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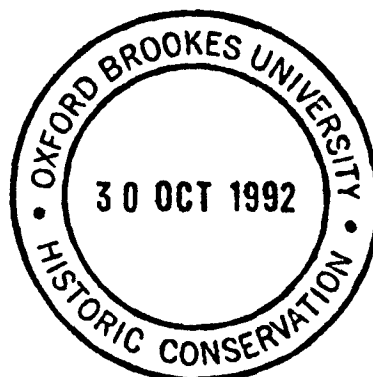
Yakub, H. (1992). *Buildings at risk registers: Their influence in reducing risk of dilapidation*. PhD Thesis. Oxford Brookes University.

**BUILDINGS AT RISK REGISTERS:  
THEIR INFLUENCE IN REDUCING RISK OF DILAPIDATION**

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**A THESIS SUBMITTED IN PARTIAL FULFILMENT OF THE  
REQUIREMENTS OF OXFORD BROOKES UNIVERSITY  
FOR THE DEGREE OF  
DOCTOR OF PHILOSOPHY**

**OCTOBER 1992**



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## **ABSTRACT**

Over recent years, it has seemed that the threat to listed buildings and unlisted buildings in conservation areas has arisen not only from redevelopment schemes which can be controlled but also from deliberate neglect and inadequate maintenance which is considered just as real a threat. In response to what has been perceived as this threat, English Heritage has proposed buildings at risk registers.

The aim of this study is to analyse and determine perceptions of risk and the interpretation of various groups of the powers given to local authorities under the Town and Country Planning Acts. The study examines the assumptions made by English Heritage and others of the causes of the continuing threat to listed buildings, and in particular to test the efficacy of these registers.

In particular, the study examines the way in which the registers are compiled and used, and the main causes of the disrepair of the buildings studied. It analyses the decisions made by owners and local authorities, and evaluates the effect of all these factors in terms of the number of buildings that became subsequently restored or demolished. Twenty-four buildings are used as case studies in considerable depth.

The findings show that threats have arisen not from ignorance or lack of understanding but rather from the attitudes of owners, local authorities and the general public towards building conservation. The obvious reluctance of local authorities to use enforcement powers against owners has not helped to alleviate these threats, neither was the incentive of grant aid effective. In spite of the reluctance of some local authorities to implement buildings at risk registers, this study concludes that the establishment of such registers is the proper solution to solve these threats. The existence of registers would help in the compilation of lists and full details of all buildings considered at risk: it would help to monitor those buildings that are vulnerable and assist in planning for suitable administrative and practical actions to be taken. Most importantly, it would stop further unnecessary demolition of a valued and recognised heritage.

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*In memory of my son, Syed Muhammad Shahabudin*

## ACKNOWLEDGEMENTS

Words alone cannot express my appreciation for the opportunity to make this study or my indebtedness to many people whose help and encouragement have brought about this work.

My thanks to Universiti Sains Malaysia for giving me the opportunity in the first place to fulfil my ambition.

A special word of thanks to Roger France (director of studies) and Dr Roy Preece, my supervisors, for their patience and valuable advice throughout this study.

Many thanks to James Denning (Wiltshire County Council), Bob Colley (Portsmouth City Council), Mike Taylor (Leicester City Council) and George Rennie (Derby City Council) for all their help and patience during the long and tedious data collection. My thanks also go to the officers who have given me their time and shared their experience and enthusiasm for building conservation;

Vanessa Brand (English Heritage)  
Allan Morrison (Derbyshire County Council)  
Eric Woulds and John Miller (Kirklees Metropolitan District Council)  
Robin Carpenter, Judy Enticknap and Mike Munt (Essex County Council)  
Deane Clark and Kevin Stubbs (Hampshire County Council)  
Bob Kindred (Ipswich Borough Council)  
Andrew Hill (City Planning and Development Department, Cardiff)  
Jon James (Clwyd County Council)  
David Haig (Cambridgeshire County Council).  
Heather Clews (Clews Architect Partnership)

To my husband, Syed Ahmad Fauzi Shahabudin, and my children, Sharifah Aisyah and Sharifah Intan Safuraa, my words alone are not enough to express my gratitude and love for all the patience and encouragement they have given me during the course of this work, and for being the driving force behind my success. For my children, you may not understand all the fuss and pain that we have gone through together, but you will in future.

To my parents, thank you for being there in the hour of need.

To them and to everyone who offered help and advice my grateful thanks.

# CHAPTER ONE

---

## 1.0 INTRODUCTION

### 1.1 BACKGROUND

"It has been estimated by English Heritage that at least 25,000 of England's historic buildings are at risk of demolition from neglect, vandalism and lack of private and local authority finance. A large number of others are thought to be in a poor state of repair and in danger of possible eventual collapse. Preliminary indications from buildings at risk surveys suggests that between 2 and 6 percent of all listed buildings are at risk." (Kindred, 1991, p. 7)

The threat to listed buildings and unlisted buildings in conservation areas remains very real, as shown in Kindred's study, despite widespread awareness of the importance of historic buildings in the United Kingdom. Over recent years, it seems that the threat has arisen not only from redevelopment schemes, which on the whole can be controlled through intervention at various stages of obtaining planning approval, but also from acts of deliberate neglect, 'redundancy' and inadequate maintenance (Cambridgeshire County Council, 1988, p. 54). Moreover, it is argued that the lack of control by local authorities, due to their reluctance to use statutory powers (under the Town and Country Planning Act, 1971)<sup>1</sup> entrusted to them, has also contributed to this threat. On the other hand, "....no historic building, either listed or unlisted but in a conservation area, need be lost solely through neglect..." because the tools for action "...exist in the Town and Country Planning Act if Local Authorities will use them." (Morrison, 1989, p. 4).

"In the 1980s there was growing concern at the number of legally protected but neglected historic buildings" (English Heritage, 1992, p. 7). The perception of this threat led Lord Montagu, chairman of the working party on alternative uses of historic buildings, to suggest that "....local authorities should compile and regularly review lists of 'historic buildings at risk' in their areas, in order to identify priority needs for financial and other forms of assistance...." (Montagu, 1980, p. 58 - 59). Montagu's recommendation was made in 1980 with the intention of facilitating the optimum use of historic buildings when implemented.



The seriousness of threats to listed buildings and unlisted buildings in conservation areas led English Heritage to launch a scheme for compiling buildings at risk in 1988. Nevertheless, the implementation of the register has not been widely accepted by local authorities. A special feature in the journal Context (No.26, June 1990, p. 5) entitled 'Montagu Report Ten Years On', looking at successes and failures in reuse of redundant buildings, concluded that "...the problem of redundant buildings has not been solved: too few of the recommendations have been adopted, and market forces in the 1980s, while providing the horsepower for conservation, have not been adequately controlled from the driving seat by the policy making of administrative authority of central and local government....".

Without detailed surveys by local authorities, it is impossible to determine the number of listed buildings at risk. Attempts have recently been made by English Heritage to carry out such surveys, but these have not involved all local authorities (English Heritage, 1992, p. 13). It was hoped that if this register were to be adopted by all the local authorities then the problems of buildings at risk could be controlled, if not solved completely.

## 1.2 OBJECTIVES

When there are many individuals involved in the process of building conservation, there inevitably exist many misconceptions and varied interpretations of related legislation, policies, basic concepts and even terminologies used in conservation. The aim of this study is to analyse and determine the perception of risk and the interpretation by various individuals, such as owners of listed buildings and unlisted buildings in conservation areas, interested agencies or individuals, local and national amenity societies and local authorities themselves of the statutory powers given to the local authorities under the Town and Country Planning Act. Even though the ideas behind building conservation are accepted in general at present, problems still exist over the implementation of policies and procedures. One such problem is to prevent these buildings from being demolished, and another is to prevent more from becoming at risk. One issue examined in this study is how such buildings have been prevented from demolition and what put them at risk in the first place.

Another aim of this study is to examine critically the assumptions made by English Heritage and others of the causes of the continued threat to listed buildings, and in particular to test the efficacy of the buildings at risk registers.

Within the context of these aims, the objectives of this study are to test this hypothesis by answering the following questions:

- 1) Are registers the best way of resolving problems associated with identifying risk?
- 2) Are such registers the most effective way to assist in the protection of listed buildings?
- 3) What are the implications of registers for the proper enforcement of repairs?
- 4) Why do the registers appear to be more successful in some local authorities than in others?
- 5) What is the potential of using specialist preservation trusts to administer registers and to encourage building maintenance?
- 6) Which of district or county levels is better for the compilation and administration of a register?

### **1.3 SCOPE OF STUDY**

This study examines the ways in which buildings at risk registers are compiled and used, and the main causes of disrepair. It analyses the effects of decisions made by owners and local authorities, on listed and unlisted buildings in conservation areas, and evaluates the effect of all these factors in terms of the number of buildings that were successfully restored, or demolished. The study particularly

centres on the risk of disrepair to listed buildings and unlisted buildings in conservation areas and on the subsequent actions taken by the local authorities. The examination of buildings is confined to dwellinghouses (listed and unlisted buildings in conservation areas) erected in the period between the eighteenth and early nineteenth century. The expansion of city or town centres over the years has engulfed many of these dwellinghouses by commercial zones. As a result, the original uses of the buildings have changed in response to the demand for new uses, when the original use was not considered to be a financial or practical proposition. On the one hand, if inappropriate use is allowed, the risk to the fabric of the building by physical alterations or increased floor loadings is inevitable. However, if some uses demanded by owners or occupiers are not allowed by the local authority, then these buildings could face total neglect, and could be left unoccupied by the owners; this, in turn, could herald more harm and risk.

#### **1.4 ORGANISATION OF THE THESIS**

Acceptance and recognition of the building conservation movement in planning was not reached without struggle. The initial section of the thesis covers the historical background to, and evolution of, the conservation movement, as well as the philosophy and legislation of conservation (Chapter Two). Chapter Three describes the introduction of buildings at risk registers by English Heritage and their role.

The next section of the thesis concentrates on the concept and methodological approach on which the study is based. Chapter Four discusses a theoretical framework for conservation including several concepts and ideas of obsolescence put forward by Nutt et al (1976), and Westhagen (1945). It also reviews the arguments for the calculation of priority of action (that is, listed buildings that need quick action in terms of their overall structural condition and effective conservation of use (Greater London Council, 1977)). This chapter explores the possibility of using one of these ideas in the study with possible changes and adaptation of the original idea.

Chapter Five explains the methodological approach adopted for testing the hypothesis about the efficacy of buildings at risk registers. It explains the approach to field work and the collection of qualitative data from case files. The reasons and criteria for the selection of twenty-four eighteenth to nineteenth century dwellinghouses as case studies is explained.

Chapters Six and Seven presents the analyses and evaluations of the case studies. A number of important key issues arise from the analysis and field work, and these are discussed in detail in Chapter Seven. The second part of Chapter Seven draws together the theoretical framework, concepts and ideas, the concept of the buildings at risk register, and the results of the research into its efficacy, and conclusions are drawn. Chapter Eight presents general conclusions about the implementation of the buildings at risk registers.

## **Footnote**

1. Please note that all references to the Town and Country Planning Act throughout this study refer to the 1971 Act. The 1990 Act came into force after the study was made.

## **CHAPTER TWO**

---

### **2.0 PRESERVATION AND CONSERVATION: HISTORICAL, PHILOSOPHICAL AND LEGISLATIVE CONTEXT**

#### **2.1 INTRODUCTION**

The awareness of and interest in historic and architecturally significant buildings have resulted in a systematic effort to conserve them. This has happened only recently, as the section 2.2, History of Conservation in the United Kingdom shows. However, the desire to preserve and conserve objects and buildings of value

is not new.

The approach towards urban conservation may differ from earlier times, but the dilemma of preservation and conservation still exists. The problem can be attributed to the need for physical changes which reflect social change - changes that reflect society's needs and welfare. As Worskett (1969, p. 9) wrote, "...change is no enemy if we learn how to handle it". Rapid change in the physical environment today has affected most, if not all, of us in some way. The endless arguments for and against conservation still continue and the word 'conservation' could be synonymous with 'change'. The questions "why change?" and "why conserve?" are often raised. Worskett (1969, p. 9) described 'preservation' as "...an idea surrounded with emotion. There are many people passionately for it and just as many against it". The arguments are discussed in greater detail under section 2.3, Philosophy and Aims of Conservation.

The aim of this chapter is to present an outline of the background to urban conservation. It describes the history of conservation in the United Kingdom, the philosophy and aims of conservation, national policies and principles, and the legal framework related mainly to listed buildings. This chapter deals only with urban conservation in the built environment and throughout this chapter it will be referred to as conservation.



## 2.2 HISTORY OF CONSERVATION IN THE UNITED KINGDOM

### 2.2.1 Development of the Conservation Movement

In Britain public opinion favouring conservation has been slow to develop. The development of care for ancient monuments and old buildings started in Europe. The first European building to be preserved by law was the Colosseum (Kennet, 1972, p. 11). So as far as Britain is concerned, attitudes developed from an "...earlier insular tradition of empirical approach rather than from adoption of formalized continental attitudes during the last hundred years." (Harvey, 1972, p. 157). According to Harvey, this practical and realistic approach was the result of its relative poverty. Mediaeval England was a poor country by European standards.

It was not until the reign of Henry VIII and the second half of the 16th century that great mansions and large scale domestic buildings were built. This continued for three centuries, from 1600 to 1900. It was during this period that many older houses were destroyed to give way to great mansions. This period was regarded as being "...led by anti-conservationists" (Harvey, 1972, p. 158). Even during this period there was an undercurrent of protest against the abandonment of the past (Harvey, 1972, p. 159). There was at least a minority who expressed their attachment to the old. Even during the peak of the early Georgian period, there was "...an

awakened concern for memorials of the past and the importance of continuity of tradition; and the concept of consonance in architectural design, rather than the crashing discord of mediaeval and revived classical in juxtaposition." (Harvey, 1972, p. 159).

A great deal of repair work was carried out during the three hundred years. It was the relatively low cost of labour that encouraged steady repairs. The buildings were better looked after than they have been since. Besides, the methods of construction and repair had been quite technically advanced since the first half of the thirteenth century.

### **2.2.1.1 The Restoration Movement**

In the eighteenth century, the concept of 'restoring' in connection with building work was linked with the idea of repairs and improvements. It arose as a result of the destruction caused during the Civil Wars. Samuel Johnson (Madsen, 1976, p. 15) defined 'restoration' in his Dictionary of the English Language as "....the act of replacing in a former state....", that is, to give back what has been lost or taken away. It was a form of repair which ignored the historic style. This definition was generally accepted in the eighteenth century but it, "....only changed when restoration became an architectural movement" (Madsen, 1976, p. 15). It was "....not until the

nineteenth century that the word "restore" was given the sense "complete" - the original meaning of "to repair"!" (Madsen, 1976, p. 14).

The key persons who played a major role in the restoration movement were James Wyatt, Augustus Welby Northmore Pugin, and Sir Gilbert Scott. Pugin's and Scott's involvement were influenced and motivated by their religious belief and devotion. Wyatt, on the other hand, was a young and promising architect famous for his classicists Parthenon in Oxford Street, who was appointed surveyor to Westminster Abbey in 1776 (Madsen, 1976, p. 19). It was perhaps Wyatt's bold ways with old buildings that later started the whole movement for preservation, and a new respect for historical reality in architecture. At the same time, he was the first controversial architect of the neo-Gothic period as far as restoration work was concerned. His restoration of Salisbury Cathedral remains a focus point in the history of English and even European restoration and conservation. This is because the restoration work was directed by Wyatt, as yet an unknown architect and at the same time it happened at an early stage of the restoration movement. The restoration of Salisbury Cathedral provoked comment and criticism, which reflected essential attitudes towards the restoration of that period: restoration versus preservation, and l'unite' de style versus stylistic diversity (Madsen, 1976, p. 19).

Between 1770 and his death in 1813, Wyatt changed, rebuilt and altered many castles, cathedrals and houses in England. His aim was to achieve a state of medieval grandeur. Wyatt's new ideas which he included in restoration were based on his belief of unimpeded views, his admiration of symmetry and uniformity. It was inevitable that screens, piers, porches, all later additions to the buildings, and other obstacles were removed and arranged in unity and neat order. However, Wyatt's over-zealousness and over-confidence in rebuilding cathedrals and churches, which appeared old-fashioned and crude to him, were not shared by the Gothicists.

Wyatt was criticised for his insensitive treatment of the cathedrals he took care of in Lichfield, Salisbury, Hereford, and Westminster. The strongest opposition and criticism of his work came from John Carter (1748 - 1817), who described Wyatt as "impertinent and malicious". The reason could be due to jealousy of his more famous contemporary (Madsen, 1976, p. 20). Most of Carter's "correcting, blaming, and scourging" attacks were made through his 212 articles in the Gentleman's Magazine between 1789 and 1818. Wyatt never replied, but could not prevent nicknames such as "the Destroyer" or "the Vandal" from being attributed to him because of his 'restoration' of medieval monuments.

Stronger attacks were also directed at Wyatt by John Milner (1752 - 1826) and Pugin. Milner's criticism of Wyatt was based on 3 points (Madsen, 1976, p. 21):

1. The loss of several valuable objects of antiquity, for example several fifteenth

century tombs were destroyed.

2. The violation of the ashes and memorials of many illustrious personages of former times, as witnessed by sepulchral interference and transferring of the ashes and tombs.
3. The destruction of the proportions and relationship of the different parts of the cathedral to each other.

Wyatt was accused of dishonouring, disfiguring, and destroying the most beautiful and instructive monuments.

Pugin was equally dismayed by Wyatt's restoration and alterations at Hereford and Lichfield. His opinion of Wyatt was strong and unfair, especially when Wyatt was accused thus: "all that is vile, cunning and rascally is included in the term Wyatt", even after his death. Wyatt's ways and harsh treatment of all the cathedrals in his care set a precedent for Scott. Besides, he formulated many of the restoration theories which were later developed by Scott and others. Pugin's whole intention, with regard to restoration, was influenced by his religious belief. Therefore, the restoration of churches was more of a religious duty. He was against the restoration of classic post-reformation features, especially those of furnishings and tombstones of the seventeenth and eighteenth centuries, which he called "inappropriate and tasteless". (Madsen, 1976, p. 29)

In the early nineteenth century, the Gothic Revival brought a considerable increase in restoration activity to the churches. The term 'restoration' in this phase of Gothic Revival not only indicated repair but also salvage (Madsen, 1976, p. 32). A large sum of money (about £1 million) was granted in 1818 to build more churches to accommodate the growing population after a standstill between the end of the eighteenth century and the beginning of the nineteenth century. At the same time repair and restoration work of existing structures was undertaken on a large scale, especially in the early nineteenth century. However, the succeeding generation judged the rescue campaigns of their predecessors as ruthless and ill-advised. In striving to reach the ecclesiastical goal, a programme which had been so one-sidedly administered, an essential aspect of the national heritage, including the history of culture and art had been overlooked. However, as a result of this restoration activity the general public became aware of the value of old churches. One product of this awareness was a reduction to the number of churches that had fallen into ruins to almost nil towards 1850 (Madsen, 1976, p. 33).

Restoration had to a large extent come to be synonymous with repair and a radical return to a definite style, according to a principle of preference based on the French l'unite' de style. "In this new discovery and enthusiasm for a single period, there was little room for differentiating, or for understanding of later additions." (Madsen, 1976, p. 36) Restoration, during the nineteenth century, implied the return of a monument to the style of its creation, and in that spirit and unity of style in which it was originally conceived. If there were several medieval periods

represented, a choice had to be made. The restoration was based on a preference for a particular time and style. Thus, later additions were considered to be inappropriate to the original style. This idea has governed British restoration theory as well as European restoration programmes from the beginning of the nineteenth century (Madsen, 1976, p. 37).

One of the personalities who played an important role in this development was Pugin. He was supported by the Cambridge Camden Society (1839 - 1844), the most important of all ideological influences during this period. The objective of the Society was "...to promote the study of Ecclesiastical Architecture and Antiquities, and the restoration of mutilated architectural remains" (Madsen, 1976, p. 31). The periodical, The Ecclesiastical was started by the Society in 1841, and it reflected the developments and tendencies within the English ecclesiastical trends during the middle of the century. The Society's activities also included developments on the continent. The original aim of the Cambridge Camden Society was carried on by the Ecclesiological Society in 1846: to study church architecture, restoration, furnishings, liturgy, and music.

