

MERVYN DONALD COUVE

Dated 29 April 2015

STATUTORY DECLARATION

Relating to the Roof Terrace,

Flat 4, 32 Eton Avenue,

London NW3 3HL

I, Mervyn Donald Couve of 6 Willow Walk, London N1 8BH do solemnly and sincerely declare as follows:

I make this declaration with regard to my knowledge of the dwelling being a self-contained first floor flat known as Flat 4 32 Eton Avenue London NW3 3HL of which I am the registered proprietor. Number 32 Eton Avenue ("the Property") is shown outlined in red on the Plan forming Exhibit "MDC1" to this Statutory Declaration.

1. I first viewed the Flat 4 in the first half of 2004 with a view to its purchase and I saw that the rear bedroom gave access to a decked roof terrace ("the Roof Terrace") over an extension at the rear of the Property. The Roof Terrace is shown on the plan forming the Exhibit "MDC2" to this Statutory Declaration.
2. The layout of Flat 4 including the Roof Terrace are as shown on the drawing attached to the Sale Particulars produced by Messrs Kinleigh Folkard and Hayward in early 2004 forming Exhibit "MDC3" to this Statutory Declaration and clearly show that the decked Roof Terrace was in situ in 2004. The only access to it is via the bedroom at the rear of Flat 4, and thus Flat 4 gives the only access to, and has sole use of, the Roof Terrace.
3. My negotiations with the Vendor at that time, i.e. the first half of 2004, were not successful and he took the flat off the market. Later in the same year, in September 2004, I approached the agents who had acted for him and we arrived at a deal. I commissioned a Homebuyer Survey and Valuation Report from Stephen J Woodward Surveyors Ltd, which I received and which is dated 21 September 2004, extracts from which form Exhibit "MDC4" to this Statutory Declaration. Section D3 refers to the timbered Roof Terrace then in place.
4. From my own observations, the Sale Particulars and the Homebuyer Survey I can say with absolute certainty that the decked Roof Terrace was in situ in 2004 and has remained there since without any screening.
5. I cannot say exactly when the Roof Terrace was constructed. I refer to the letter of 17 February 2005 from Messrs Dowse Baxter Solicitors who acted for the then freehold owner of the Property, Eton 32 Management Limited, and which refers to "the decking that has been laid down on the roof terrace". This letter is Exhibit "MDC5" to this Statutory Declaration. It appears from other correspondence from Messrs Dowse Baxter that it was a Mr Joyce, the previous owner to myself of Flat 4, who laid out the roof terrace. Mr Joyce's title to Flat 4 was registered on 15 May 2002, so it appears that he laid the terrace between April 2002 and the early part of 2004.
6. I completed the purchase of Flat 4 on 28 February 2005 and I lived there from then until 19 November 2009.
7. Since 2009 up to and including the present Flat 4 has been regularly let to various tenants and I have had cause to inspect it regularly for the purpose of management and maintenance.

8. I believe there has never been a screen on the Roof Terrace of any description and there was none in place when I first saw the Property in 2004, nor have I erected or caused or permitted to be erected any screen on or around the said Roof Terrace or any part thereof.
9. I have erected railings around the edge of the Roof Terrace and also steps down to it from the bedroom from which it is accessed, but these facilities are purely there for safety reasons and not screening purposes. Stephen J Woodward Surveyors Limited in their survey report (Exhibit "MDC4") state that steps were required and that safety rails should be installed as a matter of urgency, which further demonstrates that there was no screening in place in September 2004, and explains why I put up the railings. I am not sure precisely when I did this work but it was before the end of September 2005. I know this from checking my cheque stubbs, because all the works I had put in train including those to the Roof Terrace had been completed by then.
10. On 24 March 2015 Mr Singh of Camden Council's planning enforcement team sent a letter to me making me aware that Condition 2 of planning permission No. PW9802694 under which the Roof Terrace was constructed required that screening be put in place and maintained in connection with the use of the Roof Terrace. I was not previously aware of this condition and, as I have explained, the Roof Terrace has been in use as part of Flat 4 without compliance with such condition since at least 2004, a period in excess of 10 years.
11. I now exhibit evidence in support of this Statutory Declaration. Exhibit "MDC1" is a plan showing the Property edged red. Exhibit "MDC2" is a drawing showing the Roof Terrace. Exhibit "MDC3" comprises the Sale Particulars showing the Roof Terrace in the plan relating to Flat 4 produced by the agents to me when I was in the process of negotiating its purchase in 2004. Exhibit "MDC4" comprises extracts from my Homebuyer Survey and Valuation dated 21 September 2004. Exhibit "MDC5" is the letter dated 17 February 2005 from Messrs Dowse Baxter.
12. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Declared at *10 Easton Street.*

