



The Calthorpe Estate Scheme of Management

(A legally binding arrangement on your property under
Section 19 of the Leasehold Reform Act 1967)

Policy Guidelines



Creating the best places to live and work

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Your home, your Estate

The Estate is a lovely place to live. We plan, with your help, to keep it that way. We offer guidance and advice about how your home may be used and developed. We also provide information about how your property should be maintained. To do this effectively, the Scheme of Management sets particular standards to ensure the upkeep of The Estate as a whole.

To assist you we have produced this document, which offers guidance about some of the main Clauses of the Scheme. We have summarised the most frequently used Clauses of the Scheme, as well as highlighting those which are now outdated and which we no longer intend to enforce. Whilst the information you will find here is correct, the actual Scheme of Management itself is the final authority.

For further information about the Scheme of Management, as well as more general advice, please contact the Calthorpe Estates Management Scheme on 01905 361 001*.

The majority of residents on The Estate are keen to work with us to maintain our shared environment. Maintenance is continuous and, more often than not, occurs without our input; we do not intend to be intrusive.

Though we are always ready to offer guidance, we aim to let you get on with keeping your home in good condition. We realise that maintenance is often not development: the fitting of new windows or the laying of block paving are two typical examples. In such instances, homeowners do not require our consent to change 'like-for-like'.

This way, maintenance is encouraged not inhibited. You maintain; we monitor from afar. Together, we protect The Estate.

*Calthorpe Estates Management Scheme is administered through a partner company, Mainstay.

Repairs, redecoration and gardens

Anyone who regularly walks or drives around The Estate will testify that it is a beautiful and pleasant place to be. A great deal of this attractiveness is achieved by the efforts of individual homeowners and residents.

As landlords, we believe this type of individual upkeep is fundamental to the longer term condition and desirability of the wider Estate. The exteriors of properties and their gardens are always visible, so we are committed to ensuring that they are maintained diligently.

To do this, we carry out periodic inspections to identify any properties that we feel are not being maintained to the expected standard. The Scheme requires that properties be kept in a good state of repair and decorative condition by those who live in them. Residents are also responsible for the upkeep and cultivation of any gardens that surround their property.

Operating a business from your home

Clause 9 of the Scheme stipulates that properties on The Estate may only be used as private, single family residences; they should not be used for business purposes or let to sharers.

If you have your own business or are planning to start a new one, it may be that you are considering using your home for some of your business activity. Unfortunately, under Clause 9 of the Scheme this is generally not allowed. Nevertheless, in certain circumstances we will consider specific requests to run businesses from private residences on The Estate. Such requests must demonstrate the following:

- No employees of the business will work at the residence (apart from members of the household)
- The business will not advertise the residential address from which it is operating - either on the premises itself or via any other advertising media
- No stock will be held on the premises
- The business will not accept visitors to the premises (suppliers, clients etc)
- The business will be lawful and appropriate for The Estate

The above criteria are the minimum conditions under which business applications will be considered. If you are considering starting a business from your home, please contact us on 01905 361 001*. We will be happy to discuss your individual circumstances, though our final decision will be binding.

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Nuisance neighbours

Clause 10 of the Scheme allows us to take action against anti-social or inconsiderate behaviour.

However, since the introduction of the Scheme new legislation relating to anti-social behaviour has enabled the council and the police to act in such matters with more authority than us as landlords. For this reason, it is no longer our intention to enforce this clause and we advise that you contact Birmingham City Council direct if you are experiencing difficulties with other residents of The Estate, or with any council-maintained areas or amenities.

Useful telephone numbers:

Abandoned vehicles	0121 303 1112
Anti-social behaviour	0121 303 1111
Bulk household waste	0121 303 1112
Highway flooding	0121 303 6644
Noise pollution	0121 303 1111
Pot holes	0121 303 6644
Refuse collection	0121 303 1112
Street cleaning	0121 303 1112
Street lighting	0121 303 6000

Or visit the Birmingham City Council website www.birmingham.gov.uk

Advertising boards and signs

If you are planning to sell or let your property, we understand that you may want to erect a board or sign. Although the Scheme is explicit about homeowners seeking consent before displaying a board, we generally do not require you to approach us if you intend to post only one board or sign anywhere up to your own boundary line. However, if you erect a board on amenity land we will insist on it being removed.

If you intend to display a board that is advertising something other than the sale or letting of your property, you will need to approach us for consent.

Television aerials and satellite dishes

Just as the ongoing maintenance and redecoration of the exteriors of properties lends to the overall attractiveness of The Estate, so too does the careful positioning of satellite dishes and TV aerials.

