



The Calthorpe Estate Residents' Handbook

and guidance in relation to the Scheme of Management



Foreword

The Calthorpe family began to encourage development on their extensive Edgbaston estate during the late 18th century. The first examples of development can be traced back to 1786. Both then, and subsequently, permissions were carefully controlled through leases, designed to preserve the high quality and character of the Estate. During the 19th and 20th centuries, as the built environment expanded, this long term vision of a high quality social and working environment was realised.

In the last quarter of the 20th century, however, the legal framework governing residential development and ownership changed. Residents acquired the right to buy the freeholds of their houses, and the old lease covenants fell away. The Scheme of Management was set up under a Court Order to continue the ability of Calthorpe Estates to maintain the quality and character of the environment for the benefit of all those who live on the Estate.

Calthorpe Estates are responsible for the overall development of the Estate, and are committed to creating thriving communities. In pursuit of that aim we are pleased to work with our residential community, especially through the Calthorpe Residents' Society and local residents groups in order to foster a shared pride in the area, and to continue to keep the Calthorpe Estate as a desirable place for people to live.

Working with the residential community we have produced this residents' handbook, to provide an explanation of the Calthorpe Estates Scheme of Management, which also contains guidance on maintaining or extending your property. We hope you will find it useful, and support us in upholding the standards on the Estate for both current and future generations.

Mark Lee
Chief Executive
Calthorpe Estates

The Scheme of Management (The Scheme) under Section 19 of the Leasehold Reform Act 1967 can be found at www.calthorpe.co.uk/scheme-of-management

To discuss matters relating to the Scheme of Management, please contact Mainstay, our agents:

01905 361 001 or by email to buildingcommunities@mainstaygroup.co.uk*

*Contact details were correct at the time of publishing (December 2019). For the most up to date information visit www.calthorpe.co.uk/scheme-of-management

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Section 1

The Calthorpe Estate

Originally bought by London merchant Sir Richard Gough in 1717, the Calthorpe Estate has been owned by the Anstruther-Gough-Calthorpe family for over 300 years. The 640 hectare (1,600 acre) Estate covers a large part of Edgbaston, and small areas of Harborne and Quinton. The Estate contains one of the largest urban Conservation Areas in the country.

A social mix of people of all ages and backgrounds reside on the Calthorpe Estate. It boasts some of the finest period properties in the country, as well as providing more modern houses, all set within a leafy environment with green open spaces, less than a mile from the Birmingham city centre.

Home to Edgbaston Village, Edgbaston First and Edgbaston Medical Quarter, it offers superb lifestyle, leisure and medical facilities, which collectively create one of the best places in which to live and work in Greater Birmingham.

Most of the Estate is bounded by two of the major arterial roads in and out of the city. It has ready access to the M5, M6 and the national motorway and rail networks. Accessibility is set to be enhanced further with the arrival of the Metro tram and SPRINT rapid transport system.

The Estate is managed by Calthorpe Estates, a forward thinking and progressive property investment and development business. Its portfolio includes leisure, retail, education, office and medical developments as well as residential properties. Its aim is to sustainably develop the Estate to create thriving communities for the benefit of both current and future generations.





The 1,600 acre mixed-use Calthorpe Estate



Section 2

Introduction to the Residents' Handbook

The Calthorpe Estate is a special place to live and to help residents on the Estate we have produced this handbook. It provides an explanation of the Calthorpe Estates Scheme of Management and contains guidance on maintaining or extending your property.

We hope you will find it useful, and support us in upholding the standards on the Estate for the benefit of current and future generations.

Introduction to the Calthorpe Estate's Scheme of Management

Calthorpe Estates procured a Scheme of Management (the Scheme) under Section 19 of the Leasehold Reform Act 1967, to help preserve and maintain the uniqueness of the Calthorpe Estate for the benefit of current and future generations. The day-to-day management and administration of the Scheme of Management is undertaken on our behalf by our Agents: Mainstay Residential Limited.

There is a mix of freehold and leasehold properties on the Estate (some of which are rented and are subject to various controls).

- ✓ **Freehold property owners** are subject to the Scheme of Management.
- ✓ **Leasehold property owners** are subject to the terms of their leases.
- ✓ **Landlords** are subject to the Scheme of Management if the property they own is freehold. Tenants are subject to the terms of their tenancy agreement with the landlord (and may include conditions which are similar to the Scheme of Management).
- ✓ **Private developments**, freehold houses on private developments are subject to the Scheme of Management.

Under the terms of these agreements, all residents living on the Calthorpe Estate are encouraged to be respectful and considerate neighbours and help to maintain the amenity of the Estate and create a special community in which people can enjoy living.



Freehold properties

Under the Scheme of Management, obligations are placed on freehold property owners to ensure they adhere to a number of requirements. There is no provision to opt out, therefore it is not possible for individual freehold houses to leave the Scheme.

Freehold property owners are required to pay an annual Management Charge under clause 31 of the Scheme. This Charge is paid annually in arrears on the 31st December and the Charge comprises two elements:

- The amount that was levied for the previous year.
- An increase on the base charge for the previous year which is calculated in accordance with the published Retail Price Index (RPI) increase for October of each year.

For example, the 2018 Scheme of Management charge was £48.77. In 2019, it is £48.77 + the increase in RPI as measured in October 2019.

The main obligations for all freehold property owners on the Calthorpe Estate are to ensure:

- Their property is **maintained** to a good standard of repair and decorative condition internally and externally.
- **Written consent** is obtained from Calthorpe Estates **before undertaking any alterations** to their property, whether internal structural alterations, new extensions, or alterations to the external visual appearance.
- The property is **only occupied as a private residence** for a single family and should not be sub-divided.
- **Written consent** is obtained from Calthorpe Estates **prior to the removal or pruning of trees.**

Leasehold properties

Leasehold properties are subject to the terms of their respective lease, which incorporate terms that are a similar provision to the Scheme of Management. Owners of leasehold houses would become subject to the Scheme of Management if they acquired their freehold.

Landlords and tenants

Landlords, who are freeholders, remain subject to the Scheme of Management even though their properties may be rented out. Tenants of a freehold or long leasehold property are subject to the terms of their tenancy agreement with the landlord.

However, under the terms of their tenancy agreement, tenants may be responsible for maintaining certain aspects of the property they rent which fall under the Scheme of Management e.g. maintaining the garden, trimming hedges, keeping the property tidy and in good order, and notifying their landlord of any necessary works that need doing.

Private developments

There are several modern private developments on the Estate. Home owners (i.e. not leasehold or renters) who live on a private development (such as Chad Hill/Westfield, Norfolk Park or Greville Lodge) pay the Scheme of Management charge and a service charge (the obligation to pay is set out in clause 30 of the Scheme). This service charge covers the upkeep of any shared amenity land as well as private roads and footpaths on the development and shared drains. The service charge is collected annually in two instalments by the appointed managing agent.

Residents living on many private developments have been encouraged to set up a management committee which, once established, provides them with a platform that enables them to work closely with the managing agent. The committee is consulted and is able to participate in the framing of short and medium term priorities for their development. This engagement provides residents with a greater say in decisions that affect their area and helps to deliver greater value for money in the services that are provided and recharged through the service charge.