Edward Augustus Freeman was the first to raise the question of principle in restoration. He identified three types of restoration - the destructive, conservative, and eclectic. 'Destructive' would not involve preserving anything; 'constructive' was to preserve the exact details of every piece of ancient work; while 'eclectic' restoration gave the choice of either to restore or to remodel according to

the needs of each case (Madsen, 1976, p. 40).

There were a number of architects who were mainly responsible for cathedral restoration during the nineteenth century, namely Blore, Salvin, Street, Scott, Burges, Jackson, Pearson, and Blomfield. Among those, Sir Gilbert Scott was the most successful and involved in the restoration of many churches and cathedrals.

His historical and archaeological knowledge was most beneficial to his own architecture and restorations. He did much research, detective work, and shifting through evidence to obtain accurate reconstructions before commencing on the actual work. Scott researched the problem of restoration and analysed the causes of deterioration as :

- 1) nature's destruction,
- 2) destruction by alteration,
- 3) destruction by over-restoring.

He prepared a code of rules in 1864 under the "General Advice to Promoters of the Restoration of Ancient Buildings" (Madsen, 1976, p. 56). However, moral zeal and professional ambition led to many compromises. His restorations fall into two categories; those carried out under the influence of the Ecclesiologists and those dominated by his own historical sense, in which he reinstated 'original' features. Both were equally destructive. He had his share of blame too (Fawcett, 1976, p.80).



Scott's restoration work can be divided into three groups. First, there were works he had saved by his energetic efforts, such as the early work at St Albans, and the cathedrals at Chester and Ripon. Secondly, those he destroyed by his restoration, like the seventeenth century chapel at Exeter College, Oxford to make room for a new one. In some instances, he followed ruthlessly "....the principle of preference, with the demand for l'unite' de style". Thirdly, was his main work, influenced by Victorianism, where everything was decorated in rich and vivid colours, besides being neat and machine-made (Madsen, 1976, p. 57).

Scott, however, can be praised, firstly, for his contribution to enriching cathedrals, such as designing iron screens. Secondly, his principles of restoration which were also accepted by the most successful and the most learned French restorer, Viollet-le-Duc. Thirdly, the extent of his work. When the Victorian restorers started, most of the major mediaeval buildings were still in a sad state of disrepair and neglect. It was Scott who restored them to their present state (Pevsner, 1976, p. 48). In addition, he and his generation were sincerely motivated by religious devotion and spurred on by the Ecclesiological Society. Thus they saw it as their mission to rebuild churches that had been ruined through years of neglect, with the intention of making them fit for the service of God (Fawcett, 1976, p. 75).

All this activity went against John Ruskin's philosophy of preservation.

To him (Madsen, 1976, p. 47),

restoration is the worst manner of destruction. It means the most total destruction which a building can suffer: a destruction out of which no remnants can be gathered: a destruction accompanied with false description of the thing destroyed. Do not let us deceive ourselves in this important matter; it is impossible, as impossible as to raise the dead, to restore anything that has ever been great or beautiful in architecture.

In 1873, there were two differing groups of restoration architects divided by the principles they followed: the 'High Restorationists' - those who followed the principle of preference, l'unite' de style, and the 'Low Restorationists' who wished to keep the buildings in their present form (Madsen, 1976, p. 64).

#### **2.2.1.2 The Preservation Movement**

Ruskin developed his ideas in The Seven Lamps of Architecture (1849) which later became the basis of his philosophy of restoration and formed the foundation for changes in opinion. The chapter "Lamp of Memory" dealt with problems and principles concerning preservation, restoration, and history, which were

not based on human values. To Ruskin (Madsen, 1976, p. 45) ".....the greatest glory of a building is not in its stones, nor in its gold. Its glory is in its Age". Ruskin's approach was based on his religious and intellectual philosophical attitudes. He described architecture as a cornerstone of history which should not be corrupted. He believed that the public were under an obligation to the monuments of the past - as historical documents and religious heritage, and for their architectural and aesthetic value. At the same time he encouraged a deep respect for the craftsmanship of the past. To Ruskin, "...the traces of the craftman's hand and the traces of time combine to form an exalted unity" and "...the originality of the craftman's method and the traces of his tools can never be repeated." (Madsen, 1976, p. 46)

The development of his philosophy of 'restoration' was based not only on his experience in England, but also on that in Italy and France. The impact of his writings was only recognised a whole generation later and it continues to be of influence:

Take proper care of your monuments, and you will not need to restore them.....it is again no question of expediency or feeling whether we shall preserve the buildings of past times or not. We have no right whatever to touch them. They are not ours. They belong partly to those who built them, and partly to all the generations of mankind who are to follow us. The dead have still their right in them. (Madsen, 1976, p. 46)

Even at this early stage, Ruskin was fully aware of the dangers of certain kinds of restoration. He managed to convince the Society of Antiquaries to start a fund for the preservation of mediaeval buildings, to which he contributed annually a sum of £25.00. On 11th January, 1855 the Conservation Fund was founded to catalogue old buildings and to conserve ancient monuments "...in the sense of preservation from the ravages of time or negligence without any attempt to add, alter or restore" (Pevsner, 1976, p. 49).

The events that followed did not turn out the way Ruskin wished. On the contrary, the period between 1855 to 1875 saw the peak of Scott's restoration activities. Ruskin was important for his ideas about preservation, and the protection of the past. He did not believe in confining "...protection to one style or one period" (Pevsner, 1976, p. 51), and thus, he disapproved of Scott's restoration work. To Ruskin, "...the true meaning of the word 'restoration'.... was not really understood ...by the public nor by those who have the care of public monuments....". He considered restoration as the worst manner of destruction (Pevsner, 1976, p. 49).

It means the most total destruction which a building can suffer: a destruction out of which no remnants can be gathered: a destruction accompanied with false descriptions of the thing destroyed. Do not let us deceive ourselves in this important matter; it is impossible, as impossible as to raise the dead, to restore anything that has ever been great or beautiful in architecture.

As a result, he laid the ideological foundation for the next generation to build on. It was William Morris who put his ideas into force a generation later, without losing any of their basic values. Morris shared with Ruskin his concern for the historical importance of old buildings as a truthful record of the past. Morris started his long career as an inspiring poet, painter, printer, writer and designer before devoting himself to preservation. His interest in preservation was not seriously aroused until 1876, when he was shocked by the way Scott was restoring the cathedral in Lichfield. It was Scott's work at Tewkesbury Abbey which drove Morris to found the Society for the Protection of Ancient Buildings (SPAB) in 1877.

His aim for this Society was "...to keep watch on old monuments, to protect against all restoration...." (Pevsner, 1976, p. 51). He saw that if generation after generation went on adjusting the old buildings to conform to their own ideas of beauty and antiquity, there would be nothing left. The only reasonable thing to do was to take them as they were and keep them that way. Thus 'scrape' had given rise to 'anti-scrape'. In one of the debates which ensued, John J. Stevenson's (Madsen, 1976, p. 70) lecture on the 28 May, at the Royal Institute of British Architects made the most important contribution to the Society. He defined two principles; first, the importance of the monument as an historical record which must not be touched, because of its value as an historical document. Second, devotion only to the Middle Ages should be abandoned, because later periods were just as worthy of interest and their forms demanded just as much respect. As a result of these principles, they were then faced with an evaluation of historical periods based on equality - a principle of

equivalence, which differed greatly from the earlier, absolute principle of preference based on l'unité de style. Stevenson's view, that monuments be seen not as the property of present generations, reflects the impact of Ruskin's philosophy.

One of the first things that Morris accomplished was the preparation of a pamphlet about Ruskin's thoughts on restoration. Later, Morris sought inspiration and example in Ruskin's philosophy, in particular the idea that restoration is like waking the dead (Madsen, 1976, p. 73). Ruskin's influence was very strong and Morris was most conscious of it. Morris had in fact been convinced by Ruskin's attitude towards restoration when he was still very young.

There were three principal factors which made Morris so well-suited to the protection of antiquities. One was his theoretical knowledge of architecture, second, was his practical understanding, and third, was his ability to organise the newly-founded society, the first pressure group of its sort in the United Kingdom.

It was also the first preservation society in England, the direct parent of the Georgian Group, thus the direct grandparent of the Victorian Society, and perhaps the indirect progenitor of all the preservation societies. The Society of Antiquaries of London gave its full support to the SPAB in 1888. The foundation of the SPAB also coincided in time with the first attempts to introduce legislation to help the protection of historic sites.

## 2.2.2 Conclusion

"....the historical background of conservation in this country has been sketched, down to the point where the destructive excesses of 'Restoration' called forth the equal and opposite excesses of William Morris's famous Manifesto of 1877." (Harvey, 1972, p. 178) (see Appendix I). The previous fifty years had been the most destructive of ancient art; the nineteenth century had no real style of its own. Even Morris' manifesto was later criticised for its shallowness. The following example has some relevance to this study of buildings at risk. Morris suggested that, if a building were no longer suitable for its purpose, it should not be altered or enlarged, but preserved as a monument of bygone art, while a completely new building should be erected to serve the changed purpose. Though untouched old buildings in their unspoiled condition are desirable, experience is that the disused would become derelict and would soon be lost (Harvey, 1972, p. 180).

Nonetheless , the philosophy of preservation was upheld for about eighty years "passionately by Ruskin and Morris but less passionately by most of their followers." (Summerson, 1983).

## 2.3 THE PHILOSOPHY AND AIMS OF CONSERVATION

Growing public concern and interest in the subject was clearly seen in the mid nineteenth century. This change in attitudes towards urban conservation was initiated by the various amenity societies which sprang up after the formation of the SPAB. These changing attitudes meant there were also changes in definitions, meanings, and concepts.

Technical, social, and economic changes during the present century have had important repercussions for the development of these urban conservation movements. Firstly, technical innovations have resulted from architectural experimentation. Secondly, pressure groups have increased their membership due to the increasing awareness of the public towards the fragility of nature and historic environments. Thirdly, with increasing land and restoration costs, urban conservation is frequently associated with 'social injustice', especially in city contexts (Kain, 1981, p. 6). With the outstanding accomplishment of modern industrial technology today, the danger lies in compromise between the pressure of development and the protection of architectural and historical building and the bias toward the privatisation of the form itself. In fact every aspect of our heritage seems more dramatically altered and drastically threatened today than ever before.



This section therefore attempts to spell out the philosophy and aims of urban conservation, and what it means to the present generation. According to Roy Worskett (1969, p. 12), "society needs both cultural and physical roots and a town's visual and historic qualities can satisfy at least part of this need.....". This idea was further emphasised by Kevin Lynch in his book, What Time Is This Place? (1972). To him, man's effective action and inner well-being depend on his possession of a strong image of time in which a vivid sense of the present is connected to both future and past. Thus a satisfying environment should represent a collage of time. This is akin to Ruskin's view. Both massive change and rigid, inflexible preservation tend to result in 'one-dimensional areas' which are lacking in depth and continuity. Thus the city, for example should be so managed that it is layered in 'time-deep areas' of varying intensity which contain both new stimuli and familiar reassurances. "It is clear that space and time are the great framework within which we order our experience. We live in time places". (Lynch, 1972, p. 241)

### **2.3.1 Definitions and Distinctions**

The terms 'preservation and restoration' and the term 'preservation and conservation' have been used almost interchangeably. It is necessary to make the distinction between these terms and identify the different degree of intervention which they signify. A confusion in definitions could have a disastrous effect on the decision

taken about architecturally significant and historical buildings, and whatever changes one made could be irreversible. Therefore, it is important to distinguish the different levels of intervention because they function differently from each other.

Relating to the uses of these interventions, Feilden (1982, p. 6) suggested that certain standards of ethics must be observed in conservation work, such as:

1. The condition of the buildings before any intervention and all methods and materials used during treatment must be fully documented.
2. Historic evidence must not be destroyed, falsified or removed.
3. Any intervention must be the minimum necessary.
4. Any intervention must be governed by unswerving respect for the aesthetic, historical and physical integrity of cultural property.

At the same time any proposed interventions should (Feilden, 1982, p.

6):

- a) be reversible, if technically possible or;
- b) at least not prejudice a future intervention whenever this may become necessary;
- c) not hinder the possibility of later access to all evidence incorporated in the object;
- d) allow the maximum amount of existing material to be retained;
- e) be harmonious in colour, tone, texture, form, and scale, if additions are

necessary, but should be less noticeable than the original material, while at the same time being identifiable;

- f) not be attempted by inexperienced or insufficiently trained conservators, unless they obtain competent advice. Intervention might also mean some loss of 'value', but this is justified in order to preserve for the future.

It is essential that these interventions be defined, and at the same time intervention classified according to the degrees of intervention, not forgetting the final aim and the principles and rules of conservation, in particular that the minimum effective intervention is always best.

1. Preservation means:

- a) "...the maintenance of the artifact in the same physical condition as when it was received by the curatorial agency. Nothing is added to or subtracted from the aesthetic corpus of the artifact. Any interventions necessary to preserve its physical integrity.....are to be cosmetically unobtrusive." (Fitch, 1982, p. 46).
- b) "...to keep it in its existing state. Repairs must be carried out when necessary to prevent further decay...." (Feilden, 1982, p. 9).
- c) "...the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of the site...." (Williams, Kellogg, and Gilbert (ed), 1983, p. 216).

2. Conservation means:

- a) "...the action taken to prevent decay. It embraces all acts that prolong the life of our cultural and natural heritage...." (Feilden, 1982, p. 3).
- b) "...the physical intervention in the actual fabric of the building to ensure its continued structural integrity." (Fitch, 1982, p. 46).

3. Restoration means:

- a) "...to revive the original concept or legibility of the object.....and is based upon respect for original material, archaeological evidence, original design and authentic documents.... (replacement of missing or decayed parts must integrate harmoniously with the whole...)." (Feilden, 1982, p. 9).
- b) "...the process of returning the artifact to the physical condition in which it would have been at some previous stage. The precise stage is determined either by historical association or aesthetic integrity." (Fitch, 1982, p. 46).
- c) "...the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work." (Williams, Kellogg, and Gilbert (ed), 1983, p. 217).

4. Reconstruction means:

- a) "...it must be based upon accurate documentation and evidence, never upon conjecture." (Feilden, 1982, p. 12).
- b) "...the re-creation of vanished buildings on their original site. The reconstructed building acts as the tangible, three-dimensional surrogate of the original structure, its physical form being established by archaeological, archival, and literary evidence." (Fitch, 1982, p. 47).
- c) "...the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time." (Williams, Kellogg, and Gilbert (ed), 1983, p. 216).

5. Rehabilitation means:

- a) "...is to keep them in use.....which may involve.... modernization with or without adaptive alteration. The original use is generally the best for conservation of the fabric, as it means fewer changes." (Feilden, 1982, p. 10).
- b) "...the act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values." (Williams, Kellogg, and Gilbert (ed), 1983, p. 216).

6. Adaptive Use means:

- a) "...the new use is to insert into the old container with the minimum visual dislocation." (Fitch, 1982, p. 44).

These are just some of the interventions involved in urban conservation. Conservation involves making interventions to varying degrees and levels of intensity, which are determined by the physical condition, causes of deterioration and anticipated future environment of the cultural property under treatment. Therefore, change is not an enemy if one knows how to handle it (Worskett, 1969, p. 9).

### **2.3.2 The Purpose and Context of Conservation**

Conservation is becoming increasingly comprehensive. The challenge of conservation is to conserve buildings which represent the way of life of those who worked and lived in them, as well as the more abstract and formal qualities based on knowledge of architectural and technological history. Therefore, one is compelled to look for reasons to get an answer to the question of 'why we should conserve'.

Present society, according to Lowenthal (Lowenthal and Binney, 1981, p. 11), has come to value surviving relics not just

for their symbolic references to an ideal past and because they are scarce or sumptuous, but for three other reasons: representativeness, for recalling the typical or characteristic traits of past epochs; congeniality, for providing a sense of continuity or a patina of age; and economy, for saving energy or materials or skills that would otherwise have to be spent on new structures.

These motives sometimes conflict and at times overlap.

There are many reasons for conservation. One is because historic resources are the physical link to the past. It is essential that some of that patrimony be preserved in order to be able to recognize what they are, how they became so, and most importantly, how they differ from each other. Archives, photographs and books are not sufficient to impart the warmth and life of a physical heritage.

Secondly, much of society lives in its historic and architectural heritage, and has become part of it. Therefore, the presence of this physical past has created expectations and anticipations that are important parts of contemporary daily life.

Thirdly, due to the advances in technology and development, and increasing cultural homogeneity, society is able, and wants, to maintain the difference and uniqueness of its physical heritage as long as it can.

Fourthly, because of their (historic sites and structures) relation to past events, eras, movements and persons, it is valuable to honour them, not only to encourage nostalgia and patriotism, but also as a source of imagination and creativity to the present society, and to help it understand and appreciate the past.

Fifthly, the reason for preserving some architecture of the past is simply because of its intrinsic artistic value.

Sixth, society preserves to ensure that its cities will remain beautiful, unlike some existing cities which are often referred to as nondescript. Thus the decision to preserve the past is not only because it is unique, exceptional, architecturally significant or historically important, but also because what replaces it might be inhuman and of less value.

Finally, preservation serves an important human and social purpose in society.



### **2.3.3 Justification for Conservation**

As shown earlier, there are many reasons for conserving. It is very easy to be attracted to these reasons but the rationale behind them must be presented, to convince and achieve acceptance of the whole concept of conservation as part of planning and architecture and the environment. Wicks (1985, p. 3) classified these arguments and reasons for conservation into four groups. They are aesthetic, architectural, historical, and economic arguments. Whatever the arguments and reasons, they aim towards the same goal: urban conservation.

#### **2.3.3.1 The Aesthetic Arguments**

This argument is the first and probably the hardest to justify. The term 'aesthetic' means many things. It is referred to as 'character' or 'appearance'. However, the usual and obvious reason for preserving old buildings and areas is because they provide a pleasant environment. The combination of "beauty, character, harmony, mellowness...." (Cantell, 1975, p. 7) found in conservation areas provides satisfaction to most people. But reference to these qualities is not enough to justify conservation because it involves value judgements. The difficulty lies in the diversity of peoples' assessments of what is aesthetically pleasing and the disparity of values between them. (Wicks, 1985, p. 4). However, these qualities are worthwhile and

rarely provided by our present modern developments.

Though aesthetic have often been combined with historical aspects as the reason for conservation, they are still used separately as one of the criteria for conservation, as can be seen in a statement made by Lord Sandford in Circular 46/73, that "we need full and firm conservation policies" and that we should conserve "the familiar and cherished local scene". This statement clearly shows the influence aesthetic evaluation has. It is regarded as an important reason for the conservation of certain buildings, though abstract and subject to criticism and debate.

### **2.3.3.2 Architectural and Historical Arguments**

Both arguments formed the basis of Ruskin's and later the SPAB's fight for preservation. Ruskin regarded "architecture as the cornerstone of listing, and....also as a source not to be touched, even less falsified....he pursued it with great conviction. 'Architecture is to be made historical and preserved as such'" (Madsen, 1976, p. 46). Under the SPAB, William Morris had written in the Athenoeum in support of the historical argument, "we must not follow the 'fatal idea' to strip from a building its history.... put Protection in the place of Restoration.... thus and thus only, can we protect our ancient buildings, and hand them down instructive and venerable to those that come after us" (Madsen, 1976, p. 73). This valuation of historical development

in a building itself has helped conserve many historical, architectural or non-architectural buildings which we are able to share and appreciate today.

In the Town and Country Planning Act, 1971 (p. 1) it is mentioned that buildings and areas are worth keeping if they are of "special architectural or historic interest". Architectural interest here means the products of outstanding architects, important links in the chain of architectural development, and buildings and groups of building of particular merit or individuality. Historic interest, on the other hand, includes associations with people or events but more importantly, it provides evidence about the past. But are these justifiable and good reasons to preserve?

Undoubtedly, both types of buildings are increasingly popular with our present society. There are even cases where growing public interest has threatened the safety of the heritage, thus endangering its physical survival. These sites are valued by the public as part of the visual evidence of the history and continuity of their environment. These areas might have associational values which relate to local history and form part of the communal memory. They may also become important in relation to the image of the town itself. From the educational point of view these historical sites also provide a means of communicating cultural values through the generations, thus providing continuity. For these reasons it is important to explore the entire public evaluation of such areas. Historic evaluation here is essential, first, assessing the academic value of areas and sites, and second, popular evaluation of the sites. Publicising academic potential will probably influence popular support for

conservation (Stewart, 1974).

Generally, both architectural and historical reasons lead to conservation, though one reason, under certain circumstances, may have to be justified more than the other.

