

14th March 2017

WITNESS STATEMENT OF CHRISTOPHER MAUNDER TAYLOR.

1. Christopher Maunday Taylor will say:

1.1 I am a Chartered Surveyor, Fellow of The Royal Institution of Chartered Surveyors.

1.2 I was first elected as a Professional Associate of the Institution in 1971

1.3 I am a Consultant to Maunday Taylor Services Ltd, which practises as Maunday Taylor Chartered Surveyors, having joined that Company as a consultant in 2009.

1.4 My professional career has been as follows.

|      |                                |                                           |
|------|--------------------------------|-------------------------------------------|
| 1966 | Articled Clerk                 | Hammelt Raffety. South Bucks.             |
| 1969 | Partners Assistant             | King & Co. London EC1                     |
| 1973 | Assistant to Managing Director | Interland Estates Ltd. London W1          |
| 1975 | Assistant Surveyor (temporary) | Pepper Angliss & Wood. London W7          |
| 1975 | Surveyor                       | Stock Page & Stock London N.1             |
| 1976 | Partner                        | Stock Page & Stock London N.1             |
| 1986 | Senior Partner                 | Stock Page & Stock London E.C.1           |
| 1990 | Director (non-executive)       | Mountriview Estates Pte London            |
| 1992 | Director (executive)           | Mountriview Estates Pte London            |
| 2006 | Associate Director             | Davis Brown Ltd. London W1                |
| 2009 | Consultant                     | Maunday Taylor London N.20                |
| 2016 | Senior Surveyor (part time)    | London & Westview Holdings plc London WC2 |

1.5 I am a registered member and was a founder member of The Institute of Continuing Professional Development until my retirement at the end of 2016

## 2. Instructions.

- 2.1 On 16<sup>th</sup> August 2016 I was instructed by SAMANTHA VALECIA WRIGHT of 14 The Mount Square London NW3 6SX to advise her concerning a boundary dispute with her neighbour, ANTHONY PAUL MEADEN of 15 The Mount Square London NW3 6SX
- 2.2 I advised Ms. Wright that I had been a Director of Mountview Estates Pte who had been the owners of the freehold interests of both properties until January 1958.
- 2.3 On 24<sup>th</sup> June 2016 Mr. Meaden wrote to Ms Wright informing her that he intended to measure and mark out the boundary lines between the two properties as accurately as possible in accordance with the plans (being the ~~filed~~ title plans attached to the transfers in 1958).
- 2.4. Mr. Meaden stated in his letter of 24<sup>th</sup> June 2016 that he intended to erect a fence, which will include a small gate, wholly on his land up to the general boundary.
- 2.5 Mr. Meaden attached a hand-drawn plan which states that it is drawn to a scale of 1:50 and onto which various metric dimensions are given.
- 2.6 The 1958 transfer plans give imperial dimensions.
- 2.7 The metric dimensions given by Mr. Meaden do not correspond with the imperial dimensions, when

converted, shown on the transfer plans.

2.8. The fence was subsequently erected on the line indicated on Mr. Meaden's hand-drawn plan.

### 3. Investigation

3.1 On 22nd August 2016 I made an inspection of Ms. Wright's property and took measurements.

3.2 My measurements were taken in imperial dimensions which I converted to metric so that I could compare the information on the transfer plans, with Mr. Meaden's hand-drawn plan.

3.3 I found that the imperial and metric dimensions do not correspond, as the consequence of which Mr. Meaden has erected his fence within the outillage of Ms. Wright's property at 14 The Mount Square.

3.4. I reported to Ms. Wright on 23rd August 2016 stating my conclusions and making recommendations.

3.5 On Ms. Wright's instructions, I wrote to Mr. Meaden on 30th August 2016. I pointed out the error, offered to meet on site (notifying Mr. Meaden of unavailable dates due to pre-arranged holidays) and requiring the removal of the fence from Ms. Wright's property.

#### 4. Negotiation.

- 4.1 On the afternoon of 9th September 2016 I received an e-mail from Mr. Terry Northwood FRICS, instructed by Mr. Meaden, who wanted to arrange a site meeting on the following working day (12th September) before 11.00 am or on the day after (13th September) at any time.
- 4.2 I had notified Mr. Meaden on 30th August that I was overseas from 14th September. In the intervening period between my letter and the e-mail from Mr. Northwood, I had committed myself irrevocably to sites appointments on the days offered by Mr. Northwood.
- 4.3 There was an exchange of emails between myself and Mr. Northwood on the 12th and 13th September in the course of which I supplied copies of documents plans and correspondence.
- 4.4 On 21st October the two surveyors met on site to make a joint inspection of both properties.
- 4.5 A draft joint statement was prepared, amended and considered by the two surveyors. A plan was drawn by Mr. Northwood following a measured survey, which was intended to be attached to the draft joint statement.
- 4.6 The survey plan was submitted to me by Mr. Northwood on 15th December 2016, onto which had been superimposed the line of the 1958 boundary.

