

Freeholders benefit as Court upholds Trust decision

The Management Charge for the financial year 2011/2012 has been held steady at the same level as the previous year – and there is a further benefit for freeholders.

In August last year freeholders received a bill for £127. However, this year, owners of property that became freehold before 5 April 2008 will receive a bill for only £85 – thanks largely to judges in the Court of Appeal.

The Court ordered that the owner of 25 Ingram Avenue must pay the Trust’s costs in defending, over a period of five years, a refusal of Trust consent for an extension. The Trust is in turn passing the £140,000, recovered in March 2012, back to charge payers.

The Court of Appeal ruled in November 2011 that the Trust had been right to refuse consent for an extension that would have encroached on the space between houses, contravened the Design Guidance and set an undesirable precedent across the Suburb.

The Court held that the Trust was acting in the public interest. The decision sets an important precedent for the future of the Scheme of Management – and is doubly good news for charge payers.

THE GAZETTE AT A GLANCE

Trust Decision Upheld.....	1
Suburb Trees	2
Hampstead Heritage Trail	3
Education	5
Trust Committees.....	6
The Scheme of Management Charge ...	8

The Hampstead Garden Suburb Trust Annual General Meeting

7.30pm for 8pm start
Wednesday 12th September
Henrietta Barnett School,
Central Square

The meeting is open to all residents, but to be eligible to vote you must be a full Member of the Trust. If you are unsure if you are already a Member of the Trust please check with the Trust office. Contact details and information on how to join the Trust are on the back page of this Gazette.

Members and other residents are warmly invited to join the Trust Council Members and staff for refreshments and conversation from 7.30pm - 8pm.

ALL WELCOME. REFRESHMENTS

What’s happening here? See page 4 to find out.



The majestic trees of the Suburb

The number, quality and variety of trees on the Suburb are one of its most distinguishing features.

Trees add to the beauty of the landscape, they complement the architecture, bring ecological benefits including the provision of wildlife habitats, soften the character of streets and open spaces, and add greatly to the pleasure of living on the Suburb. In short, they are one of the glories of Hampstead Garden Suburb, and yet, there is no up to date record of the trees on the Suburb.

The Trust therefore proposes, with the support of the Residents Association and the London Borough of Barnet, to act on the recommendation arising from the

2010 Character Appraisal, to undertake detailed tree surveys and to consider the appropriateness of Tree Preservation Orders.

The objectives of the tree survey are to establish the species, condition and exact location of trees in the Suburb which:

- Are the subject of Tree Preservation Orders (TPOs);
- Appear on Raymond Unwin's original map of the Suburb as having been retained from the pre-existing field landscape prior to development;
- Make a significant contribution to the character and landscape of the Suburb, and to recommend where necessary that a TPO be applied.

The four main objectives of the survey are:

- 1) Protection of the environment – if we do not know what is there, we are in a less good position to defend trees against threats of any kind.
- 2) Planning for the future – The results of the survey will provide an objective base from which to plan for the conservation and future development of trees in the Suburb landscape.
- 3) Developing policies in consultation with residents – to work with the widest possible group of residents in this survey and in consultation about criteria for future decisions which may arise from it.
- 4) The effective management of the estate – the survey will provide the Trust and Barnet with up to date information to inform planning and estate management.

Oak tree at Lucas Crescent, Willifield Way



'Northern Heights Partnership' launches Hampstead Heritage Trail

The Trust, the Highgate Society, the Heath & Hampstead Society, and the Hornsey Historical Society joined forces this year for the first time, to create the 'Hampstead Heritage Trail'.

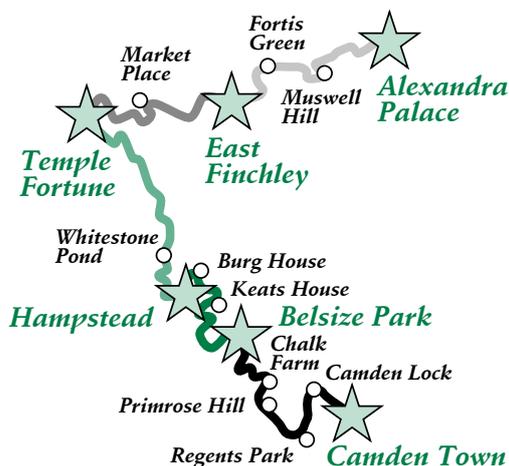
A new 15 mile self-guided sectional walking tour from Camden Town to Alexandra Palace runs through 5 booklets, covering 500 points of interest. The trail runs through Camden Town, Belsize Park, Hampstead, the Suburb and East Finchley.

