

THE TRUST

GAZETTE

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Critical decisions

The Hampstead Garden Suburb Trust, charged by the High Court with 'preserving and maintaining the character and amenities' of the Suburb, now faces critical decisions. In Gazette No. 2 we focus on some of the major issues affecting residents.

1. The Trust's protection work

The Trust's Architectural Adviser describes the development pressures on the Suburb. He shows how the Suburb is protected by the additional powers of the Trust over and above Barnet's conservation area controls.

2. The Trust as estate manager

A Trust volunteer describes another, less known, aspect of the Trust's protection work - the management of those open spaces and private roads owned by the Trust.

3. The projected rise in the Management Charge to freeholders

The article on page 6 gives a full explanation of the financial situation as it affects the Management Charge element of the Trust's income.

I would like to thank all those who commented on the first issue. There was widespread recognition of the uniqueness of the Suburb and of its vulnerability to the changes that have diminished the attractiveness of so many areas of London.

The work of the Trust has never been more relevant than it is today. We need your help and support. Please read Gazette No. 2 and let the Trust know what you think. I look forward to hearing from you.

In particular from 6.30 - 7.45 pm on Sunday 18th June, before the 'A Night at the Opera' Prom at St Jude's, there is an opportunity to meet members of the Trust Council, staff and volunteers on an informal one-to-one basis. I hope that you will join us in the reception area by the marquee behind St Jude's Church whether or not you are going on to attend the concert.

Mervyn Mandell, Trust Chairman

On the Suburb



Spot the difference



Outside the Suburb

THE GAZETTE AT A GLANCE

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From the Trust Manager

The Suburb, as residents know, is a unique area. But familiarity can sometimes dull appreciation and it is easy to forget just how special the Suburb is. It is internationally renowned and represents the very best of early twentieth century English domestic architecture and landscape. It is also a delightful place to live, with a strong sense of community.

It is not just the "old" Suburb which is special, but the newer areas too. Hill Top has arguably the best views across the Suburb, especially on spring and early summer mornings. Ingram Avenue, set between Turners Wood and Hampstead Golf Club, has fine Queen Anne style houses in verdant gardens, Lytton Close packs a powerful sense of style. All the different areas of the Suburb have their special characteristics and all need protection to keep them special. For this reason the Trust is seeking residents' support to raise the standards to which the Trust aspires: to be more effective, efficient and to communicate better with those who live in the Suburb.

Responses to Gazette No 1

Most comments on the issues raised in Gazette No 1 were connected with the proposal to raise the Management Charge. Respondents:

- believed that a flat rate charge is unfair;
- were mostly in favour of linking the Management Charge to Council Tax bands;
- felt that an increased Management Charge should go with openness and accountability to residents.

In brief - the Trust

- Safeguards the present character and appearance of the Suburb
- Decides on applications for changes to houses and landscapes
- Provides advice on the maintenance and alteration of property
- Gives technical guidance on building materials
- Provides advice on trees and changes that affect the landscape
- Checks that agreed changes conform with the approval
- Consults with Barnet, English Heritage and others to further the interests of the Suburb
- Maintains some landscaped areas, allotments, and unadopted roads
- Works for environmental improvements throughout the Suburb

The proposed area character appraisal was welcomed. I look forward to taking up the many offers by residents to help with this. The Trust is greatly encouraged by the support this project is also receiving from English Heritage and the London Borough of Barnet.

Respondents to the first issue of the Gazette generally liked its look and tone. A small minority felt strongly that the presentation should be lightened up. So, we have made substantial changes which I hope will be well received.

Meanwhile the Trust has been heartened by the voluntary assistance of a number of residents who are helping with matters including estate management, publicity, fundraising and finance. I would like to express my thanks, and those of the Trust staff and Trustees, to these residents. I hope that their faith in the importance of the Trust to the future of the Suburb will be shared by many others.

Jane Blackburn

Jane Blackburn, Trust Manager



Hill Top Maisonettes



Modernist styling in Lytton Close



Ingram Avenue

The management of open spaces in the Suburb

An essential and distinguishing feature of the Suburb is its open spaces. Many of these, for example Big Wood, Northway Gardens and the grassy expanse of Central Square, are owned and maintained by Barnet Council. However, much is still owned by the Trust. There are, in fact, about 85 separate pieces of land of which the Trust is the freeholder. These range from 11 allotment sites, 27 unadopted roads, a number of tennis courts, various woodland areas, hidden grassed areas behind houses, lawns and shrubberies in closes, down to several twittens and patches of ground of a few square metres.