4.7 It had been noted by the two surveyors that the measurement given for the west boundary of the courtyard garden of No. 14 (the east boundary of the courtyard garden of No. 15) is plainly wrong.

4.8 I issued a note to Mr. Northwood on 7th January 2017 identifying my concerns about the plan which he had submitted for attachment to the draft joint statement.

4.9 Mr. Northwood replied on 9th January 2017 requesting that I should send him a plan indicating where I consider that the correct boundary line should be.

4.10 I sent the plan to Mr. Northwood by email on 16th January 2017 with a further copy of the note referred to.


4.11 I have not subsequently heard from Mr. Northwood.

5. Statement of Truth.

5.1 I believe that the facts stated in this Witness Statement are true.

6. Signature and Date

6.1

  
CHRISTOPHER MUNDER TAYLOR.  
14th March 2017.

## **14 and 15 The Mount Square, Hampstead. NW3 6SX**

It is important that the joint statement is based on an accurate and correct interpretation of the available information.

The Transfer of 15 The Mount Square, dated 15<sup>th</sup> January 1958, has an attached Transfer plan, which identifies the curtilage of No 15 coloured blue, green and brown. It states that the "ground floor of no. 15 extends under the first floor of no. 14". The area referred to is coloured green on the Transfer plan. The Transfer stipulates that the superstructure above the area coloured green including the joists on which the floor rests and all parts of the building on the land coloured green above the joists, are the property of the vendors (i.e. the owners of no. 14) and shall be maintained and repaired by them.

The Transfer also stipulates that all walls dividing the said premises (i.e. no. 15) from the building no. 14 The Mount Square shall be deemed to be party walls.

The curtilage of no. 14 is shown as being the entirety of the built structure at ground floor level together with the courtyard garden including the flight of steps from ground to first floor. The effect is that there are two vital fixed points for the purposes of this conversation, being the south-west and north-west corners of the building. The north-west corner is the junction of the west wall of the building (which faces the courtyard garden) with the north wall of the building (which divides no.14 from the undercroft at no. 15).

The physical boundary of no. 14 is the external faces of these two walls and also of the south wall. The Transfer directs that the walls dividing no. 15 from the building no.14 shall be deemed to be party walls, so that the north wall of the building no.14 is to be deemed to be a party wall, the line of junction being the centre of that wall.

The flight of steps which give access from the courtyard garden of no. 14 to the first floor of that building, which is offset from the physical boundary, does not divide no.15 from the building no. 14 and therefore is not deemed to be a party wall nor any other form of party structure. The flight of steps stands entirely on land within the curtilage of no.14.

The Transfer plan gives dimensions for the courtyard garden in particular around the boundaries between the courtyards of each of the two properties. The dimension east-west from the south-west corner of no. 14 is shown as 10 feet 6 inches (3200 mm); the west boundary measured south-north is shown as 14 feet 6 inches (4420 mm) to the point where it changes direction west-east and - whilst this dimension is not shown on the Transfer plan - it can be extrapolated from the other measurements as being 2 feet 8 inches (812 mm). There is then a further change of direction and the next section of boundary runs south-north for a measured distance of 3 feet (914 mm) before changing direction again west-east for a measured distance of 7 feet 10 inches (2388 mm) to meet the other fixed point which is the north-west corner of the building no. 14.

What is apparent from the Transfer plan is that the various points at which the boundary of the courtyard garden changes direction are to be taken as being at right angles. The consequence is that the dimension given for the west boundary of the courtyard garden, namely 14 feet 6 inches (4420 mm) is manifestly incorrect. If that boundary had been a straight line its length would have been the same as the length of the west wall of the building no, 14, which measured from your colleagues

