

THE GAZETTE

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Improving Communications

These are critical times for the Trust. Unless a determined effort is made to defend the Trust's existence and to strengthen its influence its future could be threatened. If the Trust were to fail the quality of our surroundings would deteriorate and the value of living on the Suburb would be reduced.

“These old buildings do not belong to us only;...

We are only trustees for those that come after us.”

— William Morris

The Gazette at a glance

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The Trust cannot achieve its objective, "to preserve and maintain the present character and amenities of... Hampstead Garden Suburb", unaided. We need the understanding and support of all those who live on the Suburb.

At the Annual General Meeting of the Trust in September I undertook to improve the Trust's communications with you. This *Gazette* is the first step.

The Trust Council will always give a clear account of its actions and proceed as transparently as possible. We are seeking to establish a widespread understanding of our work. It is part of the Trust Council's purpose to enable all those interested in our activities to offer informed criticism of the Trust.

The Trust has an unfortunate reputation for secrecy. I hope that we will soon demonstrate that this reputation is now without foundation. We would be very pleased to welcome more members of the Hampstead Garden Suburb Trust Company. In this issue you will find instructions on how to make an application for membership.

I hope that you will find *The Gazette* helpful. I look forward to hearing from you.



Mervyn Mandell
Trust Chairman

From the Trust Manager

Many residents have long complained that the Trust does not do enough to explain itself. In spite of the Trust's importance to the value of their properties, many people are unclear about its nature and purpose; some are even uncertain as to its existence. Many people confuse the Trust with the Residents Association.

We do not apologise, therefore, for giving a description with which some readers are familiar. The Hampstead Garden Suburb Trust is quite separate from any other organisation. It was established under the Leasehold Reform Act of 1967 and is incorporated as a limited company and registered as a charity. It is the freehold owner of all remaining leased property on the Suburb and of a number of communal areas including closes, gardens, allotments and tennis courts. The Trust also

operates the Scheme of Management which empowers it to "maintain and preserve the present character and amenities of ... Hampstead Garden Suburb". This Scheme of Management was approved by the High Court in 1974. It gives the Trust legal powers over freehold as well as leasehold properties.

In general, the Trust has the authority to restrict changes to the "general appearance" and the "external appearance" of any property within the Suburb. Before such changes may be made the Trust's permission must be obtained. (This is in addition to the need to get planning permission from the London Borough of Barnet under the Town and Country Planning Acts). The Trust has the power to order the reversal of any changes made without its agreement.

Today the Trust is in an exposed position. Deference, even to legally established authority, is not always usual and there is an increasing resort to litigation. However when a freeholder acquires property in the Suburb, they will be well aware, if their solicitor has done his job properly, that the property is subject to regulation by the Trust. Indeed, many residents have come to the Suburb precisely because they understand that their environment is protected and are willing to play their part by subordinating their private interests to the public good.

The Trust acts as a constraint on the normal rights of individual owners in the interests of Suburb residents as a whole. Consequently it is the Trust's duty to seek understanding for what it does and to expose its actions to criticism and comment. *The Gazette* provides an opportunity for residents to inform themselves and to develop and express their views on the Trust's policies.

Jane Blackburn

Jane Blackburn
Trust Manager

What does the Trust do for you?

The Trust has three main activities. The first of these is its duty as a regulator. It must consider and decide on applications by residents who wish to change the appearance of their house or the land on which it stands. The Trust has also to check that agreed changes are made in conformity with the approval given.

In carrying out this role we try to establish an understanding with applicants by offering guidance about the kind of changes that are likely to be acceptable and providing technical guidance on building materials and techniques. We also provide advice on trees and changes that might affect the landscape.

Second, the Trust has a programme, in collaboration with the Residents Association, the London Borough of Barnet and English Heritage, to make environmental improvements throughout the Suburb.

Third, the Trust organises the maintenance of some of the Suburb's unadopted roads, landscaped areas and allotments. This involves a great variety of activities from current legal action to protect local residents against an aggressive vagrant, to support for the Allotments Association. This work is currently under resourced and the Trust would like to raise its standards of maintenance.

Among the damaging activities which threaten the appearance of the Suburb are small incremental changes, apparently minor in themselves, and undertaken innocently without any consciousness of their wider significance. These alterations - paving over and decking gardens, altering doors, windows and gates, removing hedges, erecting sheds - cumulatively have a degrading effect that is difficult to reverse.

It is important to see the effect of these changes in the context of the appearance of the Suburb as a whole. It is our experience that many residents, once aware of the Suburb's environment, are immediately sympathetic with the purposes of the Trust and anxious to do what they can to ensure that their changes enhance rather

than detract from their own and their neighbours' amenity. There are examples of unfortunate changes throughout the Suburb and the Trust is working to encourage residents, when opportunity presents, to put these eyesores right.