The creation of the Trail follows the Highgate Society's successful Circular Walk around 'London's Northern Heights', covering Highgate, Hampstead and the Heath.

The Trust's involvement reflects the importance of educating and encouraging visitors to the Suburb.

Whilst most people with an interest in town planning or architectural heritage have heard of the Suburb, relatively few have actually visited.

The Suburb needs protection and constant vigilance. High land value creates pressures for over-development and degradation. If the Suburb's charm, beauty and sense of place are to be conserved:



Inspiration to Suburb architects, Rothenburg Bavaria

- The significance and value of the Suburb need to be widely understood;
- Its important place in the social history and architectural fabric of England should permeate the consciousness of us all.

It is a long term aim of the Trust to explain the Suburb's history and special qualities of place to everyone; from school children through the interested visitor to the judiciary and parliament. Its future lies in all their hands.

The publication of these walking tours represents several steps in that direction.

The project was initiated and overseen by Richard Webber of the Highgate Society, who was so taken with the

Suburb whilst working on the booklets that he recently made a pilgrimage of sorts to Rothenburg, the German town which inspired Parker & Unwin when designing the Suburb.

Moving on from the success and positive reviews of the Northern Heights books, our next step is to look at exploring the influence the Bavarian town had on Suburb architects, in collaboration with Mr Webber and contacts in Rothenburg.

The booklets cost between £3 and £5 each. Complete set of 9, £25.

Available from the Trust office, local shops, Garden Suburb Gallery and Library or via www.northernheights.eu.

Section A
Hampstead to Belsize Park – Start: Hampstead Underground Station. Length: 2.5 miles
Section B
Belsize Park to Camden Town – Start: Belsize Park Underground Station. Length: 3.3 miles
Section C
Hampstead to Temple Fortune – Start: Hampstead Underground Station. Length: 3.1 miles
Section D
Temple Fortune to East Finchley – Start: Temple Fortune. Length: 2.8 miles
Section E
East Finchley to Alexandra Palace – Start: East Finchley Underground Station. Length: 3.4 miles

860-864 Finchley Road



The Trust's main property asset is its building at 860-864 Finchley Road. Designed in 1935 by J.C.S. Soutar, the building combined architectural elegance with financial enterprise. The ground floor was office space for the Trust; the upper floors were two residential flats, bringing in rents to support the Trust's work for the Suburb.

In 2006, the Trust needed more office space. The local authority granted

planning permission to use one of the flats for this purpose. This permission was for temporary use and entailed the loss of the rent from the flat – more valuable than its income as an office.

It is the Trust's policy to invest its reserves in property on the Suburb. Its improved financial position enables it to build a single storey extension to the rear of 860-864 Finchley Road.

This provides the space the Trust needs and enables it to return the flat

to its intended use and to restore the income from it.

Suburb residents were consulted about the design of this building and their responses were published in February 2012.

The work (funded from Trust reserves and not from the Management Charge) started in July 2012, and will:

- Provide an appropriate return on investment;
- Return the upper floors to residential use, restoring the rental income it was originally intended to provide;
- Create more efficient offices, all on one level;
- Provide a larger meeting room, available to the community for evening meetings;
- Provide space for the Archive Trust;
- Improve access for people with disabilities;
- Be an exemplar of good building practice.

Fallden Way Gas Works

As part of a £300,000 investment program, National Grid are planning to upgrade 2km of metallic gas mains along Fallden Way from September 2012.

The new hard-wearing plastic pipes should last for many years, and are fitted by being inserted into the existing pipes, which reduces the need for digging continuous trenches along the stretch of road between the North Circular and Hill Rise.

