

A GUIDE TO THE MAYFAIR ESTATE MANAGEMENT SCHEME

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INTRODUCTION

This leaflet has been produced by Grosvenor. It is addressed to everyone affected by the Grosvenor Mayfair 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 100 acre Grosvenor Mayfair 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.

Pressure for development and change increases 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 Mayfair. 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 Mayfair by Grosvenor has had a profound effect on the way in which it was developed. Unlike the Belgravia Estate, Mayfair has undergone several eras of redevelopment since it was first developed in the early 18th Century. As such it has a wide and diverse mix of building and architectural styles while still retaining the layout of streets and squares of the original designs.

You will find a brief history of Mayfair at the end of the leaflet 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 1 buildings, Westminster City Council now deals 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 the Mayfair Conservation Area. 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 of the area as a whole. The broad aim has been to conserve the original fabric of the building intact whilst allowing modest alterations 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 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 Grosvenor Belgravia Estate Scheme was approved by the High Court.

The 1993 Leasehold Reform, Housing and Urban Development Act extended enfranchisement to all leasehold properties, regardless of value, and the decision was then taken to apply to the Leasehold Valuation Tribunal for an Estate Management Scheme for the Grosvenor Mayfair Estate. The Scheme was approved in 1996.

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 those who have bought their freeholds from Grosvenor, and their successors (including their tenants and under-tenants) if any.

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

An owner’s obligations are similar to the covenants and obligations which were contained in the previous long lease. They can be enforced by Grosvenor, through the 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 Read and understand relevant Grosvenor compliance policies and implement without exception

...and positive obligations to:

- Keep the house in good repair and redecorate externally
- 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”
- Contribute towards the maintenance of things used in common – such as gardens
- 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 Gardens

The communal gardens of Green Street, Culross Street and South Street remain in the ownership of Grosvenor and freeholders continue to have the rights to use the gardens (if any) specified in the original leases. Owners must continue to pay a reasonable proportion of the cost of maintaining “their” garden. Details of Grosvenor’s gardens can be found at www.grosvenorlondon.com

Alterations

Under the Scheme (Clause 12) 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 Council's 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 for anyone planning alterations to their house.

Representation of owners and leaseholders

The Scheme has a formal requirement for resident representation and formal consultation through the Residents' Society of Mayfair and St James'. Quarterly meetings are held with the Society when a wide range of common issues are discussed.

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 18 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. In 2014 the charge was £177.86.

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 fabric 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 reprogrammed to avoid further nuisance being caused to the neighbours.

Basements & subterranean development

The excavation of basement storeys is not encouraged and even though they may not be visible from outside once completed, they still require Grosvenor's consent under the Management Scheme.

Our experience is that subterranean development has the potential to cause severe and unpredictable problems both for the buildings themselves and for the amenity of the local area. In particular:

- When originally constructed, traditional buildings were built on shallow foundations with 'flexible' lime mortars that allowed them to move with the seasons without undue distress. Basement constructions, particularly mid terrace, insert a rigid concrete box into a flexible terrace with the result that while the developed building stays reasonably stable, the buildings either side can be subject to excessive movement and cracking which may not be covered by either the Party Wall Awards or insurance.
- The water table varies in depth but is often surprisingly near to the surface. Excavating through the water table, while technically possible, creates additional construction difficulties as well as posing uncertainties over where the water may be diverted to and what the incremental effect of a number of basements may be on adjoining properties.
- Increasing the floor areas of buildings requires a greater degree of servicing, especially in terms of gas, water and electricity. Basements in particular tend to need more power – whether for lighting or mechanical ventilation – and these increasing demands on local infrastructure are potentially unsustainable in the longer term.
- Subterranean development inevitably adds complexity and time, occasionally by several years, to a construction programme. In Mayfair in recent years and notwithstanding the professed credentials of the construction professionals involved, the Health & Safety Executive has had to serve several enforcement notices for dangerous practices on site. There has been a fatality in Belgravia directly associated with basement excavation and several structural failures.
- Excavating under gardens reduces the ability of the ground both to provide sustainable natural drainage and to provide space for planting that would encourage bio-diversity and help to reduce the 'heat-island' effect of living in a city.

Taking these issues into account, although any applications for subterranean development will be considered on their merits, consideration will be subject to a whole range of factors including, but not limited to:

- Whether the house is listed, in a Conservation Area or unlisted
- Whether the house is in a terrace, semi-detached or detached
- The complexity of the engineering involved in terms of the likely fragility of the existing structure, the ground and sub-soil conditions and the depth of the excavation
- The professional expertise with which the proposals have been prepared and presented
- The extent to which it can be demonstrated that the method of construction proposed has had no long term deleterious effects in projects concerning other properties
- The extent to which the garden (if any) will be permanently affected by any excavation
- Access to the site and the number of previous and active schemes in the area
- Excavations below existing floors that are already below street level are unlikely be permitted unless the existing floor to ceiling height is less than 2400mm (in which case excavations to achieve that clearance will be permitted), or where a swimming pool, isolated from the party walls, is to be installed. The maximum depth of a basement storey should not exceed 3.0m from the top of the basement floor slab to the underside of the structural ceiling and excavations that conflict with a 45° line taken from the bottom of the foundations of an adjacent listed building are unlikely to be approved.
- Subject to the above, buildings where basements are more likely to be acceptable include commercial buildings (both the developed building and its neighbours, if any), where the site is to be fully redeveloped, where there is good access to the site and where nuisance and inconvenience to neighbours will be minimal.