Key benefits of the Scheme of Management for all residents

- The Estate is characterised by **low density** housing within a landscaped setting.
- Homes are **primarily single family homes** with many large period houses.
- The Scheme helps to **maintain the standards** of appearance, amenity and to regulate development.
- For freehold properties on the Estate, the Scheme of Management (specifically clause 9), requires that properties may only be occupied as a **private residence** for a single family and it is why the larger properties in roads such as Farquhar Road, Westfield Road, Norfolk Road, Richmond Hill Road and Woodbourne Road remain as single-family homes.
- The Scheme therefore offers **some protection** in controlling the use and occupation of properties which helps give property owners the confidence to invest the considerable sums required to maintain and restore their homes.
- Government's Planning Policy and the Council's Planning Control helps to control areas, particularly those with Conservation Area status. However, the Scheme of Management also specifically **prevents properties being converted** to a form of multiple occupation **without the consent** of the Calthorpe Estate.





Section 3

Details of the Scheme of Management

To help maintain standards across the Calthorpe Estate, for the benefit of all, the correct consents must be obtained and procedures followed.

In this section: The appearance of your property • Gardens • Garden structures • Hedges, fencing, walls and grass • Boundaries • Japanese Knotweed/non-native invasive plants • Trees and tree works • How to select a tree surgeon • TPOs • Fruit trees • What to do if you require tree related works • Roads, driveways and parking areas • Pets and other animals • Working from home • Television aerials and satellite dishes • Environmentally friendly initiatives • Solar panels • Ground source heat pump • Electric charging points • Wind turbine • Bins.

“ My neighbour’s property is looking dilapidated, can anything be done about it under the Scheme of Management? ”

The appearance of your property

Freeholders are required to keep their property in a good repair and decorative condition, under clauses 5, 6 and 7 of the Scheme. Freeholders who fail to do this will be contacted by Mainstay, our agents, and may be liable to enforcement action depending on the severity of the breach.

In the first instance, concerned neighbours should bring the matter to the attention of Mainstay who will investigate and, if appropriate, bring to the resident’s and freeholder’s attention any need for action. If any necessary works are not carried out within an agreed period of time, an enforcement Repair Notice can be issued to the freeholder.

Guidance is provided to home owners below about what is expected of them in order to maintain the character and appearance of their properties and gardens. This guidance includes:

- Trees and gardens
- Driveways and parking areas
- Parking of vehicles, caravans & commercial vehicles
- Working from home
- Sighting of TV aerials and satellite dishes
- Environmentally friendly initiatives.



Gardens

Gardens are integral to the landscape and character of the Calthorpe Estate. Under clause 7 of the Scheme, all residents are expected to maintain their gardens to a satisfactory standard and any changes to the garden, such as tree works, fencing or gates will, in the majority of cases, require consent.

To help preserve the quality of the street scene we encourage residents to tend to their gardens on a regular basis, especially throughout the growing season and in the autumn.

Front gardens are the most visible, and thus an integral feature of the Estate. Therefore, we encourage all residents to cultivate and maintain their gardens.

Garden structures

Under the Scheme you are permitted to install most garden sheds, greenhouses, summer houses, pergolas and any other non-permanent garden structure.

The structures should be of a suitable size and proportion, be in keeping with the characteristics of your property and be located in an unobtrusive position.

They must be constructed of materials which are sympathetic to your property and the surroundings, with planting carried out to soften the impact (where appropriate).

Timber sheds, glazed greenhouses and other similar garden structures in your rear garden measuring no more than 2m (6ft 6in) width x 3m (9ft 10in) length x 2.1m (6ft 10in) high fall under the permitted development rights and are also permitted by Calthorpe Estates without the need for a formal application or consultation with neighbours. Any structures over this size, or which may affect an adjacent property's right of light or privacy, may require consent from both Birmingham City Council planning department and the Scheme.

Except for consent for tree surgery, residents do not require consent to undertake any other work in their garden such as the removal, pruning or planting of any shrubs or bushes.

Hedges, fencing, walls and grass

Many of the older areas of the Estate feature front gardens enclosed by privet or beech hedges and low garden walls, some with metal railings. Garden lawns are all natural and not artificial grass. These are important features and give the Estate its unique character and need to be preserved to maintain the appearance of the Estate.

Artificial grass

The use of artificial grass is not permitted to the front of your property or public areas. For listed properties and those in a Conservation Area, artificial grass is not permitted in any area.

Front railings, walls, hedges and fences

If you wish to replace, they should be replaced with like for like, or in a style and colour that reflects the original design of your property. For listed properties, front railings, walls and hedges must match or be in keeping with the original property.

New front garden fences and walls should be in keeping with those already existing in the same road/neighbouring properties and should not normally exceed 1m (3ft 3in) in height.

Some properties and residential areas, especially newer 1960/1970s developments were designed with open garden frontages and these must be retained to preserve the existing street scene.

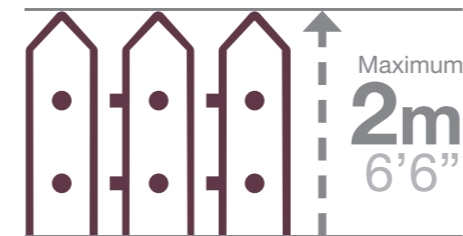
New railings and gates

Many residents have applied to erect new railings and/or gates to either improve security or to improve the appearance of the front of their properties.

We are likely to grant consent in most cases for new railings and/or gates, provided that the proposals satisfy our criteria:

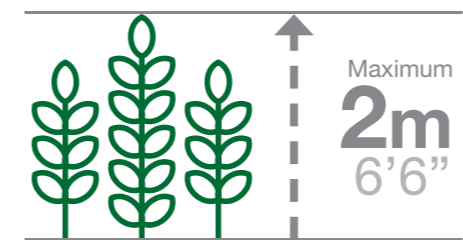
- Railings and/or gates should be painted in one colour (preferably black) and should not contain overly decorative features
- Landscaping should also be integrated into the plans to soften the impact of the proposed railings and/or gates
- The property must not be part of either a development or a row of houses that was designed on 'open plan' design principles
- If the property is Listed or in one of the Conservation Areas, planning permission or Listed Building consent may also be required
- Gates will generally only be allowed if they are set back so that vehicles entering the property when the gates are closed or locked do not obstruct vehicles passing along the highway.

Rear walling and fencing materials should match in colour and style to existing walls/fencing in the area and should not normally exceed 2m (6ft 6in) in height.



Suitable hedging should be used. Leylandii, which is a popular form of hedging, is extremely fast growing and can adversely affect the neighbouring properties as well as the street. Where possible, alternative hedging material should be used and hedges kept to an acceptable height such that they comply with the criteria set out in Part 8 of the Anti-Social Behaviour Act 2003.

Under this legislation a 'high hedge' is determined as being a line of two or more evergreen (or semi evergreen) trees or shrubs and the Council can take enforcement action against a neighbour if the height of their hedge is more than 2m (6ft 6in) in height and blocks light or access to a neighbouring property.



Replaced with like for like, or in a style and colour that reflects the original design of your property.

Boundaries

Boundaries are generally the responsibility of one neighbour. Although there are exceptions to this rule, lease/deeds should be checked for clarification of boundary responsibility.

Whilst we are unable to intervene directly in resolving individual boundary disputes, we can offer advice on how such disputes can be resolved.

