



Bracher Rawlins

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2 October 2019

Our Ref: EHS/MERCE-P/8
emma.holden-shah@bracherrawlins.co.uk

Dear Sirs

Planning Application 2019/1697/P (Amended)

We act for [REDACTED] who are the owners of [REDACTED] Frognal, London NW3 6AR.

Our clients have asked us to make contact with you regarding the planning application that has been submitted by [REDACTED] for the construction of two detached houses on the site of 29-33 Arkwright Road, London NW3 6BJ.

As you are aware, [REDACTED] have already issued formal objections to the proposed planning application on 29 April and 31 April 2019.

As referred to in [REDACTED] letter of 29 April 2019, our clients are extremely concerned about the plans to build on an area of an access road over which our clients have a right of way, a right of drainage, and a right to services. We enclose with this letter a copy of a Deed dated 19 July 2006 made between Provost Investments Limited ("P Limited") and our clients, for your attention.

You will see from the plan annexed to the Deed that our clients own [REDACTED] Frognal, which is registered under Title Number NGL876449 (previously titles NGL505689 and NGL635882) and the access road shown coloured pink on the plan is owned by Swissindependent Trustees SA and registered under Title Number LN121820 ("the Road"). We enclose copies of the registers and plans for the above titles.

As stated in the Deed, the Road is subject to the rights granted in favour of our clients which include the following:

"Rights of Drainage"

...the right of [REDACTED] & Others to inspect maintain repair and renew the existing drain serving the [REDACTED] Property and to connect to the communal drainage system upon the P Limited Property and to lay new drains to serve the [REDACTED] Property on in or under the P

<https://bracherrawlinslip.sharepoint.com/Private/Drive/Conveyancing/Merceder Mr P/General 2018-2019- 9/lets/W0002 Letter to Local Authority re rights of access.docx>

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We use the word "partner" to refer to a member of the LLP, or an employee or consultant who is a lawyer with equivalent standing and qualifications.

Limited Property and to connect to any existing drainage system situate on in or under the P Limited Property or to connect to a water company's mains drainage system on in or under the Public Highway

“Rights to Services”

...the right of [REDACTED] & others to inspect maintain repair and renew the existing conduits supplying water, gas, electricity and telephone to the [REDACTED] Property and to any communal supply conduits and to lay new conduits to supply water, gas, electricity and telephone to the [REDACTED] Property over the P Limited Property to connect to a supply company's mains supply in on or under the Public Highway

“Rights of Way”

...the right of [REDACTED] & Others in common with P Limited and other at all times and for all purposes in connection with the use of the Mercer Property from time to time to pass on foot, with or without vehicles, plant and equipment over along the Road including the right of [REDACTED] & Others to enter upon the P Limited Property to effect at their own expense or with contribution from others repairs to the Road even where those repairs may constitute an improvement or renewal of the structure of the Road or may include installation of new lighting, signage or drainage facilities.”

The Deed does not give P Limited or its successors in title, namely, Swissindependent Trustees SA, the right to build on the Road or alter the Road in any way. If permission is granted to build on the area hatched red on the enclosed plan, this would jeopardise our clients right of way over the Road to access their property, their rights to drainage and their rights to connect to services. There is no provision within the Deed which grants P Limited or its successors in title, the right to alter the Road or restrict the access over the Road in anyway. If permission for the development is granted, this will be to the detriment of our clients and therefore, we strongly recommend that the application for planning permission is denied.

If permission is granted for the development, Swissindependent Trustees SA will be in breach of their covenants contained in the Deed and our clients reserve all rights in this respect.

Please confirm safe receipt of this letter.

Yours faithfully

[REDACTED]