

THE TRUST

GAZETTE

PUBLISHED BY THE HAMPSTEAD GARDEN SUBURB TRUST LIMITED

ISSUE No. 5

JUNE 2008

You are invited...

As we hope you will see from this edition of the Gazette the Trust Council and staff are actively pursuing the Trust's aims for the Suburb. We would now like to invite residents to meet and discuss how we are doing and what policies we might pursue in the future.

Of course there other opportunities for you to make your views known to us, at the AGM in September, in our marquee at the Proms at St Jude's in June or indeed at any time, by appointment, at the office. However we would value the input of interested residents in a structured, but informal, discussion that will allow time to explore ideas.

Our proposal is that we would circulate beforehand a short paper on the topic or topics to be discussed. Then at the

meeting, a Trustee, member of staff or volunteer would speak about the paper for five minutes and the matter would then be thrown open for discussion.

Topics might include:

- Trust organisation and powers
- Trust finances
- Planning application decisions – improving the process – the Suburb area by area
- Enforcement of Trust decisions
- The Trust's charitable function – the 'social fabric' of the Suburb
- The Trust's estate management.

The results of the debate would then be circulated to the Trust Council. At the first meeting a view could be taken on whether further meetings should be held.

However, before going any further the Trust would like to seek the views of residents and try and gauge the level of interest.

Please get in touch if you are interested in attending and let me know what topics you think need discussing.

*Angus Walker Chairman
Hampstead Garden Suburb Trust
862 Finchley Road NW11 6AB
anguswalker@hgstrust.org*



THE GAZETTE AT A GLANCE



From the Trust Manager 2

Ask the Trust 4

LVT update 6

Trust gardener retires 6

Lottery grant for Central Square 7

Join the Trust 8

Suburb residents discuss the Character Appraisal – see page 4

From the Trust Manager

Trust Council members, many dedicated volunteers and the Trust staff are continuing to work to make the Trust more effective.

The purpose is of course to defend the character and amenity of the Suburb so that both current residents and future generations will be able to appreciate and enjoy the achievements of the Suburb's founders. To support this aim the Trust has taken steps to:

- Make its record and accounting systems effective and economic
- Institute a programme of repair and maintenance for the Trust estate (communal gardens, private roads and footways, allotments)
- Improve enforcement of the controls on alterations to buildings and landscape
- Rebuild the Trust's financial reserves – which underpin its work.

Effective, efficient and economic systems

The Trust's operation of the Scheme of Management for the Suburb was endorsed by the April 2007 decision of the Leasehold Valuation Tribunal which declared itself "satisfied that

the Trust is working and has worked to ensure that the owners receive a good service within the terms of the scheme of management and that the investments made in modernisation and the rationalisation of the charge will be to the benefit of all."

In terms of the management charge the Trust has implemented an inexpensive but effective process of credit control whereby freeholders who do not pay the charge receive solicitor's letters, and if non-payment continues, can be taken to court. This ensures the Trust receives all payments due under the Scheme of Management and that those who pay promptly do not subsidise late payers. The number of freeholders with management charge debts lasting over two years has been reduced from over 100 (out of 3500) to nearer 10.

The Trust estate

The Trust owns and is responsible for a number of private roads, communal gardens, allotments and tennis courts around the Suburb (the Trust has no powers over the public roads and pavements or those open spaces managed by Barnet or the Corporation of London).

The Trust has recently organised the reconstruction of Linnell Drive and the repair of Farm Walk. Residents with rights to use these private roads have contributed to the costs. Work to other roads and communal areas will follow in consultation with residents.

The Trust has put the contract for the upkeep of the open spaces which it maintains out to competitive tender. This means that costs are clearly identified for each area and residents can be assured that charges are fair and competitive. In the past some residents have contributed their share of the upkeep and others have not – sometimes simply because they have not been asked. Halting the drain placed on the Trust's reserves (which used to result from the Trust bearing



Above, Farm Walk before repair and after, below



Reinstatement of characteristic privet hedge and lawn

the cost – in the year to April 2008 some £17,000 of garden work) will strengthen the Trust, and hence benefit the Suburb.

Working with the Residents Association Allotments Committee, the Trust is supporting a programme of improvements to the allotments to ensure that they are attractive and well used.

