

Application No:	Consultees Name:	Consultees Addr:	Received:	Comment:	Response:
2017/6992/P	Cristiano Campi	Lea Steps and Upfleet Ltd Vale of Health London NW3 1AN	01/02/2018 14:04:54	OBJ	<p>Lea Steps and Upfleet freehold would like to object to this application since it is in breach of a restrictive covenant between The Garden House and Lea Steps & Upfleet.</p> <p>The Garden House has been informed of the breach and a "letter before action" has been issued. We would recommend Camden Council to suspend any decision on this application until the matter has been sorted between the parties.</p> <p>Details of the restrictive covenant:</p> <p>Pursuant to an Indenture of 2nd July 1925 (copy enclosed) my Freehold"s predecessors were expressly granted the benefit of the restrictive covenants which encumber the Garden House's title pursuant to a conveyance dated 15th January 1925 and made between (1) William Thomas Gittens and (2) Thomas Edward Milligan Grundy. In that regard we would refer you to the First Schedule of the Indenture:</p> <p>"AND the Purchaser to the intent and so that the covenants hereinafter contained shall be binding on the land hereby conveyed into whosoever hands the same may come ... doth hereby for himself and his assigns covenant with the Vendor and his assigns.</p> <p>(1) Not to erect or suffer to be erected at any time any buildings or structure of any kind whatsoever whether the same shall be attached to the freehold or not upon the land hereby conveyed or any part thereof which would in any way interfere with the free and uninterrupted view as it now (or at any period of the year) exists over the said land and the pond known as the Hampstead Pond to the country beyond from the rear of the premises on the West side thereof known as Heatherlea Lakeview and Hillview.</p> <p>(2) Not to erect or suffer to be erected at any time any fence or hedge upon the said land or any part thereof which would in any way interfere with the view aforesaid and in particular to leave the waters edge unfenced and open as at present.</p> <p>(3) Not at any time to erect or place or suffer to be erected or placed anything whatsoever upon the said land or any part thereof or to plant or suffer to be planted any trees bushes or shrubs thereon which might obstruct or in anyway interfere with the aforesaid view."</p> <p>(together the "Restrictive Covenants")</p> <p>The Restrictive Covenants concern the view to the Vale of Health Pond from the premises known as Heatherlea (now called Lea Steps and Upfleet), Lakeview, and Hillview.</p> <p>Breaches complained of:</p> <p>In breach of the Restrictive Covenants, certain trees within the curtilage of the Garden House are obstructing and interfering with the view from Leasteps to the Vale of Health pond. The offending trees are the ones marketd as T6, T7, T8, T9 and T18.</p>