



VIGO PARISH COUNCIL

POLICY ON APPLICATION OF COVENANTS WITHIN VIGO

All residents of Vigo are bound by the six Covenants which were introduced by the original developers.

The benefits of these Covenants were transferred to Vigo Village Trust Limited (VVT Limited) in 1981 and then Vigo Parish Council in 2004.

Covenant 3

Covenant 3 is the Covenant that has most frequent implications for residents. It is stated as follows:

"No additional buildings or any external additions or alterations to any existing buildings shall be erected or made on any part of the land hereby transferred unless the plans and drawings and specifications thereof shall have been first submitted to and approved in writing by the Transferor and no walls, fences or hedges shall be erected, made or grown in front of the building line and the position and height of existing walls and fences shall not be altered without the written consent of the Transferor."

For clarification, the building line is defined as the furthest point reached by the front of the original building without regard to the position of neighbouring properties.

There is no charge for applications made and approved before building work commences. The Parish Council charges £50 for a request for a retrospective application.

Covenant applications are separate from planning permission and building regulations approval, both of which are administered by Gravesham Borough Council (GBC). The Parish Council is always notified and invited to comment on applications made to the Borough Council by a resident and would normally do so with reference to its own procedures and guidelines.

In administering Covenant 3 the aim is to balance the wishes of individual residents to improve their properties with the wider objective of preserving the character of the village manifest in its building design and open plan character, as supported by residents in the survey of 2020.

Each case referred to the Parish Council will be considered against the guidelines set out below, which are given without prejudice to the merits of individual cases. It must be stressed that they are guidelines only and the Parish Council reserves the right to vary them where individual circumstances warrant it.

Walls, Fences and Hedges

The main objective is to maintain, wherever possible, the open-plan character of the Village and to avoid "tunnelling" along pathways.

Approval to erect a new boundary wall, fence or hedge would not normally be given in the following circumstances:

- a. where the wall, fence or hedge extends beyond the building line (the furthest point reached by the front of the original building without regard to the position of neighbouring properties), or across the front of a property, except as indicated in e) below.
- b. where unreasonable nuisance such as reduced light would be caused to immediate neighbours;
- c. where "tunnelling" would result where there are properties on either side of a path. In such circumstances the wall, fence or hedge should not be erected within 1 metre of the edge of the path. An exception to this rule might be where there is open Parish land opposite;
- d. where the fence/wall is too high or constructed of unsuitable materials. Normally 1.8 metres (6 feet) would be the maximum.

Applications for the following will normally be considered favourably:

- e) To grow a hedge up to 1m or erect a picket type fence to 0.5 m along the **side** boundaries of properties, principally where the property adjoins a foot path.

We acknowledge that there are a number of legacy exceptions to this policy, which we will seek to address as part of a rolling programme.

- f) replacement of existing fences and walls on a 'like for like' basis

Alterations and Improvements

The main objective is to preserve the character of the village and in particular the original building design. This approach was supported by the majority of responses to the survey conducted by Vigo Parish Council in 2020

Applications for the following will normally be considered favourably:

a. Replacement of windows with:

- i. aluminium, hardwood or UPVC frames, where the casements match the style of the original
- ii. white, grey or brown replacement frames
- iii. clear glass except for privacy where appropriate

b. Replacement front and garage doors

c. Replacement cladding on the front of properties with either tile or shiplap effect.

A change of material from tile to shiplap and vice versa may be approved, provided that the colour is similar to the original colour of the property when it was built.

If the original colour is not known, the colour must be consistent with neighbouring properties

It may be possible for some variation in this policy to be permitted on the side or rear of properties.

Consideration will be taken in regard to the location of the rear and/or side of the property, relative to its surroundings (woodland or road).

d. Rear and side extensions where they are in proportion to the original building and do not impact on neighbouring properties

e. Garage conversions where it can be shown that two parking spaces will be still available on-site

Approval to alter or extend a property would not normally be given in the following circumstances:

- a. replacement windows where leaded, Georgian or similar style glass is proposed, resulting in multiple small panes of glass
- b. a dramatic change in cladding colour, style or materials
- c. where the extension/alteration extends beyond the building line, as defined above;
- d. where the size of the extension/alteration is clearly out of proportion with the rest of the property and the surrounding properties;
- e. where the design or materials used is clearly not in keeping with the rest of the property or the surrounding properties;
- f. where the extension/alteration is likely to have a particularly adverse effect on neighbours or the immediate area;

If material changes are proposed to buildings or boundaries, the observations and approval of immediate neighbours should be sought by the applicant and submitted with the Covenant approval application.

Buildings in rear gardens.

Vigo Parish Council would not normally require residents to apply for approval for temporary garden structures, such as sheds, summer houses etc, unless they are out of keeping with the size of plot.

Covenant permission would be required for permanent buildings – i.e. brick or blockwork buildings, with foundations.

Covenant permission would not normally be given in situations where the building would prove detrimental to their neighbours' enjoyment of the surroundings.

Covenant permission would not be given where the building exceeded the sizes allowed by Permitted Development rights.

THE OTHER COVENANTS

Covenant 1 - Maintenance of barriers.

There are rarely any issues but this covenant will be enforced if & when required.

Covenant 2 - Use of property for business.

As the nature of work has evolved since Vigo was built many people now use their homes for work without causing any inconvenience or nuisance to their neighbours. In recognition of this, the Parish Council will usually only enforce this covenant where a nuisance is caused.

Covenant 2 - Activities that cause a nuisance or annoy other residents.

The Parish Council will take appropriate action, including liaising with the Environmental Health Department of the Borough Council.

Covenant 2 - Tree Preservation Orders

Vigo is a beautiful Village and much of its character is related to the abundance of trees which are covered by Tree Preservation Orders. The Parish Council will act where trees in private gardens are damaged or removed without the appropriate permission being sought in advance from Gravesham Borough Council. It will also comment on applications for work on trees as it feels appropriate. Residents are not permitted to carry out any work on Parish trees.

Covenant 4 - Damage to, or obstruction of, footpaths & roads.

The Parish Council will take appropriate action, including involvement of the Borough Council under fly-tipping regulations.

Covenant 5 - Maintenance of paintwork and general building condition.

The Parish Council will take appropriate action, including involvement of Gravesham Borough Council.

Covenant 6 - Payment for maintenance of community areas. This Covenant no longer applies as the Parish Council sets an annual precept that is collected within the Council Tax for each property.

Vigo Parish Council. August 2021

Amended November 2023

Reviewed May 2024

Reviewed and amended February 2025