This work has been carefully scheduled to coincide with Transport for London's road resurfacing work between Hill Rise and Ossulton Way. The work is scheduled to take about 26 weeks and will involve some changes in road access, affecting Hill Rise and Northway at the junction of Fallden Way. Signed diversions will also ban right turns into and out of Eastholm, Westholm and Midholm. Transport for London and the London

Borough of Barnet have planned the works in consultation with the Trust to ensure that the upgrade is carried out with minimum disruption to residents, and customer information packs are being sent out.



The Sharing of Great Things: Landscape in the Garden Suburb

Trust Architectural Advisor David Davidson spoke earlier this year at the Landscape Institute, on the topic *The Sharing of Great Things – From Garden City to Green City*. Looking specifically at landscape in and around the Suburb, David will be giving his lecture this December to Suburb residents (date & venue TBC).

The lecture will explore the late 19th century disillusionment with urban life which led to the development of Garden Cities, and the artistic problem of creating humane, healthy and affordable living environments for working people beyond utility and towards beauty.

Henrietta Barnett's "Beautiful Green Golden Scheme" was an idealised and sentimental vision which placed nature at the centre of her dream. The widely different green spaces around the Suburb were designed to promote social interaction, enhance human activity, offer recreation, health, productivity and beauty, and encourage cooperation and empowerment.

The Trust will publicise the details of this event later this year.



The Sharing of Great Things - original plans for green space and gardens on the Suburb

Education and Training

The Trust's recent crop of students and graduates carrying out work experience placements have assisted in progress and innovation on a number of important projects, proving that training and education is important and useful for both parties, and that students are never left making the tea.

Paul Capewell, a recent Library & Information Studies graduate, carried

out three summer placements with us whilst studying in Manchester. Paul worked on illustrating the soon to be republished Design Guidance, and spent a lot of time organising the Trust archives.

He kept a journal of his time at the Trust, which reads: "Touching on social history, cartography, town planning, design and much more, everything associated with the Suburb seems fascinating to me."

GCSE students have worked on digital mapping projects and assisted our Architectural Advisers on site visits, whilst an A Level student contributed to photo surveys and walking tours.

The Trust continues to offer work placements to resident volunteers and university-age architecture students, and is always happy to discuss such opportunities with those looking to learn about town planning, architecture and conservation.

The Trust Committees

The Trust benefits from the freely given time of many residents, and in the past few years the Trust has become ever more aware of the importance of their contribution.

Including elected Trustees, there are now twenty residents who sit as members of the Trust's advisory committees for **Estate Management, Finance & Organisation, Grants and Property & Plans**. Sixteen of them are non-trustee volunteers and their enthusiastic and lively participation has done much to invigorate the Trust's work and to ensure that the Trust Council reaches its decisions assisted by their experience and often their professional expertise. These non-trustee volunteers are very important in strengthening the Trust Council's understanding of residents' hopes and concerns.

The Property and Plans Committee advises the Trust Council on applications for development. In doing so it applies the terms of the Design Guidance issued by the Trust Council. The Committee is able to devote more time than is available to the Council to each individual case. The Committee meets nine times a year to review drawings and reports and to make recommendations to be put to the Trust Council for final decisions.

The Estate Committee is an advisory committee to the Trust Council in the exercise of the Trust's estate management functions. The Trust's estate is the land and built fabric on the Suburb managed by the Trust. The committee advises on priorities for capital works and regular maintenance. The annual and long term members review completed estate projects on regular estate

walkabouts. The annual and long term budgets for capital works and regular maintenance are discussed with the Finance Committee and are then subject to approval by the Trust Council.

The Finance & Organisation Committee provides advice to the Trust Council on financial matters affecting the Trust. The Committee reviews the Trust's budgets, annual accounts, investment policy and risk registers and makes recommendations to the Trustees.

The Grants and Amenities Committee advises the Trust Council in the exercise of its charitable functions and the development of policy with especial reference to the support and strengthening of the social fabric of the Suburb. This includes advice on the award of grants to Suburb bodies engaged in charitable activity that is of benefit to residents.

