

**CHAPTER xi.**

An Act to modify certain provisions of the Adelphi Estate Act 1933. A.D. 1938.
[30th March 1938.] —

WHEREAS by the Adelphi Estate Act 1933 (herein- 23 & 24
 after called "the Act of 1933") the persons Geo. 5.
 thereby defined and therein and hereinafter referred to c. lxxxviii.
 as "the Trustees" were empowered subject to the
 conditions thereby imposed to build upon certain lands
 therein and hereinafter referred to as "the Adelphi
 foreground" free from the restrictions which had
 previously affected such lands by virtue of provisions
 contained in an Act of Parliament passed in the year
 1771 :

And whereas the Adelphi foreground forms part
 of an area of land with premises thereon commonly
 known as the Adelphi Estate (in the Act of 1933 and
 hereinafter referred to as "the estate") and the removal
 under the Act of 1933 of the said restrictions was sought
 and obtained with a view to the re-development of the
 estate and the erection of a new building thereon :

And whereas in connection with such re-develop-
 ment the Trustees were empowered by the Act of
 1933 subject to the conditions thereby imposed to
 construct at their own expense certain street widenings
 new streets and other works within the limits of devia-
 tion therein specified and the removal of the said
 restrictions was made conditional upon the execution
 of the said works by the Trustees and powers were
 conferred upon the Trustees for enabling them to

A.D. 1938. — acquire compulsorily such interests as were held by other parties in the lands specified in that behalf in the Act so far as they might require such lands for the purposes of the said works or for the provision of space for the erection of buildings adjoining or near to any street or roadway to be widened or constructed under the powers of the Act and the Trustees were further empowered upon the completion and the opening for public use of the proposed new streets and street widenings to stop up the highway then existing and known as Adelphi Terrace so far as the same should not have been incorporated in the authorised street works and to build upon the site thereof and hold the same as part of the estate :

And whereas among the conditions imposed upon the Trustees by the Act of 1933 was a condition contained in section 34 (As to height of buildings) which provides as follows :—

“ No building shall at any time be erected within the limits of deviation shown on the deposited plans of a greater height than 145·64 feet above Ordnance datum measured to the top of the roof of such building but excluding the chimneys thereof from such measurement such chimneys not to extend to a greater height than ten feet above the said roof :

“ Provided that subject to the said limitation of height nothing in this section shall prevent the operation of or derogate from any provision of the London Building Act 1930 or of any Act amending or extending the same or of any bye-law or regulation in force thereunder ” :

20 & 21
Geo. 5.
c. lviii.

And whereas the said section 34 was inserted in the Bill for the Act of 1933 upon the requirement of the Select Committee of the House of Lords by whom the Bill was considered and the height of 145·64 feet above Ordnance datum therein mentioned was adopted as being the height of the roof line (on the face looking towards the river Thames) of the Savoy Hotel from which the new building on the Adelphi foreground would be separated by the intervening and higher building known as Shell-Mex House besides certain lower buildings :

And whereas the G. & D. Property Co. Limited A.D. 1938.
(hereinafter called "the company") now occupy the
position of the Trustees within the meaning of the
Act of 1933 and they are carrying out the re-develop-
ment of the estate and in pursuance thereof are erecting
a new building which will have its south-eastern face
looking towards the river Thames and rising from the
Adelphi foreground approximately in line with the
south-eastern face of Shell-Mex House :

And whereas the company propose to construct
the said new building with a flat roof at or slightly
below the said level of 145.64 feet above Ordnance
datum and the company are desirous of erecting upon
the said roof a structure (hereinafter referred to as a
"service structure") to contain such apparatus for the
service of the building (including in particular water
tank rooms and tanks and lift houses to accommodate
overruns and gearing for lifts) as is frequently placed
on the roofs of large buildings and in fact exists on the
roof of the Savoy Hotel and it is necessary for the
company to construct upon the said roof a parapet or
guard rail (hereinafter referred to as a "safety device")
not less than four feet high :

And whereas the company are advised that from
the point of view of amenity the safety-device can best
be provided in the form of a parapet treated as an
architectural feature of the building :

And whereas the London County Council (herein-
after called "the council") take the view that the
erection of the service structure and the safety device
is not permissible under section 34 of the Act of 1933
and on that ground are unable to consider an applica-
tion for consent under the London Building Acts 1930
and 1935 to plans of the building if and so far as they
provide for the erection of the service structure and
safety device above the level of the main roof as shown
on the said plans :

25 & 26
Geo. 5.
c. xcii.

And whereas it would be conducive to the most
convenient and economical construction and use of the
said new building and would not be prejudicial to public
amenities or the amenities of adjoining premises that
such service structure and parapet as aforesaid should
be erected on the roof of the building and above the
said level :

A.D. 1938.

— And whereas it is expedient having regard to the matters aforesaid and for removing doubts as to the legal position and meeting the objections of the council that the effect of the said section 34 should be modified in the manner provided in this Act :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short and
collective
titles.

1.—(1) This Act may be cited as the Adelphi Estate Act 1938.

