

The Chalfont Heights Estate

The Stroud Covenant

In May 1927 Lewis Stroud, a London lawyer, bought one hundred and twenty two acres of farm land in Chalfont St Peter for £12,000 to create a private housing estate. The land was part of Winkers Farm and Swan Farm which had for centuries been the home farm of the Manor House. Swan Farm has gone, but the Manor House still stands and has been converted to a business centre; and the Youth Centre at the end of Sandy Rise was once the ancient tithe-barn of Swan Farm. Winkers Farm is now a night-club in Denham Lane.

Lewis Stroud and his son Frederick, a civil engineer and architect known as "The Colonel", made the roads and verges, planted hundreds of trees and built and sold sixty six houses between 1927 and 1939. There was no main drainage until 1964 and the roads were just rough dirt tracks. Members of the Stroud family occupied Southfield, Lincoln House and Woodside House in Woodside Hill and Mount Fort in Ellis Avenue. Development began in earnest after the war in 1950 when a further eighty houses were built over ten years then another twenty eight in the sixties and a few more in the years since, to give today's total of one hundred and ninety four. Taking an average of three heads per home that is nearly six hundred people. The ten Earl Haig Memorial Homes in Morris Close were built in 1953 in a fork off Winkers Lane as homes for veterans of the Corps of Royal Engineers, the land having been donated by Colonel F L Stroud, R.E.

Lewis Stroud died in 1950 and his son, the Colonel, in 1951 leaving his younger brother Anthony as Trustee. His family interest by then was limited to two or three houses in Upway and the ownership of the roads, verges and trees. By 1952 Anthony Stroud decided that, as the Estate was yielding no profit to the Stroud Trustees, they could no longer afford to maintain the roads, verges etc. and asked the residents to carry on this work themselves. So the Roads Committee was formed and an annual subscription established for each house to prevent the roads from becoming impassable. The Roads Committee is responsible for the maintenance of roads, verges and trees and the collection of subscriptions. The Committee is elected each year at the Annual General Meeting and is not a Residents' Association, but concerned only with the fabric and maintenance of the Estate.

In 1965 the Roads Committee bought the roads, verges and trees on behalf of the Residents from the Stroud Trust. The ownership of these was vested in Trustees who were successors in title to the benefits resulting from the covenants imposed on all houses on the Estate by the Stroud Trust. In 2009, ownership, and the functions of the Trustees, were transferred to Chalfont Heights Roads Committee Limited ("CHRC"). The Colonel's conception of The Heights was as a peaceful, rural estate on the edge of the village with quiet roads safe for children and adults to walk on without fear from traffic and with well kept grass verges and trees. It is the principal concern of CHRC to see that the Estate is maintained within the original concepts of the Stroud family whilst recognising the changes over the last sixty years and the evolution of modern society. The Covenants from the original Estate title deeds on each property still require residents to advise the CHRC and obtain its agreement for any development they wish to carry out to their property. This is in addition to any permission requested from the Chiltern District Council.

Development within the Estate is likely to affect the residents and it is a simple process to have plans considered and accepted in advance by CHRC on behalf of the residents rather than to have the exercise of Covenants to modify plans even if they have been passed by the Local Authority. Also it is "neighbourly" to review and discuss plans with CHRC before submission to the Local Authority. Development Guidelines used by CHRC in making assessments of developments are set out overleaf; please note the provision relating to fees.

There have been attempts in the past to make housing developments around the Estate and even within it. CHRC and the Trustees have managed to influence all such developments so that the standards of the Estate have been maintained and, with the support and help of the residents, intend to continue to monitor all future developments which could affect residents.

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Development Guidelines

Any new development on the Chalfont Heights Estate requires to be approved by two authorities: firstly the Chiltern District Council and secondly by Chalfont Heights Roads Committee Limited. Approval by the former does not necessarily mean that sanction to build will be given by the latter. The authority of CHRC to modify or reject plans is given by the Covenants established by Colonel Stroud in 1928 and included in all subsequent property deeds, that authority having been transferred to CHRC in 2009..

The wording of the original Covenants is as follows: "*No dwelling house or other buildings or additions to future buildings shall be erected on the land otherwise than in accordance with plans and specifications to be submitted to and approved by the Trustee's Architect before the building is commenced.*"

CHRC may choose to amend or reject plans when the interests of neighbours or residents in general are materially and adversely affected. No hard and fast rules can be laid down, each case is considered on its own merits, but the following guidelines generally apply:

1. All extensions or alterations to property within the Estate require the acceptance of the Trustees under the Covenants which apply to every house within the Estate.
2. Boundary to boundary development will not be permitted and a minimum of 1.5 metres clearance to the boundary is required.
3. Plot widths (not frontage) should be 18 metres minimum, but this must, of course, be related to the shape and position of the particular plot under review.
4. For variation of Covenant, where relevant, a fee will be payable by the developer to the Estate funds.
5. New development should not unreasonably interfere with the amenities of neighbours. It helps good relations to advise and discuss planning proposals with neighbours prior to formal submission.
6. It is advisable to submit plans to the CHRC (to the director responsible for Development) prior to the Local Authority submission, since the criteria of each are, or may be, different and time can be saved by avoiding subsequent changes.
7. The quality and style of proposed buildings must be in keeping with that on the Estate generally so as to maintain the overall environment of the Estate..
8. In all cases of development, the Estate verges, which are owned by the Trustees, must be retained intact and unaltered.
9. Front fences, if preferred, must be of wooden construction and gates, if installed, must be wooden and all conform to the height requirements of between 4' 6" and 6' 0" high.