Being a volunteer member of a Trust Committee

A number of the volunteers are nominated by the Residents Association but any resident may ask to be considered for membership of a Trust Committee and the Trust will, from time to time, seek volunteer members. Volunteer members are bound by the same undertakings of confidentiality as Trustees. Volunteers are appointed or co-opted for three years, after which their membership must again be confirmed. Volunteer members are not expected to serve for more than two consecutive terms of three years without a break.

The Trust Council is the ultimate decision-making body of the Trust.

There are eight unpaid Trustees (directors) of the Trust, who constitute a variety of opinions and priorities.

Four of the eight Trustees must live outside the Suburb, and are independent experts in architecture, law and planning who provide professional advice. These four are appointed by the Royal Institute of British Architects, the Royal Town Planning Institute, The Victorian Society and The Law Society.

The remaining four Trustees are elected. They are Suburb residents who are aware of local issues and may make a less technical but more personal input and provide a democratic element.

This provides a balance between professional conservation opinions and the views of the inhabitants. The first duty of all Trustees however, is to the best interests of the Charity.

Trust Council

4 members appointed by:

Royal Institute of British Architects – Simon Hurst

Royal Town Planning Institute – Phillipa Aitken

Victorian Society – Tim Leach

Law Society – Jonathan Ross

Independence/Objectivity

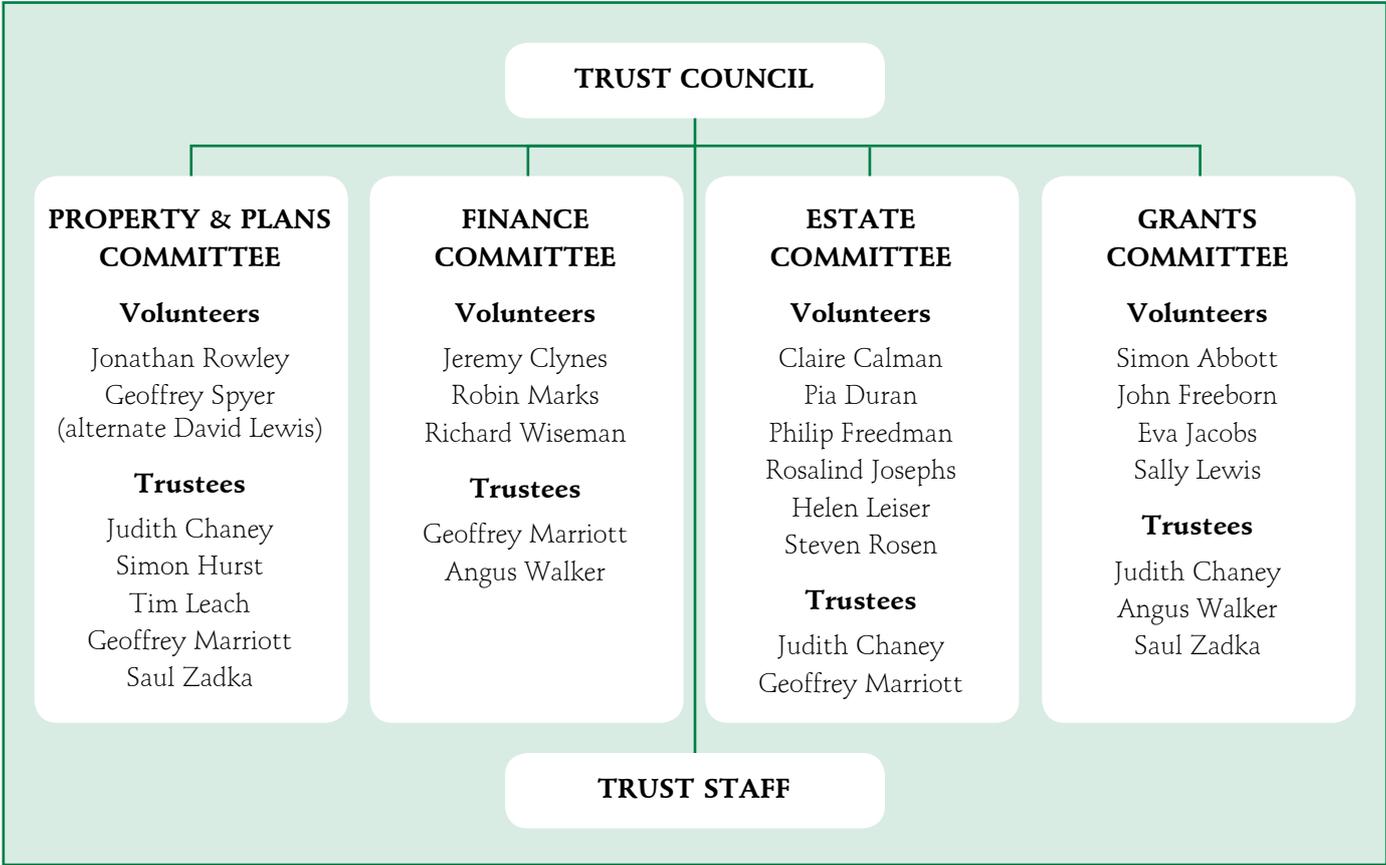
4 members elected by residents:

Judith Chaney,

Geoffrey Marriott,

Angus Walker & Saul Zadka

Local knowledge



An Estate walkabout with residents



Estate works – Resurfacing at Farm Walk



New roadside wildflowers at Farm Walk

The Scheme of Management Charge

The Management Charge for 2012/13 has been estimated at £129.10.

There is a rebate of £44.10* against each Management Charge for 2011/12. This is offset against the Charge for the current year 2012/13 so that for most properties **the net payable in August 2012 is £85.00.**

*the rebate is reduced for any property that became freehold after 5 April 2008:

After

- 5 April 2008£39.80
- 5 April 2009£34.30
- 5 April 2010£30.20
- 5 April 2011£14.70

The rebate is due to the successful defence of a legal challenge (see page 1).

The Trust's expectations for the future level of the Management Charge

The Trust Council expects that, for the foreseeable future, the annual expense of operating the Scheme of Management will be not more than £150 or less than £110 in 2012 monetary values

for each property unit liable to pay the Management Charge. The central expectation is that the Charge will be about £130 annually.

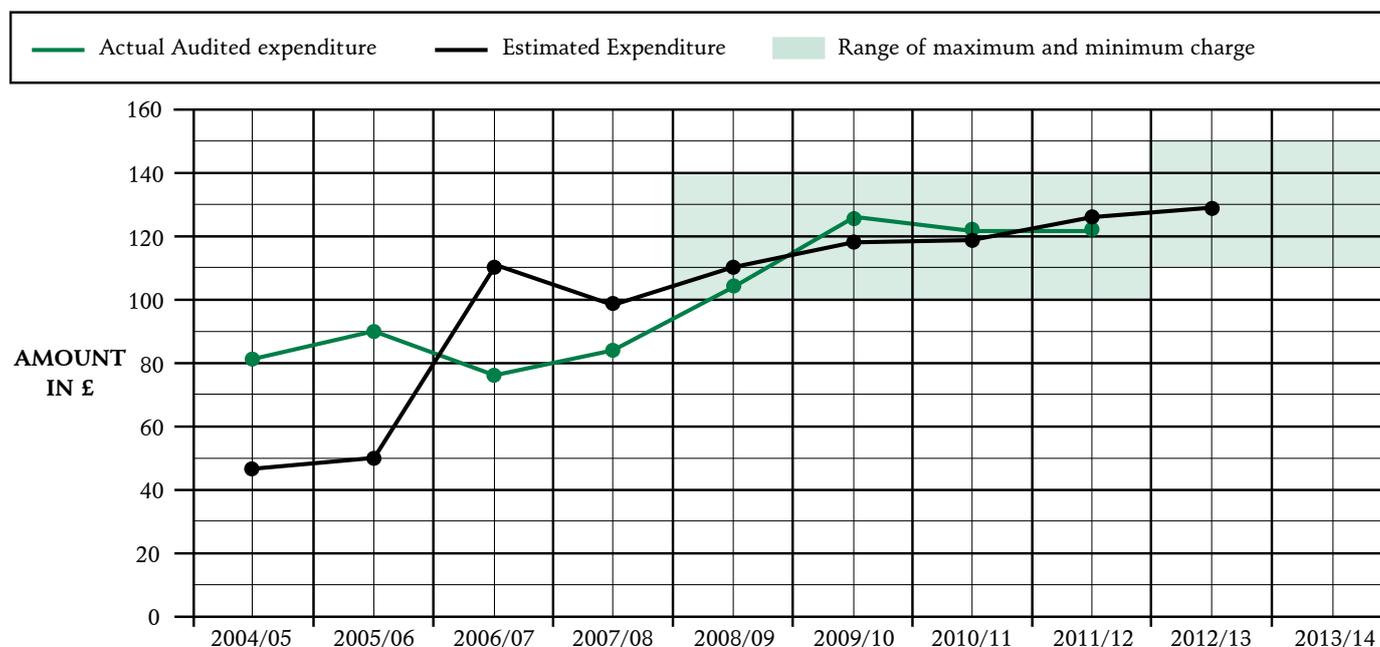
This is the first increase in the upper level of the Council's expectations for Scheme expenses since 2008/09 when the range was estimated at not more