On *29 April 2015*

Before me *[Signature]*

Signed
empowered to administer oaths

ALEXANDRA LOUISE WRIGHT
10 Easton Street
High Wycombe, Bucks, England
Solicitor empowered to administer Oaths



A commissioner for oaths or solicitor

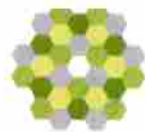
This is the exhibit marked "MDC1" referred to in the Statutory Declaration of Mervyn Donald Couve

Signed before me this *29th* day of *April* 2015

Solicitor/Commissioner for Oaths *A Wright*

ALEXANDRA LOUISE WRIGHT
10 Easton Street
High Wycombe, Bucks, England
Solicitor empowered to administer Oaths

A handwritten signature in black ink, appearing to read "Mervyn Couve", written over a horizontal line.



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This title is dealt with by Land Registry, Croydon Office.

This is the exhibit marked "MDC2" referred to in the Statutory Declaration of Mervyn Donald Couve

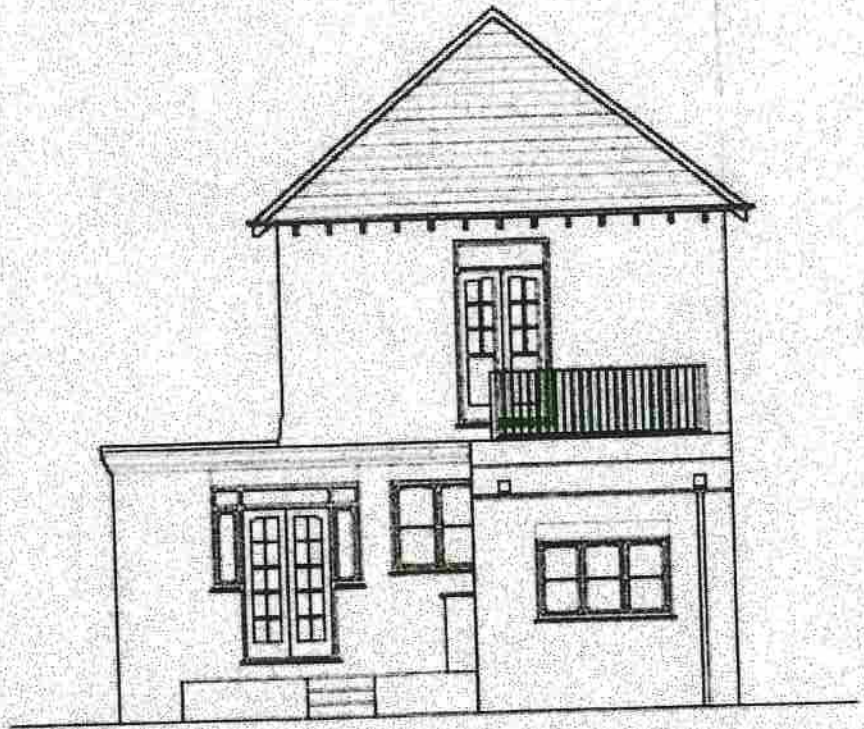
Signed before me this 29th day of April 2015

Solicitor/Commissioner for Oaths

Wright

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High Wycombe, Bucks, England
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A handwritten signature in black ink, appearing to read "Mervyn Couve", written over a long horizontal line.



EXISTING REAR ELEVATION

out!

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This is the exhibit marked "MDC3" referred to in the Statutory Declaration of Mervyn Donald Couve

Signed before me this 29th day of April

Solicitor/Commissioner for Oaths *Wright*

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10 Easton Street
High Wycombe, Bucks, England
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A handwritten signature in cursive script, appearing to read "A Louise", written over a horizontal line.

