

**TRIANGLE AMENITY LIMITED**  
**PROPERTY MAINTENANCE AND BUILDING PROJECT GUIDELINES**  
**1<sup>st</sup> November, 2011**

The Triangle Amenity administers the estate lying inside the triangle formed by Clifton Gardens, Randolph Avenue and Randolph Crescent. The freeholders and residents of the estate are bound by a Rentcharge Deed. This Rentcharge Deed and related documents are available on the Triangle Amenity's website at [www.triangleamenity.com](http://www.triangleamenity.com)

The purpose of this document is to describe some of the freeholders' and residents' obligations under the Rentcharge Deed. As such, this is a guide to the Deed and how some of its clauses are implemented by the Triangle Amenity, rather than a legal document in its own right. In the Deed, freeholders, residents, and their agents need to observe the following types of clause:

1. There are rules governing the use of the General Gardens and Roadway.
2. There are obligations regarding the maintenance and upkeep of properties.
3. Certain building works require the prior written consent of the Triangle Amenity.

The regulations governing use of the General Gardens and Roadway are part of the Rentcharge Deed's Seventh Schedule and its amendments. These are described in more detail elsewhere. This document provides guidance on the second and third requirements.

### **Maintenance Obligations**

Under the terms of the Rentcharge Deed, freeholders are required to keep their properties in good order. Specifically, the following must be observed:

1. The property must be well maintained, including the upkeep of any fences, sewers, pipes, radiators, ventilators, wires, and cables.
2. Any damage to the property by any cause, including fire, must be made good and the property returned to its original state without unreasonable delay.
3. Any garden, balcony or external area must be kept clean, tidy and properly tended.
4. All trees must be cared for in accordance with good arboricultural practice and permission must be sought from Westminster City council prior to any pruning or removal.
5. The exterior of the property should be re-painted at least once every five years. Exterior parts must be painted with British Standard Colour Number 08B15 (Magnolia).
6. The property must be insured against loss or damage to any part.
7. The following rules must be observed by residents:
  - 7.1. Not to hang any clothes outside
  - 7.2. Not to throw refuse out of the window
  - 7.3. Not to shake mats and carpets out of the windows
  - 7.4. Not to commit or permit waste, spoilage or destruction in or around the property
  - 7.5. Not to use the property for any purpose that causes a nuisance

If any of these clauses are breached, the Triangle Amenity will notify the freeholder and charge them for the relevant costs and penalties. Details of these are provided below. Ultimately, failure to remedy a breach can result in the forfeiture of a property.

### **Building Works**

Freeholders, residents, and their agents also have certain obligations under the Rentcharge Deed regarding new building works and planning applications. This section is divided into two sub-sections describing what is required when undertaking building works and the process of obtaining the Triangle Amenity's written permission, when that is necessary.

#### *Freeholder and Resident Obligations*

First, any application for planning permission to Westminster City or another authority to change any property on the estate must be provided to the Triangle Amenity's Managing Agent at least 14 days before that application is submitted. The Managing Agent's contact details are available on the Triangle's website and posted on the estate. Likewise, copies of planning applications that have been granted must be provided to the Managing Agent within 7 days of receipt.

Second, various building projects require the Triangle Amenity's written consent. This is true regardless of whether local authority planning permission is either needed for the works or has already been granted. Specifically, the following building works should not take place without the written permission of the Triangle Amenity:

1. Any alteration that will change the external appearance of a property, including the existing colour scheme, tiling layout and external lighting.
2. Any construction of a new building or structure, including garden sheds, external walls, conservatories or greenhouses, basement excavations, rear extensions or mansards.
3. Any temporary or permanent signage including name plates and placards. Likewise, the installation of any satellite dishes, aerials or similar equipment.

This permission is necessary for any such work that takes place on any property that lies on the Triangle Amenity's estate, regardless of whether it is visible from the General Gardens or the surrounding roads that form the boundaries of the estate. Anyone who undertakes such building works without the Triangle Amenity's written permission is in breach of the Rentcharge Deed and risks losing their freehold if that breach is not remedied to the Triangle Amenity's satisfaction without unreasonable delay.