The position of the Trust as a regulatory authority is not always clear to all residents. Barnet Council is the local planning authority and the Trust's staff collaborate closely with their colleagues there. Barnet's planning responsibilities are wider than those of the Trust as, in addition to the control of development, they are also concerned with the maintenance of the Suburb's roads, pavements, street lighting and street furniture and with the management of traffic. The Conservation Area was designated by Barnet and all planning and listed building applications within it must be submitted to them as well as to the Trust. Recently local authorities have been urged by the government to encourage increased residential development in low-density areas. Contrary to widespread belief, government policy encourages the local council to apply these policies to the Suburb. As a result Barnet Council may find it difficult to resist applications for major developments on the Suburb.

The existence and primary purpose of the Trust is for the defence of the present character and amenities of the Suburb. The Trust has more intimate local knowledge, can set higher standards of design, gives greater attention to detail than Barnet is able to do and is not affected by overtly political considerations. Also, the Trust has a closer relationship with residents and can respond quickly to their concerns. Most important, the Trust is free from the changing developmental priorities and planning policies of central government.

The Trust feels that the value of its work can be demonstrated by the special environment which exists on the Suburb. This is not perfect, but it is much better than any comparable area in the country. Residents gain both from the quality of the environment they enjoy and in the enhanced value of their property. With residents' support the Trust can continue to manage the Suburb positively for the future.

The Threat to the Suburb from Development

The Suburb is still a distinctive area of international importance in the history of urban architecture, that has great charm and is an outstandingly attractive residential area with a strong sense of community.

Over the last fifty years in a changing world the Suburb has found its place in a re-ordered and financially conscious society. The market value of the properties regulated by the Trust is probably in excess of 3 or 4 billion pounds and properties can change hands for millions of pounds. The importance of property not only to the financial portfolios of private individuals but to commercial companies has transformed the Suburb into a target for developers.

The stakes are high. The Trust, with an annual income of less than half a million pounds, is faced with planning applications for developments where the potential profits are several times that revenue. In an area where most residents, however prosperous, regard themselves as lucky to live here many of these proposals are quite out of keeping with the spirit even of a socially transformed Suburb. The conflict between private interests and the public interest shows itself on an increasingly large scale. Developers making such applications fail to understand the damage their proposals will do to the environment for others. In refusing such applications the Trust risks legal challenge. The outcome of litigation is notoriously uncertain. Victory may go to the litigant with the deeper pockets.

It is not, as some suppose, that such threats are confined to the roads of large houses. There are pockets of land and properties throughout the Suburb which have attracted commercial attention in ways which are unhelpful to the purposes of the Trust and damaging to the amenities of residents.

The increased complexity of speculative applications to the Trust and the protracted nature of some of the legal manoeuvres involved are putting the resources of the Trust under pressure. In order to manage this problem the Trust will need to increase its resources if it is to contemplate its future existence with confidence.

The Trust's Resources

It should first be explained that the Trust, although a single legal entity, should be thought of as having two independent financial structures within it.

1. The Trust, as a legal entity and a limited company, still owns the freehold of some leased properties and a number of open spaces within the Suburb which it manages and maintains. Estate management is not the largest part of the Trust's activities but it encompasses limited charitable giving and the maintenance and improvement of open spaces and built infrastructure, although these are currently a drain on resources. Nonetheless the Trust has an asset base and, subject to the rules of the Charity Commission, it is free to manage its assets so as to meet expenses and accumulate reserves which are not directly associated with its primary function as a planning regulator.

2. The second financial framework, (and this is where most of the cash flows are to be found), arises from the consideration of the Trust as the body that decides how the Suburb's character and amenities are to be maintained. Under the Scheme of Management (p2) the Trust is empowered to levy a charge on freeholders, this year £50, to meet the expenses of its operations. Until recently these costs have been relatively stable and predictable. The increased number of threats to

the Suburb that require legal defence have produced increases in expenses which make the financial position of the Trust more difficult to handle. The regulations governing the management charge enable the Trust to set the charge in the light of its expected expenses for the year and also to recover, retrospectively, unbudgeted costs. Nonetheless, the Trust has a duty to manage the call on freeholders as evenly and predictably as possible and it resorts to special, retrospective, levies with reluctance.

In short, the Trust is not financially weak. Moreover, it is empowered to recover from freeholders the costs of its Scheme of Management. In principle, this means that the Trust can never be bankrupted.

Nonetheless, over the last decade or so, the Trust has effectively subsidised from its own reserves the work involved in administering its planning function. Many residents have been surprised, and no doubt gratified, by the low level of the management charge and the way in which it has been kept down for many years. This has involved economies in accommodation, systems and staff that are no longer sustainable. It has also brought about a decline in reserves to the level beyond which prudential financial management suggests that they should not be allowed to fall. In any case, such a policy cannot be sustained for ever; reserves are finite.