### **2.3.3.3 The Economic Arguments**

The usual argument against conservation is its cost. Conservation costs money, and costs mount with increasing attention and attendance. As more people are enticed to view historic sites and to inhabit older buildings, more money has to be invested in protecting, rehabilitating and displaying them. Visitors can help pay for the costs through gate money and selling souvenirs. The cost of conservation should not be looked at from the point of view of admission fees only, because these rarely cover the cost of maintenance, repair and opening. It is often necessary, therefore, to widen facilities of conserved buildings to include hotels, restaurants, cafes, pubs, shops and garages. At the same time, central government receives considerable sums in taxation from duty on petrol, liquor, cigarettes and from value added tax resulting from spending by the tourist.

Marcus Binney and Max Hanna (1978, p. ix) pointed out that:

Britain's historical buildings, quite apart from their intrinsic value and beauty, are a major economic resource and an irreplaceable capital asset, contributing significantly through tourism to earnings of foreign exchange, to local employment and prosperity, and to central government taxation.

A survey by Binney and Hanna (1978, p. x) showed that future growth of Britain's historic country towns and cathedral cities depends heavily on overseas tourists. The argument was that money spent on conserving historic buildings does not merely serve to redistribute income from the more prosperous to the less prosperous parts of the country through the medium of domestic tourism expenditure, but is a more powerful factor, earning foreign exchange which benefits the whole country.

The other economic argument is that the conservation of historic buildings contributes to the conservation of energy and materials, through the retention of building stocks. It has been argued that, if an existing building is replaced by another then more materials must be produced and energy consumed. But if an existing building is rehabilitated then less materials and energy is consumed thus reducing the cost.

The above argument may not be persuasive to those who see the site as a potential for a more profitable new development. Although it is true that certain areas or sites could be more profitable if redeveloped, this could happen to any piece of land given the right investment. What are the basic economic reasons to preserve old building stock then?

The economic arguments suggest that if future costs are greater than returns, then a building should not be preserved. But on the other hand, if future costs are less than returns, then the building should be preserved. This is the investor's point of view. The same argument applies if the cost of demolition and rebuilding are less than conservation and renovation, then the building should be demolished and rebuilt, and vice versa, if the situation is reverse. However, this choice may never have to be made, due to the availability of grants.

On these grounds many buildings can be conserved and remain economically viable provided they are continuously maintained, used and cared for.

### **2.3.4 Criticisms of Conservation**

The criticisms of conservation come from all directions, sometimes in an extreme form and at times in the most unlikely combinations.

#### **2.3.4.1 The Anti-Progressive Arguments**

This is the main criticism against conservation. Many key figures in British government and industry continue to view conservation as a burden on the economy and an obstacle to progress and change. Some small communities are made to pay for the cost of conservation through local resources and skills to maintain churches which ought to be supported as part of the national heritage.

The public saw the planning role in conservation since the Housing, Town Planning etc, Act of 1909 as that of interfering with the functions of the free market in the environment. Since 1967 this interference has greatly increased with new conservation legislation. Those who were opposed to planning before would now be more wary at even greater bureaucracy, restrictions and delays (Dobby, 1978, p. 26).

Conservation was criticised for imposing more 'distortions' upon the market situation, reducing profitability for the sake of 'public interest'. For the anti-conservationist, the degree of environmental protection is far too extreme and could hurt many more people than it helps.

Conservation of large areas, especially commercial areas, caused more harm than good, it has been argued. Developers and economists consider it prevents and inhibits natural growth. Attempts to resist change in the physical fabric of such areas were regarded as ignoring the demands of new shopping facilities, such as providing large horizontal areas of sales space and wide shop-fronts.

Whatever other criticisms are made of conservation, it is felt by such critics that there could be more flexibility in where development should and should not take place.

#### **2.3.4.2 Conservation For the Elite?**

Another criticism is that conservation is elitist, that it serves the interest of the few at the expense of the majority. The fact that the conservation movement is supported and run by a "...group of people from the same background, the same income bracket and aspiration...." (Wicks, 1985, p. 14) is said to have produced an



elitist attitude within the community. Thus it has been accused of protecting the tranquility of the English village and the open green countryside in its own areas from redevelopment (Wicks, 1985, p. 14).

The argument also criticised (Dobby, 1978, p. 28);

[the] minority who benefit by gentrification in towns and villages - with nationalist overtones about second homes for the rich English in Wales; the growth of unrepresentative local amenity societies; the various historic buildings grants which are available to those who have the initial capital to afford to buy historic dwellings which attract small mortgages.

Conservation may initially have been supported by a small minority for their own interests, but this is no longer true. It has extended beyond small and specific areas and affects society as a whole.

#### **2.3.4.3 Social And Economic Implications**

The most powerful arguments against conservation are on the ground of social injustice. The conservationists' refusal to improve and provide the necessary changes to certain conservation areas was seen as preventing the improvement of the

environment of the less fortunate sections of particular communities. The criticism was against the preservation of buildings of inefficient design or of little economic use versus the needs and demands for better working and living condition for the occupants.

Even when redevelopment schemes guaranteed new housing for those displaced, not all members of the community gained this advantage. Whilst creating the impression of servicing existing residents, improving their surroundings and conserving their social environment, conservation has meant that many people were pushed out and moved to yet another cramped and overcrowded area. They were not much better off than before the redevelopment and rehabilitation scheme. They could not afford to live there any more even if allowed to, because of the increase in rent and property prices, which attract a wealthier and younger population. This process of displacement is called gentrification.

Another argument is based on the economic implication of conservation. Though it has been shown by Lowenthal and Binney (1978, p. 176 ) that tourism can be beneficial and economically profitable, it could bring danger to the survival of the heritage itself. If the number of tourists were left unchecked, it could cause adverse problems to the conserved building. Steps and floors of historical buildings get worn out faster and control over theft and vandalism is more difficult. As Sir George Young pointed out, there is a need to recognize that there is a given level or limit of tourist activity beyond which the blight of tourism increases a lot faster than the

blessing (Cantell, 1975, p. 6). Thus instead of providing for as many tourists as possible one should start to work out how many tourists are wanted and can be absorbed and then adopt policies accordingly.

Another danger is when conservation is carried out excessively. There would be no point in conserving all listed buildings and buildings in conservation areas if a suitable use for them cannot be found, thus forcing them to be left empty thereafter. Even though conservation may be economically viable, it must be treated with caution. If adopted with wrong economic reasoning and vague purposes, not only will the community suffer, money will be wasted and most of all the country will be robbed of its heritage which once gone cannot be restored.

### **2.3.5 Conclusion**

Despite the arguments against conservation there are many reasons for pursuing it. The need to focus on a total environment, that is "...the fusion of buildings and landscape...." (Nuttgens, 1975, p. 256) rather than on individual buildings or monuments scattered here and there is obvious. This should lead to preservation and enhancement of conservation areas for the benefit of the whole community. Concern should be with more than physical criteria and objectives, whatever their value; socio-economic and cultural phenomenon relating to both the

social and physical environment should be taken into account (Stutchbury, 1980, p. 12).

## **2.4 NATIONAL POLICIES AND PRINCIPLES**

The formation of national conservation policies and principles has been slow. This can be attributed to the gradual change of attitudes towards conservation. Two things are important. One is the growth of the view that the preservation of ancient monuments should be ensured deliberately rather than left to chance. The other is to apply such ideas in practice. Monuments have been preserved before, but many had been destroyed. What is needed is a national conviction that such matters should be methodically supervised and controlled. It requires careful recording of old buildings and antiquities, constant vigilance to prevent their deterioration, and public ownership to prevent desecration or destruction (Hunter, 1981, p. 23). Systematic preservation is required to ensure their safety and the recognition of this has arisen in the nineteenth and twentieth centuries as shown in this chapter.

### 2.4.1 Conservation Prior to 1967

The realization that certain policies or legislation were needed to ensure the full protection of monuments came as early as 1873 "...when the history of preservation law in England begins..." (Kennet, 1972, p. 22) (even before the formation of the SPAB in 1877) when Sir John Lubbock's bill for the protection of ancient monuments first appeared in Parliament. This and other various Bills which he proposed were resisted, always for the same reason: that they appeared to involve unjust interference with private property. Much of the present preservation law is 'pre-figured' in Lubbock's 1873 Bill (Boulting, 1976, p. 17).

However, the first attempt to protect the historical environment was passed in 1882 as the Ancient Monuments Protection Act. It differed from Lubbock's earlier proposal which was that the state might with the owner's consent "purchase an ancient monument and look after it, or might take it into 'guardianship', which meant the owner remained owner but lost his power to demolish or remove it, in return for state aid in maintaining it" (Kennet, 1972, p. 29). The so called monuments were mainly prehistoric earthworks, burial mounds, and stone circles.

The scope of the Act was slightly widened to include the protection of mediaeval buildings which are uninhabited or inhabited only by a caretaker, under the Ancient Monuments Protection Act 1900. Under this Act, "if the Commissioners thought that the preservation of a monument was necessary and desirable because of

its 'historical, traditional or artistic interest', they or the local authority could with the consent of the owner assume guardianship" (Boulting, 1976, p. 18).

Further threat to historic buildings forced people to realize the need to extend the very limited powers of the previous Acts. It was the famous Tattershall Castle case that made parliament pass another Act in 1913 -The Ancient Monuments Consolidation and Amendment Act. This Act made two significant contributions. First, the Commissioners were empowered to publish lists of monuments whose preservation was considered to be of national importance. Second, an element of compulsion was introduced whereby the owner of a scheduled (listed) monument was required to apply for permission to alter or demolish his property. If a scheduled monument was threatened by destruction or damage from injudicious treatment or neglect, then the Commissioners were empowered to make a preservation order, placing the monument under their protection.

The 1913, Act therefore, both listed important monuments and provided legal means for ensuring their protection by enabling either the local authority or the Ministry of Works to assume guardianship or to acquire ancient monuments, and to maintain them at public expense. Punishment was also imposed for injuring or defacing ancient monuments. The Ancient Monuments Act 1931 was designed to protect ancient monuments and their immediate surroundings, thus introducing the concept of the conservation area into protective legislation (Boulting, 1976, p. 21).

However, the most important legislation was the Town and Country Planning Act of 1932. This Act removed the restrictive principle that a building should be uninhabited or inhabited only by a caretaker before it could be accepted for preservation. Under this Act preservation schemes could be set up by local authorities to protect buildings or groups of buildings, other than ancient monuments. It allowed local authorities to make, vary or revoke a 'preservation order' in respect of any building in their area which was of special architectural or historic interest. Compensation was also given to any person whose 'legal rights in respect of' the relevant property were 'infringed or curtailed' by the Preservation Order.

Aerial bombardment during the Second World War brought widespread destruction to the English heritage of architecture and historic buildings. The excessive loss of these buildings during this time emphasized the need for legislation. Under the Town and Country Planning Acts of 1944 and 1947 comprehensive lists of buildings of special historic and architectural interest were prepared. They were intended as a record of buildings to be restored and as a guide for local authorities to carry out their new planning functions. Under these Acts the owner was required to notify the authority of his intention to demolish or make radical alterations to his listed property. If the authority objected to the proposed demolition or alteration, it could then impose a building preservation order. The owner had the right to appeal to the Minister (Boulting, 1976, p. 23). Following the 1947 legislation over 90,000 buildings in England and Wales were placed on the statutory lists.

The Gover Report recommended that owners of outstanding houses be eligible for tax relief from death duties to offset the enormous cost of maintenance (Boulting, 1976, p. 25). But this was not introduced into the Historic Buildings and Ancient Monuments Act, 1953. This Act, firstly, allowed the Minister to make grants for the restoration and maintenance of historic buildings and their contents. Secondly, it enabled the Minister to acquire or help local authorities acquire these buildings. Several private societies had already been founded, such as the SPAB (1877) and the Georgian Group (1937). The Victorian Society followed in 1958. Although they have no statutory force, these bodies are undoubtedly influential.

#### **2.4.2 The 1967 Act and Conservation Areas**

As conservation gained a foothold through legislation, the focus moved from individual buildings to the wider environment. The Civic Amenities Act of 1967 gave statutory recognition to conservation areas and was the first to introduce this concept.

Following the Civic Amenities Act of 1967 several improvements were made over the control of listed buildings. Action has to be taken within six months instead of two to the proposals to alter or demolish a listed building. Penalties are imposed on any unauthorised works on listed buildings and acts that are likely to



damage them. Under this Act all listed buildings are included under the compulsory power, that is the ability to acquire neglected listed buildings. The local authorities can serve an emergency repairs notice on owners of listed buildings which need urgent repair. However, if this notice is not carried out within seven days, the local authorities could carry out the repairs themselves.

Under the concept of conservation area, local authorities had a duty to determine which parts of their area were of special architectural or historic interest, the character of which was desirable to preserve or enhance as a conservation area. No specific guidance was given on the type of area which should be designated, and it was apparent that the criteria adopted by different local authorities, and even by a single authority over a period of time, varied considerably. Any application for development must be advertised if it affects the character or appearance of the conservation area.

According to the Preservation Group Policy report (1970, p. 4),

the great importance of these provisions is that they gave statutory recognition for the first time to the facts that places as a whole have character that is more than the individual characteristics of separate historic buildings.

In anticipation of the Act, the government set up a Policy Preservation Group in 1966 to co-ordinate special studies of historic towns. They were Bath, Chester, Chichester and York.

### **2.4.3 The Attitude of the Department of the Environment**

The role of government circulars is to provide details of national policies and procedures, while the legislation provides the basic structure. Changes are made whenever necessary. The Secretary of State issues advice on the law in the form of circulars. The new Circular 8/87 sets out the government's broad policies. It is the most important reference for dealing with applications and stating the conservation case.

Circular 8/87 was issued soon after the Town and Country Planning Act 1971 current wording of the provisions relating to Historic Buildings and Conservation Areas was published in 1987. This circular brought up to date all the advice given from previous circulars, without changing the wording or the advice they contained. This new circular "...contains a number of important new directions defining the procedures for notifying the Secretary of State and English Heritage of applications, and the classes of building exempted from Conservation Area Consent." (Cambridgeshire County Council, 1988, p. 1).

More powers have been given to the local planning authorities in protecting historic buildings and areas and "...the Secretary of State hopes that they will make diligent use of all the powers available to them." (Circular 8/87, p. 4)

## **2.5 LEGISLATION**

Conservation has gained an important place in the British Planning System during the twentieth century. British planning has revolved round two major topics: "one is the search for the ideal city and the other is to achieve an ideal community" (Cherry, 1975, p. 3). Planning became concerned with social priorities and the social consequences of redevelopment and land use planning, while there was an awareness of the inadequate provision for the protection and preservation of the environment.

### **2.5.1 The Legal Framework**

The aim here is to identify those parts of the law and the administrative system that support conservation operations. The Planning Acts themselves provide the basic framework for the development of conservation.

The introduction of the concept of conservation areas brought by the Civic Amenities Act 1967 marked a change to more creative planning (Stutchbury, 1980, p. 16). Since then many changes have been made with respect to conservation. The main statute now is the Town and Country Planning Act 1971. This Act introduced the concept of Structure and Local Plans. The key to conservation priorities lies with the Structure Plan and the allocation of resources. The relationship between the Structure Plan and Local Plan (District, Subject or Action Area Plans), exerts a crucial influence on detailed measures for adaptation and restoration of individual buildings or groups. As Dobby (1978, p. 117) described it,

conservation in this country is hierarchically organized - national policies are decided, given weight by statutes under the influence of conservation interest groups, interpreted by the HBC and the DoE before they are again interpreted at the level of the local authority.

Controls, design, finance and policy are closely monitored at all levels.

Conservation Area Advisory Committees (CAACs) were introduced by MHLG Circular 61/68 as a means of providing local planning authorities with advice on applications affecting conservation areas. The general public was encouraged to become committee members since the central government wanted good relations on policy matters. However the Conservation Area Advisory Committees were not without critics. One of the criticisms was that they were not representative, since most of their members tended to be articulate middle class. Another criticism was that

in some cases few members lived or worked outside the conservation area and were therefore biased towards policies which favoured the designated area at the expense of the greater and more populous parts outside urban areas (Dobby, 1978, p. 68). Despite these criticisms, the DOE is still keen to encourage more of these committees to have links with the local planning authorities, amenity groups and the public.

The other power extended to the planning system which affected conservation directly and indirectly is the control over the development of land, that is the General Development Order. Under this Order, planning permission is automatically given for all the 23 different classes of development set out in schedule 1 of the Order which come under the category of "permitted development". Therefore, if the development is within the confines of any one of these 23 different classes, then no application for planning permission from the local planning authority is needed. This Order could have a disastrous effect on conservation areas if certain developments or changes do not require planning permission because they are within the classes set out in schedule 1 of the Order.

Similarly, the General Development Order can affect development control by providing for the submission of detailed plans for a particular site before permission can be given, rather than the usual procedure of an outline application, followed by a submission relating to 'reserved matters' for separate consideration. This is important, especially to conservation areas where design considerations are essential.

### **2.5.1.1 Other Related Legislation**

There are three related codes of legislation on the statute book. These are the Public Health Code, the Housing Acts, the Town Planning Code, and Traffic and Highway Acts. For the purpose of this study the related legislation that will be mentioned here will be the Public Health Code, the Housing Acts, and the Traffic and Highway Acts.

#### **The Public Health Code**

Beside the Planning Acts, the Public Health Code also has an effect on conservation policies and programmes. In the code, the section on Building Regulation controls the details of building construction such as materials, structural stability, ventilation and light, and has the most influence on conservation policies. These provisions provide a check list of building construction requirements. The problem arises when it is applied to buildings which are designed to entirely different standards, as old historic buildings inevitably are. However, the need for their flexible use has been more widely accepted in recent years, especially in the context of historic building restoration. With stricter regulations introduced every time, more and more historic buildings are forced to comply with the rigid code.

## **Housing Acts**

The Housing Act 1957 remains the principal Act on housing. Together with the 1969 Act, it influences conservation policies in two ways. Firstly, the Acts require that conditions in dwellings be of certain minimum standards. The local authority can acquire a building or restrict its use if it does not meet these standards and is incapable of repair or renovation at a reasonable cost. The action taken by the local authority is either to seek a closing or demolition order (under section 17), or declare a clearance area (under section 42), for groups of unfit houses. The effect of this power can be seen in the past, causing the demolition of many unattractive areas or buildings.

Secondly, under the 1969 Act the concept of General Improvement Area was introduced. Under this concept, the local authority can improve not only individual houses, but also the surrounding environment. In addition, grants are also obtainable not only for the improvement of property but also for half the cost of carrying out environmental improvements in a General Improvement Area. This brings positive aspects into urban conservation policy.

## **Traffic and Highway Acts**

Another important aspect of the legislation concerns highways and traffic. Conservation areas may not be affected directly under the Highway Act but it may have an impact on the character of the conservation area. The routing of new roads, as well as regulations concerning widths and turning radii, could affect buildings nearby. These can cause considerable problems.

The Road Traffic Regulation Act contains powers for traffic regulation, which amounts to the control of traffic by:

- a) one-way streets,
- b) prohibition of waiting and/or loading and unloading,
- c) prohibition of the use of roads by through traffic,
- d) overtaking restrictions.

As a result of these regulations, narrow streets in historic towns need not be congested with unnecessary traffic.



## 2.5.2 Listed Buildings

Amidst growing pressure for greater preservation, listing was finally sanctioned by the Town and Country Planning Act 1944. This came about at the most critical time, during the war, when such legislation was badly needed in an attempt to gather the list of architectural and historical buildings destroyed and those still remaining. Even though the Royal Commission was set up to prepare the list over thirty years ago, it was slow in assembling them. The present listing however is based on section 54 of the Town and Country Planning Act 1971, whereby the Secretary of State is required to compile lists of "...building of special architectural or historical interest" (Circular 8/87, p. 9).

Under most circumstances, the great majority of buildings become listed through surveys conducted by investigators of historic buildings. There are several other ways for buildings to be listed. They are (Cambridgeshire County Council, 1988, p. 7):

1. As the subject of a confirmed Building Preservation Order (before 1968).
2. As a 'spot-listing' in the face of some threat.
3. As the subject of a confirmed Building Preservation Notice.
4. As the subject of a failed application for a 'Certificate of Immunity from Listing'.

The selection of buildings is done against national (not local) criteria, set out in Circular 8/87. For further details on the criteria of selection see Appendix II. These selected buildings in turn are categorised into various Grades: I, II, II\*. The categories are essential, since they give some measure of quality, thus influencing the care, enforcement and the consideration of planning proposals. They (the listing grades) also are the "...key part of the directions in Circular 8/87 which determine notifications to English Heritage and to the Secretary of State" (Cambridgeshire County Council, 1988, p. 11).

