicated in Your replies to our enquiries that

You are not aware of any member of the public using any part of the Property for any purpose. If this changes then it will likely concern a prospective purchaser/ developer.

8. LEASE TO WHICH THE PROPERTY IS SUBJECT

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

9. OTHER MATTERS REFERRED TO IN THE REGISTERED TITLES

- 9.1 Each title comprising the Property contains a restriction which provides that:

"Except under an order of the registrar no disposition of the proprietor of the land is to be registered unless made in accordance with the Housing Act 1957 ("Act") or some other Act or authority."

- 9.2 The restrictions do not specify which section of the Act should be complied with. We suspect that it should refer to either sections 9 or 178 of the Act, which used to require the housing regulators' prior consent to any proposed disposition. These provisions have now been abolished and therefore, no longer require compliance. The Land Registry have confirmed to us in recent correspondence (at **Appendix 5**) that, upon application to register a transfer of the Property (for value), these restrictions will be removed from title.

- 9.3 A prospective purchaser will likely raise enquiries about the above restrictions and We therefore should be able to alleviate their concerns at the relevant time.

10. 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 6**.

11. DESIGNATED PROTECTION AREA

- 11.1 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.
- 11.2 The Property falls within the parish of Holy Trinity, Hounslow which is not located in a designated protected area.
- 11.3 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.

12. LOCAL AUTHORITY SEARCH AND ENQUIRIES

- 12.1 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.

- 12.2 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.
- 12.3 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.
- 12.4 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 7**.
- 12.5 The Property is not subject to any recorded planning permissions.
- 12.6 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 11 April 2019, at **Appendix 8**) that they do not hold any records.
- 12.7 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.

13. DRAINAGE AND WATER ENQUIRIES

- 13.1 Attached at **Appendix 9** 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

14. CHANCEL REPAIR SEARCH

- 14.1 The chancel repair search was provided by ChancelCheck on 18 March 2019, and is attached at **Appendix 10**. The search revealed that the Property is within the historical boundary of a parish which continues to have a potential chancel repair liability.
- 14.2 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.
- 14.3 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 usually fund such insurance themselves.

15. HIGHWAYS AUTHORITY SEARCH

- 15.1 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 they can gain access to the Property directly from the adopted highway without passing over any third party land.
- 15.2 Attached at **Appendix 11** is the highways search provided by the Highways Authority on 11 April 2019.
- 15.3 The plan provided by the Highways Authority appears to indicate to us that the Property directly abuts a public footpath (which is coloured yellow on the plan on page 5). That public footpath abuts a public carriageway (coloured pink on the plan on page 5).
- 15.4 The Property itself has been identified as an “unadopted private” area. This would seem to indicate that the Property is not a highway which can be used by the Public and therefore, not maintainable at public expense. We have however sought clarification from the Highways Authority as to what this means and whether there are any public rights of way over the Property. At the date of this Report, this remains a major outstanding issue.

- 15.5 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.

16. ENVIRONMENTAL SEARCH

- 16.1 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.

- 16.2 We attach at **Appendix 12** 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.

- 16.3 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: No Environmental Constraints have been identified within 250 metres of the Property.

- 16.4 *Within the scope of this assessment no Liabilities have been identified. No further action is required. The report does however recommend 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.*

17. UTILITY SEARCHES

- 17.1 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.

- 17.2 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.
- 17.3 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.
- 17.4 Below is a list of the searches We have undertaken. They are all attached at **Appendix 13**. 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.
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.
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 and on Carrick Close.

C.A. Telecom UK (Telecom)	11.04.2019	This company has provided a not affected/ no plant present response. The company has however advised that if any proposed development falls outside a 50 metre perimeter then new plans must be submitted.
Energetics (Gas, electric)	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. Note however that this response is only valid for 3 months.
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.
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.
SKY	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.
Vodafone	11.04.2019	This company has provided a not affected/ no plant present response.

18. REPLIES TO PRE-CONTRACT ENQUIRIES

- 18.1 At **Appendix 14**, We attach a series of questions and the answers to them which We have received from You.
- 18.2 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.

19. BASIS OF AND RELIANCE UPON THIS REPORT

- 19.1 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.
- 19.2 We have not inspected the Property or raised enquiries with anyone in occupation of the Property. We give no opinion in this Report on the capital or rental value of the Property 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.
- 19.3 This Report is addressed to You in connection with Your review 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
2.	Title Register & Plan MX127168
3.	Title Register & Plan MX158021
4.	Title Register & Plan NGL119475
5.	Email from Land Registry regarding restriction on title
6.	Index Map Search
7.	Local Search
8.	Building Control email dated 11 April 2019
9.	Water and Drainage Search
10.	ChancelCheck
11.	Highways Search
12.	Environmental Search
13.	Utility Searches
14.	Your replies to our Enquiries