Kinleigh Folkard & Hayward

kfh.co.uk



Eton Avenue, NW3

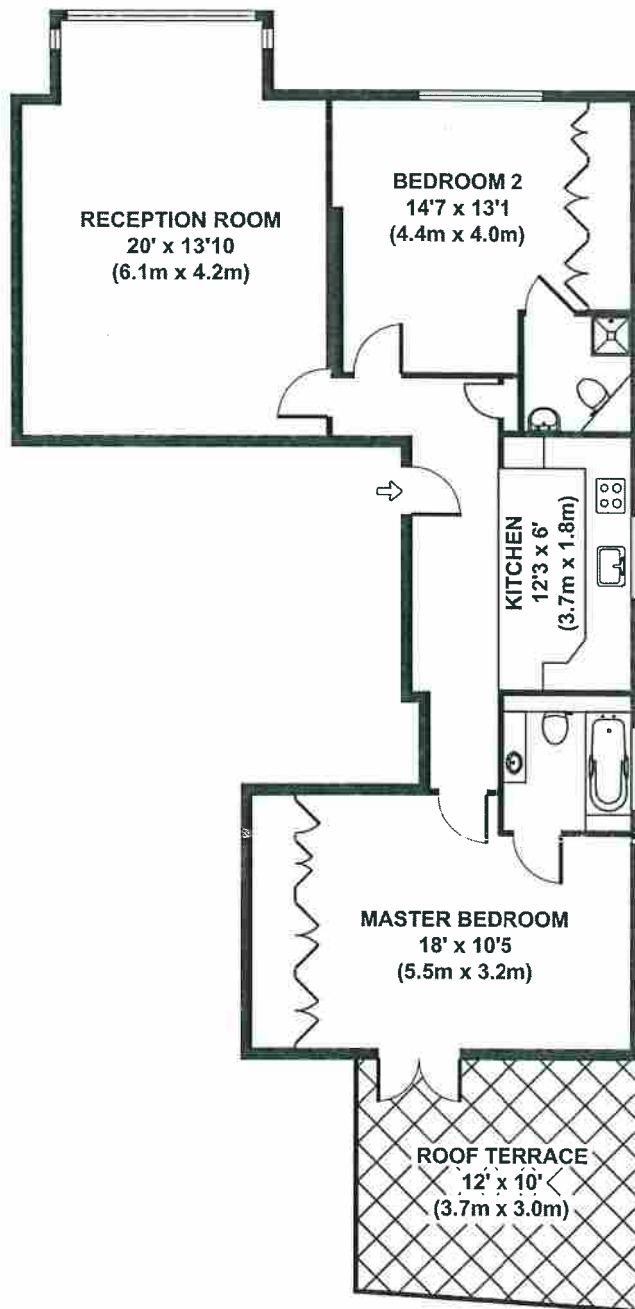
£535,000 Share of Freehold

Arranged on the first floor of this period house is this two double bedroom apartment. Beautifully refurbished by its present owners the property offers bright and airy well proportioned living accommodation. Comprising 20ft reception room, two double bedrooms both with ensuite bathroom/shower room, well equipped kitchen, roof terrace, communal gardens and lock-up garage. Situated close to Swiss Cottage (Jubilee line) and Belsize Park (Northern line) and England's Lane with its cafes and shops.

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Belsize Park 38 England's Lane, London NW3 4UE
Sales Tel 020 7483 4302 Fax 020 7722 4584 Email sbz@kfh.co.uk
Lettings Tel 020 7586 9006 Fax 020 7722 4584 Email lbz@kfh.co.uk

These particulars are believed to be correct but their accuracy is not guaranteed and they do not form part of any contract. Financial services are provided through our association with Kinleigh Financial Services Limited trading as Kinleigh Folkard & Hayward.



**FIRST FLOOR
GROSS INTERNAL
FLOOR AREA 918 SQ FT**

ETON AVENUE NW3 - KFHP00062

APPROX. GROSS INTERNAL FLOOR AREA 918 SQ FT / 85 SQ M

Whilst every attempt has been made to ensure the accuracy of the floorplan contained here, measurements of doors, windows and rooms are approximate and no responsibility is taken for any error omission or mis-statement. These plans are for representation purposes only and should be used as such by any prospective purchaser. The services, systems and appliances listed in this specification have not been tested and no guarantee as to their operating ability or their efficiency can be given



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This is the exhibit marked "MDC4" referred to in the Statutory Declaration of Mervyn Donald Couve

Signed before me this 29th day of April 2015

Solicitor/Commissioner for Oaths



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THE RICS
HOMEBUYER
SURVEY & VALUATION

In respect of:

(The property)

Flat 4, 32 Eton Avenue
Belsize Park
London NW3

On behalf of:

(The Client)

Mr M Couve
Flat 10, Old Sun Wharf
40 Narrow Street
London E14 8DG
21st September 2004

Inspected on:

By:

Of:

James K Bush BSc (Hons) MRICS
Stephen J Woodward Surveyors Ltd
The Old Fire Station, 90 High Street,
Harrow on the Hill, Middlesex,
HA1 3LP
Facsimile (020) 8422 6309

Telephone (020) 8423 4001



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**D2
 DRAINAGE**

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**D3
 THE SITE**

- Garage and outbuildings

- Grounds and boundaries

The property appears to benefit from an automatic door entry system.

The property is fitted with a burglar alarm, which was not tested. We therefore recommend that **maintenance/servicing** records should be acquired. If the system has not received any maintenance within the last 12 months, then servicing should be undertaken. It should be noted that an automatic cut-out device should be in place. The keypad and indeed the main installation are located within the hall cupboard.

D2: DRAINAGE

Rainwater Drainage

Without extensive exposure work we cannot confirm the type or layout of the underground rainwater drainage system. Nevertheless, we found **no signs of flooding or blockages on site.**

Some of the rainwater downpipes discharge directly into the ground without any rodding eyes. Whilst this form of connection is common, proper cleaning will be difficult when blockages occur. It would be prudent therefore, to install rodding eyes to provide access for maintenance purposes. However, to alter this arrangement would be expensive and disruptive and is not essential at this stage.

