

A GUIDE TO THE BELGRAVIA ESTATE MANAGEMENT SCHEME

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INTRODUCTION

This leaflet has been produced by Grosvenor. It is addressed to everyone affected by the Grosvenor Belgravia Estate Management Scheme (the Scheme) and is intended to explain what this means in practice.

As a freehold owner you should have received a copy of the full text of the Scheme either before it came into effect or at the time you bought your house or your freehold. This leaflet aims to support but not to override the full text which we urge you to study carefully.

BACKGROUND

The need for a scheme

The Scheme provides a framework of management for the continued conservation of the 200 acre Belgravia Estate in the context of the Leasehold Reform Acts. Its purpose is to benefit freehold owners and leaseholders alike.

Those opposed in principle to the concept of Estate Management Schemes may argue that strong planning policies and an increasing public awareness of the value and fragility of the built environment are sufficient to ensure the conservation of the historic estates as they pass out of the hands of the original landlord into the hands of individual owners. In reality, planning laws alone cannot be relied upon to provide the sanctions against undesirable alterations or plain neglect that are provided for under the terms of a lease and which the Scheme will continue to provide as leaseholders enfranchise.

Pressures for development and change increase year by year and the very affluence that can promote conservation can also militate against it: opportunistic developers strive to maximise profit whilst individual new owners aspire to make their mark. Both often act without due regard either to the interests of neighbours or to the effect on the area as a whole. Over time, unchecked individualism and the lack of a wider perspective can lead to the gradual erosion of architectural quality, the inherent appeal and ultimately the values of properties in Belgravia. Furthermore, without the obligations imposed under the terms of a lease, there is a danger that the overall appearance of the area will be a hit-and-miss affair, dependent on the circumstance and whim of each individual owner.

Whilst the Scheme undoubtedly does constrict the freedom of an enfranchised owner, by the same token it also protects him from his neighbour's undesirable development.

Why the Estate is worth conserving

In terms of townscape and architectural quality, the long term ownership and stewardship of Belgravia by Grosvenor has had a profound effect on the way in which it was developed. There was and still remains a unity of design and, although the style was changed in response to the dictates of taste as time passed, the layout of terraces, squares and crescents is remarkably consistent with the original designs. Belgravia remains one of the finest examples of Regency architecture in Europe.

The master builders such as Thomas Cubitt and Seth Smith together with the Estate Surveyors, including the Thomas Cundy dynasty, were largely responsible for building Belgravia but others, such as George Basevi in Belgrave Square, had considerable input and influence. *You will find a brief history of Belgravia on the last page with suggestions for further reading.*

The importance of planning legislation

Successive post-war legislation introduced since the 1947 Town & Country Planning Act has responded to increasing pressure for development, particularly in valuable inner city areas, and a greater appreciation of the importance of the built heritage.

Legislation for the Listing of buildings of special architectural quality or historical significance was introduced in 1962. It was initially controlled by the Historic Buildings Departments of the London County Council then by the Greater London Council and English Heritage. While English Heritage retains responsibility for listing buildings and control over Grade I listed buildings, Westminster City Council and the Royal Borough of Kensington & Chelsea now deal with works affecting Grade II listed buildings. Listed Building consent is required for any alterations or changes to a Listed Building, irrespective of whether planning consent is required.

Virtually the whole of the Grosvenor Estate is within a Conservation Area (Belgravia, Grosvenor Gardens or Sloane Square). Conservation Area consent is required for certain works, such as partial demolition, to unlisted buildings in addition to planning consent.

Estate Management Policy

Policies adopted by Grosvenor to control the alteration of individual properties have been framed to take the long term view for the area as a whole. The broad aim has been to conserve the original fabric of the building intact whilst allowing modest alteration and the insertion of modern elements to accommodate contemporary living patterns and to meet the aspirations of individual owners.

There is a wide range of different types of accommodation across the Estate which over the years Grosvenor has been keen to promote and retain so as not to change the inherent character of the Estate. The typical 19th Century town house plan is notably adaptable without drastic change and occupiers have a wide choice of accommodation types to choose from, ranging from small flats and mews houses through to large terraced houses and lateral apartments. While internal alterations are usually reversible allowing the building to happily suit the needs of successive owners without the irretrievable loss of original fabric, major extensions whether above ground or below ground and the linking of buildings that have not been historically linked can, irreversibly, change the character of both the house and the area. Although some of these works may receive planning permission as 'permitted development' because there are no planning controls to restrict them, one of the important features of the Scheme is that Grosvenor may, in certain circumstances, withhold its consent under the Scheme.

Firm proactive policies have also been pursued consistently in the interests of conservation and improvement, for example by:

- Replacing the railings to the garden squares and to several terraces which were removed during the Second World War
- Requiring regular external redecoration of the properties
- Prohibiting estate agents' boards
- Controlling the siting of external lighting, burglar boxes, signage, cable wires and other impedimenta which fall outside normal planning constraints

Careful attention to detail as well as a broad strategy for managing change is important in preventing incremental loss of quality.

