



Vipul Goel <vipulgoel.123@gmail.com>

Re: 48 Jade Gardens Colchester CO4 5FG

4 messages

Joanna Crosby <JCrosby@haywardmoon.co.uk>

Thu, Jan 28, 2021 at 12:50 PM

To: "vipulgoel.123@gmail.com" <vipulgoel.123@gmail.com>, "aggarwal.ankita@gmail.com" <aggarwal.ankita@gmail.com>

Cc: Teylor Newman <TNewman@haywardmoon.co.uk>

Dear Vipul and Ankita

We have received the results of your local authority and drainage search and attach copies for you to review. Please look at these carefully and let us know if you have any questions. Below is a summary of the main points: -

Local authority search

The search discloses a number of planning and Building Regulation Documents in relation to the construction of the property and we are clarifying with the seller's lawyers as to which documents apply to the property.

The search has revealed a Gas Safe in respect of the installation of the boiler and a VEKA Certificate in respect of a replacement door, which I am requesting from the seller's solicitors. They may refuse on the basis that as the same is revealed in the search, this is sufficient evidence that the works were carried out to correct building regulations. Please bear in mind that compliance certificates do not guarantee the adequacy of the works carried out and you should rely on your own survey and inspection in this respect

We assume that there have been no alterations or extensions to the property which would have required planning permission or building regulation approval but if you think otherwise from your inspection of the property please tell us.

Some general points to bear in mind –

- a. If the local authority wishes to take enforcement action for breach of planning then they have to do so within 4 years for physical work, within 10 years for change of use and within 10 years for breach of a condition on a planning permission. If the property you buy has been in existence and used in its current form for in excess of 10 years then, generally speaking, it is immune from enforcement action;
- b. Most properties have general development rights, which mean that some works are deemed to have planning permission without any express application being made. Sometimes though the planning permission for the original erection of the property will contain a condition removing that general right so that planning is required for even a small extension or addition. The local authority has rights to make local regulations affecting whole areas that take away those general development rights. If you are intending to make alterations, you should consult the original planning permission to check this; and
- c. If the property lies in a Conservation Area or is a Listed Building, then there will be restrictions that are more stringent so that consents are required even when planning permission is not needed.

Bearing in mind the points mentioned above we will only seek copies of planning permissions dated within the last 10 years. If you wish us to take a different view and seek copies of older documents, then you should let us

know before Contracts are exchanged.

Building regulations are not the same as planning permissions. Some alterations require both planning permission and building regulations, some require just planning permission and some require just building regulations. Failure to observe building regulations can be enforced by the following means: -

- a. The local authority has powers to prosecute the person who carried out the work by way of criminal proceedings within 24 months of the work being completed – a magistrates' court can impose a fine of up to £5,000 plus a further £50 per day during which the contravention continues after conviction;
- b. Within 12 months of completion of the works the local authority can serve enforcement proceedings on the owner of the property (it is irrelevant who carried out the work) and require that person to either remove the works or alter them so that they do comply with building regulations. If the owner fails to comply, the local authority has power to enter and carry out the works and recover the cost from the owner; and
- c. The local authority can issue injunctive proceedings against the owner of the property (it is irrelevant who carried out the work) and require that person to either remove the works or alter them so that they do comply with building regulations i.e. there is no time limit for this.

In most circumstances, so long as the work was carried out more than 12 months ago there is no risk of enforcement action. Irrespective of the age of the work, though there is always the risk of injunctive proceedings. As a matter of practice, the local authority is not likely to take injunctive proceedings over something that was carried out many years ago – unless there is the possibility of it being dangerous or unsafe. This does not mean they will not do so. If any work at any time has been undertaken to the property without compliance with building regulations, there is a risk.

We will be aware of alterations carried out to the property, which have been disclosed to us in the Property Information Form, or similar that would ordinarily be supplied to us by the seller. If you are aware of any other alterations to the property either from your inspection of it or from the result of your survey, then you should notify these to us.

Current building regulations derive out of the Building Act 1984 (as amended by various subsequent regulations). On a technical level all alterations requiring building regulations back to 1984 should be documented with a Certificate from the local authority (or other competent authority) to the effect they are compliant. This is difficult as homeowners and/or local authorities do not always keep records.

If we have not been able to supply you with a building regulation Completion Certificate (or equivalent) in respect of works carried out to the property then the following points should be borne in mind: -

- a. Just because there is no Certificate does not mean it is not compliant with building regulations – it just means there is no document to demonstrate it;
- b. The local authority's power to issue enforcement proceedings are time limited;
- c. The local authority's power to issue injunctive proceedings are not time limited - but not likely to be enforced unless there is a significant reason; and
- d. If there is no building regulations Compliance Certificate then there is nothing to demonstrate that the work has been carried out in a way that is compliant with building standards, that is safe or is energy efficient. This is something that should be referred to your surveyor.

It is not practical for us to seek copies of building regulation certificates for all alterations carried out to the property since 1984. As a matter of policy, we have taken the view that we will only seek information about

alterations, which have been notified to us as having been carried out to the property within the last 15 years. This is intended as a compromise between the technical position described above and the practical view taken by a reasonable buyer. If you wish us to take a different view, then you should let us know before Contracts are exchanged.