#### *Permission Process*

Requests for permission for works by freeholders, residents, or their agents should be sent to the Managing Agent. In general, the Managing Agent will coordinate all communication between the Triangle Amenity and the applicant, including requests for clarification, suggestions for alterations, and details of any decisions.

For major building projects the process has two stages. First, the Triangle Amenity grants permission in principle, based on the submitted plans, so that the applicant can proceed with finding a builder and implementing their plans. This commits the Triangle Amenity to provide permission for the works subject to certain conditions, such as proof of adequate contractor insurance and so forth. Second, the Triangle Amenity will issue written permission. This permission may still contain certain conditions and covenants. Applications for smaller projects will typically only involve this second stage.

Decisions regarding building works require a majority vote of the Board of Directors. The Board meets quarterly, though decisions can be expedited if necessary. In order to facilitate the decision, a clear description of the works should be provided, including architectural drawings, a finishing schedule and so forth. Generally, this specification should be similar to that provided for a local authority planning application, although additional information may be appropriate regarding materials, colour schemes and so forth, given the specific remit of the Triangle Amenity under the Rentcharge Deed.

When reviewing applications, the Board will take any or all of the following into consideration:

1. The building guidelines and contractor practices provided in the next section.
2. The views of freeholders and residents, particularly those close to the site of the works.
3. The opinions of any planning experts or surveyors that the Board may consult.

The costs and charges for serving notice of a breach of the Rentcharge Deed and administering applications for building works are provided in the next section.

#### **Fees and Costs**

There are various costs, charges and penalties associated with the maintenance obligations and building works. They fall into two main categories.

First, applicants for permission for building works must cover the costs of the application process. For example, applicants must pay for the Managing Agent's time spent consulting with residents, administering the application, communicating with the applicant and so forth. Likewise, where building works inconvenience or diminish the value of neighbouring properties, the Triangle Amenity may request compensation commensurate with these adverse consequences. Note that none of these expenses will be incurred without the prior consent of the applicant.

Second, freeholders or residents who breach their maintenance obligations or fail to obtain the necessary written permission for building works will incur penalties and other expenses. These expenses include the costs of serving notice of the breach, the pursuit of any remedy and the monitoring of that remedy. As before, the scale of these penalties and costs will be commensurate with the magnitude of the contractual breach.

These costs, expenses, penalties, compensations, and so forth will be determined at the absolute discretion of the Triangle Amenity. However, as a guideline, the following table is provided:

Notice of a Rentcharge Breach		£500
Managing Agent Rates	Retrospective Applications	£90/hour
	Normal Applications	£60/hour

## **Guidelines**

This final section provides some guidelines on where consent for building works will or will not be provided by the Triangle Amenity. This consent will be granted at the Triangle Amenity's absolute discretion and the guidance in this section is offered without prejudicing that decision.

### *Satellite Dishes and Aerials*

Satellite dishes and television aerials should be limited to one per property. The siting and wiring of the equipment should minimise its visibility. Westminster City council provides further guidelines that are supported by the Triangle Amenity.

### *Balconies*

Balconies must be in keeping with the architectural style of the building and should have metal or stone balustrading. Applied timber fencing, trellis work or timber dividing screens to continuous balconies and porticos will not be approved. Care must be taken in the design of balconies to prevent rainwater run-off staining the building below.

### *Roof Terraces*

The same guidance notes as for balconies apply, but in addition paving to terraces should be in natural stone, tile, fibre reinforced cement or, possibly, natural timber duckboarding. Please appreciate that many residents look over terraces to the Garden. Accordingly, the use of bright primary coloured tiling or astroturf will not be approved, nor will the erection of buildings, sheds and greenhouses on roof terraces.

### *Windows*

Windows in new extensions or replacement windows must match those of the existing building. It is particularly important that when timber-sashed windows or French doors are being replaced, the pattern of the existing glazing bars and mouldings should be maintained. Off-the-shelf windows, which tend to be poor substitutes for the original, and UPVC should not be used.