Most residents of The Estate have either a dish or an aerial fixed to the outside of their homes. We will allow aerials or dishes to be fitted to the rear of buildings, or in an inconspicuous position at the side of properties - though dishes must not be more than 60 cm in diameter. As we reserve the right to instruct residents to remove dishes or aerials that are considered too large or inappropriately sited, we do advise that you seek our guidance if you are in any doubt.

Parking

The Scheme protects the day-to-day attractiveness of The Estate by regulating the types of vehicles that may be parked in front of properties and the length of time they may be left there.

We realise that nearly all residents on The Estate will want to park their car or van in front of their property and the Scheme permits this for short periods such as overnight or for temporary purposes. However, we do encourage the use of garages whenever possible. We do insist on boats and caravans being parked out of sight.

Pets and animals

Animal husbandry is not as common as it once was. For instance, when the Scheme of Management was first introduced many residents kept poultry. Today, many of us get our eggs from the supermarket and, if we do have animals, they are more likely to be domesticated household pets rather than broods of clucking hens.

Due to this, Clause 15 of the Scheme, which relates to the keeping of animals on The Estate, carries far less relevance than it did. The local council now has more influence in this regard than us, therefore we no longer intend to enforce this clause. Whilst we do encourage residents to manage and control their pets, we ask that they contact Birmingham City Council direct if they have any questions, concerns or complaints about animals on The Estate. Contact details for Birmingham City Council can be found on their website www.birmingham.gov.uk

Washing lines

As with animal husbandry, washing lines and their use have diminished on The Estate in recent years. Clause 16 of the Scheme, which sought to regulate where and when washing might be hung, will now only be enforced when there are persistent and serious breaches of the Clause.

Consent for general building works

Clause 17 of the Scheme requires that consent be obtained for structural building works, including extensions, external alterations or internal alterations of a structural nature. Ultimately, we want to assist your building project in every way possible, so consent for works will not be unreasonably withheld once the application has been considered in detail and proper consultation has taken place.

Your works may also require Planning Permission and/or Building Regulations Approval before you are able to carry out your building works. These are statutory consents obtained from the Planning Department and your architect or builder should be able to advise you on whether they need to be obtained. If Planning Permission or Building Regulations approval is not required because the nature of the works are such that they have 'permitted development' rights, you will still require our consent under the Scheme of Management, since our consent is completely separate from the planning process.

Applications for consent will, however, be judged against the following design criteria:

- What effect will the proposed works have on nearby properties?
- How will the proposed works affect the amenity of the surrounding area?
- Will the proposed works result in an over-development of the plot?
- Are the proposed works sympathetic to the original architectural design of the property and/or the era in which it was built?

We are keen to ensure that The Estate is developed to its best potential. To this end, we aim to work with residents to agree programmes of works which meet their specific building needs as well as the above criteria and the longer term needs of The Estate as a whole. However, we are generally unable to permit the following:

- Any building work up to the boundary line. If you are planning an extension that will stretch from the side of your home towards your neighbour's property, a gap of at least one metre will be required. This regulation minimises the 'terracing' effect that much redevelopment can create
- Full-width rear extensions of town houses; however, we will consider applications for conservatories
- The conversion of garages into extra living spaces
- Proposed works which are too big or out of proportion with existing and neighbouring buildings

We aim to deal with applications for building works within six weeks of the initial site inspection, though this is largely dependent on the scale and complexity of the particular project. All consents are valid for two years.

Environmentally-friendly initiatives

Developing a sustainable environment is important to us all. We therefore support residents' green initiatives - as long as they are compatible with the general aims of the Scheme. Common sustainable initiatives that residents of The Estate have previously considered include:

Initiative: Combination (condensing) boilers

Advice: Building regulations now require that all new boilers be high-efficiency. In most cases, residents tend to install combination boilers to meet this regulation. The discharge from condensing flues is more visible than from other types of flues. We therefore ask that if you are fitting a combination boiler that you position the flue so that the discharge is as inconspicuous as possible.

Initiative: Solar panels

Advice: Consent for solar panels is likely to be given provided the panels are of good design and are properly integrated into the property, in an unobtrusive position at the rear of the building.

Initiative: Wind turbines

Advice: Wind turbine technology is still developing; it is therefore difficult to give clear guidance on this particular initiative. If you would like to install a wind turbine please contact us for advice.

As responsible and modern landlords, we support sustainability. We also seek to preserve the attractiveness of The Estate. If you are considering any of the above sustainability initiatives, or have any other plans to make your house more environmentally-friendly, then please contact us directly so we can discuss your proposals with you.

Railings and gates

In recent years many residents have erected railings and/or gates, either to improve security or to improve the appearance of the front of their properties.

