

Tor Bryan Estate: Guidance Notes ([Download a pdf copy](#))

General information notes for residents; it may be helpful to keep a copy of these with your deeds or otherwise in an alternative safe place for reference when needed. Cross references are made to other pages on the Estate website where certain matters are dealt with in more detail.

Tor Bryan (Residence) Ltd

Tor Bryan remains a privately owned estate, managed by Tor Bryan (Residence) Ltd, a registered company. As a company it has to file annual accounts at Companies House and meet all the other responsibilities of a company.

The company board is elected each year by shareholders who are all the individual house owners on the estate.

([See also Tor Bryan \(Residence \) Ltd page](#))

The Directors

The Directors of Tor Bryan (Residence) Ltd, all of whom are Estate residents, are volunteers. It is hoped that other residents will be interested enough at some time to take a turn on the Board. The duties are not usually onerous or very time consuming. If it were not for volunteers the annual levy, which the Company has to charge to cover the running/maintenance expenses of the Estate, would be considerably higher.

The Directors are responsible for managing the affairs of the Company and of the Estate. In practice this means ensuring that the common parts of the Estate i.e. the roads, pavements, the pond, and the diverse green areas including all trees and shrubs within these are kept in good and attractive order. It also means overseeing the observance of the covenants to be respected by residents and which are contained in residents' conveyances (*see Covenants below*).

([See also Tor Bryan \(Residence \) Ltd and Estate Approvals system pages](#)).

Estate shares

Every house owner is required to own a share in the Company and no change of ownership is permissible without the share being re-registered in the name(s) of the new owner(s). Owners who are not on the share register may not vote at meetings. The Company has a lien on any share when the owner does not pay the annual levy and, therefore, the Directors can refuse to register a share until any sums owing have been paid.

In the case of joint shareholders, only one, usually the first named, is entitled to vote at meetings.

([See also Tor Bryan \(Residence \) Ltd page](#))

Annual levy and Annual General Meeting

The Annual levy is currently due on the 1st January each year and a notice is issued; it is possible this date may in the future change to 1st April. Late payment of the levy penalises neighbours. In extreme cases the Company may pursue late payers through the Small Claims Court process which would entail individuals reimbursing the Company's costs.

The Annual General Meeting is usually held in April once the Annual Report and Accounts have been circulated.

Unless there is a subject requiring urgent attention by all shareholders, this is the only general meeting that is organised.

(See also *Tor Bryan (Residence) Ltd page*)

Covenants

The covenants, which impose certain restrictions or requirements on each property owner, constitute a framework formulated for the on-going benefit of the Estate as a whole. In essence they are not unduly burdensome.

The covenants and what individuals may need to do to ensure compliance are listed in the *Estate Approval system* page.

Estate approval process

Exterior alterations and extensions, any new independent buildings and various external works require the Company's prior approval under covenant. The detailed requirements and procedure involved are set out in the *Estate Approval system* page

Conservation Area status

The Estate now forms part of the enlarged Station Lane Conservation Area. Conservation Area status imposes stricter statutory planning controls over building and other works than is normally the case elsewhere. These controls are exercised by the local planning authority, Brentwood Borough Council.

A resume of those works which currently (mid 2011) require the Council's specific consent is found on the *Conservation Area* page. These requirements may change over time by statutory Regulation. The information listed is for initial guidance only and should not be relied upon as a definitive interpretation of the law at any point in time. Residents contemplating any works should check with the Council whether planning/ Conservation approvals are required.

Common areas

The extent of the Estate's common areas owned by the Estate Company is shown on the Estate Plans page. The plan shows the roads in blue/grey, the footpaths in yellow and soft landscaped areas in green. The plan is a copy of one attached to a Company Board meeting of 10th September 1970; There have been a couple of changes since then as follows: first, The Lodge was sold freehold and is therefore not in common ownership and second the tank plot was conveyed to the Company and should be shown green.

For any land in common ownership the Board's written approval must be sought for any actions which may encroach upon it. An example of this would be driveway resurfacing where the drive crosses over a footpath. In some cases works have been carried out without the Company's specific consent. It should be noted that the absence of the Company challenging or bringing any action in respect of those works should not be construed as implied consent. Owners may be required to remove and reinstate at their cost any unauthorised works carried out within commonly owned areas. Furthermore, the Company is entitled to resurface commonly owned areas as it sees fit if necessary reinstating original surfacing where this has been changed. .

