



## Dispelling myths & misconceptions

IT HAS become evident in the past six months that some commercial tenants of The Dulwich Estate have sought to enlist the support of Dulwich residents in their attempts to influence the outcomes of their five-year rent reviews or lease renewals.

Their campaign generated a great deal of indignation and support for local shops and the Village Post Office.

Sadly, the tenants' campaign was emotive and not based on facts.

The Dulwich Estate charity, known as such since 1995, is the modern incarnation of a foundation called the Alleyn's College of God's Gift at Dulwich - established in 1619 by Edward Alleyn, successful actor and contemporary of William Shakespeare.

The role of The Dulwich Estate

charity has not deviated from the original vision of Edward Alleyn - to educate the poor and assist those in need through its Beneficiaries:

- The Chapel in the heart of Dulwich Village
- The almshouses adjacent to the Chapel
- Alleyn's School
- Dulwich College
- James Allen's Girls School
- Central Foundation Schools of London (The boys school in Cowper St, EC2 and the girls school in Bow)
- St Olave's & St Saviours Schools Foundation (The boys school in Orpington, Kent and the girls school in the New Kent Road)

It is through good stewardship



**Angela Brownbill: Chairman of The Dulwich Estate**

WELCOME to our first edition of *Bulletin*, designed to keep you informed about the role and responsibilities of The Dulwich Estate as a charity and as Manager of the Scheme of Management, which is a separate facet dedicated to preserving the visual amenity of the Estate for the common benefit.

We, the Trustees, have created *Bulletin* because we recognise that there is some confusion among local residents as to those roles and responsibilities.

We hope you find this newsletter informative and useful. We would also suggest that you browse our website for more detailed information on both the Estate and the Scheme of Management.

[www.thedulwichestate.org.uk](http://www.thedulwichestate.org.uk)

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of the Estate that in 2008/09, a total of £5.7m was distributed, with the 7 schools receiving £5.5m.

While the Trustees sympathise with those commercial tenants currently struggling in this difficult economic climate, they would be in breach of their duty as Charity Trustees to maximise revenues for the Beneficiaries if they were to subsidise commercial rents to assist failing tenants.

The Post Office tenant has been one of those trying to whip up public support in the form of petitions to achieve a less-than-commercial rent on lease renewal, despite the fact that the Post Office already enjoys special terms that reflect the unique nature of the service it provides.

Whilst Trustees recognise the importance of this facility to the community, the rent fixed for the past five years has to be reviewed.

Rents are usually reviewed every five years and some of the Estate's shop tenants have had rent reviews or lease renewals during the past 12 months. For these properties, the rents have

remained unchanged since 2004/2005 and similarly, the new rents, which are agreed by negotiation, will remain fixed until 2014/2015 - and these will reflect the current market level for similar properties.

**The Trustees would encourage all residents to shop locally to support traders in Dulwich**

There has been a great deal of scaremongering generated by some of the tenants seeking to engender public support and to put pressure on the Estate to agree below market rate rents.

They argue that these five-year rent reviews and lease renewals have led to massive cost increases for tenants and will result in lots of empty shops in Dulwich.

The facts of the matter are these. There are no massive increases: All increases are agreed by

negotiation and, failing this, are subject to independent appeal. This process protects tenants and is supported by the Estate as a responsible and commercial landlord.

Contrary to the perception of some of the public, the Trustees have no wish to charge rents which no business can afford, with the result that shops fall vacant and remain empty.

It is also completely misleading to suggest that Dulwich will be blighted by empty shops.

Again, the facts of the matter are that the Estate has almost full occupancy of its retail properties, in stark contrast to the UK average where up to one in eight high street shops is now vacant.

The Trustees value their tenants and the services and facilities they provide to residents.

However, ultimately the survival of any business is down to the volume of sales and the Trustees would encourage all residents to shop locally to support traders in Dulwich where it is practicable to do so.

## Who governs The Dulwich Estate?

A BOARD made up of 14 Trustees governs the Charity: 9 Trustees are nominated by the Beneficiaries; 1 by the Lord Archbishop of Canterbury and 1 by the Royal Institution of Chartered Surveyors. The remaining 3 are co-opted - selected by the Board.

The Trustees receive no remuneration or benefit for their service on the Board.



**Dulwich Village: A thriving and attractive village high street**

# Charity and Scheme explained

THE roles and responsibilities of The Dulwich Estate and its Scheme of Management are often confused in the minds of local residents.

Dulwich residents sometimes ask why The Dulwich Estate as a charity should be placing a charge on householders living within the Estate, which is in addition to the Council Tax they pay.

This can most easily be answered by explaining the differing roles of the Charity and the Scheme of Management.

The Dulwich Estate charity is required by the Charity Commission to apply all its net income for the benefit of its Beneficiaries - listed on Page 1.

It generates income as landlord from the rents it receives from properties in Dulwich and elsewhere, as well as from Stock Market investments.

Money from the Scheme of Management does not form part of the Charity's income.

The Scheme of Management is a non-charitable activity: it exists to preserve the visual amenity of the Estate for the common benefit.