Japanese Knotweed and other invasive non-native plants

Some gardens on the Estate contain invasive non-native plants which have the potential to cause damage to property.

Japanese Knotweed, for example, can cause structural damage to property by growing through brick or stonework and giant hogweed can cause harm to human health.

Under the Anti-Social Behaviour (ASBO) Act 2003, householders have a legal responsibility to prevent invasive plants such as Japanese Knotweed from spreading, and owners who fail to do so risk being served with a Community Protection Order. Breach of any requirement of such an Order without reasonable excuse is a criminal offence and can lead to a fine.

If you believe that there may be Japanese Knotweed or some other invasive non-native plant species either in your garden, or in a neighbour's garden and are concerned that it might spread into your garden we would urge you to contact Birmingham City Council immediately via www.birmingham.gov.uk.

Visit www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading to obtain further advice on how you can safely treat or dispose of it if it is in your garden or how they can assist you if it is in a neighbour's garden.



Trees

Trees are a defining character of the Calthorpe Estate. The majority of residential gardens include mature trees (including fruit trees and shrubs).

Under clauses 24 and 25 of the Scheme of Management, all residents are expected to maintain trees to a satisfactory standard, employing arboreal/tree surgeons where appropriate. In the majority of cases any changes to trees will require consent.

Furthermore, it is important that residents recognise that Birmingham City Council is adopting a formal Tree Policy, which values a tree in financial terms well beyond the simple price of the recovered wood and considers the Public Amenity Value. A large mature tree may have a valuation of tens of thousands of pounds.



Consent for arboreal/tree works

Consent under the Scheme is required for most tree related works. For example, if you are intending to reshape, substantially prune, reduce or fell a tree, you will likely require Calthorpe Estates' consent and you should contact our Agents, Mainstay, who can advise you on the process. In some circumstances the Scheme of Management may require you to replace a felled tree with a good quality and appropriate species.

Trees in a Conservation Area are automatically protected from being cut down or having work done to them in order to preserve the special character of the area. Furthermore, a specific tree may be protected by a Tree Preservation Order (TPO). If you want to carry out work upon or remove a tree in a Conservation Area you will need to give six weeks notice to Birmingham City Council by submitting a Tree Consent Form (through the Council site portal) or provide the notice in writing giving the same sufficient information. This is a 'Section 211' notice. The Council may choose to act directly perhaps by imposing a new TPO on one or more trees in your application.

Therefore, you will need two sets of permissions to work on trees in a Conservation Area; Calthorpe Estates via Mainstay and Birmingham City Council.

Do it yourself works

A lot of work can be done by yourself or a reputable gardener, however, substantial work or work done at height may require a professional tree surgeon. Shrubs and bushes are not covered by tree work constraints. Hedges may consist of a line of trees and are subject to further limitations (see page 14).

How to select your tree surgeon

It is essential that any major tree works on the Estate, are carried out by a qualified tree surgeon, otherwise, they could lead to injury to people, damage to property and serious harm to the tree which could take years to rectify – all of which you, the resident, could be liable for.

When selecting tree surgeons ensure they:

- are insured (Employers and Public Liability – a minimum of £5 million)
- work to British Standards – BS3998: 2010 Tree Work – Recommendations
- have NPTC/Lantra Awards certificates for chainsaw use (this denotes that the individual using the chainsaw/other equipment is competent) and ideally National Certificates/ Diplomas in Arboriculture.



We recommend you get a quote for the works and that it clearly provides details on:

- what works will be carried out
- if the quote includes/is subject to VAT
- the disposal of timber and brushwood
- what will happen to the tree stump (where relevant)
- who will be responsible for obtaining permission for trees subject to a Tree Preservation Order (TPO)
- risk assessment - what steps will be taken to protect your property and the neighbouring properties?
- the plan to replace tree(s) stating species, location and maturity of tree(s).



Edgbaston Conservation Area*



Barnsley Road Conservation Area*

Trees that are subject to Tree Preservation Orders (TPOs)

Trees that are subject to Tree Preservation Orders are excluded from the Scheme of Management due to the statutory protection that an Order places on the tree. Whilst consent under the Scheme will not be required, you **will** be required to obtain the consent of Birmingham City Council (see inside back cover for contact details).

Trees on land that is within a Conservation Area (and not subject to a TPO)

If you live in either the Barnsley Road or Edgbaston Conservation Area and wish to carry out works on trees in your garden that do not have a TPO on them, you will require consent under the Scheme of Management and (due to the Conservation Area status) the consent of Birmingham City Council.

In summary, you will require two consents.

Failure to apply for consent from Birmingham City Council for permission to carry out tree surgery in a Conservation Area can lead to a large fine.

Fruit trees

Fruit trees are excluded from the Scheme of Management so no consent is required.

However, if your property is in one of the Conservation Areas you may still require the consent of Birmingham City Council for any works to fruit trees.

*Further details can be found at www.birmingham.gov.uk/downloads/20055/conservation_areas

What to do if you require tree related works

If you are considering tree related works you should contact Mainstay, our agents, to arrange a 'tree' appointment. This is usually done by a phone call or email to Mainstay (buildingcommunities@mainstaygroup.co.uk). There is no standard form. A representative will visit the site and consider your request.

Ahead of the appointment

We do recommend that you obtain a report from either an arboreal advisor or tree surgeon, outlining your proposed works and why they are necessary so that the exact nature and purpose of the works can be considered when you meet with Mainstay.

Inspections by Calthorpe Estates/Mainstay generally take place on Wednesday mornings and in the vast majority of cases, take place on the Wednesday immediately following your enquiry. So, if you request a tree appointment on a Friday or Monday it is likely that the inspection could take place on the following Wednesday.

In most cases the Mainstay representative can provide you with a verbal decision on the day, which is followed up with written confirmation of the decision from Mainstay a few days later. Remember that if you are in a conservation area you will also need permission from Birmingham City Council (BCC). Calthorpe Estates and BCC permissions are not automatically coordinated.

Whilst the Scheme operates to regulate the management of arboreal works across the Estate, it is not Mainstay's or the Estate's role to adjudicate or resolve disputes between neighbours concerning trees or light. We can, however, offer advice on how such disputes may be resolved.

Roads, driveways and parking areas

All residents should be clear about the status of the road that abuts their house. It will be either an adopted road or a private road.

On the Estate, the majority of roads are adopted by Birmingham City Council and issues concerning maintenance and upkeep are its responsibility. Parking on these public roads is subject to BCC's parking policy.

However, on the privately owned and managed developments, the private roads, footpaths and amenity areas are the responsibility of Calthorpe Estates. Repairs and maintenance of these roads are funded by the owners through their service charge. Mainstay, our agents, manage these issues on behalf of the residents on the development.

On these privately owned and managed developments, parking on the road is restricted to residents and their visitors for temporary periods. Vehicles should not impede pedestrians by blocking the footpaths. Some of the private management schemes have introduced residents' parking permits with an infringement subject to a fine.

Commercial vehicles, caravans, and motorhomes may be parked on driveways for short periods and for temporary purposes.



Parking of vehicles, caravans and commercial vehicles

Whilst clause 14 of the Scheme permits most vehicle types to be parked on properties, it also regulates where they should be parked and the length of time they may be left there.

