

Wildernesse Residents Association

www.wilderness-estate.co.uk



WRA Chair's Report – 12 March 2023 AGM

Dear WRA members,

I am pleased to present my second report to you as Chair of the Wildernesse Residents Association having taken over the role in September 2021.

Your Committee

Your committee members, all of whom served throughout 2022, are Mark Kibblewhite, Roz Roxburgh, Laura Daniels, Margaret Deegan and me. In common with best practice, all of us are standing for re-election.

We are always looking for new people to join the Committee, so please do consider it. If you would like to learn a little more about how the Committee works, please contact me or any of the other Committee members. You don't need specific expertise; just an interest in seeing continued investment in your local area while conserving some of the characteristics that have made it a great place to live.

Key matters looked at by the Committee

During the year, the Committee reviewed all planning applications and was involved in a number of discussions which related to development in and around the estate. I have broken down our work into six categories:

1. Elysian Residences

As most of you will be aware, Elysian Residences purchased Wildernesse House from PegasusLife at the end of 2020. Since then, the new owners have submitted various planning changes to their consented plans. This year, the applications were very limited in scope. In terms of activity, progress appears quite slow. This was not helped by Elysian's main contractor going bust and Elysian taking on direct responsibility for some of the work packages. If you are keen to know more about the progress on the Wildernesse House site, Elysian do run Community Liaison Meetings from time to time. If you would like contact details, please contact us and we will be happy to pass them on.

2. Land at Seal Drive acquired by KCC for the schools

We first wrote to members in January 2022 about the acquisition by KCC of this land for use as playing fields and their intention to use Section 203 powers to set aside the restrictive covenants on the land. We have repeatedly tried to engage with KCC and their lawyers, Bevan Brittan, about a deed that clearly reinstates the covenants should the land no longer be used as playing fields. We also commented on the subsequent planning application. From a WRA perspective, our principal interest has been threefold: to minimise any permitted structures on the playing fields, to make it a condition of planning that all use of the playing field should be accessed from the main schools and not via Seal Drive and to ensure that the covenants which apply to this land are reinstated should the land no longer be used as playing fields.

While we appear to have been largely successful on the first two points from a planning perspective (although we will have to see what occurs in practice), on the deed, KCC and their lawyers have ignored almost every approach made to them including the 54 submissions by residents. We have lobbied our MP and local councillors to no avail. It is perhaps not helped by the fact that our local councillor, Roger Gough, is also Leader of KCC so he is unlikely to support local residents in a disagreement with KCC.

3. The survey

In December 2021, we invited all members to complete a survey, the results of which were communicated to you all at the last AGM (and emailed out after that meeting). I don't intend to cover the same ground again here but do please contact us if you would like a copy of the outputs.

There is, however, one point worth repeating. There is a wide range of views around the architecture of the houses on the estate and the importance (or otherwise) members place on the retention of existing houses. Given this, we recognise that there will be times when the position we take as a Committee on a particular planning application may not fully align with the views of all our members. We do hope you will recognise that we are trying to reconcile the various tensions of preserving and enhancing the conservation area with a need for people to invest in and adapt their houses for modern living.

In general, we will bring to your attention planning applications to which we have objected but there may be circumstances where we bring to your attention an application where we have chosen not to object but recognise that there may be members who would wish to do so. There were no planning applications on individual houses this year which we felt needed to be brought to the attention of all members.

4. Planning applications including potential covenant breaches

This is a critical part of the work of the Committee and, during the course of the year, we acted on the following situations:

a) Potential breaches of the one house per plot covenant

There were no applications in this category which we felt we needed your support. However, we are mindful of the issue of separate, ancillary accommodation and the potential for this to develop into a breach of the one house per plot covenant (see ancillary accommodation below).

b) Potential breaches of the 75ft building line

There were a couple of occasions when submitted planning applications for garages breached the requirement for buildings to be a minimum of 75ft from the edge of the road. We spoke to the owners and, in both cases, they agreed to withdraw the part of the application that would have led to a breach. Had this not been the outcome, we would have written to all of you asking you to object to the application.

c) Trees / hedges

As we know from our conversations with a number of you and confirmed in the survey, our members attach significant importance to the trees and hedges on the estate. While trees in a conservation area are protected (such that planning permission is needed for any works to them or removal), the application to carry out the works does not get notified to neighbours. As a result, you may not be notified of proposed tree works on neighbouring

properties despite the fact that the tree(s) in question may be important to you visually or provide significant screening.