Foul Drainage

The property is believed to be connected to a shared drainage system which goes into the main sewer. In accordance with our standard Terms of Engagement, we have not lifted any of the drainage covers around the site and can therefore not comment upon the condition of the chambers beneath.

A part cast iron and part plastic soil and vent pipe on the flank wall of the building serves the property and was found to be in satisfactory condition with no signs of leakage.

D3: THE SITE

Garages and Outbuildings: The brick and block built garage was found to be in reasonable condition. The side walls have been rendered and large cracks exist to this rendered finish both to the flank and rear. These do not carry through to affect the internal brickwork and is therefore believed to be due to shrinkage of these rendered finishes. At best these should be properly exposed and filled. The roof over the garage is flat and felt covered. You should therefore expect that it will require periodic re-covering. It has been built with a slight slope to allow for rainwater discharge to the rear, although the climbers that are currently affecting the rear elevation should be cut back, especially around the downpipe to permit easy drainage. See F2.

Grounds and Boundaries: There are no significant hazards within the boundaries of the site. There is a timber terrace accessed from the rear bedroom that requires steps fitted to lead down to it. There are also **no safety rails around the terrace** and these should be installed as a matter of urgency if it is to be used on a regular basis. Ivy growth is beginning to affect this terrace that should be cut back to prevent any premature deterioration to it. This should be carried out at the same



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**PLEASE READ
 THESE NOTES**

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**E1
 TENURE**

**E2
 REGULATIONS etc.**

**E3
 GUARANTEES etc.**

**E4
 OTHER MATTERS.**

check }

time as the ivy is cut back from the rear elevation. This terrace has been built over the roof to an extension of another flat in the block. This extension has settled away from the main rear wall of the building, due it would appear to normal settlement. Though not significantly affecting the terrace, should railings be installed then this may cause some pulling away of the railings from the building if the extension continues to settle. Although not significant enough to warrant localised underpinning, the situation ought to be brought to the attention of the flat owner beneath who may wish to instigate some brick stitching and mastic repairs to arrest the possibility of further movement. See F3.

***ACTION:** You should obtain quotations for undertaking various improvements in respect of the terrace prior to a legal commitment to purchase. Please see Section F1.

E: LEGAL & OTHER MATTERS

Your Legal Advisers are responsible for checking relevant documents relating to the Property (these might include servicing records and any guarantees, reports and specifications on previous repair works) as well as for carrying out all the standard searches and inquiries. However, if any specific matters are identified which the Legal Advisers should investigate on your behalf, these are reported in this section. *You are asked to pay particular attention to the ACTION paragraph at E4 below.*

E1: TENURE

We understand the property is being sold with a share of the Freehold and all rights in this regard should be confirmed.

E2: REGULATIONS ETC.

Your Legal Adviser should check:-
 That the road has been adopted by the Highway Authority.
 If the main sewer has been adopted by the Local Authority.
 Whether the property is in a Conservation Area as special planning controls may apply.

E3: GUARANTEES

Your Legal Adviser should check for the existence and transferability of any guarantees and certificates in connection with the recent refurbishment to include re-wiring, re-plumbing and insulation of the bathrooms and kitchen. Your Legal Adviser should also check for any service agreements for the central heating system.

E4: OTHER MATTERS

Your Legal Adviser should advise you on the following:
 Any current or planned future repairs to the building and your liability as an incoming shared Freeholder for the repair and maintenance of the building as a whole.
 The level of any annual service charge payable.

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Signed before me this 29th day of April 2015

Solicitor/Commissioner for Oaths *Wright*

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SOLICITORS
CHRISTOPHER N. A. BAXTER

WIMBLEDON VILLAGE,
LONDON, SW19 5EG

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FAX: 020 8946 9296
TELEPHONE: 020 8946 9110

Foster Harringtons Solicitors,
DX 32714 Camberley

OUR REF: 05/SD/3007/05/FR
YOUR REF: S/J/Couve
DATE: 17 February 2005

By fax: 01276 692244

Dear Sirs,

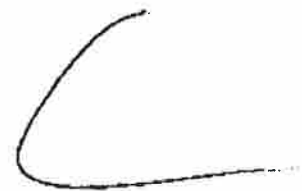
Re: Flat 4 and Garage 4, 32 Eton Avenue London NW3 3HL
Eton 32 Management Limited ("Landlord")

We confirm that we act for Eton 32 Management Limited whose registered office is at 32a Eton Avenue, London NW3 the Landlord for their own purposes only, have no objection to the decking that has been laid down on the roof terrace, provided it was properly installed is left properly maintained and does not cause damage to the roof below.

Yours faithfully,

Dowse Baxter

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