Commercial vehicles, caravans, and motorhomes

They may be parked on driveways for short periods and for temporary purposes, although we do encourage that larger vehicles such as motorhomes, trailers, boats and caravans be parked out of sight.

Therefore, any motor vehicle that is parked at your property for a short period or temporarily is permitted under the Scheme of Management.

Cars

Throughout the Estate, the Scheme permits cars to be parked in the front or side gardens where there is a drive or hard standing area. Any driveway or hard standing should be in keeping with your property in terms of style, scope and scale. The front garden area and soft landscaping should be retained as much as possible.

Any driveway and parking area should be proportional to your garden area. Excessive areas of hard standing will not be permitted. For listed properties or those in a Conservation Area there will be restrictions as to what is permissible.

Driveways and parking areas

They should be constructed from materials that are sympathetic to the property and blend with the remainder of the garden. To soften the impact of new driveways and parking areas, we would recommend you use soft landscaping and planting. In addition, if part of a wall or hedge needs to be removed to create a new driveway, the opening should be as small as possible and the width kept to a minimum when it crosses over a grass verge or pavement. These works are likely to require consent under the Scheme of Management and we would always encourage you to contact Mainstay, our agents, to discuss your proposals first.

Skips should only be parked for the shortest period possible.



For any works to existing driveways, grassed and planted front gardens together with walls and hedges should be retained or replanted where possible, as they contribute greatly to the character of your street and the Estate.

As the climate has changed in recent times, flooding has become more of an issue in certain areas. To reduce the risk of flooding during a heavy downfall the use of porous materials such as gravel driveways is strongly encouraged. Imprinted concrete will not be permitted.

Pets and other animals

Householders are of course allowed to keep domesticated pets and other animals on the property, under clause 15 of the Scheme. The Scheme does not strictly permit the keeping of poultry, however in recent years Calthorpe Estates has allowed householders to keep a couple of chickens in their rear garden, provided they do not cause a nuisance.

We encourage householders to ensure that any animals kept on the property are kept in a manner that does not cause any annoyance to the occupants of any neighbouring property in the area.

Should you experience nuisance from animals from neighbouring properties please let both Mainstay and the Birmingham City Council's Environmental Health Department know straight away so that both can provide advice and assistance, see the inside back cover for contact telephone numbers.



Working from home

The only permitted use for a house allowed under clause 9 of the Scheme is as a private residence for a single family.

However, we recognise that in recent years there has been a move towards home working and specifically running a business from home. Under limited circumstances home working may now be allowed.

The criteria for allowing this is strict and if you are planning to start a business from your home you must be able to demonstrate that:

- No employees of the business will work at the residence (apart from members of the household)
- The business will not advertise from the residential address from which it is operating (NO posters, banners etc)
- No stock will be held on the premises
- The business should be operated discreetly and not cause any nuisance or inconvenience to neighbours (NO steady stream of clients attending the residence)
- The business will be lawful and 'appropriate' to the Calthorpe Estate.

Please contact Mainstay, our agents, for further advice and guidance on working from home:

01905 361 001





Television aerials and satellite dishes

Aerials and cabling

To maintain the integrity of the Estate, under clause 13 of the Scheme, aerials should be placed in an unobtrusive position and kept as small as possible. Likewise, cabling should be coloured to be in keeping with the surfaces it crosses, it should take the most unobtrusive route, and cannot run over and across roofs.

Satellite dishes

Only mini satellite dishes are permitted and they should be sited so they are as inconspicuous as possible, ensuring they are not visible from the road or other public spaces. The installer should be able to offer you guidance on feasible locations.

For listed buildings it may not be acceptable to install a satellite dish on the property, as it may affect the integrity and aesthetics of the property.

In summary:

- To install a satellite dish you must submit an application to the Scheme of Management, who will provide guidance on permitted locations
- Only install a satellite mini dish – where permitted
- The mini dish should not be seen from roads and other public spaces, whether on the main property, a garage, shed or other outbuildings
- The mini dish should be installed as unobtrusively as possible on rear or side elevation of the property
- The mini dish should be sited at ground level or below 2 metres where possible
- Only one dish per property can be installed.

For apartments, we would recommend that a shared dish scheme is adopted and one communal dish is installed to feed multiple dwellings.



Environmentally friendly initiatives

Under the Scheme it may be possible to install energy saving devices, such as solar panels and ground source heat pumps. We would encourage residents to assess the pros and cons, including the cost and legal implications when evaluating the installation of energy saving devices.

Before committing to a contractual agreement, you must make an application to the Scheme of Management, as no work can begin before approval is obtained. For properties in the Conservation Area an application will be assessed in conjunction with Birmingham City Council.

All energy saving devices should be installed as unobtrusively as possible and should not be visible from the road or public space. The use of some of the measures may be restricted due to the type of property and location.

Solar panels

Electricity and water heating panels

Consent under the Scheme is required for the installation of solar panels.

The panels will not be permitted on your property if it is a listed building or you wish to install on a prominent elevation, which is visible from the public highways. All permitted panels must be sited in an unobtrusive location such as rear elevations and should be mounted on 'A' frames to enable them to be discreetly positioned.

Ground source heat pump

Consent under the Scheme is required for the installation of a ground source heat pump.

For a ground source heat pump to be installed at your property there needs to be a sufficient area of land, and the installation must not affect the integrity of the building. Soft landscaping must be reinstated and construction disruption must be kept to a minimum.



Electric car charging points

Consent under the Scheme is required for the installation of electric car charging points.

Electric car charging points are becoming more popular and are generally insignificant in appearance for a standard charging point. However, rapid charging points are more prominent.

Any charging point should be hidden from the road and public space where possible.

Wind turbine

Consent under the Scheme is required for the installation of wind turbines.

Bins



We encourage people to be good neighbours by putting their bins out on to the street only on the night/or morning before they are due to be collected. Residents should then move the bins to their bin storage area at the rear or side of the property where they are not publicly visible. If you are not around, you may wish to ask a neighbour or friend to move the bins for you.

Consent for building works

To help ensure the correct consents are obtained and procedures are followed when undertaking building works, extensions or alterations to your property.

In this section: Building works • Guide to applying for building work consent under the Scheme of Management • Calthorpe Estates Building Works application process • Outline Birmingham City Council planning application process • Extensions and alterations • Loft conversions • Porches • Garages • Building materials and details • Walling and external decoration • Roofs and tiles • Windows, front doors, conservatories, orangeries and the use of UPVC and timber products • Guttering and chimneys.

Building works

All building works, with the exception of non-structural internal alterations, under clause 17 of the Scheme, require Calthorpe Estates' written consent.

Planning permission may also be required from Birmingham City Council for such works. This is a separate application process to the Calthorpe Estates' Scheme of Management approval process. Even though Permitted Development allows a householder to carry out minor extensions and improvements to their home without the need for planning permission, under the Town and Country Planning legislation an application must be made for Consent under the Scheme of Management to Calthorpe Estates.

The most common types of work that require consent from the Scheme are:

- Two storey side or rear extensions
- First floor extensions
- Single storey extensions
- Conservatories or Orangeries
- Loft conversions
- Porches
- Outhouses and any outbuildings
- Railings and gates
- Internal structural alterations.