Leasehold enfranchisement

When leasehold enfranchisement legislation was introduced in 1967 to cover properties below a prescribed rateable value, the Act recognised the importance of conserving the historic estates and included provision for setting up Estate Management Schemes. In 1973 the Belgravia Scheme was approved by the High Court.

The 1993 Leasehold Reform Act extended enfranchisement to all leasehold properties, regardless of value, and the decision was then taken to apply for an Estate Management Scheme for the Grosvenor Mayfair Estate which is now covered by a similar scheme.

It was recognised from the outset that to work efficiently for the benefit of all parties, it was essential for the Scheme to have the wide support of existing owners and leaseholders and sufficient “teeth” to be effective. It is now a Local Land Charge and therefore binding on the owners of each enfranchised property within it.

THE SCHEME

What is its purpose?

To enable Grosvenor, once they have lost the controls contained within the lease but working with the owners, to continue to regulate the development, use and appearance of the Estate.

Who does it affect?

All freehold owners and their successors are bound by the obligations and conditions contained in the Scheme.

What are these obligations and conditions and how can they be enforced?

An owner’s obligations are similar to the covenants and conditions which were contained in the previous long lease. They can be enforced by Grosvenor, through the Lands Tribunal and Courts if necessary.

There are restrictions under the Scheme as to:

- User – including the retention of residential use and, if applicable, a garage
- Nuisance – whether caused by the building or its occupants
- Alterations to a property
- General appearance – that affect the structure or architectural appearance
- Trees – no pruning or felling without Grosvenor’s consent

...and positive obligations to:

- Keep the house in good repair
- Look after the garden
- Allow inspections
- Make good any breaches of an obligation or restriction under the Scheme
- Pay for the work which the landlord has had to carry out “in breach”
- Insure the property and reinstate damage
- Contribute towards the maintenance of things used in common – such as drains and sewers
- Obtain and provide copies of all statutory consents for alterations
- Contribute towards the cost of managing the Scheme
- Register any change of ownership with the landlord

Management of the Garden Squares

The Garden Squares remain in the ownership of Grosvenor but, in practice, Grosvenor delegates some of its rights and obligations to the garden committee consisting of owners and leaseholders who are entitled by virtue of the terms of their present or previous leases to “walk in the garden”. Freeholders continue to have the rights to use the gardens (if any) specified in the original leases and in addition may also use Belgrave Square Garden (www.grosvenor-gardens.co.uk). Owners must continue to pay a reasonable proportion of the cost of maintaining “their” garden.

...and the private mews

The Estate includes some 40 private mews. Provisions relating to their upkeep are set out in the First Schedule of the Scheme. As with the gardens, owners of mews properties must pay a reasonable proportion of the wardens, repairs and other costs.

Alterations

Under the Scheme (Clause 17) Grosvenor retains control over all external alterations or additions to enfranchised properties and it must be provided with copies of all Planning and Listed Building applications that an owner submits.

Owners are responsible for costs reasonably and properly incurred by the landlord in connection with applications for approval.

It is important to remember that if a building is listed, Listed Building consent is required for all internal as well as for external alterations, whether to the original building fabric or to later work. The Councils' planning and conservation officers are generally able to advise on proposals at an early stage as are Grosvenor's building surveyors.

A set of guidelines is available from Grosvenor for anyone planning alterations to their house.

Representation of owners and leaseholders

The Scheme does not have a formal requirement for resident representation or formal consultation but since the Belgravia Residents Association was formed there has been a regular dialogue with Grosvenor, dealing with many of the issues covered by the Scheme.

Maintaining a register

For the smooth running of the Estate, it is important to have an up to date and accurate record of ownership. Procedures for notifying a change of ownership of freehold properties are laid down under Clause 27 of the Scheme.

The cost of the Scheme

The Scheme provides for the owner to pay Grosvenor an index-linked sum which is charged in December each year as a contribution towards the cost of running the Scheme. The charge in 1973 was £10; in 2007 the charge was £83.73.

Individual owners may in addition be charged legal and surveyors' costs that Grosvenor may incur in dealing with an enfranchised property.

POLICIES UNDER THE SCHEME

There are numerous policies within the Scheme but the ones that arise most frequently are related to building works.

Applications for alterations, accompanied by drawings, must be made to the Grosvenor building surveyor who can advise you on the procedure to follow. The general principles that apply are that:

- Alterations to the external fabric or structure of the building may not commence without both Grosvenor's and Local Authority consent.
- Reasonable professional fees incurred on behalf of Grosvenor are chargeable to the applicant and the works will be inspected in progress and on completion.
- Alterations include all those small changes which, particularly on the street elevations, have an incremental affect on the general appearance of the whole area.
- Where applicable under the Party Walls Etc Act 1996, Grosvenor will need to be treated as an Adjoining Owner.
- Where a particular street or area has been or is being subjected to a number of construction projects at any one time, then Grosvenor may insist that building works are delayed or re-programmed to avoid further nuisance being caused to the neighbours.

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- The excavation of basement storeys is not encouraged as they can cause particular concern and disruption to neighbours. If single storey excavations are permitted then stringent approval conditions may be imposed to protect neighbouring properties. Multi-level excavations are not allowed.