than £140 or less than £100. This represents an increase in the mid-point of the expectation since 2008 of about 8%. In the three years since 2008 the Retail Price Index has risen by about 14%.

Volatility of the Management Charge

The Management Charge is subject to considerable volatility because **the Trust is subject to charges especially with respect to litigation and to insurance claims the timing and size of which are difficult to predict.** This difficulty is exacerbated by the prohibition in the Scheme against accumulating reserves to even out the fluctuations in annual

The Management Charge 2004/05 to 2011/12 – £ Money of the day



YEAR	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14
Actual Expenditure	81	90	77	82	104	126	121	121		
Estimated Expenditure	47	50	110	99	110	118	119	125	129	

expenditure; any surplus in the Scheme is the property of the Freeholders and must be returned to them in the year following that in which it occurs. As against this, legal expenses incurred over a number of years are, when recovered, credited to the Scheme in a single year thus increasing the size of the fluctuations in net expense.

Scheme of Management Operating Expenses.

Because when the Charge is set, it is **an estimate for the remainder of the coming year**, it will almost certainly differ from the **audited expenses at the end of the year**. The closeness of the level of the Charge to the level of audited expenses is a measure of the Trust's

budgeting skills together with the extent to which chance favours the Trust – a mixture of luck and judgement. **But, in the long run, the cumulative cost of the Management Charge will exactly equal the cumulative cost of the Scheme expenses as rebates are returned and surcharges levied.** The success of the Trust in controlling the finances of the Scheme is thus best illustrated by concentrating on its expenditure.

The graph opposite shows actual and estimated expenditure.

It shows how expenses have stabilised since 2008-2009. It also shows how accurate the Trust Council's forecasts of expenditure have been since they were first made in 2008.

Changes to Trust Postal Arrangements

Following recent rises in postage costs, the Trust has taken the decision to acquire a franking machine. This will substantially lower the cost of postage.

We are also taking steps to contact residents by email where possible. If you would like the Trust to contact you electronically in future, please email mail@hgstrust.org with **CONTACT ME BY EMAIL** in the subject line. Please remember to include your name and address.

Grants given by the Trust

The Trust is enabled to make grants under the terms of its constitution (from its own funds, not from the Scheme of Management) to Suburb-based organisations that benefit residents.

Charitable giving is presently constrained by the continued deficit on the Trust's operating account but it is increasing as Trust finances improve and this year totalled £8,480.

Based on recommendations by the Grants Committee, grants were made in 2011/2012 as contributions to:

- Proms at St Jude's £2,750
- Lyttelton Playing Fields playground renovation project £1,000
- Open House weekend £800

- Fellowship: for the alleviation of hardship on the Suburb (with special reference to ability to pay the Management Charge) £1,100
 - St Jude-on-the-Hill: for the reduction of hedge heights on Central Square..... £1,000
 - Garden Suburb Theatre £780
 - Orchard Housing Society: for refurbishing the communal lounge £500
 - Abbeyfield: to support outings for residents £250
 - Bench in memory of Chris Kellerman £200
 - Henrietta Barnett School: for a project related to the Suburb £100
- Grant application forms for 2013/2014 can be obtained from the Trust office.
- Abbeyfield residents enjoying an outing*



Management Charge Challenges

In common with other bodies levying charges like the Management Charge, the Trust is ultimately accountable to charge payers through the Courts and also through the process laid down in the Scheme of Management.