In the event that consent is granted, it will be subject to an extensive list of conditions that will need to be satisfied before, during and after completion of the works.

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. It does not include decoration work 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 Council's planning policies are set out in their current Unitary Development Plan (UDP), although this document is being superceded by the City Management Plan, which is available on their website (www.westminster.gov.uk). Further guidance can be obtained from Historic England (www.historicengland.org.uk).

The Residents' Society of Mayfair & St James's represents the views of people living in Mayfair and is consulted by the Local Authority on applications for Planning and Listed Building consents. The Society may be contacted at <http://rsmsj.com>.

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

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Clients Advisory Service
66 Portland Place
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A BRIEF HISTORY OF MAYFAIR

The Manor of Eia is mentioned in the Domesday Book (1086). From the Norman Conquest until the reign of Henry VIII it belonged to the Abbey of Westminster.

The northern boundary of the Manor was the Roman Bath-London road (now Oxford Street) and the boundary to the south the River Thames, whilst the western and eastern extremities were the Rivers Westbourne and Tybourne respectively. The Manor comprised 482 acres to the north of Piccadilly and 608 acres to the south. In the 13th century it formed part of the parish of St Margaret's Westminster.

The Manor was acquired by Henry VIII from the Abbey of Westminster and was broken down into a number of subsidiary named parcels of land, the largest of which was the Manor of Ebury. In the early 17th century, the southernmost part, nearest to the river, was predominantly marshy ground while the northern higher section was mainly pasture and arable land laid out in fields with few buildings, mostly farms and farm labourers' cottages. The Manor of Ebury was to be the inheritance of Mary Davies who brought it into the Grosvenor family.

17th Century

During late Tudor and early Stuart years the Manor became a sinecure for court servants or favourites as a favour or reward dispensed by the crown, normally on a long lease, until in 1623 James I sold the freehold of the site of the Manor for £1,151 15s 0d. Passing profitably through more hands it was, in 1626, sold by the Earl of Middlesex and his two co-owners to Hugh Awdeley for £9,400. Awdeley was a lawyer, Registrar of the Court of Wards and Liveries and a money lender. Holding the Manor until his death in 1662, Awdeley sold off a few parcels of land, but kept most of the estate intact.

A draper and merchant adventurer named John Davies married the niece of Hugh Awdeley. They had two sons, Thomas, the elder, being knighted and becoming Lord Mayor of London. The younger son, Alexander, became a scrivener employed by Awdeley and, after various changes to Awdeley's will, became his heir. His income from the inheritance was in the region of £1,300 per annum. His daughter, Mary, was born on 17 January 1664 but Alexander died in the following year, aged 30, from the plague.

The northern part of Mary's Ebury Manor inheritance, formerly known as The Hundred Acres, is the present day Grosvenor Mayfair Estate.

Lord Berkeley of Stratton was Lord Lieutenant of Ireland and owner of Berkeley House, Piccadilly, one of the three great Piccadilly mansions of the 17th century. In 1671, negotiations were entered into for the marriage of Mary Davies, then aged 7, to Lord Berkeley's son, Charles, then aged 10. The price fixed was £5,000 to be paid by Berkeley in cash together with land to the value of £3,000. The contract was drawn up and signed on 12 December 1671. Berkeley was unable to fulfil the land settlement and the proposed marriage fell through.

Many offers were made for the hand of the young heiress before a treaty was concluded with the family of Sir Thomas Grosvenor of Eaton in Cheshire. His pedigree was impeccable, going back to the conquest from which time the family has held lands in Cheshire and North Wales, while a Grosvenor was almost always MP for Chester.

On 10 October 1677, they were married in St Clements in the Strand, Sir Thomas aged 21, Mary 12 years and 8 months and the Manor of Ebury came into the Grosvenor family.

In 1665, the City of London was revisited by an old scourge, bubonic plague. The following year, in 1666, the great fire raged for five days, destroying the whole City proper between the Tower and Temple. London was insanitary and the rebuilding did little to improve the sanitary conditions of most of the population.

To the west of London was higher, healthier ground. Already, as a result of a royal grant of land, the first three great mansions had been built in Piccadilly in the 1660s. By 1686, the Bond Street development was completed and in the 1670s St James's Square was built up. The building fever caught on quickly as landlords saw and seized the opportunity to capitalize on their land holdings by providing good quality housing for the aristocrats and their wealthy compatriots eager to move out of the unhealthy City. In 1693-1698, the Berkeley House Gardens development took place, providing Stratton Street and Berkeley Street, and early in the 18th century developments took place in New Bond Street and the Hanover Square area.