#### **2.5.2.1 Listed Building Consent**

All listed buildings (those under Grades I, II, and II\*) are under statutory protection through the planning Acts. This protection is under the concept of Listed Building Consent introduced by the Town and Country Planning Act 1968 to replace the ineffective Building Preservation Order from the Ancient Monuments Law. The effect of the listed building consent under sections 55 and 56 of the Town and Country Planning Act 1971 is that it is an offence to demolish, alter or extend a listed building "...in any manner which would affect its character as a building of special architectural or historic interest...." (Town and Country Planning Act, 1971, p. 4), without first obtaining listed building consent.

Listed building consent is required before carrying out any work which affects the character of a listed building, regardless of whether any particular feature, either internally or externally, is referred to in the official description of the building in the statutory list. Consent, however, is not needed for ancient monuments, crown buildings and ecclesiastical buildings in use. Failure to comply with listed building consent may lead to prosecution. The person guilty of an offence under this section is liable to imprisonment for up to a year, or fine (not exceeding £2000), or both (Cambridgeshire County Council, 1988, p. 20).

### **Listed Building Consent Procedure**

Before listed building consent is granted, an application must be submitted to the local planning authority for written consent, together with sufficient particulars required under schedule 11.1.1 of the 1971 Act. The local planning authority must place a notice on the building, and advertise in the local newspaper of the intended proposals and at the same time notify specified local amenity bodies before reaching a decision on the listed building consent application. The application can be inspected during the twenty-one days from the date of the advertisement and notice is displayed for not less than seven days on the building or near the site. However, if the listed building consent application involves any demolition of a listed building, the local planning authority has to notify six national societies of the decisions taken. They are the Ancient Monuments Society, the Council for British

Archaeology, the Georgian Group, the Society for the Protection of Ancient Buildings, the Victorian Society, and the Royal Commission of Historic Monuments.

Listed building consent by the local planning authority for redevelopment, whole or partial demolition may be;

- a) granted, subject to conditions or
- b) refused if the case for demolition has not been fully established.

If the local planning authority grants listed building consent for the demolition, alteration, or extension of a listed building, it must refer the application to the Secretary of State, enclosing copies of the advertisement in the newspaper and site notices, the replies to consultations, any representations received and their reasons for wishing to see listed building consent granted. The Secretary of State will be advised by the chief inspector at the DOE through the Historic Buildings Council committee. Decisions must be given 28 days later, unless the Secretary of State wants more time to make his own decision. However, if listed building consent for demolition is granted, the Royal Commission of Historic Monuments has to make a record of the building in one month before demolition can proceed (Dobby, 1978, p. 35). On the other hand, if the decision is to refuse listed building consent, the applicant may appeal to the Secretary of State.

## **The Weaknesses of the Listed Building Consent**

Despite all this protection of listed buildings against demolition, alteration or extension, there are weaknesses in the listed building consent procedure. The main weakness is the vagueness in the definition of the words 'character', 'demolition' and 'alteration'. As a result the words can be interpreted by each and every local planning authority freely, thus questioning whether listed building consent in the first place is necessary or not.

The other is the doubt, expressed by the Cambridgeshire County Council guide (1988), whether local planning authorities can make a proper decision. The question is how the local planning authority makes a decision "in the absence of clear photographic records....to assess the quality of what has been removed or altered" (Cambridgeshire County Council, 1988, p. 28).

### **2.5.2.2 Listed Building Enforcement Notice**

The other control over listed buildings to prevent demolition works or other operations affecting the character of a listed building without prior listed building consent, besides prosecution, is the Listed Building Enforcement Notice. The Enforcement Notice under section 96 of the Town and Country Planning Act in

respect of a contravention of section 55(1) or (4) of the 1971 Act (Circular 8/87, p. 37),

requires the building to be restored to its former state; to be brought into the state it would have been in if the term of any listed building consent had been observed; or to be subject to such other works as may be specified in the notice to alleviate the effects of any unauthorised works.

In the event of being issued this notice, the owner has the right to appeal to the Secretary of State against the notice before the date the notice comes into effect (28 days after being served). The appeal can be on several grounds, such as the building not being of special architectural or historic interest, the works do not affect its character, or others as stated in the 1971 Act section 97(1).

It is also important to note that any offence under section 98(4) of the 1971 Act is a criminal offence (Town and Country Planning Act, 1971. p. 13). If the work is still not done by the owner, the local planning authority may enter the property and do the work. The cost will have to be paid by the owner. The Secretary of State however, has the power to serve listed building enforcement notices himself.

On the other hand, if the appeal is successful, the building may be deleted from the statutory list.

### 2.5.2.3 Repairs and Purchasing Notices, and Compulsory Purchase Order

The law not only intends to protect listed buildings from man-made destruction (such as demolition, alteration, and extension) but also from being lost due to the condition of the building either through deliberate neglect or redundancy. According to Michell (1988, p. 8),

owners are responsible for the repair of their buildings but local authorities have powers to encourage and enforce action when an historic building is at risk.

Section 101 of the 1971 Act, enables the local authority to carry out urgent repairs to the listed building and recover its costs from the owner after giving the owner seven days to do the urgent work specified.

If the local authority consider that a listed building has been neglected and is not being properly preserved a 'repairs notice' (section 115) may be served on the owner. Failure to comply with this notice after two months, may cause action to be taken by the local authority to begin compulsory purchase proceedings (section 117). It is hoped that the authorities will not have to resort to this power often, but its existence should act as a deterrent against deliberate neglect, which has caused a considerable loss of listed buildings in the past (Circular 8/87 p. 41).

However, using repairs notices "....as a lever in negotiation is great, but it would be unwise for an authority to serve a notice without full commitment to follow the process through to the end. Notices used carelessly will weaken the position of authorities...." (Cambridgeshire County Council, 1988, p. 57). It is not a popular course of action with local authorities, since they will be saddled with buildings they might not need. Besides, the question of paying compensation to the owners remains.

When listed building consent is refused or when repairs notices have been served, the owners of the land may serve a 'purchase notice' on the authority in which the land is situated. This notice requires the authority to purchase the land if it has become 'incapable of reasonably beneficial use'. This statutory provision is contained in section 190 and schedule 19 of the 1971 Act.

### **2.5.3 Conclusion**

The public have become more aware of the needs and importance of conservation of the country's architectural and historic buildings. This has been reflected in a change in attitude and the strengthening of statutory controls over listed buildings and conservation areas. However, the success of these statutory powers depends on how they are used by the local authority and how the public and owners



react to them.

## **CHAPTER THREE**

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### **3.0 BUILDINGS AT RISK REGISTER**

#### **3.1 INTRODUCTION**

The local authorities were first recommended to "...compile and regularly review lists of 'historic buildings at risk' in their area...." by a working party chaired by Lord Montagu in 1980 (1980, p. 58 - 59). This recommendation was finally implemented by English Heritage five years later (1985) with the introduction of the buildings at risk register.

The Historic Buildings and Monuments Commission for England, a corporate body (also known as English Heritage) was set up in 1984 under section 32 of the National Heritage Act 1983. Some of the functions of the Secretary of State for the Environment, and the advisory roles of the Ancient Monuments Board for England and the Historic Buildings Council for England were taken over by English Heritage on 1 April 1984 (Circular 8/87, p. 4). A working party was established to take care of buildings at risk under the Buildings at Risk Unit. Instead of allowing listed buildings to become neglected and demolished, its aim was to identify these buildings and overcome their problems of neglect and disrepair. The first conservation officer for Buildings at Risk Unit under the Historic Areas Division was John Fidler, and he was succeeded by Vanessa Brand (who was in post at the time that the initial research for this dissertation was being carried out).

The Buildings at Risk Unit started operating in 1985. According to the conference paper produced by Fidler (1985, section 1.01) [see Appendix III];

The Historic Buildings and Monuments Commission's Working Party on Historic Buildings at Risk recommended that the Commission should ensure:

- a) that each county is covered by a regularly updated list of threatened buildings.
- b) that an individual or rather, a small part of a post is reserved to manage such registers in all local planning authorities.
- c) that copies of the registers are circulated annually to all interested parties including the

Commission.

- d) that if some local planning authorities decline to operate such a system then local amenity societies should be encouraged to fill the gap. This may be especially important in former metropolitan county areas.

It was proposed that (Fidler, 1985, section 3.00);

- a) "...a single system is adopted nationally for registering threatened buildings...",
- b) "...the system is designed to be cheap and as low in energy terms as is practical...", and
- c) "...the system is also designed to be adaptable so that where political will and resources allow, refinements can be made....".

### **3.2 AIMS AND ROLES**

The aim of the register was to have an information system which would identify buildings at risk and to provide other general information on listed buildings to the local authorities. This proposal was achieved with the introduction of a pilot study at Kirklees. With this pilot survey English Heritage had the opportunity to test the idea and to recommend changes and refinement to improve the system.

The roles of English Heritage are:

a) as a responsible body for building conservation at the national level. It has a duty (National Heritage Act, 1983, p. 19):

- (a) to secure the preservation of ancient monuments and historic buildings situated in England,
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England, and
- (c) to promote the public's enjoyment of, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation,

English Heritage offer grants and loans to individual owners as a way to ensure that buildings are preserved.

b) as an advisor to the Secretary of State of the Department of Environment. English Heritage provides professional advice to the Secretary of State on matters relating to historic buildings, conservation areas and ancient monuments that need his decision. For example, when there is an application for the demolition of a listed building and if the local authorities agree to it, the case will be brought to the attention of the Secretary of State. The Secretary of State will then seek the advice of English Heritage when making his decision. As a whole English Heritage not only gives advice to the Secretary of State but also to the local authorities, owners, and the public.

- c) to deal with individual cases throughout the country, particularly Grade I listed buildings, which need special attention from English Heritage. This role requires immediate attention and staff time at its inception which was one reason why the register took longer to be established than had been hoped.

### 3.3 BUILDINGS AT RISK REGISTER

English Heritage defined buildings at risk as those suffering from neglect and decay, assessed in relation to condition and occupancy. With it a scale to measure the degree of risk was produced. The first scale of measurement produced in Kirklees consisted of a ten point scale of risk, but this was later revised to a six point scale (as shown in the proposed survey form in Appendix IV). English Heritage would have liked all local authorities to adopt this scale, which would mean adopting the definition of risk as well. Principally, the Buildings at Risk Unit is concerned with the risk caused by neglect. According to Brand, many local authorities were aware of this risk but no remedial action had taken place. The duty of English Heritage, therefore, was to persuade all local authorities to accept the register and to adopt the definition of buildings at risk as it defined it (interview with Brand, 17/3/89).

Brand was convinced of the need for the register. Firstly, the register started in Derbyshire and Hampshire (see Appendix III for other buildings at risk registers before the introduction of English Heritage's register) was considered to be a positive start and itself usable, but the setback to these earlier registers was the adhoc way in which they had been compiled. Secondly, the registers did not have any scale to differentiate the at risk categories of each building in the area. The registers showed the total number of buildings at risk, but the local authorities did not know how many were under the vulnerable buildings category, nor the number of listed buildings not at risk.

English Heritage hoped to achieve two things from the register:

- a) All local authorities would compile lists of all listed buildings under their care. From these lists of names, addresses, and ownerships the local authorities could more easily monitor their condition in future.
  
- b) Statistical information would be easily obtainable from the register. With more accurate information to hand, local authorities could allocate adequate funds and other resources to buildings on priority lists. If there were no funds from local authority sources these could then be obtained from other sources (such as English Heritage or local Historic and Preservation Trusts). From this statistical information local authorities themselves would be able to gauge the number of vulnerable buildings in their respective areas.

### 3.4 OBJECTIONS

The most common reason given by local authorities for not setting up registers in their area was the lack of manpower and resources to adopt this process (interview with Brand, 17/3/89). However, English Heritage had two solutions to this problem;

- a) One is to adopt the system used in Kirklees (that is using the Manpower Services Commission). Since this scheme ended in 1988, the alternative would be through the Employment Training Scheme. The MSC scheme was introduced to provide job experience for the long term unemployed, and is funded by the government. The Buildings at Risk Unit approached U.K. 2000 (a voluntary body concerned with environmental improvement work) to discuss the possibility of their providing manpower for the register. According to Brand, they have received a positive response.
  
- b) The second solution concerned the survey work. Although it was true that the local authority officers were busy with their day to day work, they could still carry out the survey work for the register themselves, according to Brand. They could start by completing the survey forms whenever they went for a site visit, and inspect about half a dozen listed buildings at a time. This visual survey of listed buildings could also be done by their colleagues and other interested individuals.



The whole point about such proposed survey, according to Brand, was that it is fairly superficial. English Heritage realised that the register is not a "sophisticated tool" (interview with Brand, 17/3/89). However it has some advantages: in the first place, it is simple, so it only needs a little effort and concentration to carry it out; and secondly, it involves not only the conservation officers but other interested individuals after proper briefing.

English Heritage has its own computer software for listing, and for buildings at risk. The survey form has been designed for "...computerization and to make it compatible with the statutory lists...." (Brand, 1988). The system used in Kirklees was an earlier version. Improvements were being made to the software and survey form at the time of the interview (17/3/89). English Heritage hoped that this new system would be easier to understand and use than the earlier version.

### **3.5 PILOT SURVEY**

A pilot survey for buildings at risk register started in Kirklees in 1986 with the cooperation of English Heritage with Kirklees Historic Buildings Trust, and the Kirklees Metropolitan District Council. There are about 4,500 listed buildings in the whole of this district. However, about half of these listed buildings and the best examples are mostly in Huddersfield.

The initial idea of starting a survey came from the Kirklees Historic Buildings Trust when they could not find any suitable listed buildings to refurbish. As a result, the Trust suggested taking stock of all the listed buildings in Kirklees. At the same time, Fidler, the head of the Buildings at Risk Unit of English Heritage, was promoting the idea of a national survey for buildings at risk. As a result a method was devised for the pilot survey in Kirklees.

However, there were problems in the Council concerning inadequate staff and resources to carry out this survey. The Kirklees Historic Buildings Trust sought the help of a Community Programme Scheme under the Manpower Services Commission (MSC) to help them with the survey. The council, on the other hand, had to prove to the MSC that this pilot survey would be of benefit to the community before it (the council) was allowed to use the Community Programme Scheme to assist with the survey. There were three groups in the district that were involved in this scheme, each with its own needs;

- a) Kirklees Historic Buildings Trust: who were on the look out for some interesting listed buildings to own,
- b) The Planning Department: which was interested in compiling a record of each individual listed building in the District,
- c) The Leisure Department of the Museum Services: who were interested in keeping a record of selected measured drawings of some of the listed buildings.

The Community Programme Scheme continued for fifteen months. The Council started appointing people to do the survey in January 1986. The team consisted of one full time supervisor, one full time surveyor, and six part-time assistants. They were recruited by the Council's Community Programme Agency. The selection was based not on any specific qualification but rather on individuals who showed keen interest in old buildings, could take photographs, and read maps. Expenses, such as wages, were paid by the MSC. The council on the other hand, was able to get free accommodation for this team in its unoccupied council houses, thus saving cost on accommodation. Other expenses, such as the purchase of photographic equipment, were paid by the Council since this could not be justified as a legitimate part of the survey from the MSC point of view.

During the initial preparation of the survey, all listed buildings and conservation areas in the district were marked on a 6 inch to 1 mile scale map. A 15 inch to 1 mile scale map was also used so as to be able to identify individual buildings on this larger scale map. The Council expected a fairly quick visual inspection of the exterior of the building, but the interior investigation was not really necessary. The training given to the team was basic and minimal, but the Council found the performance of the surveyors to be effective. Besides, the careful design of the survey form also meant that individuals with little experience in the field could perform the task. Listed and unlisted buildings in the conservation areas were to be inspected and information such as present use, whether for sale or not, and the type of survey used (that is external and or interior survey) was gathered. The surveyor

and his assistants were also expected to take photographs of the buildings. The team did not face any problems during the survey and found the owners to be cooperative. As far as classifying the condition of the building was concerned, the council's basic guidelines were very clear for the team to follow. In the original survey form there was a formula to calculate which buildings were the worse (see Appendix III).

This risk calculation consisted of two parts: one was related to occupancy, and the other was related to condition. This idea was found to be a failure because it was too complicated to use and the risk level could not be determined from the figures alone unless different risk grade criteria were formulated. Risk calculation was eventually dropped and a risk grade between 1 to 10 was devised instead, further divided into five categories. The categories were extreme risk (risk grade 1), high risk (risk grades 2 and 3), moderate risk (risks grade 4 and 5), low risk (risk grades 6 and 7), negligible risk (risk grades 8 and 9), and risk grade 10 (reserved for structures which could not be occupied and were in good condition).

When all the listed buildings had been surveyed and analysed, the information was sent to English Heritage. The Kirklees Council received its computer software for the register from English Heritage in December 1988. It had transferred all the survey information into the computer. According to Woulds (interview, 17/2/89), the software was easy to learn and use. There were certain limitations to the software programme used by this council. The software was not programmed to identify the different conservation areas in the district in which the listed buildings

were situated. The Council wanted the software to be able to correlate this information when needed. It also wanted the conservation areas to be identified, with specific numbers related to specific areas. The council also wanted to identify which buildings were within which risk grade category. These limitations and suggestions were taken into consideration by English Heritage when making the appropriate improvements and changes to the register system.

This register provided the statistical evidence of the number of listed buildings that were at risk and the actual condition of the buildings for the first time. According to the figures, the vast majority of the buildings within the conservation areas were not at risk. However buildings most at risk were mainly situated outside the conservation areas.

As far as monitoring the register was concerned, the Council had only carried out some spot listing. However there was a remarkable improvement to the at risk category of buildings in this district. About 40% of the buildings at risk during the initial survey (in 1986) were no longer at risk after works of repair and restoration had been carried out. However, the officers of the council were not able to tell whether those buildings that were considered not at risk during the survey still remained so, or whether their condition had deteriorated and therefore were classifiable as being at risk. The Council admitted that it did not have time to inspect those buildings for another time. Apart from minor changes to the records, very little monitoring was actually carried out. According to Woulds (interview, 17/2/89), the

Council would like to appoint a person from the office to do a quick check on all the listed buildings in the register to see whether the situation had changed since the last survey.

Woulds envisaged that the Council would not have the opportunity to do the same survey again unless the same opportunity was given, with help from the MSC. The survey indicated about 10% of all listed buildings in Kirklees were at risk. "Recently, in Kirklees there has been a change in the economic climate which has resulted in an increase in the desire to refurbish and find new uses for older properties...." (Context 26, 1990, p. 17). A number of schemes have been carried out by the Council as a result of this trend.

### 3.6 CONCLUSION

The pilot survey at Kirklees was successful in compiling a list of listed buildings and identifying those at risk. But from the testimony of Woulds, the Council had not been able to monitor these buildings, the next intention of the register. In fact Woulds admitted that they would not be able to carry out another survey as effectively as the pilot survey without similar help. Therefore, even after adopting and compiling the register, there was still the problem of carrying out the next stage of the register, namely, its monitoring. The most obvious contributory

factor to this problem in Kirklees was still the lack of staff and time to carry out the inspection of these buildings for the monitoring stage.

Another revealing finding for undertaking a buildings at risk survey besides those expressed in Kirklees can be seen in the case of Mendip District Council. The finding was expressed by Terence Dear as (Context No. 33, March 1992);

It must be said that the Survey has not so far identified any Buildings at Risk which were not already known to the CO and his staff. This may not be the case when the Survey is extended to rural areas, especially those parts which a CO does not always reach!

Neither can one justify the time and money spent so far, if the data collected are used only to furnish English Heritage with the basis of a national register. Both the Survey itself and the database must be of direct use to the District. As already mentioned, I was able to include in my final report my impression of the urban form and building stock of each town. I was also able to keep a note of the unsympathetic alterations to the listed buildings I surveyed. This is the first time that the scale of the problem has been accurately assessed; I suspect that many planning authorities are in the same position as Mendip, with insufficient resources to monitor the stock of listed buildings effectively.

Apart from the apparent scarcity of finance and manpower, this chapter

highlights;

- 1) the positive promotional actions of the local buildings preservation trust,
- 2) the gainful use of MSC labour, and
- 3) the defeatist views of the Mendip employee.