We respect both these motives for new railings and/or gates and will therefore consent to these types of works in most instances. However, your plans will need to comply with the following:

- Railings and/or gates should be painted in one colour only (preferably black) and should not contain overly decorative features
- Landscaping should also be planned to soften the impact of the proposed railings and/or gates and proposals will need to be submitted with the application for consent
- Your property must not be part of an open plan development
- If your property is listed, or in a conservation area, you should also obtain the appropriate redevelopment consents

Please contact us directly so we can discuss your railings and/or gates and landscaping with you.

Redevelopment

Clause 18 of the Scheme requires that any redevelopment on The Estate be in keeping with the landlord's plans. We are particularly careful about the type and extent of redevelopment that we allow on The Estate and will only grant consent to projects that we believe will enhance the local environment. If you are planning redevelopment, you should know that this type of consent is the most difficult to obtain so your project will need to be realistically conceived.

Having said this, however, we do consent to redevelopment projects if they add to the desirability of The Estate as a whole. The most common redevelopment proposals that we receive from individual residents, as well as from property developers, include:

Proposal: Demolition of an existing single family residence and rebuild as a single family residence.

Advice: Sometimes demolition and rebuild is the best and most cost-effective building solution. As long as, in our opinion, such proposals are complementary to the surrounding environment consent is usually granted.

Proposal: Demolition of an existing single family residence and redevelopment of the plot into two or more single family residences.

Advice: We do not usually approve applications of this type since they result in an increase in density which is not generally in the best interests of either the immediate area or The Estate as a whole. However, there may be instances where the redevelopment of an existing plot, and its subsequent sub-division, may have a beneficial effect on an existing environment or may present the opportunity of improving the single family residence mix in a particular road. These factors will therefore be important in determining whether or not consent is granted.

Proposal: Demolition of one or more single family residences to create apartments or mixed residential developments.

Advice: We will, in certain circumstances, consider applications for redevelopment of one or more plots into single family apartments. Consent is generally only granted on those parts of The Estate where inward investment is desirable. The aim of apartment schemes should be to restore the balance in favour of residential occupancy without creating a concentration of such schemes. In addition, the redevelopment must:

- Enhance the immediate environment
- Contain generous amenity land and car parking provision. We will not accept the minimum provisions laid down by the local planning authority
- Not be mainly back land development.

Proposal: The conversion of a single family residence into apartments.

Advice: We may consider existing single family residences, or properties which currently have some other use, as suitable for conversion into single family apartments. The guidance offered about proposals to create new build apartments or mixed residential developments (above) is relevant here also. Converted apartments, however, may only be sold on long leases as single family residences and may not be offered for rent.

Repair of adjoining properties

Clause 22 of the Scheme gives homeowners the right to enter a property adjoining their own to undertake remedial work to their own property. Since there is now a legal right of access set out in the Access to Neighbouring Land Act 1992, we no longer intend to enforce this Clause.

Trees on The Estate

Trees are one of Edgbaston's special features. The importance we attach to their health and upkeep is reflected in the manner by which we strictly regulate tree surgery work across The Estate. Specific and detailed information regarding how tree work should proceed is provided in Clauses 24 and 25 of the Scheme.

The Scheme applies to all trees on The Estate, except fruit trees and those that are subject to tree preservation orders. Residents are required to manage all the trees within their own boundaries and to seek consent before carrying out works - except in cases of extreme emergency. We recommend that you have any large and/or elderly trees for which you are responsible checked by a qualified tree surgeon at regular intervals.

Residents on The Estate often apply for consent to fell or remove leylandii. Consent for this is granted in almost all instances, as long as the trees that are being removed do not form a privacy screen between plots or properties.

If you are concerned about any tree works on The Estate, we urge that you contact us immediately on 01905 361 001*.

Guidance may also be obtained from Birmingham City Council on 0121 303 1115 or visit www.birmingham.gov.uk

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The small print - important

This guidance reflects our current interpretation of the Scheme of Management. The Scheme of Management is a Scheme made pursuant to s.19, Leasehold Reform Act 1967 for the management of The Calthorpe Estate, Edgbaston, Birmingham. The Scheme of Management will prevail over this guidance. We reserve the right to change our guidance in the future, including withdrawing general consents or withdrawing waivers in respect of the enforcement of clauses. Any such changes will be notified to residents.

Where our consent is required, we will need to review in detail the full proposals before consent can be given. The guidance therefore does not bind us to consent in any particular circumstances, and our rights remain as set out in the Scheme.

Whilst the guidance indicates that, in certain circumstances, we do not intend to enforce certain provisions of the Scheme, we do not bind ourselves to enforce the remainder of the Scheme. This will remain at our absolute discretion.

Although we are happy to give guidance, we do not accept any duty to act with reasonable skill and care, or any other duty, which means we will not be liable for any damages relating to any advice that we give.



CALTHORPE
ESTATES

www.calthorpe.co.uk

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MISREPRESENTATION ACT 1967

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