It is due to the application of the Scheme of Management that Dulwich has continued to be such an architecturally attractive and leafy haven in South London.

The Scheme of Management has proved over the years to be highly successful at restricting

alterations which have a negative impact on the attractive and unique environment that Dulwich residents continue to enjoy to this day.

## **So how did the Scheme of Management come about?**

Prior to the Leasehold Reform Act 1967, The Dulwich Estate owned virtually all the freehold property on the 1,500-acre Estate, with residents being leaseholders.

Following the Act, many leaseholders exercised their right to acquire the freehold of their property.

**Money from the Scheme of Management does not form part of the Charity's income**

In 1974 the High Court of Justice approved the Scheme of Management, which effectively enabled The Dulwich Estate to continue to preserve the amenity of the Estate in the way it had done prior to the Act. This was so that the value of the Estate's assets was maintained by control of the environment in which they are situated.

The Scheme of Management is managed by the Board of Trustees of The Dulwich Estate.

Under the terms of the Scheme, freeholders must receive the written approval of the Managers (Trustees) before altering the

external appearance of a property or adding any additional building or structure, or felling or pruning any trees

It is the policy of the Trustees to preserve trees and to maintain the architectural integrity of individual properties and streets in order to preserve the character of the area.

The Scheme of Management also has a responsibility for maintaining a total of 28 amenity areas (listed on the website), the largest of which is Dulwich Woods.

## **Where does the money come from to run the Scheme of Management?**

The first thing to say is that the Scheme of Management is a very lean machine. In the financial year 2009/2010, it operated on a total expenditure of just £368,097.

Funding of this cannot come from The Dulwich Estate because, legally, the Scheme is not one of the charity's objectives.

So, the operation of the Scheme of Management must not result in a drain on the Charity's resources and the cost of operations and income therefrom is kept separate from the administration of the Estate, the Charity.

In addition to the Administrator of the Scheme of Management, the staff of the Dulwich Estate provide support - and time records are kept and costs

recharged to the Scheme. The accounts of the Scheme and the apportionment of costs to freeholders are audited.

The net effect is designed to be cost-neutral to the Charity. The Estate makes neither a profit nor a loss in operating the Scheme.

The work of the Scheme of Management is funded through an annual charge on all residential freeholds within the Estate.

The charge varies from property to property, depending on individual Council Tax Bands.

The charges by Band for 2009/10 are:

- Band 'A' £37.36
- Band 'B' £43.59
- Band 'C' £49.82
- Band 'D' £56.05
- Band 'E' £68.51
- Band 'F' £80.96
- Band 'G' £93.42
- Band 'H' £112.10

## Music to your ears!

THE Trustees are pleased to inform you that the 3-year major restoration works of the historic organ in Christ's Chapel by William Drake organ builders, has been completed and the organ is back in operation.

This magnificent organ, built in 1760 by George England, is a joy to listen to.

To mark its reinstatement, a programme of recitals is planned for the next 12 months. It is, of course, in regular use during services. Details of services can be obtained from the Parish Office (0208 693 1524) or on [www.stbarnabasdulwich.org](http://www.stbarnabasdulwich.org).

# Advice on applications

IN ORDER to assist freeholders who wish to make changes to their property requiring an application under the Scheme of Management, Trustees have published General Guidance Notes and a series of Policy Guidelines, which are available from the Scheme office or via the website.

Works requiring approval of the Scheme of Management are:

- Tree works
- Boundary changes - walls, hedges, fences, railings and gates
- Conservatories
- Hard standings in front gardens
- Extensions
- Loft conversions
- External repairs (including replacement roofs and repointing)
- Replacement doors and windows
- Satellite dish arials
- Change of use
- Swimming pools
- Shop fronts: guidelines for design
- Garden structures
- Solar energy panels

If you are considering any works to you property or to your trees, the Trustees would encourage you to first talk to the Scheme of Management Administrator, who will arrange a meeting with the Consultant Architect or the Tree Consultant.

The Administrator is based at the Scheme office in the Old

Grammar School, Burbage Road, Dulwich, SE21 7AF (0208 299 5666).

When works are proposed which will change the external appearance of a property or its use, The Dulwich Society ([www.dulwichsociety.com](http://www.dulwichsociety.com)) and neighbours are consulted for their views of the potential impact on amenity. If the works comply with the Policy Guidelines and no objections are received, a licence can be issued.

In the case of objections, the application (together with all comments received) is referred to the Scheme of Management Committee, which meets every month.

The Committee, comprising of 6 Trustees, carefully considers all aspects of the proposal and wherever possible, the applicant is encouraged to submit a revised proposal that would be mutually acceptable. Invariably, there are cases where the Managers will not approve proposals due to the adverse impact on amenity.

Any dispute or difference between the Managers and an owner can be referred to arbitration, with an Arbitrator being appointed by the President of the Royal Institution of Chartered Surveyors.

During the past year, three matters were referred to arbitration. In two cases the Arbitrator upheld the Managers' decisions and the third was resolved by mutual agreement.