In recent years lawyers handling the sale or purchase of property within the Estate have found that they have been unable to process conveyancing for properties where there is no record of authorisation by the Trustees or CHRC. It is, therefore, in residents' own interests, to send copies of drawings and details of development proposals for consideration and approval by the Committee. A fee is required with all applications, to cover the additional

wear and damage to Estate roads from vehicles associated with construction, as we know considerable damage can occur during a building project and residents cannot be expected to pay for damage caused by another resident's development. The fee is proportionate to the size, scale and cost of the project.

General Information on Estate Policy

Roads

The Estate roads are owned by CHRC on behalf of the Residents of the Estate.

The policy established by the Trustees, CHRC, and the Roads Committee over the years has been to maintain the roads to a good surface but to preserve a rural standard for the Estate. It is possible that in exceptionally heavy rainfall there may be some temporary inconvenience as there is no drainage for storm water. This could only be avoided by embarking upon a most expensive construction programme of grading the roads to fall, kerbing the edges and installing a piped water drainage system. The cost would be prohibitive and the result would not be in keeping with the wishes of the majority of the residents and this 'rural' approach only occasionally results in problems of excess water. All roads will be kept in good order by the Roads Committee as the need dictates and funds allow.

The Estate speed limit of 15 mph is important for safety because pedestrians use the roadways and the speed ramps are designed to be negotiable at that speed. Taking them at a higher speed will stress vehicle shock absorbers and also result in progressive liquefaction of the layers under the road surface and ultimate serious damage to roads at our expense.

Verges

The verges, islands and trees on verges and islands are owned by the CHRC on behalf of the Residents.

Residents are required by their covenant to look after the verges bounding their property, but this does not mean that gardens can encroach on to the verge. The original Covenants of the Stroud Trust, affecting all properties, require the owner to *"erect and for ever after maintain a live hedge with a post and wire or chestnut pale fence (but not a close boarded fence or wall) along the whole length of the frontage of his plot and the sides thereof marked inside the boundary with a "T" on the said plan but no such fence or wall shall be less than four feet six inches nor more than six feet in height out of the ground"*.

In many cases the verges were intended to contain a footpath which, in a wooded estate, can be attractive and in the interests of safety. There were footpaths on Lincoln Road, Woodside Hill and Ellis Avenue and the rights of way for these still exist. Verges must be maintained unobstructed to allow pedestrians to step onto them to avoid traffic.

Residents and visitors are requested NOT to park cars on the verges because this damages the grass and destroys the overall appearance of the Estate. Cars should be parked in driveways and not on the narrow roadways where large passing vehicles may cause damage.

Trees

The Roads Committee have used professional tree surgeons who have cared for the Estate Trees for several decades, maintaining the rural appearance of the Estate whilst keeping the growth under control. This is no mean achievement considering that the majority of the trees are of the woodland forest variety. The overall aim is to create a "high up canopy" effect to permit the free passage of all traffic.

Where felling is necessary from time to time the trees will be replaced with suitable species as the case demands.

There is occasional divergence of view among some residents on the amenity value provided by the trees. The vast majority enjoy their beauty, but just a few would like some cut down. It is surprising that anyone should move to this wooded Estate, which has changed little over the years, and then wish to change it to suit their own particular wishes. We do, however, accept that a constant watch must be kept on the growth of the particularly vigorous varieties.

Estate owned trees on the verges and islands must not be topped, lopped or cut without reference to the Roads Committee.

Utility services

Since the roads, verges, trees and islands are owned by CHRC on behalf of the residents, maintenance and repair work requires a way leave from the Roads Committee before any digging can take place. The Gas, Electricity, Sewerage, Water and Telephone authorities have permanent way leaves for repair work but any special installation telephone work for broad band, ISBN or other connections requires a separate, individual way leave. So residents requiring such installations are cautioned to check any documents presented by BT before such work is undertaken and to advise the Committee members responsible for Roads and Signs in order to obtain special way leave permission beforehand.

House names

Changing the name of a house requires prior approval of CHRC. The main reason for this requirement is to avoid duplication of house names within the Estate which can lead to serious confusion with post, deliveries and access by Emergency Services. All Emergency Services have copies of the Estate map with house names clearly shown.

Covenants

The restrictive covenants may vary very slightly between different properties, but as a general guide the main things covered by these are as follows:

- a) a requirement to maintain the grass verges and to pay for the maintenance of the roads
- b) buildings or additions to buildings can only be in accordance with plans previously agreed by the Trustees (now CHRC) and their Architect
- c) no building, outhouse or shed can be erected without written consent of the Trustees and no temporary building, caravan or house on wheels be placed on the land without permission
- d) no sand or gravel shall be dug except for making foundations of approved buildings and no bricks, tiles, clay or lime be manufactured or burnt
- e) no advertisement or notice board placed without permission of the Trustees and no display of washing or laundry which is visible from the roads of the Estate
- f) no trade, manufacture or business carried out and no act or thing done which may be to the damage nuisance annoyance offence or disturbance of the occupiers of any adjoining or neighbouring property and no house be used for any purpose other than that of a private dwelling-house without the written consent of the Trustees
- g) maintain a live hedge with a post and wire or chestnut pale fence (but not a close boarded fence or wall) along the whole length of the frontage and the sides but no such fence or wall shall be less than four feet six inches nor more than six feet in height out of the ground.