18th Century

On 10 August 1720, Sir Richard Grosvenor (eldest son of Sir Thomas and Mary Davies) appointed Thomas Barlow, a carpenter by trade, as Grosvenor Estate Surveyor, the project being the development of "The Hundred Acres". Barlow drew up the plans for the layout of Sir Richard's new estate to be. This has been described as a model of disciplined town planning. It was designed as a grid of wide straight streets with a grand "Place" at the centre. Initially it was based on eleven principal streets, although these were added to as the estate developed. Thomas Barlow's salary was £50 per annum together with expenses up to £10 per annum. His responsibilities covered setting out all the plots, overseeing and checking all the work and nominating contracting house builders.

Barlow was given the first Building Agreement himself, on 8 August 1720, along the lines of Grosvenor and Davies Streets down to the estate boundary on the south and east. His ground rent for this area was £67 per annum and it was substantially built up by 1730. He also took up agreements on other parts of the estate using his fund of known building tradesmen as contractors on site, hence the rapidity of development that virtually ensured the completion of the estate by 1800. One disappointment was encountered in the execution of the plans. Sir Richard had intended that one could stand at the Hyde Park end of Grosvenor Street and look straight along the wide street to the frontage of St George's church, potentially one of the finest vistas in London.

Unfortunately, because of the lines of the already built Maddox Street and the element of Grosvenor Street beyond the Grosvenor boundary, this could not be achieved and the proposed line of the street had to be altered.

The first layout was the "Place" at the centre, the gardens of Grosvenor Square, a geometric square of 6 acres. The planning of the garden was carried out by Alston at a cost of £2,871. In the centre, Sir Richard had erected a gilded statue of George I by Van Nost on horseback dressed as a Roman emperor. The statue was taken down during the 19th century, although it is said that part of the plinth still lies below ground level where the modern pathways intersect in the centre.

Much rebuilding was carried out in the 19th and early 20th centuries to meet changing needs and, after the Second World War, to replace buildings damaged and demolished during the bombing of London.

The most notable feature of the Grosvenor Mayfair Estate is the maintenance of the traditional Georgian and neo-Georgian styles of quality building which has rarely allowed the incursion of either architectural style or materials that would clash with its surroundings.

The American Connection

Following the American War of Independence, George Washington sent John Adams as first Minister to the British Court. He lived at No 9, tucked away in the corner of Brook Street and Duke Street, with his family from 1786 until in 1797 he was recalled to become the second President of the United States of America. He was a member of the committee formed to draft the US Declaration of Independence.

A further ambassador, Walter Hines Page, lived at No 6 from 1913-1918. His predecessor, Whitelaw Reid, lived for a period, until his death in 1912, at Dorchester House. Reid, while travelling in Italy, came across and bought a sculpted eagle with outstretched wings. He brought it back to England and had it mounted on the front of Dorchester House, a forerunner of a more modern American diplomatic symbol in the Square.

For many years the American Embassy was housed in Victoria Street until in 1938, Joseph Kennedy, ambassador and father of the future president, had it moved to 1/3 Grosvenor Square.

During the Second World War, General Eisenhower's headquarters, together with the naval mission next door, took up most of the north side of the Square and it was from here that the 1944 Normandy invasion was planned. During this period the Square became familiarly known as 'Eisenhowerplatz', and his role is recognised by his statue opposite North Audley Street. In June 2011 a statue of President Reagan was unveiled opposite South Audley Street.

In 1947, the central garden was cleared and replanted as a memorial to Franklin D Roosevelt. His statue, designed by Sir William Reid Dick, was unveiled within the Square in 1948.

The remains of the west side of the Square were levelled in 1958 to make way for Eero Saarinen's new American Embassy with its huge eagle looking out over the Square. The approval of its modern architecture involved a break with the neo-Georgian style of the remainder of the Square but, by restricting the roofline, any appearance of domination was avoided.

On the south side of the Square are the bi-centenary gates erected to celebrate the Treaty of Paris in 1783, which concluded the American War of Independence.

In 1986, a sculpted bald eagle, the work of Elizabeth Frinck, was erected on the south side of the gardens to commemorate the American Eagle Squadron which fought in the Battle of Britain and in 2002 a memorial was erected on the East side of the Square to the victims of the 9/11 terrorist attacks. In October 2008 the Embassy announced that it had exchanged conditional contracts for moving the embassy to Nine Elms, Wandsworth. The move is planned to take place in 2017 after which the building, which is now Listed Grade II, will be converted into a new use.

Landlord:

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Landlord's Solicitors:

Boodle Hatfield, 240 Blackfriars Road, London SE1 8NW
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Local Planning Authority:

Westminster City Council, P.O. Box 240, Westminster City Hall, 64 Victoria
Street, London SW1E 6QP
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FURTHER REFERENCE

The Survey of London – Volumes 39 & 40 www.british-history.ac.uk/place

Grosvenor, September 2015