## **CHAPTER FOUR**

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### **4.0 CONCEPTS AND IDEAS OF OBSOLESCENCE**

#### **4.1 INTRODUCTION**

The understanding of the concepts and the idea of obsolescence is important in this study. The degree and state of obsolescence may be directly or indirectly related to the 'at risk' factor, the topic of this study. Obsolescence is one of the stages in the process of change that affects the conditions of the fabric "before it reaches exhaustion" (Lichfield, 1988, p. 21). The next stage is rehabilitation, that

is renewal then redevelopment, the replacement of the fabric by new construction. Objections and resistance may occur to the type of renewal or new construction proposed (Lichfield, 1988, p. 21). This is because they may conflict with the objectives of conservation. On the other hand, the principles of conservation widely stated have their own set of renewal or intervention programmes, governed by their own principles, such as a good maintenance programme, prevention of deterioration, preservation, consolidation, restoration, rehabilitation, reproduction and even reconstruction (see Appendix V for further details).

There have been several authors who have looked at the concepts and ideas of obsolescence directly or indirectly. Of these, five are relevant to the study.

They are;

1. NUTT, Bev et al (1976) Obsolescence in Housing. Hants, Saxon House/Lexington Books.
2. NUTT, Bev and SEARS, Dan (1972) Functional Obsolescence in the Planned Environment. Environment and Planning, vol. 4, p. 13-29.
3. LICHFIELD, Nathaniel (1988) Economics in Urban Conservation. Cambridge, Cambridge University Press.
4. GREATER LONDON COUNCIL (1977) Conservation in Spitalfields. London, Greater London Council, Department of Architecture and Civic Design.

5. WESTHAGEN, Milton Horace (1945) A Theory of the Obsolescence of Buildings: its Relation to Public Finance, Education, and Other Services of the Community with Special Reference to Chicago. PhD dissertation, Evanston, Illinois, Northwestern University.

As early as 1917 (Nutt et al , 1976), the need for a comprehensive study or research into obsolescence started to emerge. According to Westhagen (1945, p. 5) people with different standpoints, for example the public finance adviser, the economic adviser of the Federal Housing Administration, the associate editor of the Architectural Forum, and the educational research director, had voiced their concern over the lack of study and research done and urged that more should be carried out in this field.

## 4.2 CAUSES OF OBSOLESCENCE

Nutt et al (1976, p. 56) had identified four sets of factors that contributed to the process of obsolescence.

1. Internal factors which concerned the "spatial, facility, physical, and tenorial characteristics of the stock,...." and ".....the socio-economic character of the inhabitants".

2. External factors (due to location) which concerned the "employment availability, proximity of transport, shops, schools, social amenities, leisure facilities, environmental nuisances etc".
3. Circumstantial factors which arose "out of the nature of local housing markets".
4. The effects of "national economic circumstances, housing legislation, politics, policies and procedures".

According to Westhagen (1945, p. 122) the causes of obsolescence were due to;

1. Movement in Population: a change in population would "lower the effective demand for the use of existing building structures....".
2. Shift in Neighbourhood Function: this shift was the result of "the expansion of functions from one neighborhood [sic] into others, or from movement of functions without growth or expansion". When this shift happened, "the existing structures of the invaded area" might not be suitable for "the new uses demand", thus making them obsolete. "The structures of the areas from which the shifts originated were not affected when a growth of functions, without change, instigated the expansion. Otherwise, they lost a portion or all of their previous utility, and were subjected to different functional uses, or became obsolete".
3. Location:<sup>1</sup> another cause of obsolescence could be "misplacement of the supply of buildings in relation to effective demand....".

4. Increase in the Value of Money: The values of building structures were normally expressed in terms of cost and so were the three causes of obsolescence mentioned above (1, 2, and 3). They "have been expressed in lowered prices of building structures through decreased effective building structure demand and through increased building structure supply". Westhagen (1945, p. 134) explained further that lowered market prices not caused by supply and demand changes still experienced obsolescence because of "an increase in the value of money to building structure buyers".

The Greater London Council (1977) conservation study on the other hand, did not state the cause of obsolescence that had affected the area of Spitalfields. The study did however mention that "...all the foregoing types of urban obsolescence affect individual buildings in the area to a varied extent, recent changes in the economic climate have resulted in an unusually intractable state of dereliction and decay" (GLC, 1977, section 2.4.3: Speculation and Decay).<sup>2</sup> This study, however, identified the types of obsolescence that could affect buildings. They were categorised under tenant, functional, rental, condition and structural obsolescence, and the state of decay.<sup>3</sup>

Lichfield (1988, p. 23) identified four states of building fabric at any one particular time which also show the causes of obsolescence related to them.

1. Physical or Structural Deterioration: "The fabric has deteriorated through time, weather, earth movement, traffic vibration, poor maintenance, etc. so that it needs repair and improvement beyond that offered by normal ongoing maintenance...".
2. Functional Quality: "The fabric is no longer suited for the function for which it was designed, or is used, in accordance with contemporary standards or requirements of the occupier or potential occupiers...".
3. Locational change: Locational obsolescence started when there was a change in the demand in "relation to the links with the surroundings".
4. Environmental Unsuitability: Environment created in the past may not suit the present life styles when there were bound to be social and economic changes over the years, and the fabric should be suitable "for the needs it served".

Lichfield (1988, p. 24) went even further to point out that all these causes of obsolescence could in turn be the result of government action and gave these examples;

physical: stipulating minimum standards in new construction will defer obsolescence while the imposition of rent control (reducing the prospects of repairs by the landlords) will advance it;

functional: imposition of standards in planning control over the internal and external layout of

new developments could defer obsolescence, but could advance it where there is restriction on forward looking design which proves to be acceptable in the future;  
locational: planning controls which tend to ensure that new development is well located in relation to its needs will clearly defer obsolescence;  
environmental: environmental control will defer obsolescence through nuisance by ameliorating poor conditions as they arise.

When the causes of obsolescence by Westhagen (1945, p. 122), Nutt et al (1976, p. 56), and Lichfield (1988, p. 23) are studied closely, there are similarities. For example the locational causes are similar, although the emphasis and reasoning behind each cause may be different. For Westhagen (1945, p. 122) the cause of obsolescence was that the building was not correctly located in relation to demand for such a building, while Nutt et al (1976, p. 56) see buildings and obsolescence in relation to the availability of employment, and proximity to school, transport, shops, social amenities, etc. Lichfield (1988, p. 23) on the other hand, showed that when the fabric is no longer suitable for the function it was designed for, then the building would become obsolete. As far as the population factor is concerned, Westhagen's (1945, p. 122) concern was with the movement of the population, while Nutt et al (1976, p. 56) and Lichfield (1988, p. 23) were both talking about the changes in the life-styles and or characteristics of the population that caused the obsolescence. Another similarity can be seen in terms of the changes in the economic situation as one of the causes for obsolescence (Nutt et al, 1976), while

Westhagen (1945) showed the cause to be the decrease in the value of money.

The reason for these differences in emphasis could be the result of events and situations that actually occurred during that period. Westhagen wrote his Ph.D thesis in 1945, Nutt et al in 1976 and Lichfield in 1988, when the political, social, economical, financial, and behavioural situations were different. Thus the emphasis and causes described relate to financial, social and environmental factors at their respective times.

### **4.3 DEFINITIONS**

Different authors may define obsolescence quite differently. For a better understanding of the concepts and ideas of obsolescence it would be beneficial to look at the definitions and descriptions used.

As Nutt et al (1976, p. 5) put it "building obsolescence refers to the degree of 'uselessness' of a building relative to the conditions prevailing in the population of similar building stock as a whole. The relative degree of 'uselessness' will be assessed by the building occupants, the property market, the public, or the planner...". Therefore, obsolescence to Nutt et al is a subjective and relative term.



Lichfield (1988, p. 22) on the other hand, made no attempt to define obsolescence. In fact he quoted and used the same terms used by Nutt et al. The terms used are 'obsolete' to express the 'terminal state', while 'obsolescence' is regarded as a 'relative term' or a 'transition' towards that state. The definitions by Westhagen (1945, p. 9) were based on the principles of real estate practice and assessment and he adopted the tax assessors' definitions of obsolescence and depreciation.

Westhagen (1945, p. 9) defined some of the terms as;

Depreciation is the disappearance of utility and consequently, the falling of value through the action of physical deterioration. Obsolescence is the process of losing utility and a consequent falling of value from any cause other than physical deterioration.

Nutt et al's (1976) definition emphasised the 'uselessness' of the building. Westhagen on the other hand determined the cause for the loss of usefulness and the fall in value as a result of any cause other than physical deterioration, while the definition of 'at risk' in this study is that of neglect and decay in relation to the condition of the fabric of the building and to the nature of its occupancy. The risk could be caused by a combination of factors. Even if building structures could survive indefinitely due to improvement schemes, risk and failures could still occur "because

of lack of maintenance and replacement" (Westhagen, 1945, p. 120).

There are some similarities in the definitions of building obsolescence and buildings at risk. Both building situations are assessed in relation to the condition of the building and to an extent by its occupancy. The area of similarity referred to is the degree of obsolescence or the degree of uselessness of the building. In the 'at risk' situation, obsolescence had started at some point due to the action of neglect. This introduced the element of decay into the building as a result of 'reaching' the state of obsolescence, thereby creating the 'at risk' situation in the building. It is also not possible to measure and determine the degree of obsolescence that started the process of risk. As Nutt et al (1976) pointed out, the degree of obsolescence is relative and arbitrary. In an attempt to answer such questions, attention was drawn towards the concepts (section 4.4) and the ideas (section 4.5) of obsolescence.

#### **4.4 CONCEPTS**

The investigation and examination of obsolescence inevitably involves the formulation of the concept of obsolescence. The various concepts introduced by Westhagen (1945), Nutt et al (1976), and the GLC (1977) were rather vague. They lacked an explanation of how and why the concept evolved in each case.

The concept of obsolescence introduced by Nutt and Sears (1972, p. 14)

emerged as a result of two questions.

First, in what ways were the physical attributes of the planned environment and the behavioural attributes of the social environment interrelated? Second, what were the critical conditions in these relations that determine whether the degree of functional obsolescence was increasing or decreasing?

Basically the concept expressed the "degree of uselessness in terms of the mismatch between the physical provisions of [P] and the behavioural requirements of [B]" (Nutt and Sears, 1972, p. 15). The concept is therefore represented by;

- a) the behavioural system [B] - defined by the vector of measurable behavioural attributes of the system. It included the number, duration, and frequency of the activities comprising the system: it described the relationships between activities and the number and type of people involved.
- b) the physical system [P] - defined by the vector of measurable physical characteristics of the container, its size, condition, subdivisioning, spatial arrangement, the services, and environmental standards that it provides.

If [M] represents the potential mismatch or partial failure between the behaviour system and its physical container, then,

$$[M] = f([P],[B])$$

Nutt and Sears (1972) considered the study of obsolescence to be concerned with the changing relationship between these vectors [P] and [B].

Problems arise when considering how to use Nutt and Sears' theory of obsolescence in this study of buildings at risk. Both the behavioural and physical systems are too generally defined. Under the behavioural system one of the measurable attributes identified is 'activities'; but what exactly are these 'activities'? They are not defined in their book nor in their article. The same question applies to the term 'physical characteristics' identified under the physical system. It is therefore not possible to employ the equation  $[M] = f([P],[B])$  when the vectors representing [P] and [B] cannot be given closer definition or any quantitative value.

This concept of obsolescence also took into consideration a series of interrelated changes in the social, physical, environmental, economic and political situation, besides focusing on two other aspects of obsolescence, that is "....the notion of constraint and the notion of response...." (Nutt et al, 1976, p. 36)<sup>4</sup>. The wide range of variables and factors involved make this theory complex and impractical to use with respect to the present study and considerable modification would be needed to suit the appropriate categories and variables in this study. In doing so the originality of the whole theory would become lost, thus changing its whole concept if different variables and factors were used in place of the original variables and factors introduced by Nutt et al. The emphasis of this dissertation is not on obsolescence but on buildings at risk which is a stage after obsolescence has started. The case studies

investigated in this dissertation have been directly concerned with 'at risk' rather than obsolescence. Besides, the variables and categories used might not be the same as those used in Nutt et al. Therefore, it would be inappropriate to use their concept of obsolescence.

In another attempt to develop the concept of obsolescence, Westhagen (1945) introduced a method of measuring the obsolescence of building structure. It used a method of unit cost based on costs per square foot or cubic foot. Westhagen (1945, p. 134) gave an example:

if the construction cost of a given building has been computed at \$10,000 and the current condition of the building has been estimated to be '50 per cent good', its valuation would be \$5,000.

This method was criticised for theoretically resting "...on the assumption that building values are determined by the cost of construction...." (Westhagen, 1945, p. 134). At the end of his thesis, Westhagen (1945, p. 175) lays down a set of "theory of obsolescence of buildings", and the application of this to the community in relation to his study (see Appendix VI). Some of these theories, (numbers 1, 3, 4, 5, and 6) may be employed to argue or to emphasise certain points in this dissertation.

Theory 1 shows that "...building structures had an indefinite physical life"; but whatever their lifespan is, maintenance is needed whenever "...the building structure warranted replacement ..." (theory 3). On the other hand, the degree of maintenance required will depend on the demand made on the new use of the building structure (theory 4). These three theories (1, 3 and 4) are the main considerations in the conservation of listed buildings; that is to maintain, restore, and find suitable use for these buildings, in order to prevent them from becoming dilapidated and demolished. If these buildings were neglected and became dilapidated, they would eventually be demolished to be replaced by new developments.

This scenario corresponds to theory 5 which states that " building obsolescence corresponded to building misfortune...". While theory 6 states the causes of obsolescence were the result of "...movement in population, shift in neighbourhood function, overbuilding, and increase in the value of money." Not all these causes are directly true for all the cases of listed buildings in this study. Obsolescence was the result of a collection of several different causes. The rest is not applicable to this present dissertation. Theory 9 is related to the study in Chicago, while theories 2, 7 and 8 lie outside the scope of present discussion.

The approach of the Greater London Council in Spitalfields differs from that of Nutt et al, and Westhagen. Its aim was to identify and describe the various factors that contributed to the decay of individual buildings and then develop a programme (priorities for action) to deal with the most urgent cases.

In order to determine the 'priorities for action' a visual survey of existing buildings was required to record architectural interest, use, and the state of repair. The purpose of this action was to identify buildings in order to prevent further decay and disrepair before a programme of rehabilitation could be established. The method adopted was based on arithmetic quantification of "identifiable aspects of the present condition and importance of the buildings" (Greater London Council, 1977, section 3.1). The factors representing the priorities for action are expressed as:

H - index of architectural interest

U - index of use (the results of the classification by use and density of occupation (persons per building))

R - index of repair (the figure which represents the magnitude of work required of different houses to be compared with one another.)

The combination of these three indices will indicate the hierarchy of priorities, building by building (Greater London Council, 1977, section 3.2.7).

D - index of decay which is expressed as  $UR/10$

Therefore,

$$\text{Index of Priority} = \log D \times H \times 10$$

The GLC recognised the limitation of this calculation. The calculation is to some extent arbitrary because it depends on the degree to which each index is weighted. However it argued that the determination of broad bands of priority obtainable by the simple multiplication of the three indices was adequate for the purposes of preliminary findings, and the priorities thus established could be further

modified and refined by subsequent detailed analysis (Greater London Council, 1977, section 3.2.7).

This approach is more hopeful as a starting point to obtain a hierarchy of priorities. It would appear that the GLC formula has greater potential for application except for one obstacle; that is obtaining the 'repair index'. Such an exercise, however, is beyond the scope of this present dissertation. The process of obtaining the repair index involves the assessment of the structural condition and the comparative cost of repair. The structural condition is assessed using one of the five categories proposed; that is, good, fair, mediocre, poor or hopeless, while the comparative cost of repair " ...enables the magnitude of work required to different houses to be compared with one another...." (Greater London Council, 1977, section 3.2.6). The steps involved to obtain comparative costs of repair are complicated and time consuming.

Lichfield on the other hand, makes no attempt to introduce any new concept of obsolescence. He did however quote Nutt et al on the concept of 'mismatch'. In fact, Lichfield found one of the concepts reviewed by Nutt et al useful (Lichfield, 1988, p. 22). This concept concerned the state and causes of obsolescence: that is, physical or structural deterioration, functional quality, locational change, and environmental unsuitability. Lichfield seems content to accept the concept of obsolescence introduced by Nutt et al (1976 p. 22).



For our purpose we find it more useful to use one of the concepts in the review just mentioned because it was devised for conservation.

#### 4.5 IDEAS

In this dissertation, the ideas of obsolescence are based on those introduced by Nutt et al, Medhurst and Lewis, Cowan, Lichfield and Westhagen.

These are:

1. Relationship between Age and Condition: In one of the reviews of concepts between 1917 to 1969 by Nutt et al (1976, p. 9) he stated that several regression analyses were undertaken from the 1950 United States census data "to investigate patterns in the prevalence of substandard housing". The aim of these exercises was "to directly correlate poor building conditions with age". The results, however, were found to be "statistically inconclusive" (Nutt et al, 1976, p. 9).

According to Nutt et al (1976, p. 10) "the hypothesis that the physical condition of a building deteriorates with age is the basis of one of the most important theoretical approaches to the study of obsolescence". Nutt et al (1976) showed that in the early sixties, Little (1964a, 1964b) tried to simulate the physical condition of San Francisco's housing stock at two-yearly

intervals using a 'condition ageing' submodel. The simulation used five categories of physical condition ranging from a "state of good repair" to "demolished". This condition ageing model was criticised, for (Nutt et al, 1976, p. 10);

- a) being limited in the scale of categories. As a result of handling large volume of data, it was felt that the model should employ very "simple mathematical technique" and a limited "number of occupancy classes and condition categories".
- b) being dependent on a particular theory of physical decay which led to a gross oversimplification of the issue involved. The approach was based on an attempt "to adapt a theory of physical decay developed in the physical sciences, to the market for housing".

2. One idea that most authors agree on [Medhurst and Lewis (1969), Cowan (1963), Lichfield (1988), and Nutt et al (1976)] is the fact that functional obsolescence generally precedes structural obsolescence, and that much of the building stock has been demolished long before it has reached a state of irreversible decay. Medhurst and Lewis (1969) viewed obsolescence as a function of human perception and decision. For example, tenant obsolescence occurs when the tenant decides that he will gain in total satisfaction by moving out of a given building. Another study was conducted by Cowan (1963) on growth, change, and ageing in buildings. Cowan had investigated the relationships between the changing size and functions of organisations and the

buildings that they occupied. The concept of functional obsolescence employed in these studies concerned the relative ability of buildings to support effectively the activities or functions that they contained as those activities and functions changed.

3. Westhagen (1945, p. 116, p. 175) believed that no amount of "technological developments" in "building equipment" would prolong building life-spans. It was "periodical rehabilitation" to suit new uses and maintenance that could prolong the actual building life-span. Lichfield (1988) regarded rehabilitation of a building as taking place when work was required to overcome at least some of the obsolescence, such as structural and functional obsolescence.
4. Lichfield (1988, p. 132) regarded a site to be economically obsolete when the value for a new redevelopment is higher than the current use, even if the building on the site is not economically obsolete. As a result of this concept, buildings which were considered not obsolete (and not economically obsolete) were simply demolished just "...for the purpose of replacing them with new stock".

## 4.6 CONCLUSION

As far as the concept of obsolescence introduced by the various authors is concerned, none of the formulae used in these studies appears directly usable in this present dissertation. Of them all, the formula devised by Nutt et al (1976), would most likely be appropriate for use by local authorities because it is workable. However, the process of applying this concept would be tedious and long. The variables and factors involved in the concept require the local authority to gather a considerable amount of information in order to use this concept. The success of applying this concept into use therefore depends very much on time and the ability to collect all the relevant variables and factors required.

As far as the GLC formula is concerned, it appears to have the greatest potential for investigation and application for buildings at risk, provided adequate information on structural condition and cost about the buildings can be obtained. Lichfield focuses on the economic aspect of conservation not attempted by Nutt et al (1976). He introduced economic analysis of obsolescence from an economist's point of view (Lichfield, 1988, p. 132). Lichfield provides wide coverage of the subject of urban conservation, but provides no particular insight into the subject of obsolescence. Of all these different studies, the GLC's seems to be the most relevant to this thesis.

## FOOTNOTES

1. Westhagen (1945) used the term 'overbuilding' for this sub-heading, which was intended to imply 'ill placed' building. The suitability of the term 'location' seems to be more accurate than 'overbuilding'.
2. The GLC study (1977) report has no page numbering.
3. The definitions used in this report (Greater London Council, 1977) of the types of obsolescence, were quoted from Medhurt and Lewis (1969).
4. Nutt et al (1976, p.38) defined constraint as "a comparative concept involving at least two different states or conditions". Nutt et al made no attempt to define "the notion of response".

