



London Borough of Barnet,
2 Bristol Avenue, Colindale,
London NW9 4EW

7 June 2021

Our ref: 7347120

Thank you for your request received on 25 May 2021, for the following information:

I am asking if the Restrictive Covenant on the building and associate land as known as Fenella at the Burroughs and Babington Road, Hendon NW4 is still active and in place on this property.

Title number AGL447891

C: Charges Register continued 2 (03.07.2018) A Conveyance of the freehold estate in the land tinted pink on the title plan and other land dated 26 November 1909 made between (1) Sir Henry Arthur White C.V.O. and William Butler Wasbrough (Vendors) and (2) Edward Gethryn Barber, Harry Hind and William Robert Rider contains covenants identical with those contained in the Conveyance of the land tinted blue on the title plan dated 26 November 1909 referred to above. Schedule of restrictive covenants 1 (03.07.2018) The following are details of the covenants contained in the Conveyance dated 26 November 1909 referred to in the Charges Register:"And the Purchasers do hereby for themselves and their heirs executors and assigns and each of them doth for himself and his heirs executors and assigns separately to the intent and so that the covenants hereinafter contained shall be binding on the said hereditaments hereby assured into whosoever hands the same may come but not so as to render the Purchasers personally liable in damages for any breach thereof after they shall have parted with all interest in the premises covenant with the Vendors that the Purchasers their respective heirs executors and assigns will at all times hereafter observe and perform the restrictions and stipulations in relation to the said hereditaments hereby assured which are contained in the said First Schedule hereto. The First Schedule above referred to 1. No buildings shall be erected on the said hereditaments hereby assured other than private dwellinghouses of the prime net cost in labour and materials of not less than Three hundred and fifty pounds. 2. No temporary buildings of any kind shall at any time be erected on the said hereditaments hereby assured other than sheds and workshops to be used only for works incident to the erection of permanent buildings thereon. 3. No hoarding shall be erected on the said hereditaments hereby assured for advertisements not relating to the selling or letting of the same or any house erected thereon. 4. Nothing shall be set up or done by the Purchasers their heirs or assigns on the said hereditaments hereby assured or in any building thereon which may be or grow to be a nuisance damage or annoyance to the Vendors or their heirs or assigns or which may tend to depreciate or lessen the value of the Vendors Estate or any part thereof as a residential property

nor shall any manufacture be carried on on the said hereditaments hereby assured or any erections thereon. 5. No sand or gravel shall be excavated or dug out except for the purpose of laying the foundations of houses or outbuildings to be erected or for use in erecting such building."

We have processed this request under the Environmental Information Regulations 2004.

Response

I can confirm that London Borough of Barnet holds the information you requested.

However, we believe that the exceptions detailed below apply to all the information you requested and so we are withholding that information. Please see the Refusal Notice below.

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dug out except for the purpose of laying the foundations of houses or outbuildings to be erected or for use in erecting such build ing."

We consider that Regulation 6(1)(b) applies to the information requested because the information requested is already publicly available and easily accessible.

The restrictive covenants remain noted on the charges register of the property at the Land Registry

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.