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Tewkesbury Lodge Estate Residents' Association

Member of the London Forum of Amenity and Civic Societies

Information relating to the application to modify the covenants applying to 5 Liphook Crescent.

Further to the recent letter circulated by the Association's chairman, David Lowe, we have now received advice regarding the formal notification you received of the proposal to modify the covenants applying to 5 Liphook Crescent. If approved, the modification would permit the property to be used as a nursery for up to 12 children. It would also modify the covenant which states that no noise or annoyance may be caused to neighbours to permit whatever noise or annoyance results from the operation of the nursery. If the owners of the nursery succeed in overturning the covenants on all our properties, it would create a precedent for possibly even more intrusive businesses, and change the residential character of the Estate.

Messrs T G Baynes are the solicitors and Radcliffe Chambers, the barristers, acting for the neighbours of 5 Liphook Crescent who are most seriously affected by the application. The neighbours are objecting to the modification of the covenant. It is important that any objection is made in a formal fashion acceptable to the Lands Chamber. As legal fees could be incurred if you return the formal notification of objection, T G Baynes and Radcliffe Chambers are offering to lodge the formal objections of other objectors at no charge to the objector if they complete the details of their objections on the form provided. If you want to register an objection in this way, please return the form to me at 53 Ringmore Rise as soon as possible.

It is quite possible that the application to modify the covenants will be withdrawn before it gets to a formal hearing. If it does proceed to a formal hearing, then more formal notices of objection may be required. This may incur legal costs. No action that may incur costs on your behalf will be taken without your further agreement and a full explanation of what is being done on your behalf.

Valerie Ward
Road Representative, Ringmore Rise

Instruction to T G Baynes and S Acton, Radcliffe Chambers in relation to proposed modification of covenants at 5 Liphook Crescent.

I wish to register my objection to the proposed modification of covenants made by the proprietor(s) of 5 Liphook Crescent and would be grateful if you could submit the appropriate notice on my behalf. I understand that there will be no charge for this and I can withdraw my objection at any stage. I will be advised of any costs that may in future be incurred costs before the case proceeds any further.

Full Name(s):

Address:

A copy of the Title Deeds of my property is attached

☐ Yes ☐ No

I am / am not (*delete as applicable*) affected by the noise of children playing in the garden of 5 Liphook Crescent.

If affected please give details of how and when:

.....
.....

I am / am not (*delete as applicable*) affected by the additional traffic generated by the nursery or by any congestion, parking, visitor or other associated issues.

If affected please give details:

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.....

.....
Delete the following paragraphs as applicable if you do not agree with them:

I confirm that I regard the quiet, residential nature of the locality as a positive attribute of the area and I am concerned to oppose this application because it will adversely affect the character of the neighbourhood and might lead the way to future applications and business uses.

I knew of the covenants against business use and nuisance or annoyance when I purchased the property and (to some extent) relied upon these being generally applicable in the area.

I am adversely affected by the nursery in the following other way(s) and / or I have the following additional reasons for opposing the application to modify the covenants:

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.....
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Signed:

Dated: