

The Maltings, Twelve Trees Crescent, London, E3 3TB

Report on Remedial Cladding Works

By Tim Godsmark BA Hons Arch, Dipl. Arch, RIBA, WCCA of HTC Architects

FAO

First Tier Tribunal (Property Chamber) London Region

Residential property: London region

10 Alfred Place

London

WC1E 7LR

United Kingdom

Tribunal Case Reference:

Case Ref: LON/00BG/LSC/2024/0266

SUMMARY

- In preparing this report we have carried out a visual survey of the exterior of the building in daylight hours and inspected the interiors of flats 194 and 45. We have also inspected the report produced by Tri-Fire Fire Engineers and Surveyors on 17 November 2021 and the various correspondences between the parties. We have asked the managing agents – Twelve Trees (Bromley by Bow) Management Company for any reports, specifications and drawings on the building that they may hold but none have been forthcoming.
- This report attempts to discuss the issues with the external façade treatment, the response of the management company in carrying out remedial works and the legal justification for monies charged to leaseholders.
- The Flats now known as Maltings Close were built in four blocks by Bellway Homes in 2005 and the Freeholder is Chime Properties Ltd. The flats owned by long leaseholders are managed by a tenant management company, Twelve Trees (Bromley by Bow) Management Company, and the socially rented flats are managed by a housing association, London and Quadrant.
- The blocks are generally 7 storey and for the Building Safety Act 2022 are defined as “high risk”. Recent legislation has also prohibited the use of combustible cladding materials in tall buildings. It should be noted that the construction design met the Building Regulations when constructed but this is not the case today. The building as constructed, however, did not necessarily meet the regulations.
- The Tri-Fire Report identified several main issues with the cladding. These were firstly cavity barriers missing, secondly possibly combustible board being used as a backer to the rendered finish and thirdly insulation having slipped forming open areas.
- The photographic survey carried out for this report has also identified: damaged areas where the cladding is panelling, panelling coming loose and lack of weepholes above windows in

rendered walls. It is, however, not clear if the rendered walls are cavity walls and we have not been provided with drawings by TTMC to confirm the construction.

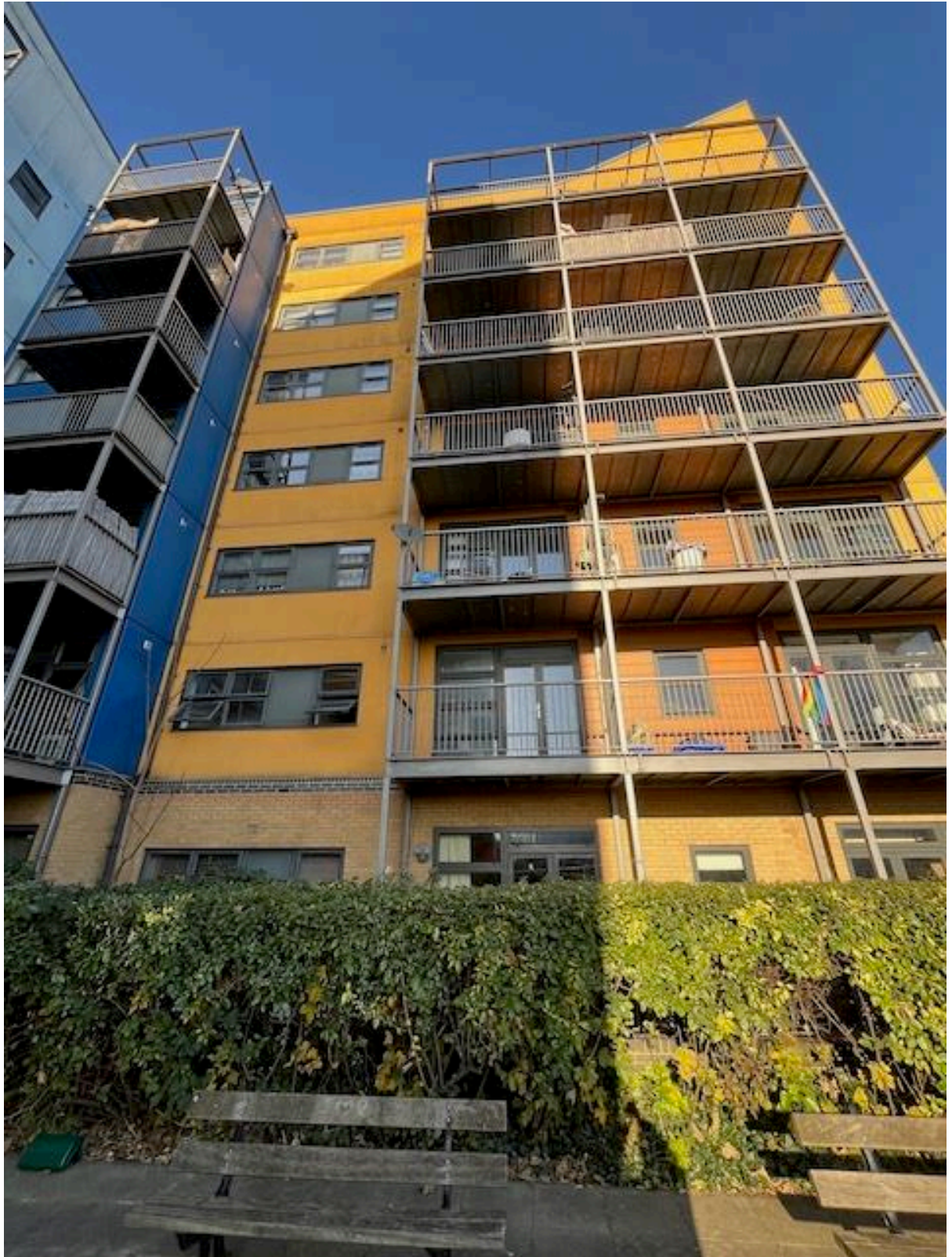
- Long leaseholders have been charged for external cladding works in 2021 and major works in 2023. Without details of these works it is unclear what was planned or if any works have actually been carried out.
- Bellway Homes has stated that it will carry out remedial cladding works at no cost to residents.
- Inconsistent serving of the Section 20 notices raises the question of whether the cost of the works can be charged to long leaseholders.