All these have to be regularly inspected and maintained. Work has to be planned, overseen, then inspected and comments and complaints from residents investigated. Costs have to be allocated equitably under a variety of regimes and then billed.

Built for horse and cart

The Trust is aware that much of the built infrastructure that it owns - roads, gullies, kerbs, pavements, retaining walls in closes and many other features - is crumbling. The roads in many of the closes were built 100 years ago for nothing heavier than the occasional horse and cart. Now they have to cope with constant use by cars, builders' trucks and Barnet's refuse lorries. Cheap superficial repairs cannot continue to provide a satisfactory solution. More radical refurbishment programmes will have to be entertained and alternative financing solutions considered to reverse this decline.

Unravelling the detail

Cost sharing can be complex whether it involves splitting regular lawn

mowing charges between freeholders and leaseholders or allocating unadopted road repair costs, running into many thousands of pounds, according to percentages laid down in the original house leases.

There is a huge amount of detail to be unravelled and discussion with affected residents needs to be comprehensive. All of this work is exceptionally time-consuming.

Over the years, some of the contractual responsibilities relating to Trust- owned land have been forgotten or become blurred. These situations have to be redefined and agreed pragmatically and diplomatically.

A database, logging details of all the Trust- owned open spaces, has recently been drawn up. This will help the Trust management to be more efficient in the management of open spaces.

However, especially whilst the Trust's resources are so stretched, its most effective eyes and ears are always residents themselves. The Trust office is always glad to have your comments, questions and your complaints too! It is in everyone's interest that one of the Suburb's greatest assets, its open space, is properly managed. An atmosphere of understanding and co-operation between the Trust and residents will remain a key factor in this.



W.I. ASTON 1915

The founding vision – a green landscape

- 146 acres of woodland and open space
- Average density of 8 houses per acre
- Hedges as plot divisions
- Every road lined with trees
- Woods and public gardens open to all
- No house to spoil another's outlook or beauty

How the Trust defends the Suburb

There has been a significant change in the Government's planning priorities in recent years. The news is full of stories about urban regeneration, sustainable development and building on brownfield sites. But few people realise just how much this could impact on areas like the Suburb.

Many residents take the high quality of the environment they enjoy for granted. Because of the internationally recognised importance of this area, we assume its future is safe.

Unfortunately, this is not true.

The green revolution

When laying out the Suburb for Henrietta Barnett, the master planners, Barry Parker and Raymond Unwin, developed a new approach to the planning of residential areas.

It was the birth of modern Town Planning. To create this unique environment, Parker and Unwin employed the best architects of their day, and directed their work with a strong overall vision.

Roads were planned to curve gently around the landscape. The layout and grouping of houses was carefully considered so that each house relates to the wider picture. Mature trees were retained where possible and hedges planted to provide the houses with an attractive setting.

Most importantly, housing densities were kept low – an average of eight dwellings to the acre – leaving lots of open space, woods, allotments and generous gardens.

This is the inheritance the Trust was set up to protect.

Changes in government planning policy

But there are very real threats to the Suburb. The low-density layout that characterises the Suburb is viewed as an opportunity by some. There are spaces that could be filled with new homes. Increasingly, there is pressure from speculative development.

Both central government policies and the Greater London Assembly encourage house builders to make use of brownfield sites. What many people do not realise is that these include any sites within existing residential areas – building on garden land, infilling between houses and replacing modest houses with larger ones and in ever greater numbers.

Our houses and gardens are at risk.

The limitations of Barnet's conservation area powers

The same planning system that designates conservation areas like the Suburb also has to follow national planning guidance. Local authorities are subject to powerful political forces. If Barnet refuses a planning application because it would not preserve or enhance the character of

the conservation area, government planning inspectors can overrule that decision at appeal. Inspectors must take into account planning and economic policies that can override the requirements of conservation area protection. This can mean giving approval to potentially damaging development despite the best intentions of the local authority. So, in today's climate, Barnet's planning powers are not always sufficient to protect our conservation area from damaging development.