Enforcement of controls

Enforcement is part of the day-to-day work of the Trust. The Trust's successes are sometimes difficult for residents to appreciate, because they involve the removal of unsightly features and the restoration of the normal, harmonious appearance of the Suburb.

Trust staff work with residents to eliminate discordant features which may have been built when controls were less stringent. Owners who wish to make other changes are generally asked to correct such features when undertaking their other work. Undesirable change can also be stopped by prompt action whilst work is under way.

As well as managing the Suburb through the Scheme of Management, sometimes it is necessary to use the force of the Trust's legal powers, whether through clauses in the leases or through the restrictive covenants placed on each freehold property. Where appropriate the Trust will either assert or defend its rights and duties through solicitors and when necessary through the courts. There have been three major court actions this year. The Trust has been successful in one and expects to be successful in the two which are ongoing.



Linnell Drive before (left) and after (right) reconstruction

A stronger and better resourced Trust could also support initiatives to assist residents with modest grants towards, for example, removing satellite dishes or replacing unsuitable doors.

Rebuilding reserves

The Trust's reserves, although sufficient to deal with legal challenges, are some way from their desirable level. They are being rebuilt through a combination of increased efficiency and the elimination of subsidy from the Trust's reserves of those costs which should be properly borne by the management charge.

It should be noted however that the management charge cannot be used as a means to increase the Trust's reserves; it is subject to audit and it can only fund actual expenditure by the Trust; any surplus is the property of the individual freeholders and not the Trust. An example of this is the rebate of £33 given to freeholders in relation to the financial year 2006-2007.

The Trust is however using requests to vary the covenants in leases and on freeholds to negotiate premiums, in appropriate cases, to share the resultant increase in value. Again the increase to the Trust's reserves will be

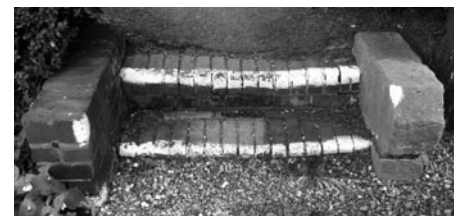
used to benefit the Suburb as a whole.

Leaseholders may, as an alternative to paying a premium, wish to purchase the freehold of the property. This would mean that the purchase price would add to the Trust's reserves and the property would become a contributor to the Scheme of Management.

Purpose

These measures together are intended to strengthen the Trust sufficiently to make it fit to defend the Suburb in the twenty first century and to ensure that its character survives for another century and more. Residents' support and cooperation is central to the Trust's success and effectiveness.

Jane Blackburn



Before (above) and after (below)



Ask the Character Appraisal volunteers

To be able to understand and protect the special character of a conservation area English Heritage recommends that Character Appraisal studies are carried out. An appraisal of the Suburb is currently being undertaken by the Trust. This appraisal has been done almost entirely by volunteer Suburb residents. We asked some of the volunteers about their experiences.

How did you come to be involved?

I read about the appraisal in the Trust Gazette and volunteered.

I saw the article in Suburb News.

Did anything surprise you as you were doing the observations?

Generally how well maintained the houses were and how relatively few examples of detrimental development there are.

On the plus side, the astounding attention to detail. So many of the houses are truly yet quietly beautiful, handsome and gracefully proportioned yet unshowy and unfussy. It was a

real pleasure to take time to drink it all in. I also like the way some streets and groups of houses give an impression of cohesion and harmony while actually having interesting differences so they don't look too contrived or Lego-land like.

A less positive surprise is the number of 1970s up-and-over or, more bizarrely, sort of faux Georgian-style panelled garage doors in the Suburb.

Did anything change your views about the Suburb?

No, it just reaffirmed my view that its a very special environment that must be looked after. It confirmed the fact that I love the Suburb and that it is worthwhile spending time walking around it. I always notice something new.

What do you think is at greatest risk? What, in your view, are the main things that detract from the Character of the Suburb?

The Suburb is at risk of unseemly development, especially on the fringes,

as well as overdevelopment of the spaces between houses.

I feel that grass verges, especially near corners or in narrow streets are particularly at risk.

Some personal pet hates are: Inappropriate replacement windows (rare in the Suburb) and front doors (quite common), usually from a misplaced desire to make something look fancier or grander.

The single biggest thing that detracts from the character of the Suburb has to be cars, but I don't expect that's going to change. I would love to see it somehow geared a little more in favour of pedestrians and probably cyclists. I am a car driver myself but I think it's a shame that everywhere you go there are endless cars.