(2) The Act of 1933 and this Act may be cited together as the Adelphi Estate Acts 1933 and 1938.

Interpre-
tation.

2. In this Act unless the subject or context otherwise requires—

The expression "the Act of 1933" means the Adelphi Estate Act 1933;

The expression "section 34" means section 34 (As to height of buildings) of the Act of 1933;

The expression "the limits of deviation" means the limits of deviation shown on the plans which were deposited in connection with the Bill for the Act of 1933 and are in that Act referred to as "the deposited plans";

The expression "the Trustees" has the meaning assigned to it by section 3 (Interpretation) of the Act of 1933;

The expression "the Adelphi foreground" has the meaning assigned to it in the preamble to the Act of 1933;

The expression "the advisory committee" means the Crown Lands Advisory Committee who by section 33 (Elevations &c. of proposed buildings to be approved) of the Act of 1933 are required to approve (with or without modifications) or disapprove the elevations and

specification (as defined in that section) of any buildings to be erected by the Trustees on the Adelphi foreground; A.D. 1938.

The expression "service structure" means a single structure to contain lift houses (to accommodate overruns and gearing for lifts) and water tank rooms and tanks and any other apparatus for the service of the building upon which the structure is erected and the occupants of such building and the persons resorting thereto;

The expression "safety device" means such a parapet guard-rail or other safety device as may be required or approved by the London County Council.

3.—(1) Subject to the provisions of subsection (8) of this section notwithstanding anything contained in section 34 there may be constructed or placed upon the roof of any building erected within the limits of deviation— Modification of section 34 of Act of 1933.

(a) a service structure not extending more than ten feet above the said roof or to a greater height than ten feet above the level of 145·64 feet above Ordnance datum mentioned in that section whichever is the lower and not occupying more than nine per centum of the whole area of the roof or having any part thereof nearer than one hundred and fifteen feet to the roof line on the general face of the building looking towards the river Thames; and

(b) any safety device not extending more than four feet above the said roof or to a greater height than four feet above the said level whichever is the lower.

(2) Before the Trustees commence to construct or place as aforesaid any service structure or safety device they shall submit to the advisory committee drawings of the elevations of the same (hereinafter called "elevations") accompanied by a specification sufficient to show and describe the design structure and general appearance of such service structure or safety device.

(3) The advisory committee shall within one month after the submission to them of the said elevations and specification approve (with or without modification) or

A.D. 1938. — disapprove the same In considering whether to approve or disapprove the same or to require any modification thereof the committee shall have regard to the probable effect of the erection construction or placing of the service structure or safety device on public amenities and the amenities of adjoining premises and in regard to the public amenities on the side of the building nearest to the river Thames the committee shall take into consideration among other things the desirability of securing a reasonable balance between the roof line of the building and the roof line of the Savoy Hotel as those lines will appear on one side and the other of the intervening building of Shell-Mex House.

(4) The advisory committee shall send notice in writing to the Trustees of their approval or disapproval of the elevations and specification submitted to them In the event of disapproval the notice shall be accompanied by a statement of the objections of the committee to the elevations and specification and in the event of modifications being required the notice shall be accompanied by a statement of such modifications.

(5) If after the expiration of one month from the date of the submission to the advisory committee of the elevations and specification no such notice has been received by the Trustees the committee shall be deemed to have approved such elevations and specification.

(6) If the elevations and specification have been disapproved or approved subject to modifications it shall not be lawful for any service structure or safety device to be constructed or placed upon the roof of the building so as to extend above the level of 145·64 feet above Ordnance datum until such elevations and specification as aforesaid relating thereto have been approved by the advisory committee or (as the case may be) the modifications required by the committee have been accepted by the Trustees.

(7) The Trustees shall pay the reasonable expenses incurred by the advisory committee under this section.

(8) Nothing in this section shall prevent the operation of or derogate from any provision of the London Building Acts 1930 and 1935 or any Act amending or

extending the same, or of any byelaw or regulation in force thereunder. A.D. 1938.

4. The following provisions for the protection and benefit of William John Davidson Howell Edward Earle Gabriel and Edwin Trotman Foster or other the owner or owners for the time being of numbers 20 and 21 John Street and 18 Adam Street Adelphi or any part thereof (all of whom are in this section included in the expression "the owners") shall have effect except so far as may be otherwise agreed in writing between the owners and the Trustees:—

For protection of William John Davidson Howell and others.

(1) Nothing contained in this Act shall prejudice or affect the rights and interests of the owners under section 29 (For protection of Reginald Wilson Foster and others) of the Act of 1933:

(2) Nothing contained in this Act shall affect the provisions of the deed of release and variation dated the eighth day of July nineteen hundred and thirty-seven and made between John Robb George Frederick Burrell Hunter and Donald Finlaison Sutherland of the first part the Alliance Assurance Company Limited of the second part the Royal Bank of Scotland of the third part the G. & D. Property Co. Limited of the fourth part and the said William John Davidson Howell Edward Earle Gabriel and Edwin Trotman Foster of the fifth part and notwithstanding anything contained in this Act the said deed shall have full force and effect.

5. All costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Trustees. Costs of Act.

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