All building works require Calthorpe Estates' written consent under the Scheme of Management



Guide to applying for building work consent under the Scheme of Management

Before formally submitting your application to the Calthorpe Estates Scheme of Management representatives, Mainstay, we would recommend you contact both Mainstay and BCC Planning Department to discuss your proposals informally. This may help save time, effort and cost, as such discussions may highlight specific or material matters. Useful contacts are listed on the inside back cover of this handbook.

Information required with your formal application to the Scheme of Management

When formally applying for consent, specific information must be provided with the application, here is a check list of essential information which may be required when submitting a Scheme of Management application for consent.

Check list

Building work proposed	Existing elevations*	Existing floor plans*	Proposed floor plans*	Proposed elevations*	Design and access statement	Arboreal report	Copies of any statutory consents applicable
Two storey side or rear extensions	■	■	■	■	■	■	■
First floor extensions	■	■	■	■	■	□	■
Single storey extensions	■	■	■	■	■	■	■
Conservatories or Orangeries	■	■	■	■	■	■	■
Loft conversions	■	■	■	■	■	□	■
Porches	■	■	■	■	■	□	■
Outhouses and any outbuildings	■	■	■	■	■	■	■
Railings and gates	■	■	■	■	■	■	■
Internal structural alterations	□	■	■	□	■	□	■

- Always required
- Required if the proposed works impact on any trees
- Required if property is in the Conservation Area
- Copies to be provided once obtained
- * Elevations and plans must be supplied to scale

Submitting an application

A completed application form should be sent to Mainstay, marked for the attention of the Calthorpe Estates Team, either by email to buildingcommunities@mainstaygroup.co.uk or by post to Mainstay Residential, Whittington Hall, Whittington Road, Whittington, Worcester WR5 2ZX

A fee is payable with the formal application. Payment must be made (either by BACS or a cheque) at the time the completed application form is submitted. The current fees are supplied as a separate sheet in the pocket of this residents' handbook and were correct at the time the handbook was published. Alternatively, for the latest fees visit www.calthorpe.co.uk/scheme-of-management. It should be noted that the fees are subject to periodic review.

If you are submitting your application by post, Mainstay **will** require a minimum of three sets of drawings detailing your proposals together with any other supporting information and would therefore encourage you or your agent to submit drawings and information in support of your application electronically, or for larger plans they will need to be submitted by post.

Important matters to consider

Any consent granted by Calthorpe Estates under their Scheme of Management is **NOT**:

- A Planning Permission; or
- A Listed Building Consent; or
- A Building Regulation approval; or
- Confirmation that your proposals satisfy the requirements of the Party Wall Act 1996; or
- Confirmation that your proposals will not cause any detrimental effect on your neighbour's light.

You will therefore need to take your own independent advice as to whether some or all of these are applicable to your proposals.

Considerate contractors

We encourage you to ensure that **all** contractors and sub-contractors appointed on your building project both observe and adopt the principles set out under the Considerate Constructors Scheme.

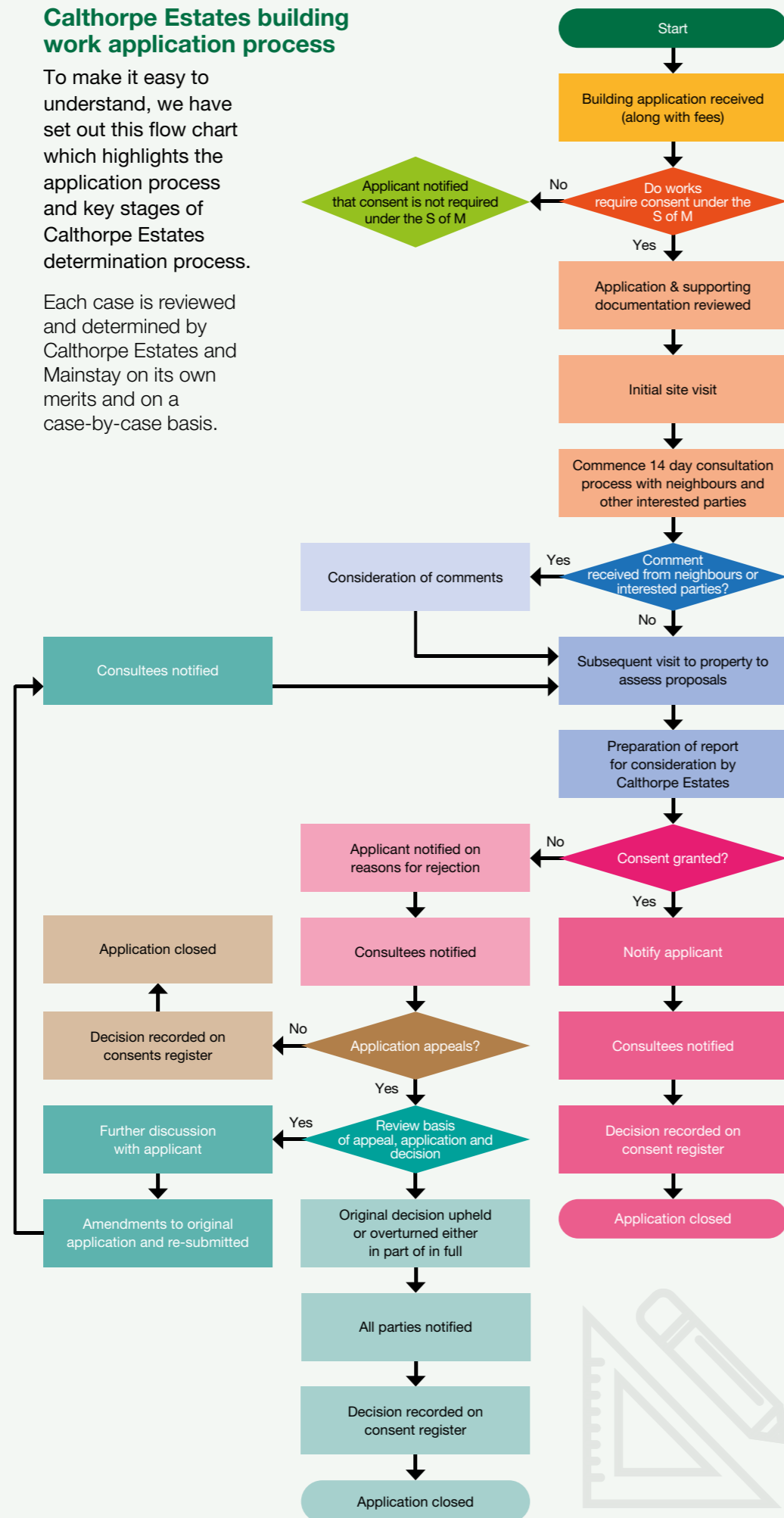
A copy of these principles and further information can be obtained from the Considerate Constructors Scheme: www.ccscheme.org.uk/ccs-ltd/code-of-considerate-practice



Calthorpe Estates building work application process

To make it easy to understand, we have set out this flow chart which highlights the application process and key stages of Calthorpe Estates determination process.

Each case is reviewed and determined by Calthorpe Estates and Mainstay on its own merits and on a case-by-case basis.



Site inspection

Once your application and application fee have been received, Mainstay will contact you to arrange an appointment to meet you at the property so that it can:

- Check that the proposals satisfy current guidelines
- Consider the proposals in the context of impact on neighbouring properties and the street scene.