Additional external security should be limited to plain vertical round metal bars with flat cross members built into the brickwork. These should be painted either gloss black or magnolia. External roller type security shutters, folding security gates, removable grills or any other externally fitted decorative bars should not be used (though can be used internally).

### *Pipework and Cables*

External pipework, except for rainwater pipes, should be avoided wherever possible. Brickwork around pipework must be made good to match the existing brickwork. The same applies to boiler flues and other outlets. Pipework must be in gloss black or magnolia. Where UPVC is used particular attention should be paid to priming to avoid flaking.

All cables on each stucco elevation wall of a building supplying any premises within that building should be run within a single duct from which access to the interior of the relevant premises can be made neatly and so that cables to supply the various needs of the interior are made within the premises and not on the outside walls. Suggestions for a form of practical, accessible and inexpensive duct can be obtained from the Managing Agent.

Cables already in place on stucco elevations of a building should be moved into one single duct, if feasible, when the building is next re-decorated. All cables on other elevations must be neatly clipped to the building.

### *External Staircases*

External staircases must be constructed of painted metalwork and, wherever appropriate, the balustrading should match that used elsewhere on the property and the surrounding buildings. Where there is no period pattern to follow then staircases comprising simple round or square balusters at 100mm centres, with chequer plate treads, are considered the most appropriate.

### *Other Metalwork*

Railings and gates should, wherever appropriate, match the original period detailing. Where there is no pattern to follow, as with staircase balustrading, the simplest design is encouraged. All external metalwork should be painted gloss black, and care should always be taken in the specification, preparation and application of the paint finish in order to prevent rusting. In this regard prior galvanising of metalwork is recommended.

### *Walls and Balustrading*

Low garden and other walls should match the existing brickwork and be constructed of second-hand London stock bricks or finished with painted stucco render as appropriate. Weathered copings with good overhangs and drips are

usually preferable to brick-on-edge. Railings, rather than timber fences, should be used if additional height is required. Reconstituted stone or concrete reproduction balusters and copings are readily available. Glass reinforced plastic copies should not be used.

#### *External Lights*

External lights must be sympathetic to the building; for example, carriage lamps are out of keeping. Wiring should be hidden from view. External lights must be placed in such a way that they do not affect the visual aspect of the property or the surrounding buildings. Lights should be angled downwards to avoid causing light pollution.

#### *Tiling and Paving*

The black and white tiling on the approach to the front door of some properties is covered by the same conservation rules as the building. Where tiling is to be introduced, this should be black and white chequerboard pattern. Likewise, as with roof terraces, garden paving should be of natural-coloured stone concrete slabs or brick.

#### *Extensions*

There is little scope for extensions. The extension must be in keeping with the surrounding buildings and the property that is being extended. The extension must also match the surrounding streetscape in terms of scale, material, windows, architectural detailing and colour of paintwork. Roof extensions should be contained within the existing pitch of the roof with properly formed dormer windows. Matching second-hand Welsh slates should always be used in preference to new or artificial slate, especially on listed buildings where the former is a prerequisite. Flashings should be properly formed in lead and stepped into the brickwork where appropriate.

#### *Missing Features*

Over the years some properties have lost features or elements of architectural detailing (e.g. railings, balconies, stucco). Where possible, these should be progressively reinstated when the property is re-decorated so that the visual unity of the Estate is maintained.

#### *Project Management*

The Triangle Amenity will only provide consent for building works where it is confident that they will be carried out professionally and with as little disturbance to other residents as possible. As such, the following may be required in order to secure written permission:

- References and qualifications for the Tradesmen and other professionals involved.
- Proof that there is adequate insurance in place for the works.
- A deposit to be placed with the Managing Agent for the duration of the works.
- Agreement with the Tradesmen regarding reasonable hours and considerate practice.
- Undertakings that Tradesmen will adhere to the General Gardens and Roadway rules.