Even minor alterations to doors, windows, railings, steps and pipework, or the installation of terraces, dish aerials, vents and grilles may require Listed Building consent as well as Grosvenor approval. Consent for decoration work or 'like for like' repairs is not required unless, in a mews, you wish to change the colour of the external paintwork.

Further general principles include:

- TV aerials: to be sited as unobtrusively as possible
- Cable TV: no wiring to be affixed to the front elevation
- Burglar alarm boxes: to be sited at or below pavement level
- Street numbering and lettering: to be painted by a competent sign writer
- Window boxes: at basement and ground floor levels only (excluding first floor balconies and terraces)

The Councils' planning policies are set out in their current Unitary Development Plans (UDP), which are available on their websites. Further guidance can be obtained from:

Listed Buildings Guidance Leaflets, published by English Heritage, London Region,
1 Waterhouse Square, 138 - 142 Holborn, London, EC1N 2ST
Tel: 020 7973 3000 Fax: 020 7973 3001
E-mail: london@english-heritage.org.uk

Georgian Group Guides, published by The Georgian Group, 6 Fitzroy Square,
London, W1P 6DX – Tel: +44 (0) 20 7387 1720

The Belgravia Residents Association represents the views of people living in Belgravia and is consulted by the Local Authority on applications for Planning and Listed Building consents. The Association may be contacted through www.belgraviareidents.org.uk.

The Clients Advisory Service of the Royal Institute of British Architects is happy to suggest the names of architects with appropriate experience:

Royal Institute of British Architects, Clients Advisory Service, 66 Portland Place,
London, W1N 4AD. Tel: +44 (0) 20 7580 5533, Fax: +44 (0) 20 7436 9112

A BRIEF HISTORY OF BELGRAVIA

Belgravia takes its name from the Norman hamlet of Belgrave which, since 1548, has been part of the Grosvenor Eaton Estate in Cheshire. In 1677 with the marriage of the heiress Mary Davis to Sir Thomas Grosvenor, the Manor of Ebury, which now comprises large parts of Mayfair and Pimlico as well as Belgravia, passed to the Grosvenor family.

It was in 1813, shortly before his death, that James Wyatt drew up the first outline plan for the development of Belgravia, together with Pimlico the southern portion of the Grosvenor London Estate. In the same year, two brothers, Alexander and Daniel Robertson, drew up similar plans, but on a more extensive scale, with a view to proposing a speculative development of housing. Within their plan, and in contrast to that of Wyatt, the Robertsons proposed the re-routing of the King's Road, its length to be broken by the building of a square along its axis, the future Eaton Square. Though the Robertsons withdrew from the project, the line of the King's Road was altered to conform to their idea in 1820. A year later the scheme underwent its final revision at the hands of the Grosvenor Estate Surveyor, though it has never been clearly established whether credit for the final layout should go to William Porden, the outgoing surveyor, or to Thomas Cundy, his successor in 1821. As Cundy presented the completed plan to the Grosvenor Board and oversaw the actual development, it has seemed traditionally reasonable that the prestige should go to him.

The plans for development were prepared at a propitious moment. Following the protracted Napoleonic wars with France, which culminated at Waterloo in 1815, came a housing boom in London. Three specific factors at the time created demand for homes in Belgravia; the decision of George IV, on his accession to the throne in 1820, to move into Buckingham Palace as his permanent residence, the proximity to Parliament at Westminster and the known quality of all Grosvenor building enterprises. It was the ideal location for town homes for the beau monde, for wealthy members of the expanding business community, and also, of course, for those whose role was to serve their needs.

The development of Belgravia was virtually dominated by one man, Thomas Cubitt, today acknowledged as probably the finest builder/developer in 19th century London. Even so, the scale of the project was far too large for the Cubitt family business to carry out on its own and much building was contracted out to known, reputable builders, though generally building to the designs of Cubitt's younger architect brother, Lewis.

Today Belgravia is one of the finest examples of Regency architecture in Europe. The ownership of Belgravia is held in trust for members of the Grosvenor family which is headed by Gerald Grosvenor, the 6th Duke of Westminster.

Landlord	Grosvenor, The Grosvenor Office, 70 Grosvenor Street, London, W1K 3JP Tel: +44 (0) 20 7408 0988, Fax: +44 (0) 20 7629 9115
Landlord's Solicitors:	Boodle Hatfield, 89 New Bond Street, London, W1S 1DA Tel: +44(0) 20 7629 7411, Fax: +44 (0) 20 7629 2621
Local Planning Authority:	Westminster City Council, P.O. Box 240, Westminster City Hall, 64 Victoria Street, London SW1E 6QP Tel: +44 (0) 20 7641 6000, Fax: +44 (0) 20 7245 5510
Local Planning Authority:	Royal Borough of Kensington and Chelsea, Department of Planning and Conservation, The Town Hall, Hornton Street, London, W8 7NX Tel: +44 (0) 20 7937 5464, Fax: +44 (0) 20 7361 3463
Further reference	Thomas Cubitt, Master Builder - Hermione Hobhouse Publisher Mercury Business Books; 2nd Rev Ed edition (Oct 1995); ISBN-10: 1852511486; ISBN-13: 978-1852511487