

PLANNING POLICY – BALANCING THE NEEDS OF THE COMMUNITY WITH THOSE OF THE INDIVIDUAL

Protecting the Common Good

There is a well-known story of the shepherds who all wanted to graze their sheep on the village common. Each individual shepherd wanted to graze as many sheep as possible – and they all did. So the grassland was overgrazed, the community lost its grazing land and they all lost out. This story is known as the “Tragedy of the Commons”. This concept is at the heart of Lynden Gate’s legal covenants, which were put in place to protect the interests of the whole Lynden Gate community. We all signed up to these covenants when we purchased our properties

The foundation on which the covenants on planning are built is that no alteration to any building on the estate can take place without prior Board approval. This then enables the Board to consider each application for development in the light of the tension between the wishes of the individual house owner and the good of the community.

The good of the community has three main aspects:

The first is that what makes Lynden Gate so attractive is its style and character – which derives from the visual homogeneity of each house in the development. Every few years we make a massive investment in maintaining this through the communal redecoration programme. The look of Lynden Gate serves all members of the community well since it both supports the value of the properties and adds to the quality of life on the estate.

The second is protecting the quality of life on the estate. If we were to have a policy of unrestricted development we could be creating significant additional living and sleeping accommodation in Lynden Gate. This in turn will create higher demands on parking, sewerage infrastructure, electrical infrastructure, and rubbish collection. These services are currently stretched and risk being overstretched if we removed the controls on creating additional living and/or sleeping accommodation.

The third is the practical similarity of households – ensuring that there is not a major imbalance between individual houses that could mean one house unfairly requires significantly more resources than another. As mandated in the covenants, all shareholders pay the same service charge, and this is predicated on the houses/household requirements being similar. If development of the houses allowed the creation of 5/6/7-person households, or if the buildings were allowed to be enlarged, this could create a situation where some houses could cost significantly more than others to redecorate in the communal redecoration. It could create unbalanced demand on services – both on staffing and unfair overloading on the infrastructure – such as houses seeking to park 3/4/5 cars on the estate roadways. This could break down the equality of the houses, which supports equal distribution of services and allows the service charges to be equal.

At Lynden Gate the basic demographics remain that the majority (about 75%) of households contain 1-2 persons, with 3+ person households being a minority (about 25%). The total regular population is 160-170 people, about 85% adults 15% children.

Evolution of the Guidelines

Where the wishes of an individual owner do not compromise the protection of the community, then generally an application will be permitted.

The guidelines and their interpretation exist to make sure that the principles above – visual homogeneity and house similarity - are maintained for the good of the whole Lynden Gate community.

The result of the previous major consultation of shareholders, in 2005, was a decision – by a 75% majority - to not allow the types of individual house development which posed a risk of increasing housing occupancy/pressure on services.

Over time the interpretation of the guidelines has evolved as follows:

1. They have allowed for the replacement of the French doors and windows at the rear of the houses on the ground floor with bi-fold or sliding doors in modern style, provided the frames are white. This has been for many years the most popular planning application. As long as the colour continuity of doors and windows on the estate was maintained it was agreed this would not materially detract from the overall visual appearance of the estate.
2. They have allowed the conversion of the rear half of double-length garages to garden rooms or home offices, on the basis that these do not create a significant risk of population expansion because sleeping accommodation and bathroom/shower facilities were outside scope, that only one of a garden room or conservatory was being permitted, the number of double garages on the estate was limited, and all houses retained use of at least one single length garage for vehicles/storage.
3. They have allowed modern style glass conservatories as an alternative to Regency wooden style on the grounds that this did not materially impact the visual homogeneity of the estate.
4. They do not approve works that could endanger residents through structural damage to buildings, or breach of building or fire regulations. The Board require owners to confirm in writing that they have made the relevant enquiries and are satisfied that they are not in breach of regulations.

You may be perfectly happy with the evolution of the guidelines and their interpretation or there may be areas where you consider that the Board should re-assess the impact of changes on the three driving principles and seek to find out if there is majority support for a change to the interpretation of the guidelines or even the guidelines themselves. You might feel that some or all of the guiding principles should be discarded – and that the Board should seek to find out if there is majority support for this. That is all part of the ongoing evolution of the guidelines and their interpretation.

However, what is not in question is the covenant itself, that is part of a legal contract every owner agreed to and which cannot be altered. It requires anyone to obtain planning consent from LGR before carrying out any works that alter the buildings.

Changing the Guidelines

There is due process for changing the guidelines and their interpretation through the owner consultations carried out from time to time, or by raising a request for change at the AGM.

Please note that it is vitally important to separate out the issues of:

- whether works can be carried out without consent (in breach of the covenants)
- and which specific works should or should not receive consent.

For the former the Board has a legal duty to seek enforcement of the covenants to protect the overall interests of the community.

For the latter the Board needs to make sure that planning policy is aligned with the views of owners so that they see the consent giving process as fair and reasonable, and as a consequence support the enforcement of the policy guidelines.

What does this mean you should do?

Please respond to the survey on the Planning Guidelines and their interpretation.

This is because:

- It will enable the Board to know whether the community want the current policy maintained or whether it should be changed
- It will enable you to make sure your opinion is taken into account
- Whatever your view, a response enhances the community since a high response rate increase the credibility of the Planning process itself, which is good for all of us.

=====

May 2020