General works considerations

Where residents employ contractors to carry out works to their house and such works involve having to dig up the roads, footpaths or amenity land the need to ensure proper reinstatement to a high standard of any disturbed surfaces is to be emphasised. Any such works on the Company land require Company approval as noted above. Residents should give reasonable notice to any Director of any such works and are asked to keep a record of the contractors concerned.

For their own benefit it is also suggested that residents may wish to take a photographic record of condition of the Company land involved prior to any works commencing

If contractors working on or at houses cause any damage to the roads, footpaths or amenity areas the Company would look to the responsible resident to ensure the contractor makes good the damage to an appropriately high standard.

Failure to make good any disturbed common areas may lead to the Company charging the resident concerned for proper and suitable reinstatement

Other Estate maintenance matters

Vandalism and litter dropping are anathema to the quality of the Estate and the Company hopes that all residents will maintain a watching brief as regards these matters and use their discretion in actively discouraging such activities.

Private water meters: these should be installed within residents' curtilages and not within the common parts. If any resident notices that this is not being done correctly please advise the contractor immediately and warn any of the Directors.

Trees and plants overhanging the common parts are the responsibility of the residents concerned. They should not obscure street lights.

Estate Drains

Until recently foul sewerage throughout the Estate was entirely private and therefore the responsibility of the residents who are connected to the various sections. Owing to a change in the law with effect from 1st October 2011 the sewers have become adopted by Anglian Water Services Ltd and thenceforth they will be publicly maintained. Drains within individual curtilages and which do not collect drainage from any other property will remain private and the responsibility of the property owner concerned.

Surface water sewerage (ie. rainwater) throughout the Estate remains private and is not subject to the same ownership changes as its discharge is not into the public sewers. Accordingly responsibility for the surface water sewers remains with those owners connected to them. The surface water sewerage system also collects drainage from the Estate roads and footpaths. To the extent that the Estate makes use of the sewers for drainage a proportionate part based on use of any repair and maintenance costs would be borne by the Estate Company. Where repair works are likely to disturb the roads or footpaths they will be organised by the Company, which would seek competitive quotes, with affected residents being subsequently recharged their proportion of the costs. .

Use of roads

The Company tries to discourage fast driving on the Estate as frequently there are children about and it is one of the attractions of the Estate that it is regarded as being a safe environment. A limit of 20m.p.h. is recommended; there is a mild rumble strip at the Estate entrance which serves as a reminder.

Alongside the main artery through the Estate there are open road drains known as French drains; these are represented by strips of pebbles and stones along the carriageway edge. In past years the drains have suffered from dynamic loads imposed on them by vehicles overrunning them and/or parking on them in the mistaken belief that in so doing they are keeping the carriageway clearer for passing traffic. In order to discourage these habits and hence reduce future costs pre-cast stone verge markers are disposed at intervals along the drains

Furthermore, it should be noted that there is no general right to park on the Estate roads even for residents. Residents' rights are limited to 'rights of way'. Generally speaking the Company adopts a flexible approach to this issue but residents are asked to limit any parking on the roads and to bear in mind any inconvenience any such parking may have on neighbours and other residents.

Parking on the pavements, across the footpaths where there are drive crossovers and on soft landscaped areas is not permissible and should be avoided. It would be helpful if residents could ensure visitors and trades people also comply with these restrictions as well as not parking on or overrunning the French drains.

Neighbourhood Watch

The Estate is a Neighbourhood Watch area. If it was not it is probable that insurance premiums would be higher ! The Company asks all residents to be vigilant and to report to the police anything which they feel might be of a criminal nature. The role of Neighbourhood Watch coordinator is undertaken by a resident (*currently Dr Roger Winter at no 15 tel 353830*) and your support is vital.

House alarms

It is disturbing to neighbours if an alarm goes off whilst residents are away from home and the alarm continues unabated, especially if there has been no entry. It is suggested that residents with alarms could ensure that neighbours have the means to enter the house and turn off or reset the alarm.

The pond

A word of warning, especially to those residents with young children ! The pond situated by nos. 62-65 has a steep bank and is quite deep. It is advisable not to allow unaccompanied children to play around it.

Tor Bryan (Residence) Ltd

11/2011