This enables residents to require the Trust to ask the President of the Royal Institution of Chartered Surveyors to appoint a Surveyor as an "Independent Expert" to determine the charge. The Surveyor has to consider whether the amount of the charge is fair and reasonable and whether the Scheme has been operated in an economical, efficient and consistent manner.

The level of the Management Charge has been subject to three challenges in recent years:

- 2005/2006 at the Leasehold Valuation Tribunal at a cost to charge payers of some £13,000;
- 2008/2009 through the appointment of a Surveyor at a fee to charge payers of £8,400;
- 2009/2010 through the appointment of another Surveyor at an initial fee of £11,439;

The most recent Surveyor's report, issued on 22 March 2012, concludes:

"I have not been able to agree on any of the substantive matters raised by 'Concerned Residents' and Objectors."

This Determination is good at law and the Management Charge at £125.80 per household for the year 2009/2010 has been confirmed.

The latest report agrees with previous decisions in upholding both the level of the charge and the

way the Scheme is operated by the Suburb Trust.

Although the Determination is formally satisfactory, the Surveyor has been criticised for the manner of his proceeding.

The Determination was first wrongly made for the year 2010/2011. When the Surveyor's attention was drawn to this it was withdrawn and a Determination issued by him for the year in dispute, 2009/10. The second document was not in its reasoning different from the first and the Surveyor argued that there was no difference in the principles concerned and in response to criticism observed that *"the figures within my Determination were principally there by way of illustration and the arguments in connection with the management charges remain precisely the same."* Even so the Trust was obliged to write and correct a number of mistakes in reference to matters of fact in the Determination.

The petitioners felt that the mistakes in proceeding invalidated the determination and, regardless of whether this is so, have asked for the repayment of the Surveyor's fee.

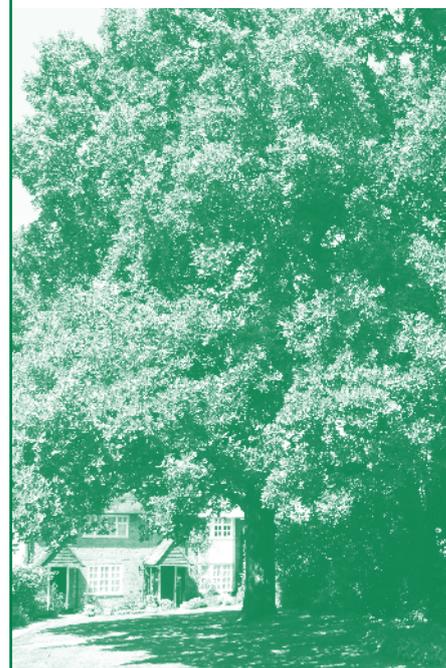
The Trust was also disappointed because it would have preferred the Determination to have been produced efficiently. The Surveyor's failure to do so has unnecessarily generated further debate and correspondence. The Trust also feels that it would be appropriate for the Surveyor to forego his fee.

The Surveyor's fee remains the subject of discussion and negotiation.

Further information can be found on the Trust website.

The Trust's work in 2011/12 – vital statistics

- 230 applications received
- 663 site visits and inspections
- Consultation policy implemented
- 20 Infringement Notices served
- 10 Infringements rectified
- 17 enforcement cases
- £140,000 legal costs recovered
- 540 visits by tree consultant
- 8 mature oak trees defended
- £8,480 grants to Suburb good causes
- 12 guided tours of the Suburb
- Farm Walk path resurfaced
- 2 Trust roads resurfaced
- Sunshine Corner restoration completed
- Trust Allotments improved