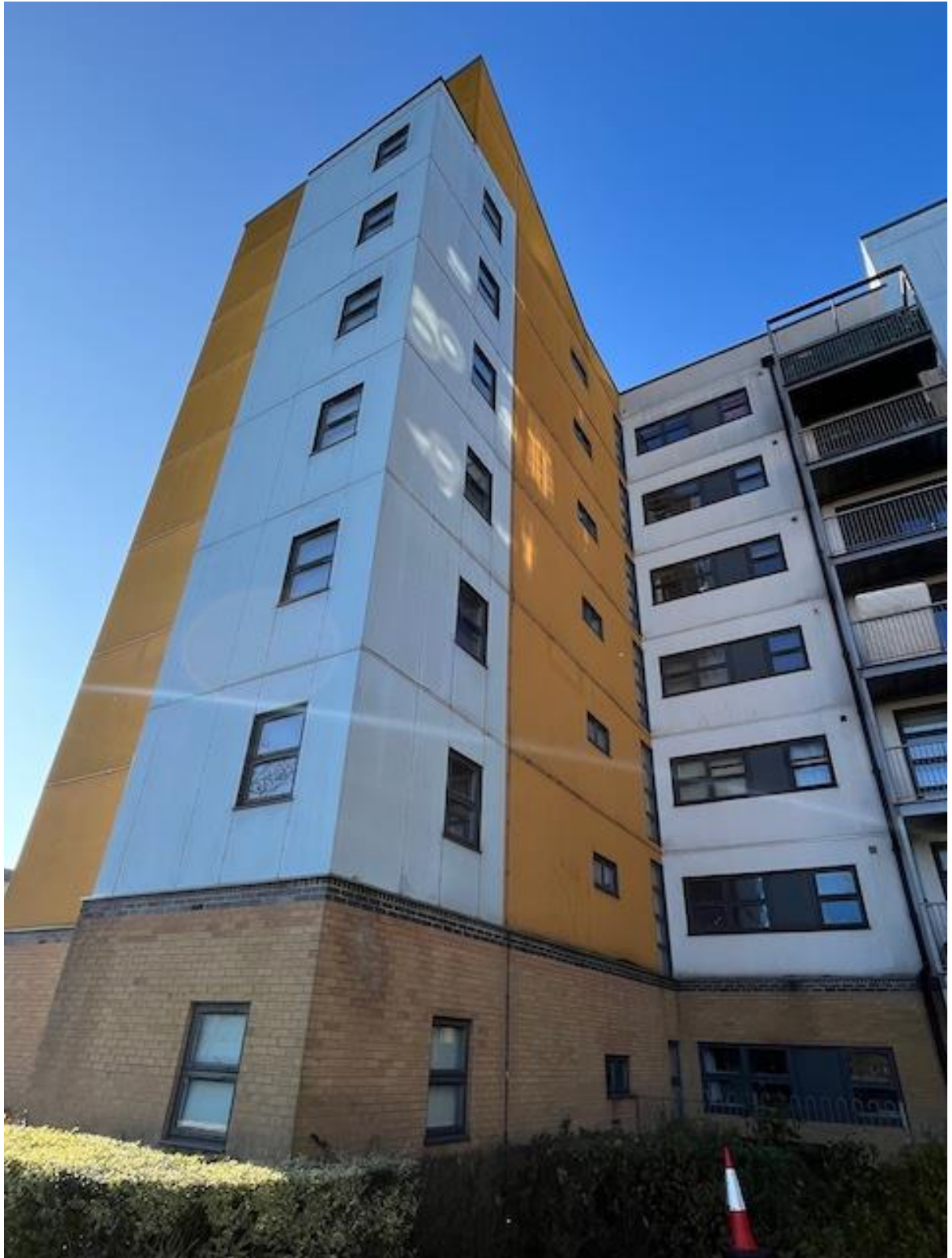
THE PHOTOGRAPHIC SURVEY

1. The west elevation is a mix of render and a panel system with exposed fixings above ground floor. The ground floor is clad in brick. There are steel balconies which apparently do not take support from the walls.





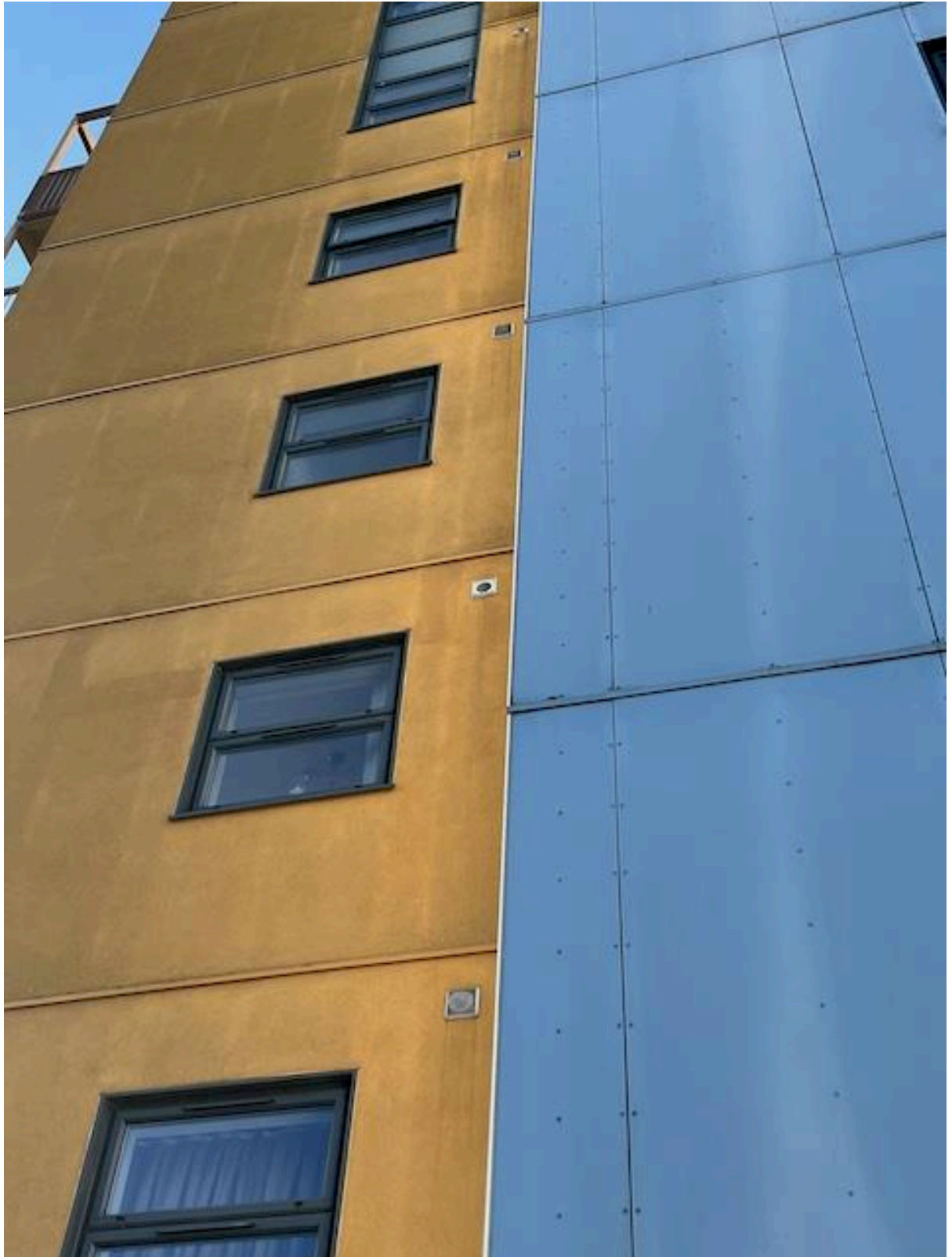




2. West elevation, base of third floor. Section of panel missing probably as a result of damage. It is not clear what is caused this but the construction behind is open to the elements



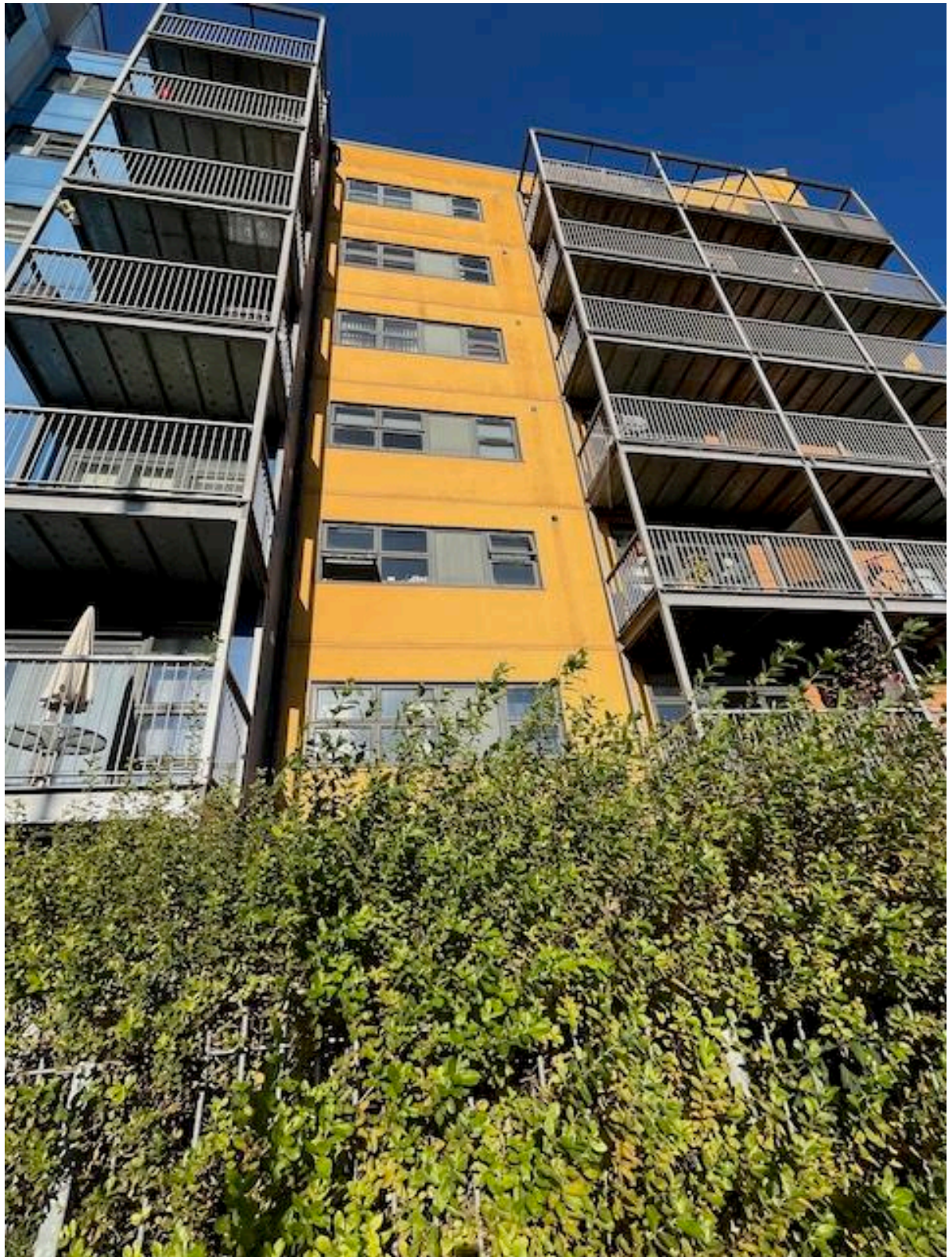
3. The panel system is showing age related decay with horizontal joints standing slightly proud of panels and panels coming loose. The render is discoloured but is in satisfactory condition except for horizontal joints which are again showing deterioration.
4. South elevation. On south-west corner a panel is missing on the second floor. The construction that is showing behind appears to be metal framing with either a board or Rockwool batts between. There is horizontal timber member with gaps in the board/Rockwool.





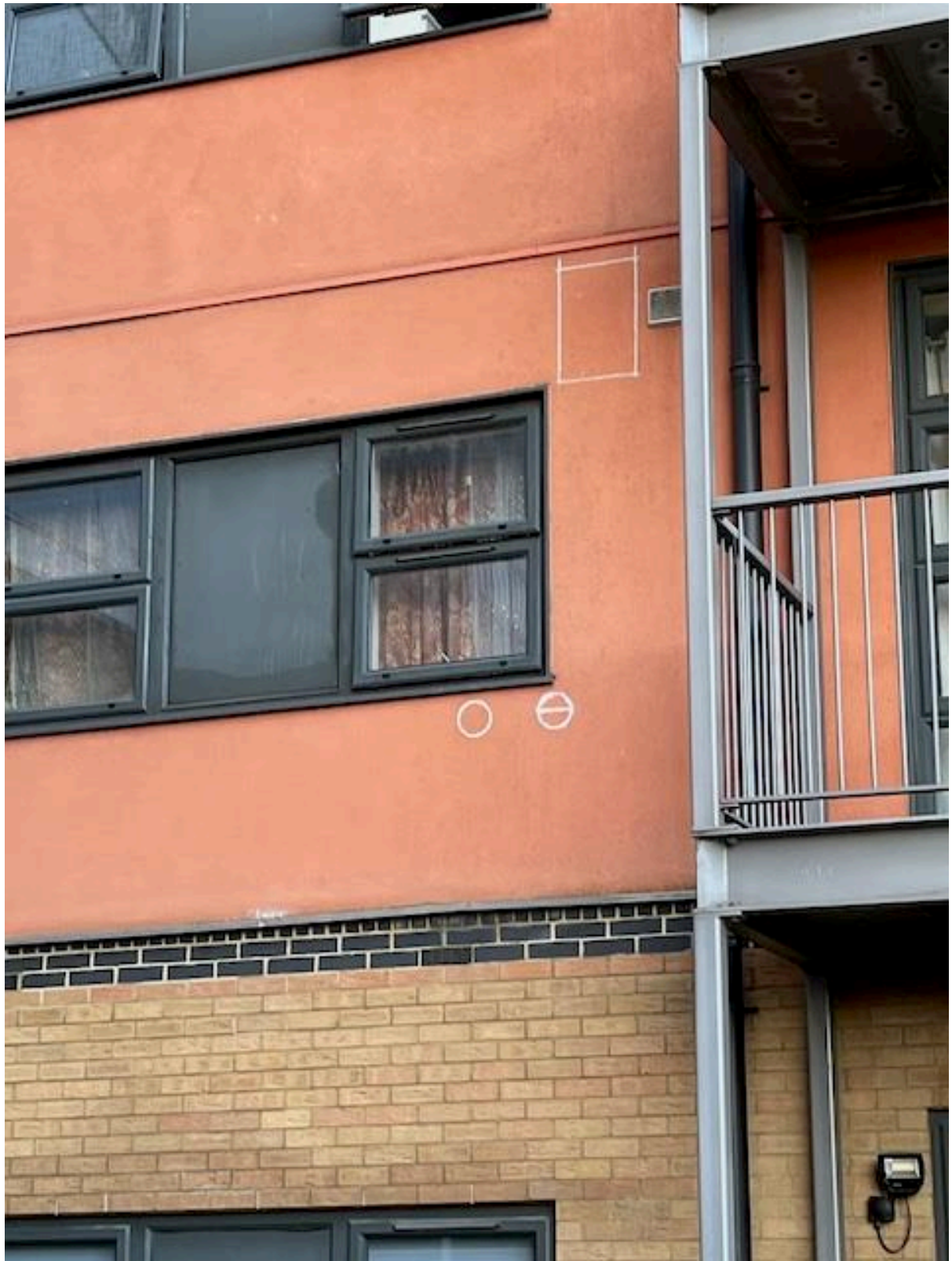


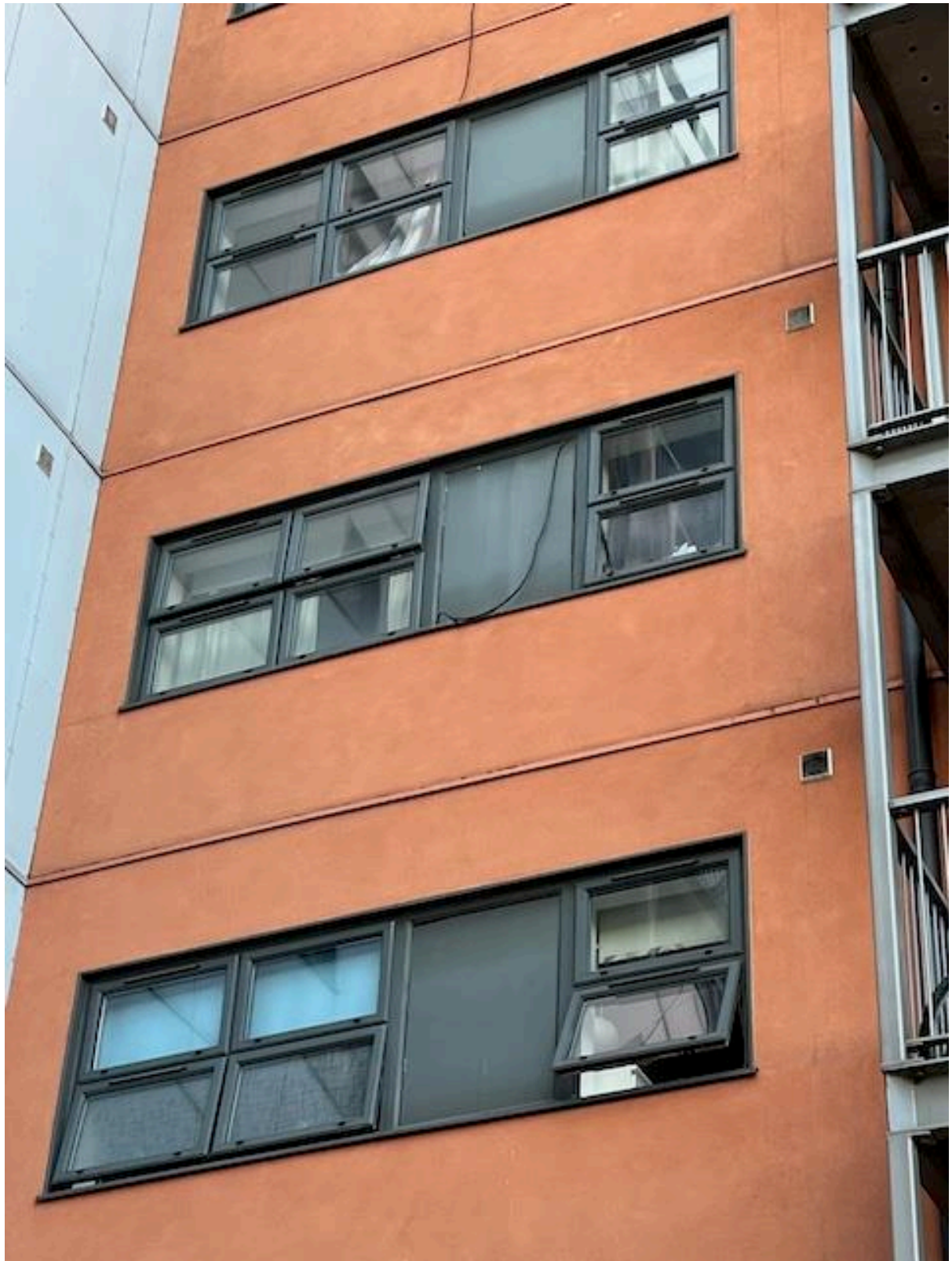


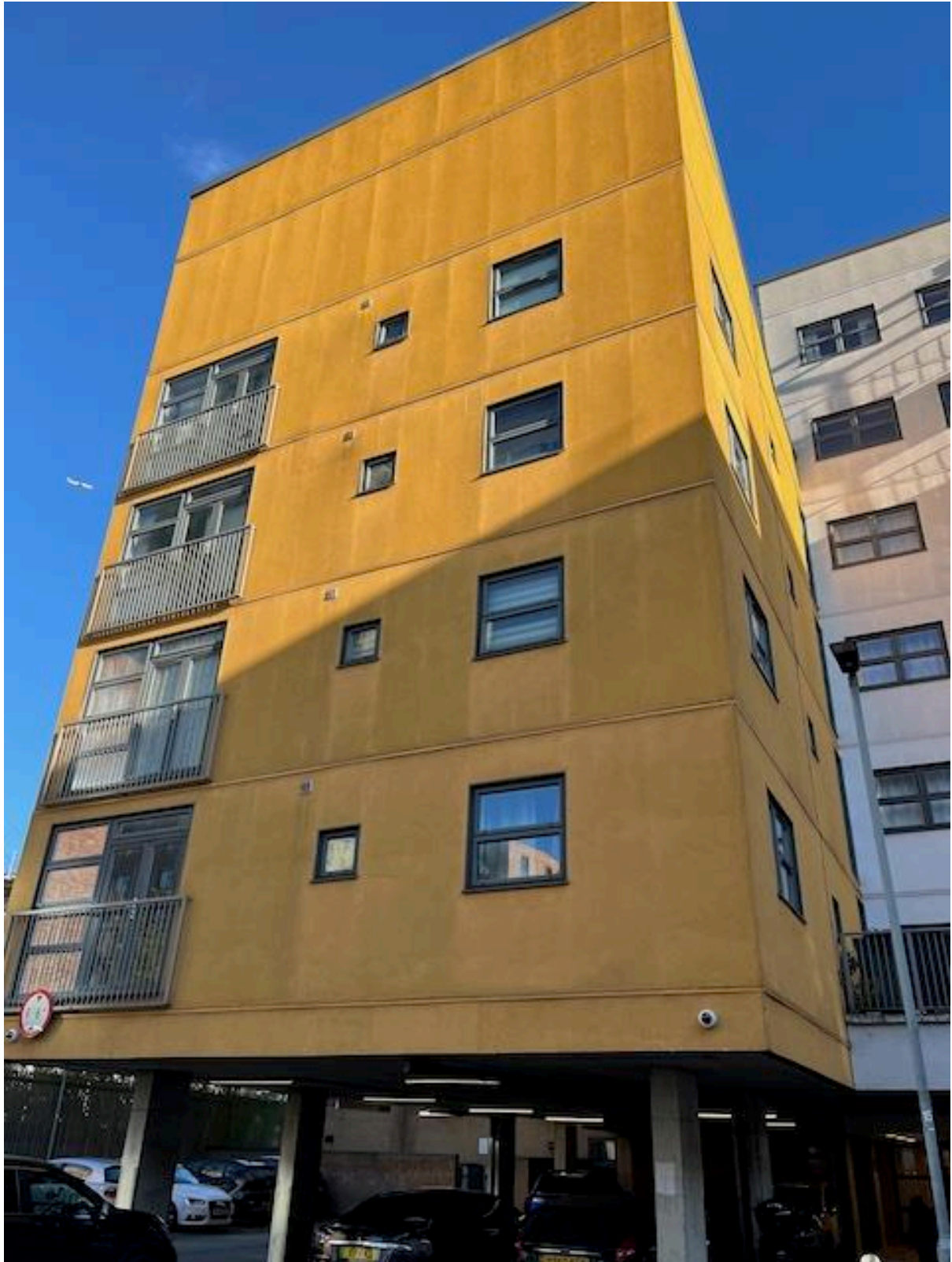




5. North and East elevations. No obvious damage is present but the cladding shows age related deterioration.







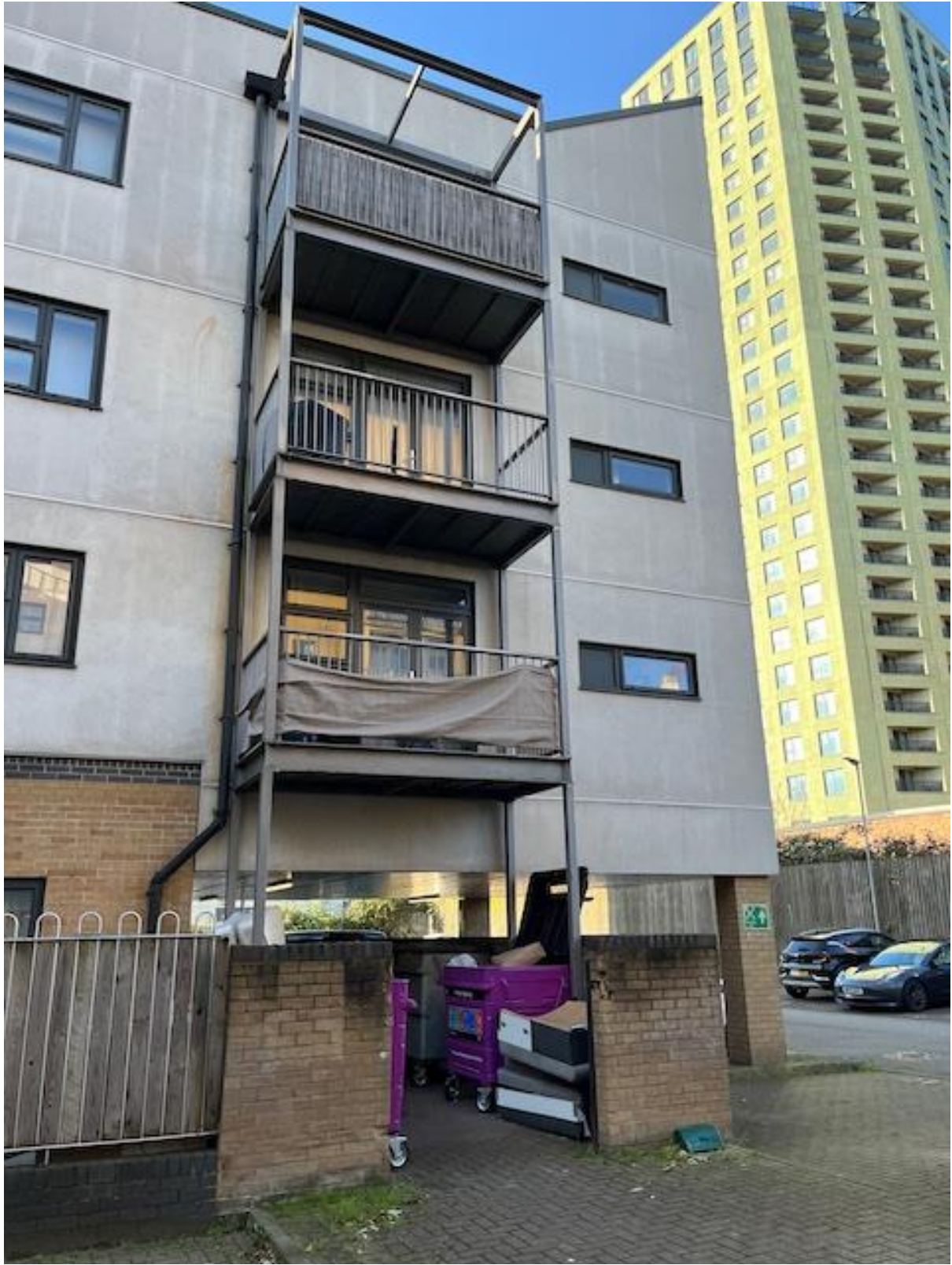


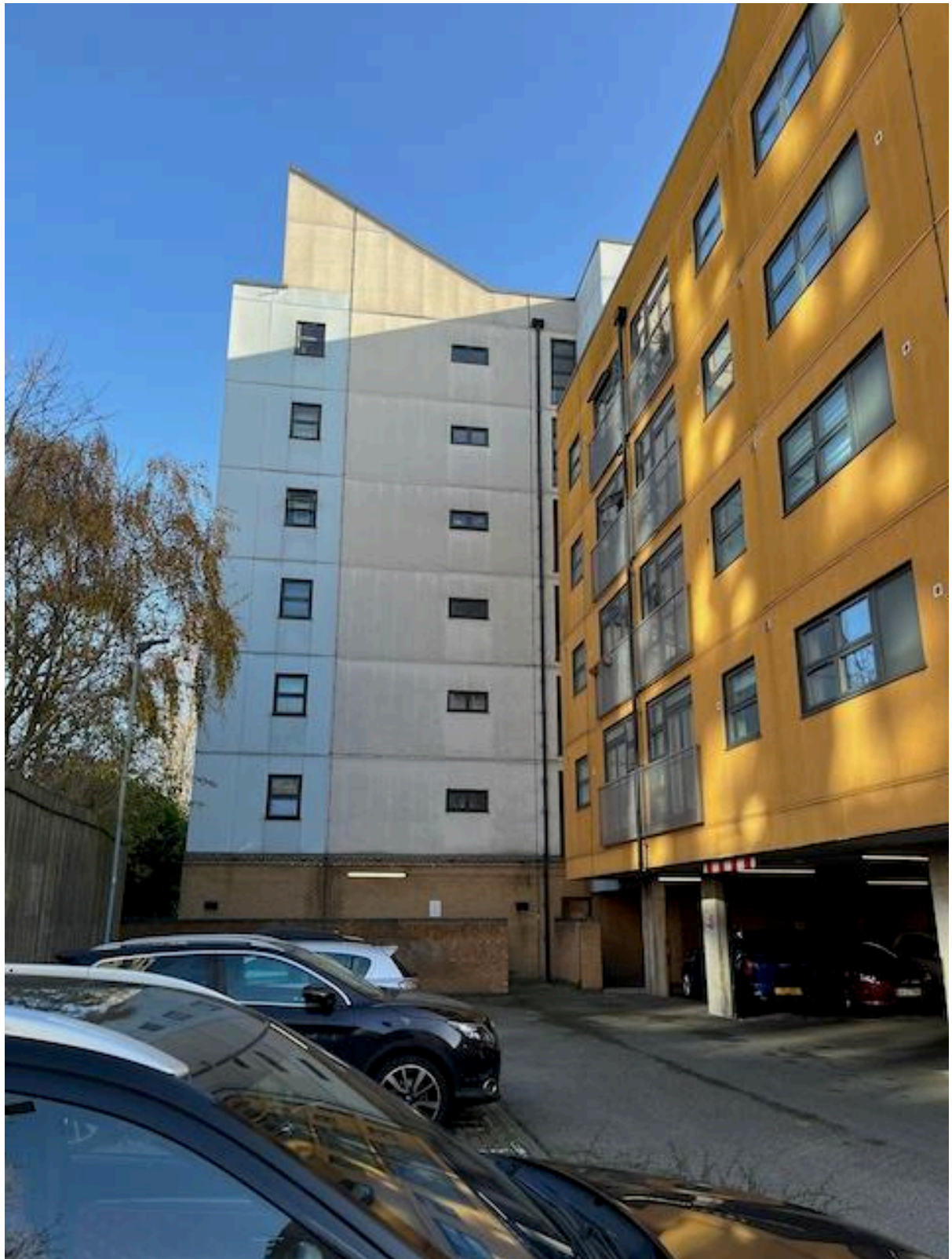
































GENERAL OBSERVATIONS

- The rendered facades are backed by a board which is assumed to be combustible. Tests should be carried out to establish that this is the case.
- Previous intrusive surveys have shown that cavity barriers are missing.
- The panelled facades show evidence of value engineering with a system used that has not stood the test of time.