## **CHAPTER FIVE**

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### **5.0 METHODS AND DEVELOPMENT OF FIELDWORK**

#### **5.1 BACKGROUND**

In the process of developing a methodology for this study an initial decision had to be taken as to its focus. Initially it was decided that the area of study should concern "the risk of disrepair to listed buildings and subsequent actions by local authorities using the repairs notice procedure".<sup>1</sup> The emphasis in this initial proposal was to relate disrepair to the use of repairs notice procedures. This was

obvious in the proposed selection of the initial twenty-four (24) case studies. The buildings proposed were those that had been included in the registers and had been subjected to repairs notice procedures.

However, it became evident that it was not possible to relate disrepair to the use of repairs notice procedures because not many buildings in the register had repairs notice procedures actually issued on them. This conclusion was drawn following a series of practice visits to several conservation officers in local planning authorities to clarify the field of research. The conclusion can be substantiated with the results of the pilot survey carried out after these visits. Pilot questionnaires were sent by post to the five local authorities visited (see Appendix VII): Hampshire County, Derbyshire County, Essex County, Cambridgeshire County, and Kirklees Metropolitan District Councils. The answers to questions 2 and 4 of section B (repairs notice) are as summarised in table 5.1.

Local authority	No. of R.N. issued (Q2)	R.N. leading to CPO (Q4)
Hampshire C.C.	10	0
Essex C.C.	less than 10	0
Cambridgeshire C.C.	0	0
Kirklees M.D.C.	1	0

**Table 5.1 Repairs Notices**

It was obvious that the use of repairs notice procedure was inconsistent between different local authorities and was not readily used. The conservation officers had admitted some difficulty in trying to remember and locate the number of repairs notices issued and the number that led to compulsory purchase order (CPO). They would find it difficult if they had been asked to find the number of repairs notices served over a longer period (for more than five years).

Repairs notices were used only as a last resort because of the implications of their use. Under this statutory power, that is section 114 - 117 of the Town and Country Planning Act 1971, the council is required to compulsorily purchase a building if the requirements of the repairs notice are not carried out (Circular 8/87, p. 41). This condition was not readily acceptable because, firstly, the local authorities did not want to buy properties every time repairs notice procedures were used. Secondly, these properties were not easy to put on the market subsequently. There were simply not enough listed buildings with these variables. It would be a formidable task to try to find enough buildings for the case studies with the required variables to satisfy establishing a relationship of disrepair with the use of the repairs notice procedures.

This proposal was therefore revised. The repairs notice procedure is itself one area of research. The area of study decided upon concerns mainly the risk of disrepair to listed buildings and buildings in conservation areas, and the subsequent actions by local authorities.<sup>2</sup> The 'actions' in this case refer to any action the local



authorities might take with regard to disrepair. In this revised proposal, the emphasis on specific actions 'by the local authorities using the repairs notice procedures' was omitted since it was too restrictive. Thus the buildings selected for the case studies were not simply constrained to those that had gone through the repairs notice procedures. Consequently, the objective of the investigation shifted to examine the main causes of disrepair and the ways in which buildings at risk registers were compiled and used.

### 5.1.1 Pilot Survey

The original intention of the pilot survey was to determine the level of response, to find out if certain information existed, and was accessible, and whether the sources of the data could be traced. The pilot survey, however, showed that certain buildings, especially those connected with repairs notice procedures were scarce or sometimes unknown to the conservation officers. The conservation officers admitted that they do not have the time to check the facts, which involves going through all the files and records. The information given was mainly based on memory, and as a result, the reliability of the answers was questionable.

On the one hand, the study required detailed answers to some questions which dealt with general matters concerning conservation policy and practice. These questions were not included in the questionnaire because they required time and careful thought before a precise and satisfactory answer could be written down. This was time-consuming for the officers and was therefore considered to be inappropriate for this type of data collection. This survey method was still inappropriate for the study even after the change in the proposal. Because of limitations and the need for more detailed information the use of this questionnaire had to be abandoned.

## 5.2 METHOD

Two different approaches were used in developing the methodology for this study: the descriptive and historical. Under the descriptive survey method, two distinctly different research methods were used. Firstly, a case study method was adopted to assess the use of the buildings at risk register as opposed to those buildings not on the register in tackling disrepair, and also to assess whether stronger central government support was needed for proper enforcement of repairs. This provided a means of testing the efficacy of the buildings at risk register system. Secondly, interviews were conducted with officers from the local authorities and English Heritage concerning conservation policies, specifically the buildings at risk policy, and conservation in practice, in conjunction with viewing documentary records

(case files of case studies). The search for the main information was based on the case files whose approach was derived from the historical survey method. The historical method of investigation was used to ascertain past actions and decisions and to compare these with recent actions and decisions about the demolition or restoration of buildings at risk.

### **5.2.1 Case Studies**

The case studies used in this study are of a selection of individual buildings. However, the local authorities within which the case studies were selected became the subject of subsequent study. The buildings represented different variables and categories, while the county councils represented a cross-section of wealthy and less wealthy counties. The aim was to try to give a comprehensive picture of the buildings at risk situation in the country generally. At the same time the local authorities presented a comparative study which offered a more detailed and informed contrast between those authorities who adopted the register system and those who did not.

A total of twenty-four buildings, of three different categories, were selected as case studies. They were from four local authorities, namely Derby, Leicester, and Portsmouth City Councils, and Wiltshire County Council. The buildings were eighteenth to early nineteenth century dwellinghouses. This period was chosen for two reasons. Firstly, buildings of any earlier period are mainly Grade I and exceptionally good Grade II\* listed buildings. Therefore they were sufficiently and adequately taken care of. However, buildings within this period, especially those of later eighteenth to early nineteenth century, were a mixture of a small proportion of Grade II\*, but largely Grade II listed buildings, unlisted buildings in the conservation areas, and local buildings which were considered historically and or architecturally important. The ambiguity of the status of these buildings in terms of their importance and contribution towards their position with respect to conservation could result in their neglect, and eventually their inevitable demolition. Secondly, most Grade I and Grade II\* buildings are monuments and manor houses, which are not the type of buildings considered in this study.

The selection of the case studies was based on four factors. The first consideration was a considerable distance from London, thus avoiding London influence in terms of wealth, management and administration. Second, the case studies selected were of similar building type and categories. Buildings of eighteenth to early nineteenth century dwellinghouses in the categories of demolished, restored, and at risk were chosen. Third, two of the local authorities, representing half of the case studies, were selected to represent those that used buildings at risk register and

another two who did not. This was to provide a means of comparing and testing the efficacy of the buildings at risk register. Fourthly, they were selected in relation to their economic standing, which directly or indirectly influenced the present conservation situation of the local authorities. In an attempt to find a reasonably good sample to represent a cross-section of the local authorities, with and without a buildings at risk register, an economically wealthy local authority and a less economically wealthy local authority with a register were chosen for this purpose. The next step was to find comparable local authorities without the register with proportionate economic status, but most importantly consisting of similar building types within the same region. Thus Trowbridge and Leicester (local authorities without a register) were chosen to compare with Portsmouth and Derby (local authorities with a register) respectively.

### **5.2.2 Selection**

Each local authority was represented by six buildings. These buildings were in turn selected according to three different categories. They were:

- a) buildings that were at risk before being demolished,
- b) buildings that were at risk before being restored, and
- c) buildings that were still at risk at the time of survey.

The term 'demolished' used in the first category means buildings that had been totally or partially demolished as a result of disrepair due to neglect. The buildings (case studies) selected under this category were either totally or partially demolished buildings. The term 'total demolition' is more straightforward than 'partial demolition'. A totally demolished building means that the whole structure of the building had been completely pulled down and its old site could either be an empty space or a new building or some other kind of development. However, in a partially demolished building only the facade remained, or of the whole building only a foot of the walls/structure above the ground remained, or only the ground and first floors remained while the rest of the wall and roof had been demolished. What was left of the building could not be termed as 'a usable building', but one requiring reconstruction to incorporate what was left of the building into a new development.

As far as the principle of conservation is concerned, partial demolition still does not lead to restoration since the future development requires new intervention in its development. Half of the case studies selected under this category were partially demolished and the other half were totally demolished buildings. Partially demolished buildings were considered and categorised by the conservation officers as being demolished, and in their opinion monitoring the redevelopment of these buildings was an even harder task.

Under the second category, 'restored' buildings means buildings which have gone through a complete process of repair in order "...to revive the original concept or legibility of the object...."<sup>3</sup> (building). The degree of risk in which the building was originally was not considered during the selection of this category at all.

The 'at risk' category in this study refers to buildings that were considered to be at present in a state of disrepair, decay, and neglect (Brand, see Appendix IV) at the time that they were entered onto the list. Once again the degree of risk was not taken into consideration during the selection of the case studies.

Two buildings were chosen for each of the three categories in order to obtain a clear picture of how each of these categories of building was treated and taken care of. The study evaluated and analysed the sequence and interrelationships of the actions and decisions of the local authorities when dealing with these cases. The aim of the survey was then to construct a comprehensive and integrated picture of the actual buildings at risk situation.

The selection was made through recommendation from the conservation officers in the selected local authorities. This method of selection had its advantages and disadvantages. One of the advantages was that the officers concerned knew the buildings and the area under the local authority well. Thus they were able to suggest good examples of buildings which were within the variables required. These officers had been working in their respective local authorities for over ten years and these

buildings were either wholly or partially under their control. It would have taken a very long time, if possible at all, to select a good sample without the help of these officers, even with files and records available. One disadvantage was that heavy reliance had to be made on the officers not only to remember certain buildings, especially those that had been demolished years ago, but also to give accurate information about them, before selection could be made. Despite this, it was not possible for the officers to recommend buildings that were not under their jurisdiction and beyond their period in office.

It was not an easy task for the officers to find three or more examples of each of the categories for selection, because they needed to remember which buildings fell under what categories and under which variables. For about forty percent of the case studies it was difficult to find suitable buildings with the right categories established. Before the final selection (of the case studies) could be made, about two to three visits had to be made to each local authority.

During the initial survey only eighteenth century dwellings were sought. As a result of the difficulty of finding buildings with the required variables and categories and a lack of buildings that fell within this period, the period was extended to the early nineteenth century. The relationship between the variables and categories are shown in table 5.2.



Register	Local authority	BAR category			Total no. of building
		demolished	at risk	restored	
with BAR	Derby	2	2	2	6
	Portsmouth	2	2	2	6
without BAR	Leicester	2	2	2	6
	Trowbridge	2	2	2	6
Total no. of buildings		8	8	8	24

**Table 5.2 Case Studies**

### 5.2.3 Sample Size

The selection of the sample was determined and weighted against;

- a) selecting fewer local authorities that have more buildings for case studies or,
- b) selecting several local authorities that have less buildings for case studies.

The first option (a) was adopted for several reasons. Firstly, taking more buildings for case studies from a local authority would present a more conclusive picture of the actual situation compared to a single case study. The difficulty of finding more local authorities with the required variables, categories and a number of buildings as case studies were among other reasons for adopting this option. At the same time it was felt that it was more important to gather more case studies to reflect the actual buildings at risk situation rather than getting more local authorities involved in this

study. Working within a limited time period inevitably influenced the number of case studies handled. It was felt that selecting six case studies from each of the four local authorities, thus making twenty-four case studies in all, would be sufficient, bearing in mind too that the amount of data to be collected and later analysed, plus the number of variables involved, add to the complexity of the study.

#### **5.2.4 Method Used**

The type of data collected is mainly qualitative, and based on documentary records (case files) obtained from the case studies identified earlier. The primary source of these data was the case files from each of the twenty-four individual case studies. These case files consisted of letters from various officers in the local authority, the owner, the historic building societies, and other interested individuals; minutes of site meetings, development control meetings, and other departmental meetings; applications for planning permission and listed building consent; memoranda; newspaper cuttings; and file reports and notes written by the officers in-charge of those buildings. The secondary data were mainly from official reports and books, such as the structural condition reports submitted by independent engineering consultants on behalf of the owners, and by the building inspectors for English Heritage or the local authority.

During the selection of two of the samples (case studies) in Derby, this study had to rely on information from a book written by a local author before primary data could be traced.<sup>4</sup> There were not many examples in this book that could be chosen as case studies. Most of the buildings featured were either not within the period selected or their use was stated as unidentified. However, for those buildings within the required variables, there was a lack of information, and most of the facts in the book were gathered through secondary sources.<sup>5</sup> According to Craven, the author (1987, p. 8)

If the text lacks some basic information, especially insofar as the use and layout of this type of house is concerned, it is because a study of this type of house has not been previously made, to my knowledge at least.

The other means of collecting data was through interviews with conservation officers in the local authorities and English Heritage. The data collected was mainly on conservation policies, procedures, process and practice in general, and on buildings at risk specifically. Some of the information sought was on the perception of risk, work load, availability of man power, the extent to which statutory powers to get repairs and restoration done on buildings was used, and on financial aid. These interviews were conducted at the beginning and at the end of the visit in order to clarify certain information.

### 5.3 PROBLEMS AND LIMITATIONS

The variables involved in the selection of case studies and local authorities had inevitably presented methodological problems. The assumption made was that all the local authorities selected had enough at risk listed buildings and unlisted buildings in conservation areas with the required variables and categories to be selected as case studies. It was impossible to establish every detail of the variables required in both the local authorities and case studies (the buildings) selected through the process of elimination before making the final selection. This process was certainly not practical because of time constraints.

This study relied on recommendations and advice (from the supervisor and several conservation officers) to find the most appropriate and suitable local authorities for the study. It was later found that in Derby there was difficulty in finding two demolished listed buildings which were within the category required in the study. The difficulty was due to the absence of case files and reports on such buildings. There were several examples of demolished buildings which the conservation officer could give but this was not enough without case files or reports to substantiate the information.

Attempts were made to obtain records or files on these buildings from other departments in the city or the county council, such as the legal, planning, and road and transport departments. However, the feedback received from these departments was not encouraging. It seems that either files could not be found about those buildings or that it would take the departments some time to locate them, if the records actually existed. The alternative was to select buildings of this category that had some secondary data, or to select an entirely new local authority that used some sort of register, to replace Derby City Council. This would mean going through the whole process of selection all over again and at the same time abandoning all the information that had been gathered on the other four case studies (two restored buildings and two at risk buildings). The first alternative was chosen, given the limited time period for the study and the time already spent on travel and data collection on the other four case studies.

These problems arose for several reasons. Firstly, Derby's records were destroyed in 1841 in a fire. Whatever records survived the fire were later destroyed, together with many new records, in a flood in 1952. Thus Derby City was very short of files and records of historically and/or architecturally important old buildings. The second reason was the negative attitude of the local authority in Derby in their building conservation policy. According to the conservation officer,<sup>6</sup> building conservation was not taken seriously before 1968. At the same time there was no conservation officer appointed to take care of these buildings. Inevitably, attitudes towards buildings at risk were less sympathetic. Consequently, 'deteriorated' and

'neglected' buildings were merely used as an excuse for demolition to make way for any new development, especially the new ring road development (see Appendix XIV, case history [D3]). The impact of large scale indiscriminate destruction of historically and/or architecturally important buildings and listed buildings during this ring road construction, plus the introduction of the new Civic Amenities Act 1967, which affected certain improvements in the control over listed buildings, increased the pressure for a change in the attitude of the local authorities to conservation. Since then (that is after 1968), no listed buildings and historically and/or architecturally important buildings have been demolished unnecessarily, and at the time of survey, a comprehensive compilation of files and records on listed buildings is being produced.

The other problem faced during this study was in obtaining initial permission from the respective local authorities to allow the examination of the case files and records. It took several visits (on average three to four times) before the detailed survey could be carried out. Except for Portsmouth City Council, accessibility to case files and records, and the process of data collection in other city and county councils, progressed smoothly. In Portsmouth, when access was eventually obtained, there was still constraint as to the number of case files and records accessible for inspection. One of the reasons for these constraints was the confidentiality of some of the material in the files and records. There was no way of knowing how much information was confidential. Extraction of relevant information by handwritten note was the only means of obtaining information, and this was done

whilst under close supervision from the officers concerned.

Consequently, the question remains whether this study would be affected by greater access to this material.

## Footnotes

1. MPhil proposal to CNAА, 31.1.89
2. MPhil to PhD transfer proposal to CNAА, 9.11.89
3. FEILDEN, Bernard M. (1982) Conservation of Historic Buildings. London, Butterworth
4. This study had to rely on secondary sources to select case studies that had been demolished since the conservation officer could not recommend any building of this category. This selection was based on a book by; CRAVEN, M. (1987) The Derby Townhouse. Derby, Breedon Book Heritage
5. Interview with: Craven, M.; Derby Museum; 3.9.90
6. Interview with: Rennie, G.; Principal Urban Designer, Derby City Council; 19.2.90



## **CHAPTER SIX**

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### **6.0 EXPLANATIONS AND ANALYSES**

#### **6.1 INTRODUCTION**

Twenty-four buildings of three different categories (restored, at risk, and demolished), originally dwellinghouses, were selected as case studies. The analyses of these case studies aimed to examine how, why, and what had contributed towards the buildings being at risk. Next, it analysed the number of buildings at risk that were restored and demolished, and examined the circumstances that led to their demolition.

Through these analyses attempts were also made to find the answers to certain key questions. They were;

1. Who were the key decision makers?
2. How strong a role did finance play in making decisions about which buildings end up on the list of being at risk?
3. Were there any key architectural and or historical factors which led to positive or negative decisions?
4. What were the perceptions of the owner, developer, and local authority toward buildings at risk and how did these perceptions influence the decision making?
5. How significant was the role of public participation and consultation in the decision making process?

## **6.2 THE PARTICIPANTS**

The involvement of various groups and individuals in the process of decision making for each building (case study) created an interesting phenomenon in the evolution of the case history of each building. Decisions made by one group or individual create different or similar reaction from the local authorities and the other groups. Each decision taken was traced and recorded in the case histories. The interplay of decision making, reactions, and actions taken by each and every individual or group involved highlighted the changes and progression of each case study. The

decision taken on two similar buildings with similar problems were not the same, as shown in the case studies. These dissimilarities in the reactions and decisions taken were due to;

1. different local authorities using or emphasising different conservation policies, and
2. the influence of different factors such as financial pressure (local authority finance, grant aid); different attitudes and awareness of conservation from the local authorities, the developers, owners, other groups and individuals involved; and different political, economic and social climates.

### **6.2.1 Who Was Involved?**

The individuals or groups involved were:

1. local authorities - the county and district councils: which include planners, architects, building inspectors, city solicitors, engineers, and surveyors;
2. owners and those who represent them, such as the building contractors, architects and engineers;
3. English Heritage, including their building inspectors and officers within the Conservation Group, such as those under the Historic Areas Division and the Historic Buildings Division (see Appendix VIII);
4. other interested groups, including local and national amenity societies such as

- the local historic and preservation societies, the Georgian Societies, the Victorian Society, the local Civic Societies;
5. the Secretary of State of the Department of Environment, whenever needed, to make certain crucial decisions on appeal.

## **6.2.2 Roles**

The roles described in this section are specifically those played by each individual or group in the process of decision-making which shaped the case history of each building in the case studies. The other roles of these participants are not mentioned.

### **6.2.2.1 The County Council**

Its role is to advise owners or potential owners of listed buildings and conservation areas on how to care for their buildings and to provide financial help. This may be in the form of grant aid from the district or county councils or in conjunction with English Heritage, as a joint grant. Two of the county councils in this study, Hampshire and Derbyshire, were involved in the compilation of a buildings at

risk register, though most of the detailed work was undertaken by the district councils. Wiltshire County Council also played an active part in the conservation of Trowbridge, especially those areas within the Trowbridge Town Scheme and eight other Town Schemes in the county (for example at Devizes, Malmesbury, Calne, Bradford on Avon, Salisbury, Marlborough, Warminster, and Chippenham).

#### **6.2.2.2 The District Council**

The responsibilities of the team in charge of building conservation in the council are considerable. These include:

1. conservation and enhancement of the council's historic and architectural heritage, including work in connection with:
  - a) listed buildings, which include general enquiries concerning them;
  - b) grant aid and assistance;
  - c) conservation areas and other areas of amenity value, such as consultation on highway matters in conservation areas and designation of conservation areas; and
  - d) the preparation of conservation area policy plans.
2. publicity and promotion of conservation issues;
3. provision of a design service to the department and other departments and authority;

4. provision of advice and comments on applications for development (that is, for Planning Permission and Listed Building Consent), and on the council's own development, and the implementation of redevelopment proposals, including the preparation of design briefs, guides and scales models;
5. carrying out the Town Schemes (as in Trowbridge and Derby);
6. implementation of the Article 4 direction (of the General Development Order) on special control of conservation areas;
7. carrying out the Historic Building Grant scheme (as in Leicester); and
8. preparation of evidence and attending public inquiries.