**24. RESOURCES EXPENDED ALLOCATED TO FUNDS AND RELATING TO MANAGEMENT CHARGE
YEAR ENDED 5 APRIL 2012**

Expenditure items	Total £	General Fund & Restricted Funds £	Scheme of Management £	Cost per charge £	2010/2011 £
1. Staff costs:	363,628	65,453	298,175		
Staff salaries inc PAYE & NI, contract & temporary staff, employee & volunteer expenses, training costs					
Less:					
Income from fees on freehold applications	(96,416)		(96,416)		
Net staff costs				201,759	55.61
					48.29
2. Premises costs:	53,479	9,626	43,853	12.09	11.16
Office rent, utilities, telephone, Council Tax, repairs and renewals, cleaning etc.					
3. Administrative costs:	62,345	14,030	48,315	13.32	10.56
Insurance (except for Trustees), office equipment, printing, postage & stationery, public relations, bank charges, depreciation					
4. Governance costs:	5,451	981	4,470	1.23	1.23
Trustee insurance and travelling expenses					
5. Projects and amenities costs:	149,133	114,464	34,669	9.56	5.03
Maintenance of amenity areas and other projects					
6. Legal costs:	107,471	39,179	68,292	18.82	33.79
Legal costs for general advice and litigation					
7. Other professional costs:					
Arboriculturalist, human resources, valuation and other advice	34,999	15,054	19,945	5.50	6.43
Surveyor's fee for determination of the Management Charge	11,439		11,439	3.15	2.33
8. Audit fees:	8,899	3,055	5,844	1.61	2.08
Expenditure	700,428	235,416	438,586	120.89	120.90
Income from fees on freehold applications			96,416		
Income from recovery of legal fees			141,784		
Total management charges including in-year enfranchisers			456,744		
Total income			694,944		
Total expenditure			535,004		
Balance of Management Charges to be (charged) credited to freeholders			159,940	44.10	rounded figure

At 6 April 2011 management charges payable: 3,615. At 6 April 2012 management charges payable: 3,642. Average for year: 3,628.

This extract from the Trust's audited Annual Report & Accounts shows how the Management Charge was spent. The full report is sent to all members of the Trust (application form on the back of this Gazette).

Become a Member of the Suburb Trust

Membership of the Trust is not automatic and is entirely voluntary (unlike the obligation to pay the Management Charge or Ground Rent). By choosing to become Members residents have the opportunity to keep up to date with Trust news, receive the annual report and accounts and to participate in the Annual General Meeting. Members receive invitations to occasional lectures and other Trust events.

The Trust differs from most companies in that while fulfilling its objective to conserve and maintain the character and amenities of the Suburb it produces no profits or dividends. The Trust does not have shareholders but Members who have no financial commitment and a limited liquidation liability of £1.

The Trust hopes that Suburb residents who believe that conservation of this unique area is important will consider

becoming Members. Residents may become Members, free of charge, if they are over 18 and have lived on the Suburb for more than 3 years.

Residents who have lived on the Suburb for less than 3 years can become Associate Members. Forms are available from the Trust office.

If you have any questions about membership please do not hesitate to contact the Trust office.

APPLICATION FOR MEMBERSHIP

Please send completed forms to: The Membership Secretary, The Hampstead Garden Suburb Trust, 862 Finchley Road, London, NW11 6AB

I (Mr/Mrs/Miss/Ms) _____
(FULL NAME IN BLOCK CAPITALS)

of _____
(FULL ADDRESS IN BLOCK CAPITALS)

Email address _____

hereby apply for membership of The Hampstead Garden Suburb Trust Limited subject to the provisions of the Memorandum of Articles of Association thereof. I declare that I am a resident* in the Hampstead Garden Suburb and that I have been continuously since _____ (at least 3 years before application) and am over 18 years of age.

Date _____ Signature _____

** 'resident' in the case of a corporation means entitled in the opinion of the Council of the Hampstead Garden Suburb Trust Limited to be treated as a resident of the Hampstead Garden Suburb.*

Contacting The Trust

Residents are welcome to contact the Trust Manager, Jane Blackburn, on any aspect of the Trust's work.

862 Finchley Road, Hampstead Garden Suburb, London, NW11 6AB

Tel: 020 8455 1066 • Website: www.hgsttrust.org • E-mail: mail@hgstrust.org • Twitter: @HGSTrust

Company registration number: 928520 • Registered charity number: 1050098

HAMPSTEAD - GARDEN - SUBURB - TRUST