What do you think are the main things to celebrate?

The wonderful balance between housing and green spaces; beautiful street trees and hedgerows; the fact

Volunteers at work



that lots of people do walk around the Suburb; the fact that the cottages are as thoughtfully and as interestingly designed as the larger houses; the sense of community.

The retained scale of buildings, views of the Heath and from the Heath, and brilliant sightlines to views – like the kink in Meadway by Heathgate, and in Wildwood Road by Kingsley Way.

What do you think the biggest challenge to the Trust is?

Trying to keep the Trust’s voice heard and important, so that it has teeth and can act in the best interests of the Suburb. Also to retain understanding of details like windows and trees.

Pippa Stroud, Graduate Assistant at the Trust from October 07 to March 08 comments:

“I worked at the Trust for 6 months supporting Judith Chaney (volunteer Character Appraisal Coordinator) and David Davidson (Trust Architectural Advisor) on the Character Appraisal. This meant that they could concentrate on the main tasks such as final editing, while I could help liaise with volunteers.

I was surprised by the varying atmospheres of different streets in the Suburb. For example, Wildwood Road curves along an old field boundary, with views over the heath. It has large mixed hedges, and feels very rural. This is in startling contrast to the grand formality of Central Square, or the intimate homely cottages and closes in the Artisans Quarter. There is a huge diversity of design within the Suburb, though recurring principles such as the provision of green space, street trees and views help unify it all.



Twittens are an important Suburb feature

Unique Suburb features such as the ‘Twittens’ which prioritise pedestrian access routes should be celebrated. The amount of public green space is also very special – the Heath Extension, Big Wood, Little Wood, Lyttelton Playing Fields and the walk along Mutton Brook. They provide an oasis of calm, where you can take a relaxing country stroll and forget you are surrounded by busy London suburbia.

The biggest challenge to the Trust and greatest threat is probably from residents who do not fully appreciate or value the unique character of the Suburb and therefore do not take into account the management guidelines and work of the Trust.

The Suburb has and will continue to respond to changes in lifestyle, such

as the dominance of the car and climate change. However, the overall vision of charming architecture and verdant roads must not be lost.

The Character Appraisal will be an excellent basis to enable the Trust to retain its accumulated knowledge for the future so that the history, design principles and philosophy of the Suburb is not lost or disregarded.”

Councillor Andrew Harper, Chairman of the Character Appraisal Steering Committee told the Trust:

“I am full of admiration for the dedication and enthusiasm of the many volunteers, without whom this project could not be undertaken to the extent merited by our wonderful Suburb.”

Leasehold Valuation Tribunal update

This purpose of this article is to inform residents of the ruling of the Leasehold Valuation Tribunal. The management charge for 2008 - 2009 will be a flat rate charge for all freeholders. If, having read this article, you have any queries please contact the Trust office.

In April of this year the Leasehold Valuation Tribunal rejected an application to relate the Management Charge – payable to the Trust by freeholders in Hampstead Garden Suburb – to the values of properties. The LVT ruled that the present flat rate arrangement for charging is reasonable and this was the only matter on which they could rule. This was not to say that any other system was reasonable or not reasonable.

The significance of the litigation so far for Management Charge payers is that it is now established legally that objection to any aspects of any estate charge, including the Management Charge, can be taken to the Leasehold Valuation Tribunal for a remedy. However the legislation only applies to estate charges as levied under the Scheme of Management for Hampstead Garden Suburb and to no other aspect of the Scheme.

Litigation began with an application to the LVT by Management Charge payers in December 2006. This application was, after consideration, opposed by the Trust in February 2007. In August 2007 the LVT ruled that the Commonhold and Leasehold Reform Act of 2002 did not allow it to rule on the application. On appeal to the Lands Tribunal this decision was overruled and the matter returned to the LVT for a decision which was finally issued in April 2008.

A Management Charge payer has applied to the Lands Tribunal for permission to appeal against the decision on the progressive charge on a number of grounds, the principal one of which is an objection to the way in which the LVT has devised its test of reasonableness. A decision by the Lands Tribunal is unlikely to be reached before September. This would be after the Management Charge for 2008-2009 has been invoiced. The Trust cannot therefore use any other system for calculating the 2008-2009 charge.