All this means that the Trust's finances are being thoroughly reviewed. Although this review is by no means complete it can be said now that increases in the management charge larger than those experienced in the past are certain.

Such increases will need more explanation and as the analyses now being undertaken are completed the Trust will be in a position to give a more precise account of what is contemplated. Meanwhile it is inviting comment from its

freeholders on the way in which the charge would be applied.

At the moment the charge is a flat rate for all. It is therefore a smaller fraction of the value of more expensive properties than it is of, say, a one-bedroomed flat. When the charge was

relatively small this was a matter of little concern. If the charge is substantially increased it may start to appear unfair. The Trust is considering other ways of applying the charge so that it is related to the value of property. It will also consider whether, in some cases, there are arguments for relief.

Issues for Discussion

We are at a particularly critical period in the history of the Suburb and it is important that the Trust maintains contact with and listens to the views of as many residents as possible. In particular we would be pleased to know what you think about the following:

1) Area Character Appraisal - An Invitation

In dealing with applications for change, the Trust must strike a balance between enabling residents to make improvements to their homes and ensuring that such change is not at odds with the prevailing character of the area. To be confident that we are making good decisions about changes we must have an up-to-date, clear and detailed picture of what it is about the appearance of our homes and gardens that we value. The Trust needs an understanding that captures the nuances and subtleties of design and atmosphere which vary from area to area within the Suburb. We must be sure that this understanding is shared by those who live here.

We are therefore proposing to carry out with the help of residents a study of the essential character of the Suburb in order to identify the elements that give the Suburb its distinctiveness.

The Trust is looking for groups of residents who wish to help research and write the report for their area. These volunteers will be given a checklist to help identify elements that characterise their area, to decide what is

valuable and what is unsightly, and to decide where there are opportunities for change and improvement. The study will enable the Trust and Barnet to draw up revised guidance for home owners and make for better informed decisions on planning matters in the future.

We would be grateful to hear from those who would like to participate in this project

2) Management charge

As mentioned above, the Trust is considering how the management charge should be applied. Do you believe that the charge should be related to the value of the property on which it is levied?

3) The Gazette

We would be pleased to know what you think of *The Gazette* itself. It is not designed as a source of information about and comments on life and events in the Suburb; this is something that is done extremely well by the Residents Association's *Suburb News*. *The Gazette* intends to confine itself strictly to Trust matters. Given that, we would be grateful for your views on *The Gazette* as a channel of communication.

Apart from these issues we would also be very interested in your views on any aspect of the issues raised in this, the first number of *The Gazette*. Please address your comments to the Trust Manager.

Information about the Trust

The Trust publishes its Annual Report and Accounts every year. Those for the year 2004-5 were issued in September of this year and can be obtained from the Trust. We would be very pleased to increase the membership of the Trust which now stands at something over 800. Anyone who has been continuously resident on the Suburb for three years is eligible. Application forms can be obtained from the Trust Manager.

It is planned to supplement the Annual Report with issues of *The Gazette*. Leaflets on a number of subjects are available on application to the Trust. We are in the process of establishing our own website. Meanwhile information is displayed

on the Hampstead Garden Suburb website at www.hgs.org.uk. Click HGS Trust for planning guidelines and instructions for seeking the Trust's consent to alterations. A useful source of information is the *Suburb News* published by the Hampstead Garden Suburb Residents Association. The Association is a voluntary body, quite independent of the Trust. The *Suburb News* frequently reports and comments on the activities of the Trust but the Trust has no editorial influence on its contents. The *Suburb News* is distributed to all Suburb households. Information about membership of the Residents Association can be obtained from membership@hgs.org.uk.

The Trust Council and Staff

The Trust Council has eight volunteer, unpaid, members: four are elected by the resident members of the Trust and four are appointed by the Law Society, the Royal Institute of British Architects, the Royal Town Planning Institute and the Victorian Society.

The members are:

Mervyn Mandell, BSc., FRICS

(Chairman) (elected)

Philippa Aitken, BA, Dip TP, MRTPI

(Royal Town Planning Institute)

Wilfred Court, MA, RIBA

(Victorian Society)

Simon Hurst, MA, Dip Arch, BSc, RIBA

(Royal Institute of British Architects)

Wendy Miller

(Law Society)

Michael Rowley, AA Dip, RIBA

(elected)

Richard J Wakefield, MCIM

(elected)

Charles Zeloof, BSc

(elected)

The Trust's Honorary Life President is:

Dr Mervyn Miller

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):

Architectural Adviser

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