Consultation

With all applications received the determination process is the same. Mainstay will consult with residents in the area of your property who may be affected by the proposals as well as carrying out a site inspection.

Depending on the size and scale of the proposals, consultation might include immediate neighbours either side, neighbours opposite or those neighbours who look onto your property from the rear.

Neighbours are asked to submit any comments within 14 days of receipt of notification (for some larger or more complicated applications this may take longer).

Determination

After expiry of the consultation period, a detailed report is then prepared which includes all supporting documentation (e.g. all drawings, any relevant reports, photographs and comments).

The application is then considered and determined by a team at Calthorpe Estates at its monthly review meeting.

Communication of our decision

If your application is approved you will receive a letter outlining the conditions of the consent granted.

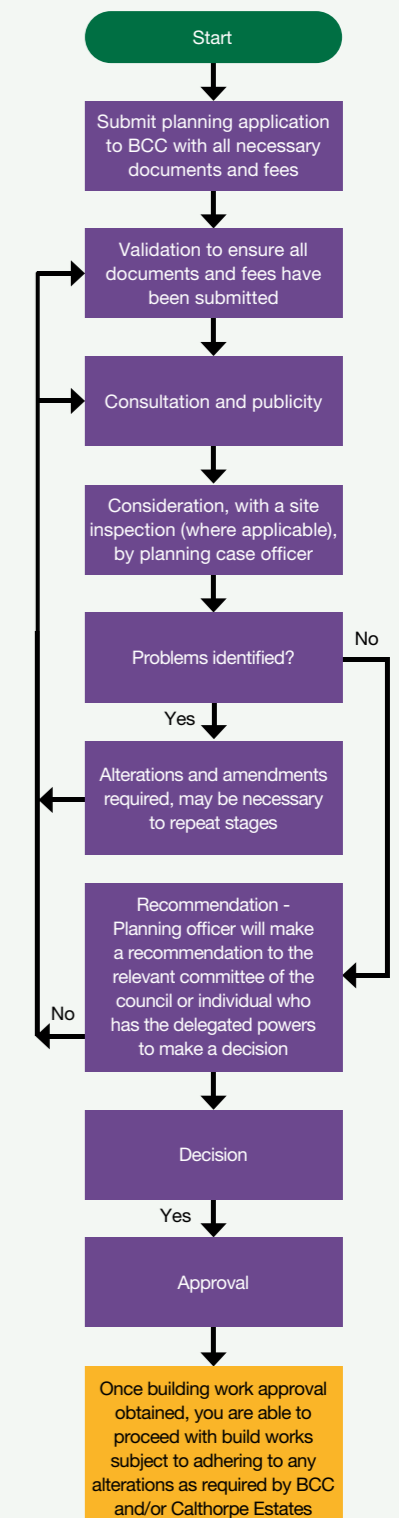
Whilst certain building applications may require the imposition of specific terms and conditions, all consents granted will contain the terms and conditions of consent.

If your application is either rejected in full or is partially rejected, the letter will specify why it has been rejected and how your proposals might be modified to enable a consent to be granted.

Outline BCC planning application process

Building works to your property may require Birmingham City Council planning approval. We would recommend you submit a planning application to BCC whilst simultaneously undertaking the Calthorpe Estates build work application process.

Detailed below is an outline flowchart of the BCC process.



Extensions and alterations

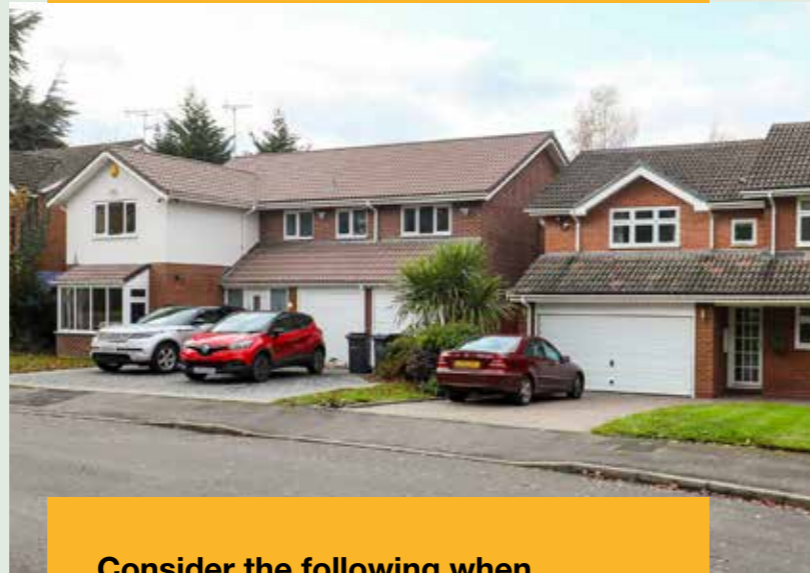
As the way we live changes and residents wish to modernise their properties, it can bring a desire to alter and extend properties on the Estate. Extensions and alterations, whatever their size or scope of works, can significantly change the appearance and character of the property and impact on the surrounding area.

In order to maintain the integrity of your property and the character of the Estate, **all extensions and external alterations must be approved by the Scheme of Management.** The Scheme of Management will offer informal guidance about extensions, but in our experience the best results are achieved when a capable architect or other suitably qualified professional is employed. They should have the knowledge and experience of the building type, and an understanding of how to sensitively handle the scale and detail to deliver a successful and sympathetic extension or alteration.

Each application will be reviewed by assessing the scale and impact in relation to the space available, the character of your property, the neighbouring properties and surroundings, plus how it may impact neighbouring properties. Generally, rear extensions are least obtrusive with front extensions more visible and therefore needing greater care and design flair. In many cases a front extension will simply be considered inappropriate. Side extensions are feasible if space is available and it does not compromise the plot or aesthetics of your property.



All extensions and external alterations must be approved by the Scheme of Management



Consider the following when undertaking extension and alteration work:

- The overall **appearance** of your property should be **preserved or enhanced**, and the opportunity used to improve any previous unsympathetic alterations or extensions
- The design should **respect** the original character and qualities of your property and plot
- Over-development of the plot should be avoided. It should be **in proportion** with your original property in terms of size or position and not dominate
- It should be in **harmony** and balance with the neighbouring properties and street, by avoiding overlooking or overshadowing adjacent properties
- The extension **roof pitch** should reflect the pitch of your main property
- **Access** from the front garden to the rear garden of your property should be retained or created.

Birmingham City Council's 45° Code

The Scheme of Management will take into account the 45° Code when assessing extension and alteration requirements, whether single, double or higher.