In October 2007, the Trust withdrew its opposition to the application for a progressive charge and took a position

of neutrality. The Trust Council felt that while it wanted to encourage debate among Management Charge payers on how the Charge should be levied it had no grounds on which it could take sides. The Trustees noted that the Tribunal was in any case the final authority and the Trust would be obliged to implement whatever the Tribunal decided.

At the same time the Trust accepted that, if the Leasehold Valuation Tribunal were to change the way in which the Management Charge should be levied, then the Trust would need to make recommendations about the practicality of any change.

Trust gardener retires after 34 years

At the beginning of April, after 34 years of sterling service, John Cassels retired as the Trust's gardening contractor.

To mark his retirement, a Magnolia tree surrounded by snowdrops, was planted in the garden of the block of maisonettes in Hill Top. The Trust Chairman, staff and several Suburb residents gathered at the tree to raise a glass to John in a small ceremony. Fittingly, the last piece of gardening John performed for the Trust was to plant the final snowdrop, using the ceremonial spade first used by Henrietta Barnett to cut the first sod of the Suburb in 1907. The spade was kindly loaned to the Trust for the occasion by the Hampstead Garden Suburb Institute.

John was first employed by the Trust in 1974 to tend to the office gardens. Over the years he has taken on a number of varied tasks and by the time



of his retirement was maintaining over 40 separate open spaces and private roads.

John is a long-standing Suburb resident and in his time has seen many changes at the Trust. It is testament to his friendly, willing and flexible approach to gardening across the Suburb that he has remained in position for so long. He will be greatly missed by the Trust.

Heritage Lottery grant to plan Central Square

The Trust has successfully bid for a grant from the Heritage Lottery Fund to draw up plans for the restoration of Central Square. A committee made up of representatives from the Residents Association, the London Borough of Barnet and the Trust made the application, and the grant has enabled us to appoint a firm of landscape consultants to carry out the work.

The Square is owned by the London Borough of Barnet and has always been maintained as a public open space. Any plans for the Square must tackle the drainage issues that have caused problems since the 1930s but

proposals for renewing the paths, benches and litter bins and providing updated lighting will also be considered.

A local resident recently contacted the Trust to say “I do think Central Square is not as amazing as it should be. Obviously, the buildings are pretty extraordinary, but the green space and planting are really a bit of an anti-climax. The planting is very much what I think of as civic roundabout-style: banal and uninteresting. Also, the space sometimes strikes me as a little lacking in life and perhaps underused. If ever there were a space crying out for lovely, simple care this is it.”

Consultation with residents will be a critical part of the process to establish how local people wish the space to look and how they would like to use it.

An exhibition will be held in one of the marquees during the Proms at St Jude’s in June and all visitors will be given the opportunity to put forward their views.



Box cut trees and herbaceous planting define the character of Central Square in the 1930s



INTERESTED IN THE WORK OF THE TRUST? KEEN TO BE INVOLVED AND INFORMED?

Become a member of the Suburb Trust

The Trust strives to conserve and maintain the unique architecture and planning of the Suburb which makes it an outstanding Conservation Area, and its members should include all of the residents who believe that this conservation is worthwhile.

Membership offers several benefits:

- Receipt of the Annual Report and Accounts of the Company;
- Voting rights in Trust Council elections;

- Participation in Suburb management through the Annual General Meeting.

The membership requirement is that you are an adult who has lived on the Suburb for more than 3 years. There are no restrictions regarding members per household.

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 eight company directors (known as the Trust Council) are volunteers. Four of the directors are appointed by outside organisations (Law Society, Royal Institute of British Architects, Royal Town Planning Institute and Victorian Society), the other four are residents elected by Trust members.

APPLICATION FOR MEMBERSHIP

**Please send completed forms to: The 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)

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)

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

The Trust's two full-time senior members of staff are:
Jane Blackburn BA(Arch), Dip Arch, RIBA Trust Manager
David Davidson BA(Arch), MA Arch Cons IHBC Architectural Adviser

The Trust can be contacted at:
862 Finchley Road, Hampstead Garden Suburb, London, NW11 6AB
Tel: 020 8455 1066 • Website: www.hgstrust.org • E-mail: mail@hgstrust.org
Company registration number: 928520 • Registered charity number: 1050098

HAMPSTEAD - GARDEN - SUBURB - TRUST