

HAMPSTEAD - GARDEN - SUBURB - TRUST

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2 December 1993

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DoE Ref: APP/N5090/A/93/224571
Local Authority Ref: PLG.12698.ASV.NT

Planning Inspectorate
Room 1203D
Tollgate House
Houlton Street
Bristol BS2 9DJ

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL BY UNITED SYNAGOGUE, ERUV COMMITTEE

- 1.1 I am writing on behalf of the New Hampstead Garden Suburb Trust Ltd to make representations in connection with the Appeal against the Refusal of Planning Permission for the proposed ERUV. I am a Director of the New Hampstead Garden Suburb Trust Ltd having been appointed by the Royal Town Planning Institute in 1979, with my Directorship renewed at three year intervals. I am currently Vice-Chairman of the Trust. I have a longstanding knowledge of Hampstead Garden Suburb, and am joint author of the recently published definitive history of it.
- 1.2 The New Hampstead Garden Suburb Trust Ltd is the successor today to the original Hampstead Garden Suburb Trust, formed by Dame Henrietta Barnett, to safeguard the amenity of the land north of Wyldes Farm, through her campaigns to preserve an extension to Hampstead Heath, and to ensure that the development of the surrounding land proceeded upon the best practice of the day, with the preservation and enhancement of its amenity value a prime objective. In May 1907 the Trust secured a freehold for the 240 acres surrounding the Heath Extension, and organised the conveyance of the freehold of the 80 acre Heath Extension to the London County Council.
- 1.3 Although ownership of the Heath Extension and the Hampstead Garden Suburb land was split, the Heath Extension formed an integral element in the planning of the Garden Suburb, in terms of amenity and preservation of natural character, and it helped to shape the layout plan by Sir Raymond Unwin, which is of world renown in the history of town-planning. The Trust exercised control over development of the land through its powers as a freeholder for many years before statutory town planning was introduced. The covenant over the Heath Extension ensured that it would be free from development in perpetuity. The overall environmental quality of the Suburb and its setting brought the assessment by Sir Nikolaus Pevsner, the eminent architectural historian that it was 'that most nearly perfect example of the unique English invention and speciality ... the Garden Suburb'.

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- 1.4 The London Borough of Barnet designated Hampstead Garden Suburb, including the Heath Extension, as a Conservation Area in December 1968. An Article 4 Direction was approved in December 1971, removing householder rights to permitted development. In terms of the 1972 Town and Country Planning (Amendment) Act, Hampstead Garden Suburb was assessed by the (then) Historic Buildings Council as of 'outstanding architectural or historic interest': although primarily an assessment in terms of eligibility for conservation area grants, this nevertheless indicated national regard for the character and appearance of the area.
- 1.5 Under the Leasehold Reform Act, 1967, individual property owners were entitled to enfranchise as freeholders. However, under S.19 of the Act, the Trust was granted a Scheme of Management under which it controls development of Suburb properties, and its prime obligation is 'to do all things to preserve the character and amenity of the Hampstead Garden Suburb'. This is very close to the statutory obligation of the Planning Authority whose duty is to ensure that the character and appearance of conservation areas is preserved or enhanced through its actions.
- 1.6 The Trust was notified by the London Borough of Barnet of the initial application to construct the ERUV along the open stretch of Wildwood Road, which runs to the south of the Heath Extension. In the remainder of Hampstead Garden Suburb, we understood that there was no requirement by the Appellants to erect a structure to define the ERUV boundary. Although the Wildwood Road length which would be followed by the proposed ERUV is in the Hampstead Garden Suburb Conservation Area, it lay outside the area administered by the Trust as ground landlord, as described above.
- 1.7 The Trust Council considered the matter, and it was agreed that the following statement should be made to encapsulate the Trust's views on the proposals:

Please see Appendix 1.

The text of the Statement was approved by myself as Acting Chairman of the Trust.

- 1.8 The Trust was aware of the controversy which had been generated by the proposals, and the divisive nature of the conflicting views. The Trust had recognised that, under its own powers, it had no standing in the matter, since the ERUV structure would not have been erected on land under its control. Its statement that it did not object to the ERUV recognised the limitations of the Trust's direct powers, and was a statement of principle. The Trust held, and continues to hold that the principle of the definition of an ERUV was, and is a totally unobjectionable matter of itself.

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- 1.9 At the time the revised application was made, which proposed to utilise the Local Authority's lamp posts as supports for the wire defining the ERUV boundary, a further consultation was received from the Planning Authority. The Trust Council discussed the matter anew, and it was resolved to send the following representations:

Please see Appendix 2.

- 1.10 In respect of the present Appeal, the Trust Council discussed the matter at their meeting on 21 September. It was agreed that the Trust would not appear at the Inquiry, but that I should draft and submit a letter to inform the Secretary of State of the Trust's views.
- 1.11 The role of the Trust, and its statement of its views are set out above. While the Trust recognises that the Wildwood Road length of the ERUV boundary is not directly under its control, it will be evident that in terms both of the original concept of Hampstead Garden Suburb, and its designation as a Conservation Area, the environmental effect cannot be separated on the basis of the land ownership. Any development involving the open length of Wildwood Road between the developed parts of Hampstead Garden Suburb, must have some degree of impact upon the character and amenity of the whole.
- 1.12 The Trust recognises that planning applications should be determined on the basis of the Development Plan unless material considerations indicate otherwise. I have examined the Unitary Development Plan of the London Borough of Barnet, and I consider that the proposals infringe the following policies:

General Policies G1, G2, G3A, A, D, I, G5
T2.1, T.31, T3.3
Open Land - Policy 03.1
Environmental Protection - Policy E.1.1.

Yours faithfully

 C. A. Kellerman

Dr Mervyn Miller Phd, BA, B.Arch., MUP, M.Arch, RIBA, FRIPI.
Vice-Chairman of the New Hampstead Garden Suburb Trust,
Appointed Trust Director by the Royal Town Planning Institute

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