CHARGES AND COSTS

There are two relevant charges that needed Section 20 notices to recoup the costs from Long Leaseholders. These were:

1. Remedial Works relating to External Wall Façade 20 October 2021. These works were given a cost of £143,088.68 but the photographic survey above has not found any works having been carried out.
2. A notice was served on some long leaseholders but not all. This limits the amount that can be reclaimed from those who did not receive the notice to £250.
3. Subsequent to this notice a letter was received from Bellway Homes, the builder of the block, saying that under an agreement with the Government they would undertake remedial work at no cost to the residents.
4. If the £143,088.68 has been charged to long leaseholders or taken from the sinking fund then, given the Bellway Homes letter, the money should be refunded.
5. Major Works 2023. These works were given a cost of £100,555.22. No Section 20 notices were issued so the limit that can be claimed from long leaseholders is £250 per leaseholder.
6. It is unclear whether this amount has been charged or what works it was for. There is no evidence that works of this magnitude were carried out.
7. The TTMC claims to have no knowledge of what these works were for and have not answered queries asking for documentation.

CONCLUSION

It would appear that works to the facades of the blocks have been charged to long leaseholders without the correct notices having been served and without the work actually taking place. The builders of the block are to carry out the work without charge but no refund of monies charged has been proposed.

The external elevations of the building have deteriorated and been damaged over time and we would recommend that the render and panelled cladding be removed and the board under replaced with a non-combustible equivalent and cavity fire barriers put in place.

ADDENDUM FOLLOWING TTMC'S RESPONSE TO APPLICANTS

Further to the response from TTMC to the applicants' Scott Schedule where, in item 12, they ask for a dispensation for the charge of £143,088.68 for unspecified external works our understanding is that a dispensation, if requested, cannot prejudice a leaseholder. In this case where Mr Simon Swan at Flat 194 has had severe water penetration around a window for many years (see attached letter) requesting this leaseholder to pay for works that do not appear to have taken place and which certainly have not cured his issues giving a dispensation would certainly prejudice his position.

I understand the duty to the First Tier Tribunal in providing this report under Tribunal Rule 19 and I believe that the facts stated in this report are true and that any opinions expressed are correct and true to the best of my knowledge and experience.

SIGNED:

A handwritten signature in black ink, appearing to read "Godsmark", with a long horizontal stroke extending to the left and a sharp upward stroke at the end.

DATE: 4th December 2024

The Maltings, Twelve Trees Crescent, London, E3 3TB

Report on Replacement Floor Recessed Lighting to Entrance of Block B

By Tim Godsmark BA Hons Arch, Dipl. Arch, RIBA, WCCA of HTC Architects

SUMMARY

- In preparing this report we have carried out a visual survey of the lighting installation to the entrance of Block B. We have asked the managing company– Twelve Trees (Bromley by Bow) Management Company for the electrical certificate for the works but this has not been forthcoming.
- The Flats now known as Maltings Close were built in four blocks by Bellway Homes in 2005 and the Freeholder is Chime Properties Ltd. The flats owned by long leaseholders are managed by a tenant management company, Twelve Trees (Bromley by Bow) Management Company, and the socially rented flats are managed by a housing association, London and Quadrant. Block B is managed by TTMC.
- The blocks are generally 7 storey and for the Building Safety Act 2022 are defined as “high risk”. The new lighting to the entrance of Block B is in an undercroft car park at ground level.
- The survey carried out for this report has identified the newly installed lights as being installed so that the bezels sit too high above the paving level forming a trip hazard. One of the lights also showed evidence of water penetration though this may now have been replaced.
- We have not been given evidence that the installation was carried out by a Part P registered electrician or that a completion electrical certificate was issued.
- Long leaseholders will have been charged for the lighting installation and they should not be charged for remedial works.

THE PHOTOGRAPHIC SURVEY

1. The entrance to Block B is in a car park undercroft. The floor is finished with concrete paving slabs and the lights are recessed into this. It is not known what is under the slabs.
2. The lights have been fixed in such a way that the bezels form a lip which is a trip hazard. The marks left on the slabs, presumably by the previous lights, are unsightly and should have been cleaned as are the areas of cement infill.





END

ENC.

Mr Simon Swan

Flat 194 Maltings Close

London E3 3TD

29 November 2024

Dear Mr Swan,

WATER INGRESS 194 MALTINGS CLOSE, LONDON E3 3TB

I inspected the above flat on 26th November 2024. The tenant drew my attention to a side window in the living room adjacent to the kitchen area. This window is on the west elevation of the building. My observations are:

1. There has been substantial water ingress to the top left corner of the window damaging the render and necessitating a pan being placed under to catch water.
2. The plaster and decorations have been damaged and will need to be replaced.
3. I was shown a video of the area during heavy rain and saw water running through the wall and soffit. This was less than free flowing but more than the occasional drip.
4. The tenant told me that this has been happening since he moved into the flat over 5 years ago and that no intrusive surveys had been carried out to determine the cause.

It is difficult to determine the cause of the water penetration without an intrusive survey. My understanding is that this section of the building is timber-framed and this would suggest that there is no steel lintel over the window. There should, however, be a fire cavity closer and a cavity tray and the damage suggests that these are either not present or wrongly installed.

My recommendations for remedial works are:

- Carry out an intrusive survey to determine the cause of the water penetration.
- When the external cladding works are taking place install a cavity barrier draining to the outside with drainage vents.
- Make good decorations.

Yours sincerely,



Timothy Godsmark BA (Hons) Arch, Dipl Arch, RIBA, WCCA
Director

END