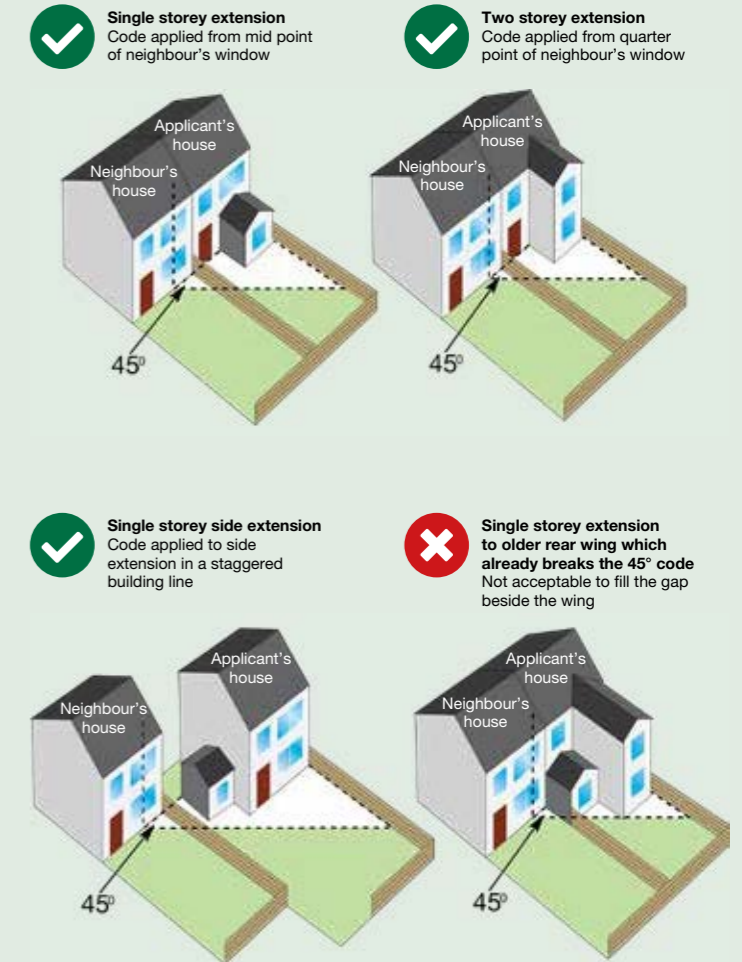
Birmingham City Council (BCC) has adopted the '45° Code – Guidelines for House Extensions'. BCC will use the Code when determining planning applications for extensions. The Code is designed to provide a fair balance between the wishes of the property owners who want to build and those of the neighbouring properties, by ensuring that new building work does not cross an imaginary 45° line drawn from the nearest front or rear window of adjacent residential accommodation.

A window(s) must be the main source of light to a 'habitable room' such as living rooms, bedrooms, kitchens and conservatories but not bathrooms, utility rooms, halls, landings or garages. The Code aims to protect the outlook and/or daylight to nearby properties, and will take into consideration differences in ground levels.

Single storey extensions and conservatories

The 45° Code will apply to single storey/conservatory extensions in certain circumstances, and if you are likely to want to add a further storey in the future, the ground floor extension should be undertaken in a manner to ensure it meets with the Code for two storey extensions.

Single storey/conservatory extensions should be sympathetic to the character of your main property in terms of design, scale and materials. For conservatories the colour of the window frame should match the house. Where properties are in a Conservation Area or are a Listed Building, UPVC is unacceptable. Conservatories should be timber framed and painted rather than stained. Please avoid constructing conservatories into which bathroom and kitchen windows would open, where natural ventilation and light are important.



Two or more storey extensions

The extension should retain the character of your street in terms of the relationship between buildings and spaces, as well as any established views. It should respect neighbouring properties, and taking into account the 45° Code.

To ensure that the two or more storey extension becomes an integral part of the existing building, roofs should be pitched, either gabled or hipped, to match the roof style of the existing building.

Extensions on the side of a building should retain a minimum distance of at least 1m (3ft 3in) between the proposed extension and the boundary between your and your neighbours' property, and a distance of at least 2m (6ft 6in) between adjacent buildings.



Loft conversions and dormer windows

Consent under the Scheme will be required for the conversion of lofts and/or the installation of dormer/Velux windows.

The Scheme of Management permits the creation of additional living space through the use of loft conversions. However, they are not always suitable in relation to the style of your property and therefore will not automatically be permitted. Materials should be used that are the same or sympathetic to your main property, e.g. tiles, bricks and frames, should be used.

If your conversion is likely to require new window openings, care should be taken to avoid overlooking adjoining or nearby properties. The design and location of the new window openings will need to be treated with care and be proportionate and sympathetic to the design of the original property. For some properties, dormers and 'half dormers' are an integral feature of the original design, whilst on others they may interrupt the sweep of the roof.

Dormer windows should be smaller than windows on the floor immediately below the roof, and be modest in relation to the size of the roof, without dominating or overbalancing elevations. Designed with a pitched or hipped roof, the dormer should reflect the style and appearance of the main house, or other properties within the immediate vicinity.

Roof lights

They will not normally be permitted on the front or side elevations. However, in unobtrusive locations, they may be acceptable in the right location, and if the style is sympathetic to your property and it minimises the impact on nearby properties.

Porches

Under the Scheme of Management the same design and construction principles of other extensions apply to new porches.

New porches should be designed in sympathy with the style of your property and your area, and be proportionate in order to minimise the impact on the main property.

Existing period entrance features, whether canopies and slight recesses to purpose-built porches, should be preserved and not altered significantly in any way.

To maintain the integrity of your area, your porch should not accommodate cloakroom or other facilities.

Garages

For an on-site garage to be considered under the Scheme of Management, there needs to be room within your property to accommodate it safely and without detracting from the character of the main property, the appearance of the street or considerably impinging on existing gaps between adjacent dwellings.

It should be sympathetically designed in relation to the main house and reflect the building in terms of style, roof shapes, doors and materials. Pitched roofs are preferable. However, local circumstances might indicate that the use of a mono-pitch or flat roof is more appropriate. Pre-fabricated garages may be acceptable in instances where they are detached from the main house, sensitively located and the design reflects your location.

The driveway in front of a garage should allow a vehicle to manoeuvre safely off the road and across the pavement before reaching the garage doors. Open garage doors should not project over the footpath or roadside verge. Automated garage door systems may be acceptable providing the design is sympathetic to your main house. Garage doors should be sympathetic to the design of the original house.



Garage conversions

The appearance of garage doors must be retained and the design style reflect the original house.

Subject to consent under the Scheme, your garage can be converted to provide additional living space, if it does not have a detrimental effect on your property in terms of permanent loss of parking or storage. If you are not sure, please talk to Mainstay, our agents, to obtain guidance.

Building materials and details

We encourage the use of quality and sympathetic building material, as well as aesthetic and relevant detailing. A housing property design can be spoilt by the use of unsuitable materials or poor unsympathetic detailing. Any extension, alteration or repairs should incorporate the same materials and detailing as the existing property.

The fabric of the building, type of construction, materials and elevational detailing are vital to the visual quality of individual properties and contribute significantly to the character of the street and overall Estate.

Walling and external decoration

Depending on when the property was built there is a wide range of external finishes which reflect the period when the property was originally constructed. The term 'finishes' refers to a wide variety of materials which include brick, textured cement, concrete, tile, timber, pebbledash and cladding.

To present and maintain the appearance of your property and street:

- **Brickwork** on extensions must be matched to the original property or a finished pattern if the finish and original is a brick bond
- Use of **reclaimed materials** for extensions/repairs to period properties is encouraged, as it will often give a more sympathetic finish. New bricks that blend with the existing in general colour, shading and size may be considered by the Scheme as an alternative
- **Pointing and jointing** should be matched to the original property in terms of mortar type and finish
- **Render or other similar external finishes** will not be permitted on the original building, or any extension, if they are not an original feature of the property
- Rendered Georgian properties may only be painted white or off white
- **Painting** over previously unpainted surfaces is not permitted
- Slight changes in the **colour** of external surfaces may be appropriate, provided the colour reflects the heritage of the property, and the colours are compatible with neighbouring properties and the street
- Bold or garish colours are not acceptable
- The use of **artificial cladding, soffits and barge boards** on period properties is not acceptable, and is discouraged for more modern properties.