The Trust, on the other hand, is an unusual organisation in that its only role is to protect the Suburb environment from harmful change. It derives its powers from the High Court and its decisions can only be challenged in the High Court. It is not subject to the political priorities imposed on local authority planning departments.

Some recent examples of Planning Inspectors' decisions

In the last few years, Planning Inspectors have made a number of worrying decisions that could have a damaging impact on the character of the Suburb.

The Trust asked 9 local estate agents whether they felt that property in the Suburb carried a higher value than elsewhere.

The responses suggested that a Suburb property was up to 20% more expensive than a similar property outside.

It was also estimated that the total value of all properties in the Suburb was between £3 billion and £4 billion.



Ingram Avenue house threatened with demolition

- The Inspectorate approved a huge, flat-roofed extension at the rear of a Grade II listed house in the heart of the Suburb. The extension would have disfigured the house and been visible from neighbouring properties.
- A Planning Inspector approved the construction of a very large detached garage and inappropriate alterations to a modest cottage off Brookland Rise.
- An Inspector's decision forced Barnet to approve the demolition of a good 1930s house in Ingram Avenue and its replacement with two poorly designed, larger houses. The original house is a Georgian Revival design of 1936 by the Suburb Architect, J.C.S. Soutar.

In all of the above cases, only the Trust was able to stop the development going ahead.

Defending the Suburb is costly in legal bills alone. Add to this the staff time tied up in negotiations, submitting detailed evidence to the Inspectorate and to Barnet and briefing lawyers and you get some idea of the scale of the problem.

In addition, the Trust is increasingly being asked to consider the demolition of important Suburb properties.

In the last six months, requests have been made to the Trust to approve the demolition of both an attractive Parker and Unwin house overlooking the Heath Extension and a Grade II listed house in Heathgate.

The loss of houses such as this would create a precedent for more demolitions that would eventually destroy the cohesiveness of the original vision.

There are suburban areas which can accommodate limited amounts of intensification and infill development. But the Suburb is not such an area. It is a planned environment: each element – the positioning of buildings, gardens, views and open spaces – is essential to the special nature of the Suburb. It must not be destroyed.

The qualities of our historic suburb, once lost, will not be recovered. The grain of the place would be changed forever.

Planning Inspector dismisses Brunner Close appeal

A Planning Inspector has thrown out an application for the demolition of a house in Brunner Close. The developer, Hanover Securities Limited, had applied to Barnet to replace the house with a standard pair of semis. Barnet refused the application and the developer appealed.

The Trust sent detailed objections to the application to the local authority and to the Planning Inspector, pointing out that the house was an essential part of the original character of the Close and that allowing its demolition would set a precedent. The proposed new houses and large car parking area were also felt to be totally out of keeping with the appearance of the Close.

The Inspector dismissed the developer's case and repeated the Trust's comments in his report.

This is a very useful decision for the Trust and the local authority as it helps to balance those Inspector's decisions where demolition has been allowed.

The application and appeal illustrates the threat to the Suburb from inappropriate development.

Proposed increases in the management charge

In the first issue of The Gazette we explained that a thorough review of the Trust's finances was being undertaken. That review is not fully complete but it is clear that substantial increases to the Management Charge are needed to maintain the financial health of the Trust and make the Trust effective in defending the character of the Suburb.

Scale and timing of the increase

The Trust expects the Management Charge bills that will be issued in late August 2006 to be for about £150. This is likely to be made up of a surcharge of about £50 for the last financial year 2005-6, and an estimated Management Charge in the order of £100 for 2006-07.

We do not have the exact figures yet. The surcharge cannot be precisely determined until the audited accounts are available in June 2006. Similarly, the budget for 2006-07 containing the estimated Management Charge will be reviewed by our accounting and legal advisers in June prior to being finally approved by the Trust Council at its July meeting. The confirmed Management Charge bills will be issued, as usual, in late August.

This year the increase is substantial and the Council believes that Suburb freeholders should be given the maximum possible notice of the increase and the reasons for it.

The reasons for the increase

There are three principal reasons for raising the Management Charge.