Worse still, SDC appear to apply a policy that hedges do not generally require permission before removal even in a conservation area. Potentially that has major implications on the character of the estate or the seclusion of individual properties, particularly when you consider that almost all houses have hedges to the front of their properties.

We raised this issue with you last year and recommended that you sign up with SDC to receive the weekly list of most recent planning applications. In addition, the Committee takes a close look at all tree-related applications and, where we feel neighbours should be alerted to the application (whether or not we have concerns from an estate perspective), we will let people know. There have been several occasions this year where we have done precisely that even though the Committee did not object to any of these applications.

d) Permitted development rights

Again, this is a matter we raised last year. We are increasingly seeing households using their permitted development rights to add to their existing footprint. While this is entirely normal, it does mean that again neighbours may not be pre-warned of buildings which are close to their boundaries. However, households using permitted development rights often apply for a lawful development certificate which confirms (or denies) that the proposed works can be carried out without a planning application. Again, an application for a lawful development certificate would be visible on the SDC weekly planning list.

It is possible that works carried out under permitted development rights may constitute a breach of the 75 ft building line covenant so we do request all members to consider the covenants before carrying out their own work and also to alert us where they think work on the estate may be a breach of the covenants.

e) Ancillary accommodation

One of the potential challenges we face in respect of the "one house per plot" covenant is in relation to self-contained accommodation, for example accommodation over a separate garage. The risk is that, at some point, this is converted into a separate dwelling possibly with or without the need for planning permission. To help mitigate this, we seek both a planning condition that the accommodation is ancillary and also ask the owner to sign a deed which commits them and future owners not to dispose of the accommodation separately by way of sale or lease.

5. Security

One very unwelcome feature of the latter part of 2022 and early 2023 was the increase in burglaries on the Estate. The number and speed of increase was quite shocking. Working with Surrey police, due to an increase in burglaries there as well, Kent police have made a number of arrests. However, this may not be the end to the matter as there may be other cells working in the area, so please do remain on high alert for any suspicious activity. I know that a number of you have passed information to the police, such as CCTV footage, number plate information (from ANPR cameras) and details of suspicious vehicles, for which I am sure we are all grateful.

The sharp rise in break-ins has naturally raised the question of whether there is anything that we can do as an estate and to what extent the WRA could be involved. Some members have suggested that the WRA should engage and coordinate the services of a private security firm to patrol the roads. Unfortunately, that is simply not possible. It is not within our remit (which is very specifically around

the covenants and planning matters) and we do not have the capacity to take it on what would be a massive endeavour. There are also considerable logistical and financial challenges. The estate comprises both public and private roads with three separate groups of Road Trustees being responsible for their individual private roads. These Trustees are responsible for individual road matters including access, maintenance and ownership of the roads. These Road Trustees have all individually considered the issue of private security and concluded that they will not be responsible for engaging it. However, this is not to stop others who live on these roads from arranging for private security and coordinating financial contributions for this service from those who wish to see it introduced. I understand that this was put in place on Woodland Rise over Christmas and a similar scheme was introduced in Wildernesse Avenue / Seal Drive more recently.

We have, however, liaised with the various Road Trustees and agreed that, on security matters, there may be times when a consistent communication to all residents of the estate (including those who live on the public roads and don't benefit from Road Trustees) may be helpful. We will do this sparingly and without being alarmist.

6. New residents

If you know of any new residents on the estate or people who have bought a house but not yet moved in, please do encourage them to get in contact with us or drop us a line with their email address. We would love to welcome them to the estate and let them know about the WRA. The early introduction can also be very helpful as, unsurprisingly, newcomers often have building plans. This gives us an opportunity to explain some of the issues to consider, such as the 75ft building line, before plans are too far advanced.

Conclusion

So those were the key areas of our work during the course of the year. I would like to thank my fellow Committee members for the considerable amount of time and hard work they have put in to cover the areas outlined above and in the general running of the Association.

In conclusion, I would like to remind all our members that the two core objectives of the WRA are to uphold the restrictive covenants and to support the Wildernesse conservation area. Residents who have lived on the estate will generally be familiar with the particular characteristics of our conservation area as set out in the Conservation Area Appraisal and Management Plan. Newcomers may be less familiar. So please do encourage anyone, but especially those who are new to the estate, who wishes to discuss their building plans to contact us. We will engage as constructively as we can within our remit.

Finally, my thanks to you all, not just for reading this far, but for your continued membership and support which is very important to us.

Martin Greenslade

12 March 2023