Nonetheless, other responsibilities, such as environmental improvement schemes (example landscaping, paving, and cleaning buildings); and administrative management responsibilities (example management of the section) besides those concerned with listed buildings and conservation areas demanded equal if not more of their time. Inevitably, some of these buildings received less attention, thus making them more vulnerable to risk.

In several cases, as shown in the analysis, adverse advantage was sometimes taken of the tight working schedule of the conservation officers (for example at 7, Church Street, Trowbridge). The building contractor or the architect working on behalf of the owner took this opportunity to make unauthorised alterations to a building or to proceed with demolition (however small or partial) before informing the local authority. This situation would not have happened if the officers

were more aware of the circumstances surrounding the case study. The attitude of the owners and their building contractors and architect would have given enough indication of their likely intentions. Most were quite open, as often shown in their letters to the local authority, expressing their dissatisfaction where refusal of demolition had been made. Indeed in most of the correspondence, the local authorities advise and encourage the owners to restore and maintain their buildings, reminding them (the owners) of their responsibility for the repair and restoration of their buildings.

The city solicitor or town clerk is involved in the planning and environment services besides being concerned with property contracts, housing and general local government law issues. The planning and environment services provide comprehensive oral and written advice on legal matters in addition to prosecuting and defending council in criminal litigation.

In detail, some of the services provided include:

1. preparation of Statutory Notices. These include carrying out appropriate procedures and giving advice. Their role was to prepare and serve enforcement notices such as section 101 or section 114, on owners who were found to ignore repeated warnings from the conservation officer to repair their listed buildings. They also deal with matters concerning the bye-laws, planning agreements, road traffic orders, and highways agreement.

2. preparation of public enquiries such as compulsory purchase orders. Advice on preparation of statements of case and proofs of evidence and advocacy at enquiries.
3. giving advice. All matters relating to planning, environmental health and other environmental matters, charities, and general Local Government Law.
4. litigation and advocacy.
  - a) Preparation of papers in connection with all prosecutions instituted by the council.
  - b) Preparation and advocacy in cases where the council is being prosecuted.
  - c) Preparation and advocacy in employment law matters, including where appropriate, attendance at Industrial Tribunals.

The role of the city engineer or building inspector is to inspect listed buildings and produce structural condition reports on them. Recommendations for immediate action (if necessary) are normally written in the report in order to prevent further deterioration.



### **6.2.2.3 The Owner**

The owners of listed buildings and unlisted buildings in conservation areas are responsible for the maintenance and repair works of their own buildings. Any proposals for changes, alteration, renovation and redevelopment, however, have to go through a series of applications for Listed Building Consent and Planning Permission. They (the owners) are entitled to financial aid and it is the duty of the local authority to advise them of such aid if they are eligible.

### **6.2.2.4 English Heritage**

The specific function of English Heritage generally is to ensure "...the inclusion of buildings in the statutory list of buildings of special architectural or historic interest..." (Circular 8/87, p. 5), through advice given to the Secretary of State. English Heritage would also like to see more local authorities adopt and compile buildings at risk registers and to monitor the condition of buildings on the list. It provides financial aid for repair and maintenance works of listed buildings. English Heritage is also involved in the Town Scheme. It is also their duty to advise the Secretary of State on certain buildings brought to his attention for decision. English Heritage has its own team of engineers and building inspectors to make structural decisions and to report on listed buildings, especially those for which applications for

grants have been made.

#### **6.2.2.5 Other Interested Groups**

Most of these groups comprised individuals or neighbours who had an interest or were indirectly affected by whatever changes were being made to listed buildings. The other interested groups comprised mainly established societies who had an interest in the welfare of the building. They were mainly the Georgian Group, the Victorian Society, local historic and preservation trusts, etc. Some of these societies have their own funds (such as the 'revolving funds') to buy and restore listed buildings or help with the repair and maintenance of such buildings. However, none of the case studies received such funds for their repair and maintenance works. It is a regulation that the local authority inform some of these societies, such as the Georgian Group, before a building is demolished. The Group is responsible for recording such buildings through drawings and photographs for future reference before demolition.

#### **6.2.2.6 The Secretary of State**

The Secretary of State is only involved when an appeal is made against the refusal of the local authority to allow demolition of certain listed buildings. He is the highest level of decision-making when others fail to reach any conclusive decision. The Secretary of State's decision is final. No more appeals can be made against it.

#### **6.2.3 How Effective Were They?**

Each and every one of these participants has his/her own role to play at different times in this process of decision-making. However, the way they play their roles can influence the final outcome of the listed building. A slight change of attitude or the amount of pressure put into the process of decision making can save or condemn a building.

Once a firm decision has been made, under certain circumstances, a precedent is created. It could influence future decisions under similar circumstances. However, as shown in the analysis, such trends seldom occur even under similar circumstances.

### 6.3 ANALYSES

The survey produced a great amount of information which showed diversity in the answers, yet indicated common issues. The survey questionnaire was divided into three sections; A, B, and C (see Appendix IX). Section A, compiled background information of each case study which included listed building reference number (if relevant), file number, address, building type, county and district council. The analysis applied mainly to section B of the questionnaire. The questions in this section were based on building grade, risk grade, grant aid, use, occupancy, legal actions, and problems relating to applications for development and their decisions. The case history of section C helped reinforce certain points in the analysis. This section gave a general explanation of what actually happened and when it happened, and at the same time gave a list of relevant planning applications for development, and the decisions relating to the buildings.

The questions in section B were designed to obtain information relating to risk, such as;

1. the circumstances under which the building was at risk;
2. the factors influencing or contributing to the building being at risk;
3. the process leading to the restoration or demolition of buildings at risk;
4. the circumstances leading to the decision to restore or demolish; and
5. the implications of such decisions (that is, whether to restore or demolish) for existing buildings at risk and the future of listed buildings.

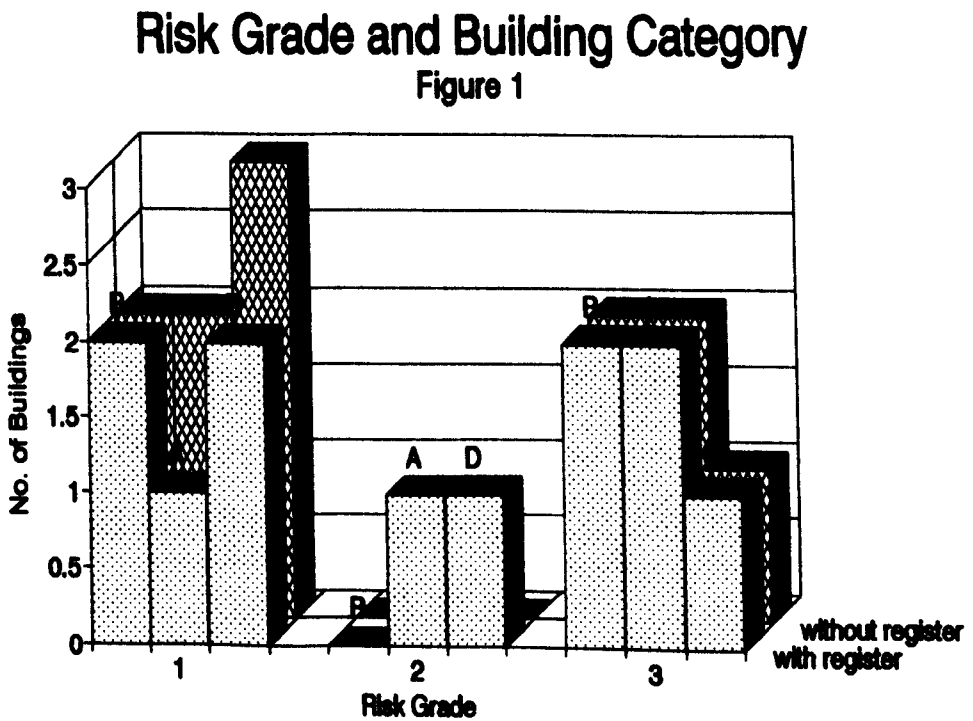
Questions on perception of risk and attitude towards building conservation were not specifically asked in this section (B). The perception and attitudes of the local authorities, owners, architects, builders, and others were expressed in a variety of ways and styles in their letters, and in the actions and decisions taken by them. The issues of perceptions and attitudes will be discussed further in Chapter Seven.

The information from the questionnaire was transferred to a summary sheet (see Appendix X). The responses were coded (for easy transfer of information) and each questionnaire (for each building) was identified by a letter and a number. For example L1, refers to one of the buildings from Leicester: 75, Princess Road, Leicester while L2 refers to another building from the same place in Leicester i.e. 84, New Walk, Leicester (refer to Appendix XI). Responses to open-ended questions (Appendix XII) are referred to when the necessary analysed information was presented and needed further emphasis and confirmation of the points made, thus providing "...a representative view of the responses obtained..." (Bell, 1987 p. 108). From these summary sheets, the information was analysed and presented in charts, tables, and percentages.

### 6.3.1 Statement of Results

From the twenty-four case studies selected, two buildings were Grade II\*, seventeen Grade II, only one was considered locally important and four were unlisted buildings in conservation areas.

Figure 1 shows the distribution of risk grades against the three different building categories selected (restored, at risk, and demolished). The histogram reveals that the case studies selected have fewer risk grade 2 buildings compared with the



other grades. There were no risk grade 2 buildings under those councils (Leicester City and Wiltshire County Councils) that do not have a register and only two risk grade 2 buildings in councils with a register (Portsmouth and Derby City Councils).

This study has adopted English Heritage's scale to measure the degree of risk in relation to structural condition and occupancy (see Appendix XIII). However, the structural condition scale used to measure the degree of risk by English Heritage is considered inadequate for this study. English Heritage has four categories of structural condition. The main focus in this study is on its categories 1 and 2. English Heritage defines the first condition as "very bad" and describes it as "likely structural failure, for example roof covering largely missing, roof structure sagging", while the second condition is categorised as "poor" which is described as "deterioration tending towards structural failure; for example, an area of missing slates but roof structure still sound". The phrases "likely structural failure" and "deterioration tending towards structural failure" are too subjective and could be interpreted in different ways by different people. It would be more effective if these structural conditions were more precise in their definition so as to avoid any disputes in interpretation and usage. Thus, this part of the English Heritage scale is considered rather weak. An alternative scale will be explained later in Chapter Seven. Risk grades 4 - 6 are not included in this study since they are considered to be buildings not at risk from neglect (grade 5 and 6), whereas grade 4 is still considered safe but under close observation for any signs of neglect and deterioration.

Figure 1 gives a general impression that more buildings in this study were demolished (3 out of 5 buildings), when they were at risk grade 1, than the others. It also shows that more buildings were demolished (at this risk grade) by councils without a register than by those with a register. During the random selection of buildings as case studies, more risk grade 1 buildings were selected from councils without the register than from those with the register.

#### 6.3.1.1 Use

With regard to "use", the information was collected under two groups of uses (see Appendix IX): existing (question 12) and previous use (question 13). "Use" is an important factor in the study of risk, since it could be a contributing factor towards making these buildings (the case studies) at risk. In the analysis of this factor (use) each existing and previous use is represented in three different ways: single use, multiple use, and risk in relationship to single and multiple uses.

With regard to change of use, Table 6.1 shows that 96% (twenty-three) of the case studies had undergone a change of use, whilst 4% (only one building) had no change at all. This one building had not changed from its original use as a dwellinghouse and had been successfully restored in 1974 (1 - 1A, Penny Street, Portsmouth [P4]).



	without register	with register	Total
Yes	12	11	23(96%)
No	-	1	1(4%)
	12	12	24

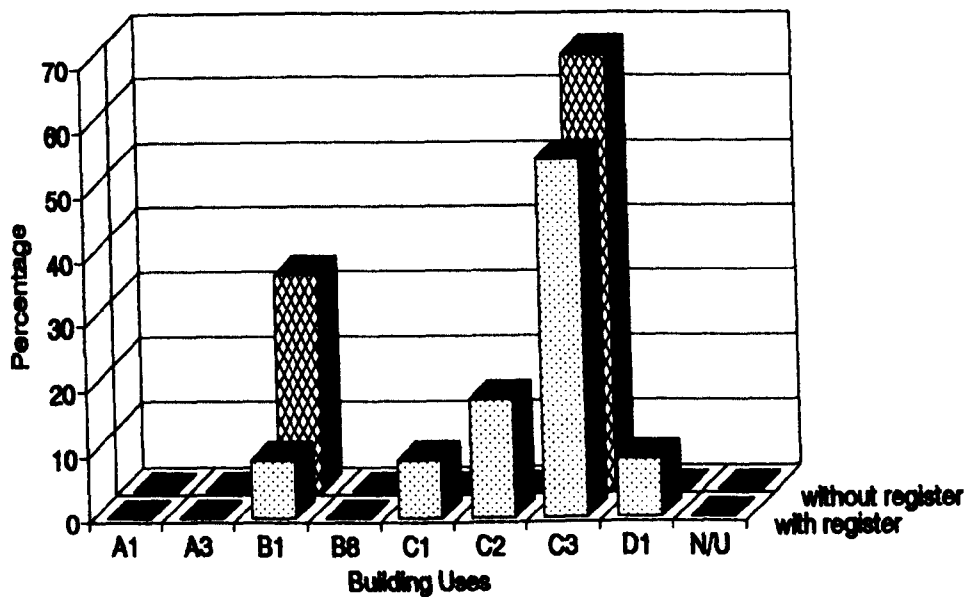
**Table 6.1 Change of Use**

### Single Use

However, in the previous single use, most of the group of buildings in authorities without the register were used for business [B1](33%) and dwellinghouses [C3](67%) (see Figure 2). Most of the group of buildings in authorities with the register had been used as dwellinghouses (55%), while the rest of the buildings were almost evenly distributed between business [B1], hotels and hostels [C1], residential institutions and non-residential institutions [C2].<sup>1</sup> This pattern of distribution changed with existing single use. Comparing the previous single use with the existing single use for the group of buildings not on the register, it can be seen that (see Figure 3) there is a marked decrease from 67% to just 12.5% of the buildings' use as dwellinghouses [C3], and a slight decrease from 33% to 25% in the use for business [B1].

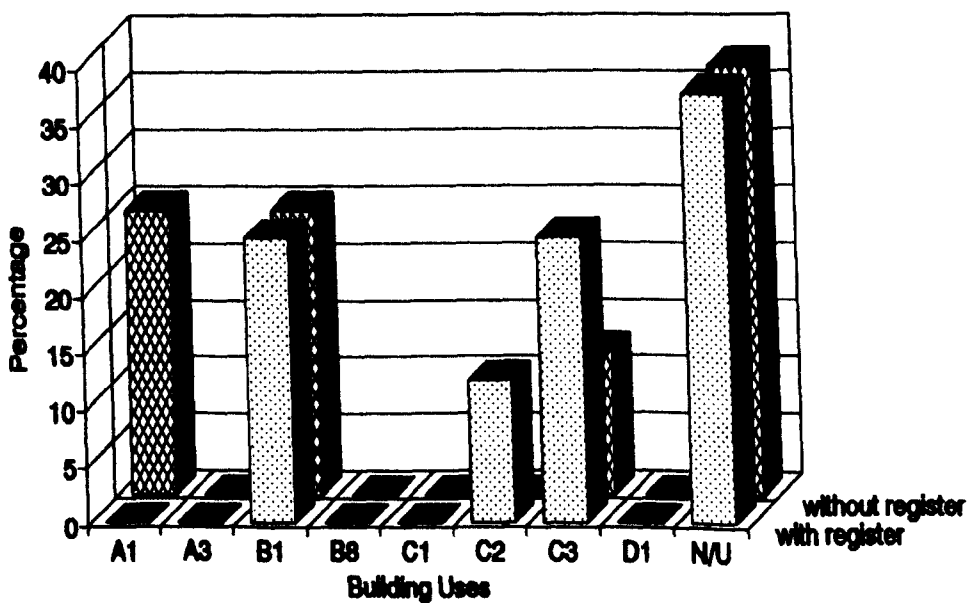
## Previous Single Use

Figure 2

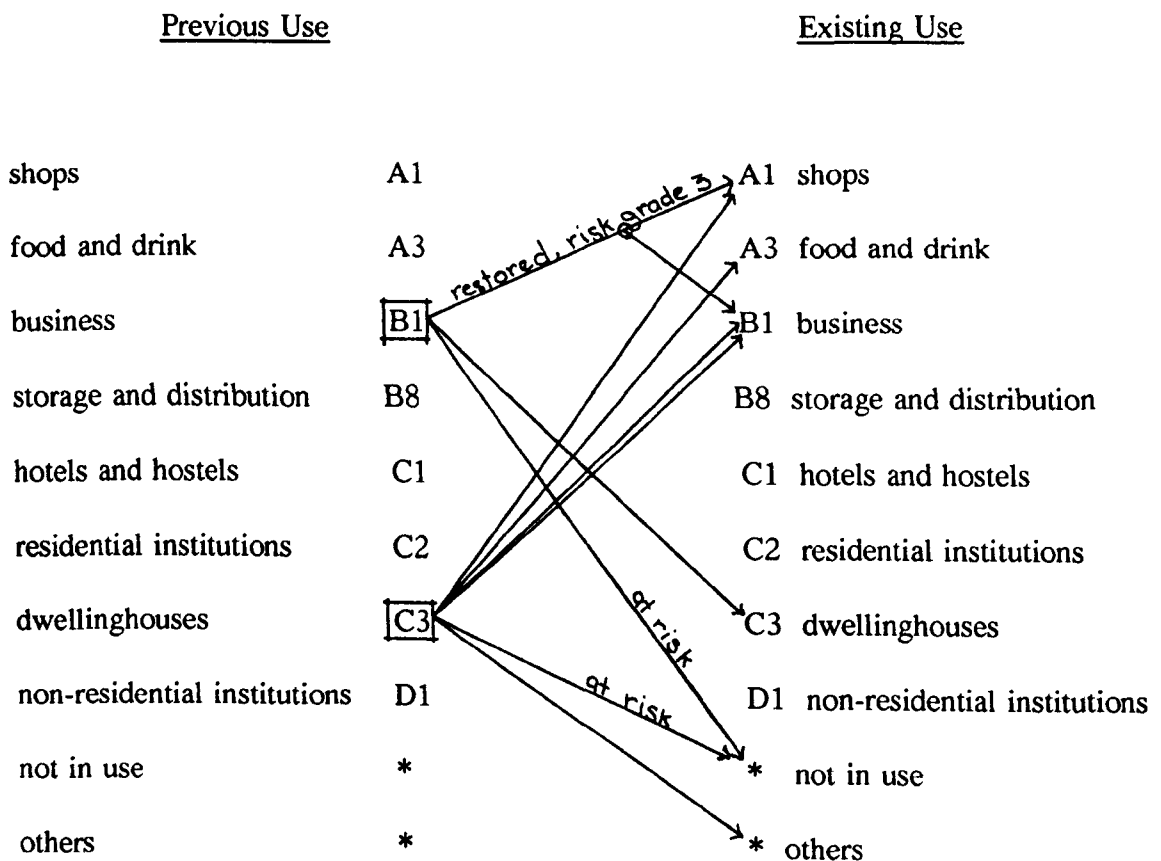


## Existing Single Use

Figure 3



At the same time, all the buildings used as dwellinghouses (six buildings) in the previous use had changed their uses to other types of uses (Figure 4), that is, into shops [A1] (one building), food and drink [A3] (one building), and business [B1] (two buildings). One other building is at the time of survey not in use (vacant) and was at risk, and another demolished. The above analysis indicates that the last previous single use as dwellinghouses was no longer suitable for these buildings. Even the building that is 'not in use' (vacant) at the time of survey (Conigre Parsonage [T5])