1. A change in the way that management costs are allocated between the Trust's other income and the income from the Management Charge.
2. The need to bring the Trust's systems, staffing and accommodation up to date.
3. The unprecedented level of legal fees that the Trust has faced in the past year.

The allocation of management costs

Income from the Management Charge can only be applied to the purposes defined in the Scheme of Management. These are the preservation of the appearance of freehold Suburb buildings and of the land on which they stand or to which they have access. Other activities, including the regulation of the Trust's remaining properties (mostly let on leases of 999 years at what are now very low fixed ground rents), the Trust's share of the maintenance and improvement of open spaces in the Suburb, charitable donations and so on, have to be met from the Trust's other resources.

The Trust's paid employees' time is shared between the administration of the Scheme of Management and the Trust's other functions. The cost of salaries, accommodation and support has to be allocated proportionately.

In the past it was estimated that 60-65% of the staff time was devoted to the administration of the Scheme of Management. As part of the Trust's financial review, a study was made of the way in which these resources were actually expended. This study showed that, in reality, the Scheme of

Management generates not less than 80% of these costs. The Trust's legal advisers and auditors are being asked to ratify this calculation.

Past underestimation of the management costs and the consequently low level of the charge have, over time, created a deficit in the financing of the Management Charge. This has had to be met from the Trust's own resources.

It is hard to be precise but looking at past annual accounts, it appears that the Management Charge has, in effect, been subsidised by not less than £1,000,000 since 1981.

Invested and allowing for inflation, this sum would now be worth about £3,000,000 and the Trust's reserves would be that much higher than they are today. Even if the terms of the Scheme of Management allowed it to do so, the Trust is not in a financial position to continue to subsidise the Management Charge.

The under-funding of services

The Trust has been frugal in the funding of its services. However, to be effective in defending the Suburb against damaging development, the Trust must be appropriately staffed and equipped with modern systems.

Equally important, residents should be offered a better service.

Improvements to accommodation, for example, are needed to provide better facilities for the consideration and discussion of proposals for alterations in a way that is consistent with their importance.

The Trust is committed to being as efficient as possible and tries to ensure that all expenditure is producing value for money. Nonetheless, historic levels of costs cannot be contained any longer. Significant improvements in efficiency cannot be achieved without investment and the Trust has obtained loan finance to support this.

Legal fees

The nature of the threat to the Suburb from speculative applications by developers was described in the first issue of the Gazette.

Successful defence against these challenges has caused a sharp rise in legal fees and made extensive demands on staff time.

The cost of preparing to meet an action in the High Court is very high whether or not the case actually comes to court.

The proposal to amend the Scheme of Management (see below) will require the Trust to go to Court. A further, extended problem with trespass and nuisance to residents has also proved to be very expensive in the past year.

Other sources of income

Opportunities to improve income from fees for services are still under investigation but the improvements are not expected to be very large. For example, under the Scheme of Management, fees for alterations to buildings can only reflect the Trust's costs in considering such applications.

There is very little opportunity for increasing the Trust's income outside the Scheme of Management other than by development. The Trust

What is the Management Charge?

The Management Charge is the annual charge made on all freeholders to cover their share of the cost of the Trust's work in maintaining the appearance and character of the Suburb.

What is a surcharge?

Because the Management Charge is based on an estimate, any underestimate for year one is met in year two by making a surcharge at the same time as the annual charge for year two.

Conversely, any surplus arising from an overestimate for year one is used to reduce the Management Charge in year two.

The reasons for the increase

- A change in the way that management costs are allocated.
- The need to bring the Trust's systems up to date.
- The unprecedented level of legal fees.

Council has explored the possibility of development income from sites such as the North Square substation site but this was decisively rejected by residents in 2005.

The future

The Trust is very conscious that the proposed increase in the Management Charge will bear especially heavily on residents who live on low incomes.

The Trust therefore proposes to seek an alteration in the Scheme of Management so that the Management Charge can be applied using the bands employed by the Local Authority in levying Council Tax.