It is sometimes possible to take out an insurance policy to cover against the risks of enforcement action. This is not a substitute for a building regulation Completion Certificate but it can assist on some occasions. Such a policy, if taken out is not an insurance against the cost of repairs. Note that contact with the local authority may limit the possibility of taking out such a policy. **Please do not contact the local authority without discussing this with us first.**

Most extensions or alterations to the habitable space of a house require building regulations. In addition to that, there are some specific works that require building regulations approval as follows: -

- a. Installation of boiler since 1st April 2005;
- b. New windows/doors since 1st April 2002;
- c. Electrical work since 1st January 2005;
- d. Installation of solid fuel heating appliances since 1st October 2010.

As an alternative to a building regulation completion certificate, there is a scheme in place, whereby appropriately qualified installers are able to issue a Certificate themselves to the effect that the work is compliant with building regulations. If this is done, then the local authority keeps a record of the works notified to them. Please remember that even if such works have a Certificate this is not a Guarantee of any sort – it simply means that the local authority has received a notification from the installer that the original installation was compliant with building regulations at the time. If you have any concerns about the safety or quality of any alterations or installations at the property, then you should have this checked by your own surveyor or suitably qualified engineer.

The property is not subject to a Tree Preservation Order.

The property is not within a Conservation Area.

The property is not within an area where the local authority have presently introduced a Community Infrastructure Levy charging schedule. This does not mean they will not do so in the future – you should always consult with the council should you wish to make alterations to your property

The search confirms that the road known as Turner Rise and part of Stanford Road (as shown on the attached Highway Mapping) are the nearest public highways maintainable at public expense. We are clarifying the position of the adoption status of Jade Gardens with the seller's lawyers and will revert on this point.

The search confirms that there are no road or rail proposals within 200 metres of the property.

The property is within an area, which may be affected by local planning policies. The relevant policies are set out at the reply to question 1.2 of the search result. We would suggest that if you require any further information, you contact the planning department at the council in this regard. You should find that the local authority has a web site, which will provide details of the Core Strategy and deals with the determination of planning applications. If you have plans to extend the property at any stage in the future, we would suggest that you contact the local authority who will be able to give you further guidance in this area.

The search confirms that the local authority has not listed any Entries or served any Notices relating to contaminated land at the property. This does not mean that the property is not on or near contaminated land – merely that the local authority has not recorded it as such. Please be aware that the search is against the specific property, which you are buying. It does not provide information about anything on nearby properties - if there is anything that you want to find out about please let us know specifically.

Drainage and Water Search

This confirms that foul water drains to the public system and that it is connected to the mains water supply. You should note that foul water information is inferred from the proximity of the property to a public sewer – if you have any doubts about this you should ask the seller for a copy of their water account and/or arrange inspection of the drains. We assume that the surface water is disposed of by way of a soakaway – you should ensure this is entirely within the boundaries of the property – if you think otherwise from your inspection and survey please tell us. The plans attached show the location of the closest mapped mains apparatus – please note that these maps may well be incomplete. In October 2011 ownership of many private drains passed to the water authority – these are often not mapped. This means that there may be public drains within or near to the boundaries of the property that are not shown on the maps. Very broadly speaking the drains will be public where they are shared with other properties. This is important to bear in mind if you have any plans to build an extension or otherwise develop the property as you will not be able to build on or near to a public drain (which may not even be in your land) without the consent of the water authority. There could be a public drain under the buildings on the property – you should consider the inconvenience and expense this would cause if repairs to that had to be carried out. You should rely on your own inspection and survey to establish the position of the drains.

We cannot tell you the route of the drains between the property and the mains - this can only be established by inspection of the property. Any drains between the property and the mains will be private and the responsibility of those who use them.

The same applies to the water supply pipe. The water authority will be responsible up to the main stopcock and from that point onwards, you will be responsible. The pipework between the property and the mains could be some distance and would prove expensive to repair if the need arose.

If you have questions or there is anything, which you do not understand, please let us know.

Regards,

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 My details

Joanna Crosby

Director



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Vipul Goel <vipulgoel.123@gmail.com>
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Thu, Jan 28, 2021 at 12:53 PM

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Thu, Jan 28, 2021 at 1:58 PM

Hi Joanna

Thanks.

I am fine with Gas points shown in search. My understanding is it doesn't require planning permission but work had been done in accordance with building regulations. Please let me know if my understanding is correct.

Also, no need to go beyond 10 years' documents.

There is no extension in property so I am good with that.

Thanks

Vipul

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Vipul Goel <vipulgoel.123@gmail.com>
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Cc: Teylor Newman <TNewman@haywardmoon.co.uk>, "aggarwal.ankita@gmail.com" <aggarwal.ankita@gmail.com>

Wed, Feb 3, 2021 at 4:49 PM

Hi Joanna

Hope you are doing well. I understand responses are there now from seller. Not sure if you got a chance to look into the same. Request you to look into it to help move the same please.

Thanks

Vipul

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