Roofs and tiles

Care should be taken when replacing a roof or building an extension, to match the original design, style, pitch of roof and detail.

The profile, colour and materials used for original roof tiles, together with the method of hanging, should be reproduced when repairing or replacing the roof in order to retain the integrity and character of your property, the street and skyline. If unsympathetic materials have been used in the past, the building works should be used as an opportunity to improve any previous alterations.

We would encourage the use of original tiles, which can often be re-laid and will usually give the best finish to new building work, although new tiles that blend with the existing tiles in general colour, shading and size, will often make a suitable alternative or can be used on rear elevations where the roof is less prominent along your street.

For terraced or semi-detached properties, ideally owners should co-operate and re-roof at the same time, using the same materials, in order to help maintain consistency and the integrity of the street.

Design and detail of eaves, verges, hips, gables, fascias and parapets are also important in order to maintain the integrity of your property.

With extensions, the pitch of roof should reflect the pitch of the main property.

Windows, front doors, conservatories, orangeries and the use of UPVC and timber products

Windows

Residents are encouraged to remain sympathetic to the original design principles of their properties when replacement windows are being considered.

We have no objection to the use of high quality UPVC. However, for those houses that possess special or unique design features, timber should always be used.

Where UPVC windows are being installed, particularly in the front elevation of a property, it is on the condition that:

- materials are produced using an environmentally sustainable method
- window frames match the original in colour, style and appearance
- the windows have surface-mounted glazing bars.

Front doors

We prefer, and would indeed encourage, residents to remain sympathetic to the original design principles of their property in their choice of replacement doors. However, we might be prepared to consider requests for replacement front doors in a modern contemporary style.

If your property is a period property, or if it has special or unique design features, irrespective of whether or not it is situated in one of the Conservation areas, we will require that replacement doors remain sympathetic and consistent with the property's original design principles.

For further information or advice on windows and doors, please contact Mainstay, our agents.

It's important to note that in addition to any permission granted by Calthorpe Estates, owners of properties that are either Listed, or located in the Edgbaston or Barnsley Road Conservation areas, must also check with Birmingham City Council's Planning Department that any intended window or door related works (and in particular any new materials proposed) satisfy their design criteria for Listed buildings and properties in the Conservation area.

Conservatories and orangeries

Whilst both conservatories and orangeries may be permitted under the Scheme, the size, scale, and design approved will vary dependent on property type.

Further information or advice as to the design that is likely to be approved on your property can be obtained from Mainstay.

However, almost without exception, we will require the glazing arrangement to mirror the window style and frame of the original property.

Gutters and pipes

Listed properties must replace original gutters and drain pipes with materials that match the original, which is likely to be cast iron. Although cast iron is more expensive initially, it is likely to last longer than plastic.

When replacing or installing new gutters and drainpipes on your property, they should match the originals in colour and materials. Authentic replica cast iron plastic guttering is available in a range of colours. The use of this substitute material is permitted in certain circumstances.

For properties with ornamental pipes and hopper heads, especially those with dates or distinguishing features, these must be retained when replacing guttering or replaced like for like.

Soil and waste pipes should be located internally, if possible, to avoid clutter on the outside of the building especially on elevations which can be seen from the street and public spaces.

Chimneys

Chimneys are not only functional, but are often structurally important and the removal of them could destabilise the building. Many of the buildings across the Estate have unique chimneys, which add to the design characteristics of a property.

In the past, chimneys have been adapted for central heating flues and currently, with the trend towards log burning stoves, existing chimneys can provide an easy flueing option with a flue liner.

For properties that are listed or in a Conversation Area, chimneys cannot be removed. For other properties, if a chimney forms an important feature of property, it is unlikely that we will give consent for removal.

The small print

This residents' handbook includes the Calthorpe Estates Scheme of Management policy guidance, which reflects our current interpretation of the Scheme of Management, and the procedures to follow.

The Scheme of Management is a Scheme made pursuant to section 19, Leasehold Reform Act 1967 for the management of the Calthorpe Estate, Edgbaston, Birmingham. The Scheme of Management will prevail over this guidance. Calthorpe Estates reserves 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.

The guidance indicates that, in certain circumstances for example the keeping of poultry, we do not intend to enforce certain provisions of the Scheme, equally we are not bound to always enforce the remainder of the Scheme. Whilst these will both remain at our absolute discretion, we will always aim to resolve situations fairly and in accordance with the protections of the Scheme, taking into account the views of residents associations and neighbours where appropriate. Calthorpe Estates and Mainstay, our agents, are happy to give guidance. However, 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.

Residential domestic application fees

Visit www.calthorpe.co.uk/scheme-of-management for the current residential domestic application fees and to download copies of the application forms.

Fee payable to Mainstay apply for: demolition works • building works • internal structural alterations • requests for conservatories • railings and gates and other alterations within the curtilage of property • replacement windows • porches • amendments to consents already granted • extensions of time • change of use requests • retrospective consents.

To discuss applications or for further information contact Mainstay - see below for contact details.

Useful contact information*

Mainstay (our agents):

Tel: 01905 361 001

Email: buildingcommunities@mainstaygroup.co.uk

Birmingham City Council:

Web: www.birmingham.gov.uk

Visit the website for council services, information and contact details

*Contact details were correct at the time of publishing (December 2019). For the most up-to-date information visit www.calthorpe.co.uk/scheme-of-management

Useful BCC telephone numbers*

Abandoned vehicles	0121 303 1112
Anti-social behaviour	0121 303 1111
Bulk household waste	0121 303 1112
Applications for dropped kerb	0121 303 6644
Highway flooding	0121 303 6644
Emergency out of hours	0121 303 4149
Noise pollution	0121 303 1111
Pest control	0121 303 1111
Pot holes	0121 303 6644
Planning	0121 303 1115
Rubbish, recycling and environmental issues	0121 303 1111
Refuse collection inc. garden waste & missed collections	0121 303 1112
Street cleaning, graffiti	0121 303 1112
Street lighting	0121 303 6644



Fall in love with Edgbaston

The Calthorpe Estate is home to Edgbaston Village, a vibrant dining, shopping and lifestyle destination and to Edgbaston First with its renowned sports, leisure, arts and cultural attractions. These sit alongside Edgbaston Medical Quarter, a world-class medical and life sciences destination, plus outstanding private and state educational establishments, and a wide selection of stylish homes.

Eat, drink, shop and relax

Edgbaston Village boasts a wide range of award-winning places to eat and drink from Michelin-starred Simpsons restaurant to The Edgbaston boutique hotel and cocktail lounge, The High Field gastro pub, Loki wine bar, Laghi's Deli and Blue Piano South East Asian restaurant and bar, The Physician pub restaurant through to Boston Tea Party café. The emerging location is also home to OKA and Neptune home interest stores.

To find out more about what is going on and things to do, visit www.edgbastonvillage.co.uk



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Creating thriving communities

PLEASE KEEP THIS HANDBOOK WITH THE PROPERTY DOCUMENTS