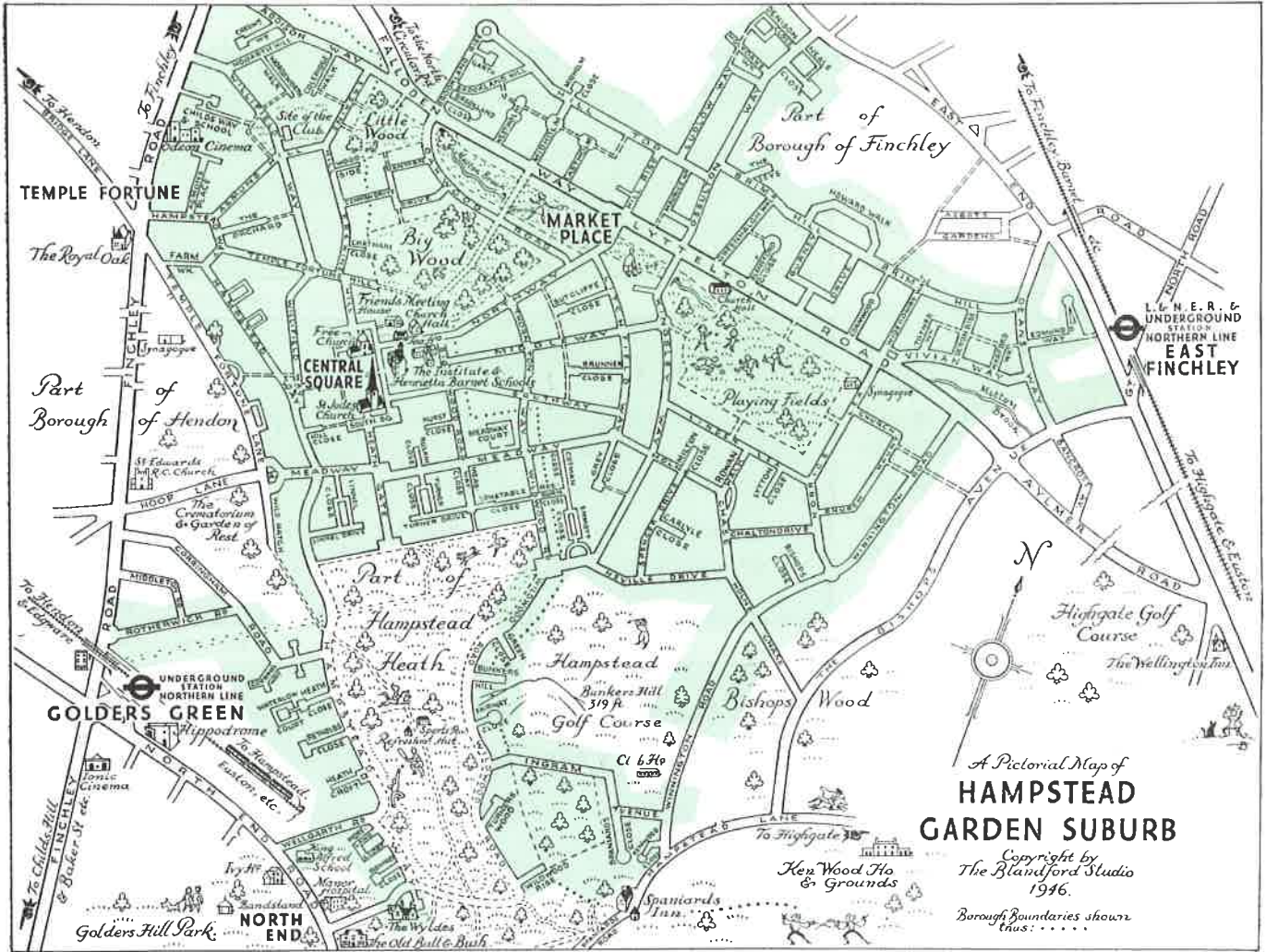
It is expected that this would reduce the level of the Management Charge

for properties in the lowest Local Authority Bands below the present level of the Charge. However, the procedure for changing the Scheme of Management is complex and outside the control of the Trust. The earliest date that a banded Management Charge could be introduced is likely to be 2007-8.

Aims

The Trust Council intends:

- to put the Trust on a stable financial footing
- to make the Trust an even more effective defender of the character of the Suburb (and hence of property values)
- permanently to improve the channels of communication between residents and the Trust which they fund.



Contacting The Trust

The Trust's two full-time senior members of staff are:
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