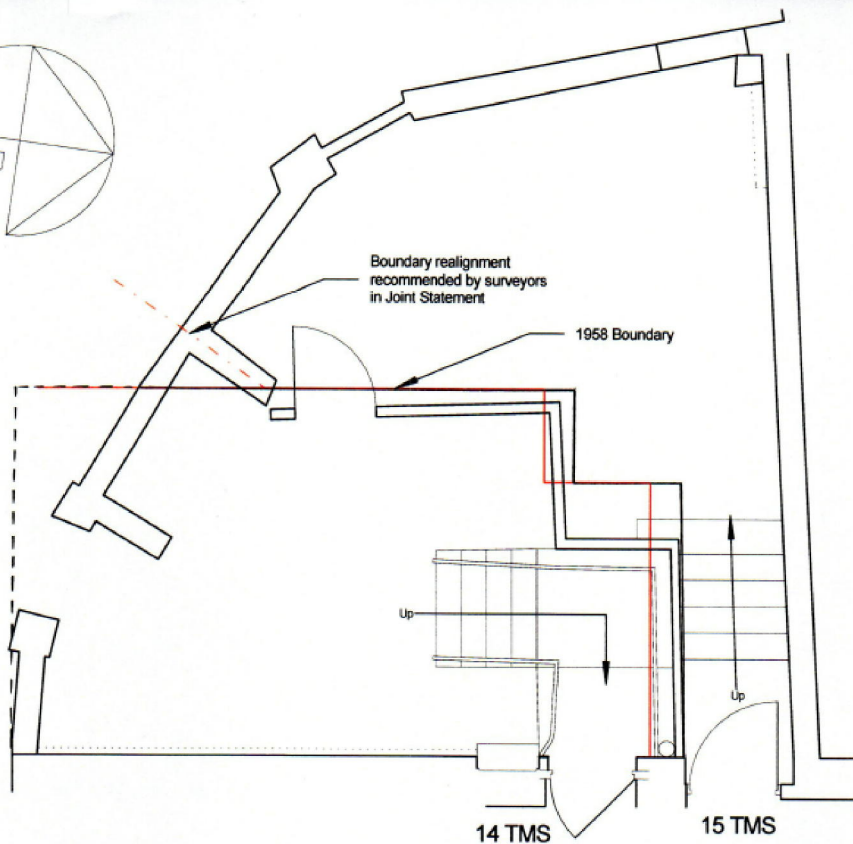
plan is 19 feet 3 inches (5880 mm) although the combined south-north dimensions shown add up to 17 feet 6 inches (5333 mm) - a difference of 1 foot 9 inches (44 mm).

The mistake made at our joint site meeting was to apply the dimension of 14 feet 6 inches - which we identified on site as being incorrect - to the west wall of the building no. 14 ignoring the fixed points to which I have referred. On that basis we concluded at that time that part of the building no. 14 does not belong within the curtilage of no. 14 and, on reflection, that is plainly wrong.

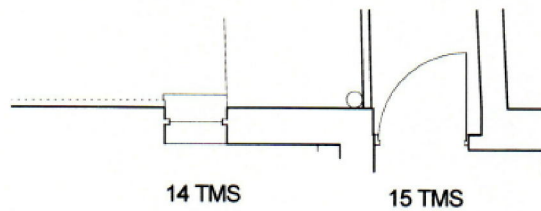
Your colleagues plan shows an SVP at both ground and first floor levels which is not in fact there. The SVP higher up the building changes direction above first-floor floor level, runs across the face of no. 14 to descend to ground level in the north-west corner of the courtyard garden of no.15 at the point where it meets the entrance to the undercroft. There is provision for this in the Transfer.

I suggest that we redraw the physical boundary on your colleagues plan, using all the dimensions shown on the Transfer plan with the exception of the west boundary. For this boundary we should adopt the length of the west wall of the building no.14 applying the changes of direction as they are shown and treating these as right angles.

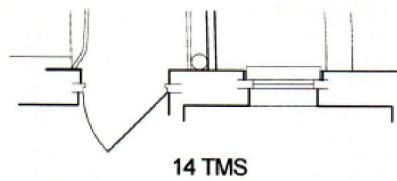
I believe that this will confirm that the fence erected by Mr Meaden is on land belonging to my client in its entirety.



Ground Floor



First Floor



|  |                                                                                                                                   |           |                                 |               |                    |         |
|--|-----------------------------------------------------------------------------------------------------------------------------------|-----------|---------------------------------|---------------|--------------------|---------|
|  | <br>chartered building surveyors<br>Tel: 020 8906 7606<br>Fax: 020 8906 6314<br>Symal House, 423 Edgware Road,<br>London, NW9 0HU | Client:   | Date:                           | December 2016 | Scale:             | 1:50@A4 |
|  |                                                                                                                                   | Location: | 14/15 The Mount Square, NW3 6SX | Dwg. No.:     | 16-051-01A - DRAFT |         |
|  |                                                                                                                                   | Title:    | Mesured Survey Plan - Courtyard |               |                    |         |