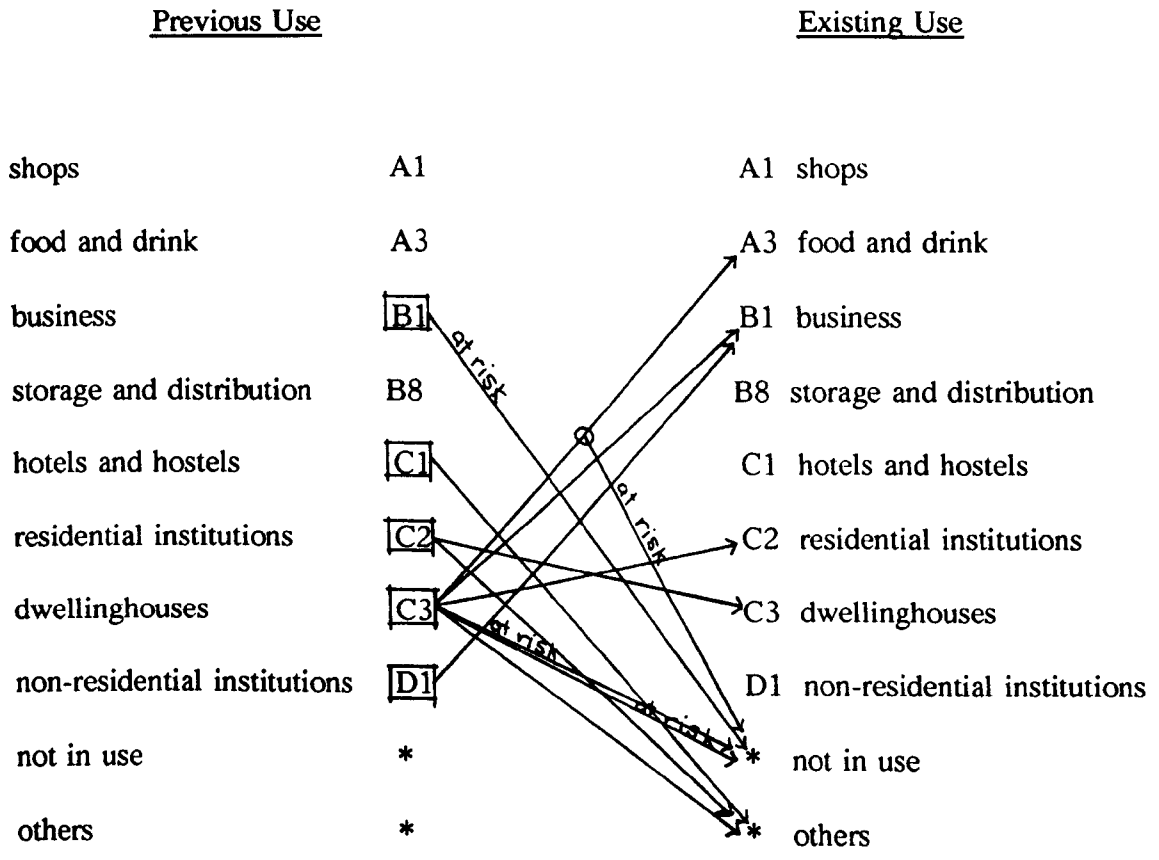
**Figure 4 Change in Single Use (without register)**

showed a need for a suitable change in its present use, a single dwellinghouse. In the case history, (Appendix XIV, see T5 - The Conigre Parsonage, Upper Broad Street, Trowbridge), it was stated that even when permission was granted in November 1981 for a conversion and extension of this building into flats, it was not carried out. This was because the owner felt that it would be more profitable to demolish the building for redevelopment. This building had also been permitted a change of use from dwellinghouse to office in March 1960, and had remained so until 1974. Since then it had remained vacant, despite the local authority's constant reminders to the owner to find a suitable use for the building.

It is important to the conservation of listed buildings that their future use should be suitable. However, suitable use does not mean any use that may be demanded by their owners for their buildings. An alternative suitable use according to Circular 8/87 (1987, p. 6) should "...pay particular attention to the architectural and historical features of the building and endeavour to find a use which will preserve them". Therefore, a certain degree of flexibility and ingeniousness by the local authority is required in order to allow an agreed yet suitable use for the building and at the same time be able to save and restore it from further deterioration. Until and unless there is an agreement in the future for that 'suitable' use, Conigre Parsonage will remain vacant and at risk.

The same can be said for those in the business use class (Figure 4), where all except one building retained its previous use as business [B1], but not as single use. The building had changed to a multiple use with shops on the ground floor and businesses on the first and second floor. Once again it is shown in this Figure that when a building becomes at risk it also became vacant. The distribution of vacant ('not in use') buildings seems to have increased in the existing single use (Figure 3) compared to the previous use (Figure 2).

This trend of change from one class of use to another ('not in use' [vacant]) for buildings in the category of 'at risk' can also be seen for the group of buildings in local authorities with register (Figure 5). When four of the buildings in this group had become at risk, they had also been vacant ('not in use') and had abandoned their previous use. Of these four buildings, two were previously used as dwellinghouses. As stated earlier, this evidence shows that once again dwellinghouses had become no longer suitable for their existing use. Unlike the buildings used as businesses, there had been a marked increase from 9% in previous use to 25% in existing use. The three buildings that fall under the category of 'others' were either subjected to partial demolition (one building) or full demolition (two buildings).



**Figure 5 Change in Single Use (with register)**

use	without register	with register	Total
single	9(75%)	11(100%)	20(87%)
multiple	3(25%)	-	3(13%)
not in use	-	-	-
others	-	-	-
	12	11	23

**Table 6.2 Previous Use**

use	without register	with register	Total
single	5(42%)	5(42%)	10(41.7)
multiple	2(16.5%)	1(8)	3(12.5%)
not in use	3(25%)	3(25%)	6(25%)
others	2(16.5%)	3(25%)	5(20.8%)
	12	12	24

**Table 6.3 Existing Use**

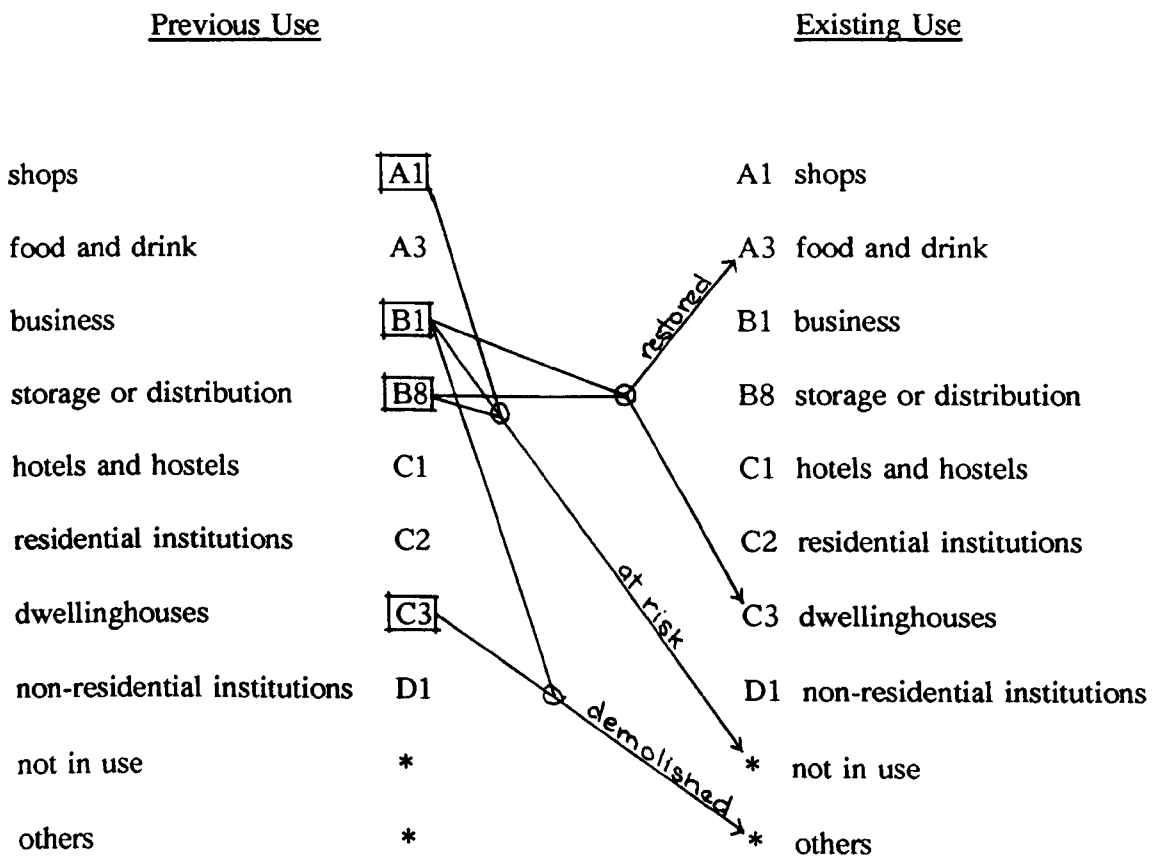
## Multiple Use

Under the heading of previous use, only the group of buildings in authorities without a register seem to have had multiple uses (Table 6.2), while under 'existing use', there are two buildings with multiple use from the group in authorities without a register, and one from the group in authorities with register (Table 6.3). Out of the three buildings with multiple uses under the last previous use, only one building had not changed from multiple to single use at present (Figure 6). However, the building had changed the class of use from business (B1) to food and drink (A3) on the ground floor, and from storage or distribution (B8) to dwellinghouses (C3) for the first and second floors. These uses seem to be suitable for this building since it was eventually restored (59, High Cross Street, Leicester [L5]).

There were also cases where a building (for example, 57, Castle Street, Trowbridge [T1]) had changed its single use from business (B1) (its last previous use) to multiple use, that is, shops (A1) on the ground floor and businesses (B1) on the first and second floor. Besides these two successful buildings (40% of multiple uses), which had eventually been restored, there were three other buildings with multiple uses (60%) that are either at risk or demolished. Out of the two buildings with previous multiple uses, one had been vacant ('not in use') and was at risk (63, Fore Street, Trowbridge [T6]), while the other had been demolished (75, Princess Road, Leicester [L1]). Another building (61, Queen Street, Portsea, Portsmouth [P5]) which was previously used as a dwellinghouse had changed to multiple use but had been at



risk at the time of survey. In addition to all these, two of these buildings were also risk grade 1 buildings (T6 and L1) and the other was a risk grade 2 building (P5).



**Figure 6 Change in Multiple Use (without register)**

This evidence indicates that multiple uses do not appear to be the solution to preventing and saving buildings from being at risk or to their being demolished, since 60% of buildings with multiple uses were either at risk or had been demolished. In addition to this, Figure 6 shows that the group of buildings in authorities without register seem to favour multiple uses more than those in authorities with register.

#### 6.3.1.2 Occupancy

The state of occupancy at the time of survey is shown in Table 6.4. Though 50% of the case studies were fully occupied, another 29% were vacant. This total percentage of vacancy is considered high. This figure is in turn reflected in the actual buildings that are at risk within the case studies.

The degree of risk is related to this vacancy, as shown earlier under 'use' and as can be seen in this section too. Out of the total number of buildings vacant (seven buildings), 86% (six buildings) were at risk and 14% (only one building) were partially demolished. In English Heritage's measurement of risk, the degree of risk is assessed in relation to the structural condition and

	without register	with register	Total
occupied	7(58%)	5(42%)	12(50%)
partially occupied	-	1(8%)	1(4.2%)
vacant	3(25%)	4(33%)	7(29.2%)
others	2(17%)	2(17%)	4(16.6%)
	12	12	24

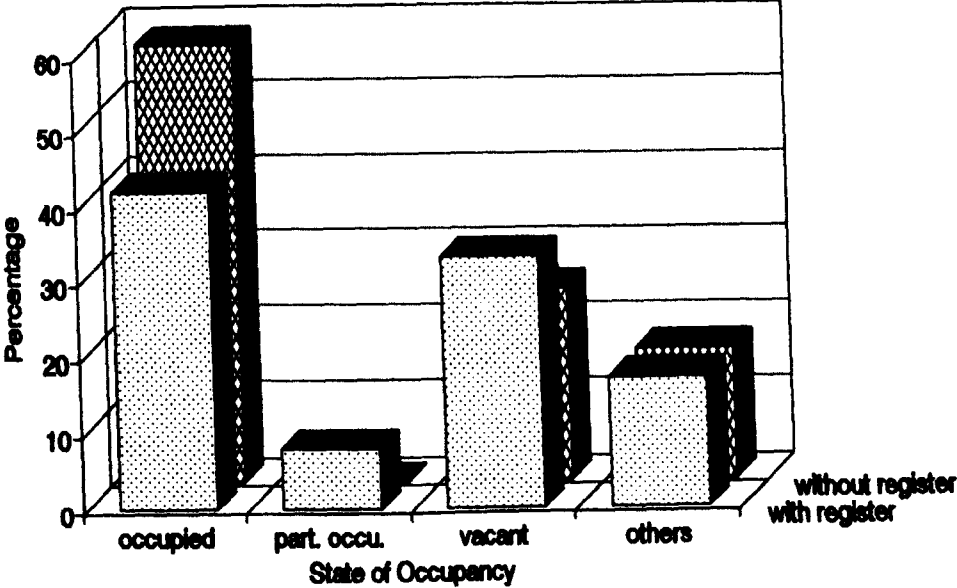
**Table 6.4 State of Occupancy**

the occupancy of the building. The argument behind this measurement is that a vacant building is at higher risk than one partially or fully occupied. In addition, the worse the structural condition of the building, the greater would be the risk category. In this case, since the survey adopted English Heritage's risk category, risk grade 1 is considered 'extreme risk', risk grade 2 as 'grave risk' and risk grade 3 as 'at risk'. Therefore the above arguments showed that vacancy does relate to being at risk.

Figure 7 also shows the breakdown in the state of occupancy between the case studies in authorities with register and those without register. As shown in this histogram (Figure 7) the case studies in authorities with register seem to have a smaller number of buildings occupied and a large number of buildings vacant compared to those without register. It does seem to show that the councils with a

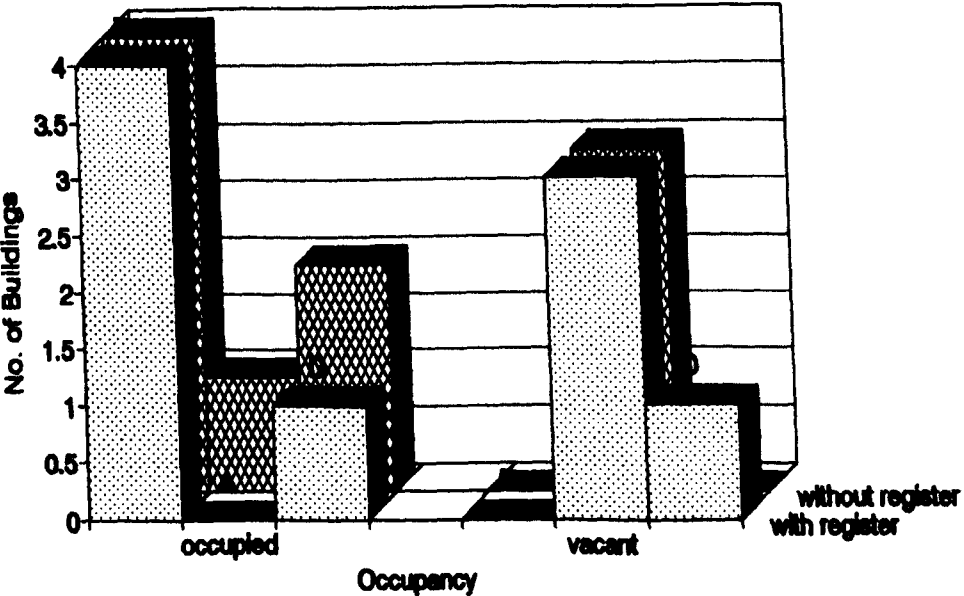
# Occupancy

Figure 7



# Occupancy versus Building Category

Figure 8



register were quite unsuccessful in controlling and lowering the vacancy and increasing the occupancy of their buildings. In this case they (the councils with the register) were considered to be worse than the councils without register in looking after the buildings in the case studies.

As mentioned earlier, vacancy is related to a building being at risk. This relationship can again be seen in the detailed breakdown of the buildings that were occupied and vacant in relation to the numbers restored, at risk, and demolished (mainly partially demolished) [Figure 8]. Most of the vacant buildings were at risk, and only a very small number were demolished. There were no vacant restored buildings in this study. The opposite is true for those buildings that are occupied. Here only one occupied building is at risk, while the majority of occupied buildings have been restored.

The difference between partially demolished occupied buildings and partially demolished vacant buildings is that the occupied buildings are those that had been partially demolished, some with permission (32 - 36 Devonshire House, Cornmarket Street, Derby [D4]) and some without (7, Church Street [T3] and 16, Fore Street, Trowbridge [T4]), but they had been rebuilt and occupied. The one still vacant (388, Mile End House [P2]) was still under reconstruction at the time of the survey, and the demolition of certain parts of the building and its reconstruction had been approved. These partially demolished buildings, occupied or vacant, were in fact buildings that had been or were in the process of being rebuilt. This means they were

under close supervision from the local authorities and no longer at risk. However, the only setback to the restoration of these buildings was that they could not be fully restored without some demolition of part of the buildings. Going through the case histories of the twenty four case studies, it is possible to deduce that, besides the one mistake made by the building contractor (on behalf of the owner) who had part of the building demolished before applying for permission (7, Church Street, Trowbridge [T3]), the rest of the other at risk buildings were not able to be saved from demolition. Most of these buildings had been left neglected for too long before any repair was done. Thus demolition of some part of the structure, which was considered to be structurally unsafe, was considered necessary and inevitable.

### **6.3.1.3 Number of Years on the File**

From the figures shown in Table 6.5, 54% of the case studies had been on the file between 1 - 10 years. Only 4% (one building) had been on the file for 41 years and over, and this building was at risk and vacant at the time of survey (61, Stamshaw Road, Portsmouth [P6]). Two buildings (without register T5, L4) under the at risk category were vacant and had been on the file between 21 - 30 years. One of these buildings, Conigre Parsonage, Trowbridge [T5], had been vacant and at risk for 16 years. Though certain statutory actions (as can be seen later under section 6.3.1.5, Statutory Powers) had been served on this building, at the time of survey it remains

at risk. Insufficient repair and maintenance works have been undertaken to restore it. At the same time no attempt seems to have been made by the owner to find a suitable use for this building. This building will not be able to stand being at risk much longer, unless positive action is taken by the local authority to get it restored. As far as the owner is concerned, redevelopment after demolition is preferable.

Number of years	Before Being Restored		At Risk		Before Being Demolished		Total
	WO/R	W/R	WO/R	W/R	WO/R	W/R	
1 - 10	3	2	2	2	4	-	13(54%)
11 - 20	-	1	-	1	-	2	4(17%)
21 - 30	1	1	2	-	-	-	4(17%)
31 - 40	-	-	-	-	-	-	-
41 above	-	-	-	1	-	-	1(4%)
Not Known	-	-	-	-	-	2	2(8%)
	4	4	4	4	4	4	24

**Table 6.5 Number of years on the file**

The same happened with the other building (150 High Cross Street, Leicester [L4]). This building was initially affected by a proposed road widening. Although the proposed road widening was still not certain (see Appendix XIV, case history [L4] , letter 8/5/64) the extent to which the building would be affected by it, such uncertainty was enough to allow the owner to start neglecting this building. It was sold by the Railway Board to Leicestershire County Council in 1965. Despite being owned by Leicestershire County Council, it was still not properly maintained. Besides, the owner, Leicestershire County Council, had applied twice for full planning permission and Listed Building Consent for the demolition of this building and proposed a redevelopment of the site in 1983 and 1984.

These applications undoubtedly brought condemnations and objections from various societies. The fact that the county council as the owner had made this application for demolition, declaring that "... due to the excessive cost of restoration and also because the premises were incapable of being let and would become dangerous if left standing...." implies that it itself, not only as owner, but also as local authority, could not accept the responsibility of repairing, maintaining and restoring this listed building (see Appendix XIV - case history [L4]). This sort of attitude could undoubtedly damage the image and the trust in this public authority as the 'appropriate' body to take care of listed buildings, conservation areas and buildings at risk, and to enforce building conservation policy in the region.



#### 6.3.1.4 Grant Aid

Grant aid is intended not only to assist owners who need comprehensive repair of their listed buildings or those unlisted buildings in the conservation area but also, to a lesser extent, as an incentive and encouragement to the owners to carry out repair works. Grant aid started as early as 1931 for historic buildings (English Heritage pamphlet : Principles of Repair). Assistance in terms of advice and grants for the repair of individual monuments, buildings, or historic areas has often been carried out as a joint-venture by English Heritage and the local authorities (letter from English Heritage to Chief Planning Officers, District and County Councils in England, Development Corporations and National Park Authorities, and Regional Offices of the Department of the Environment, 6/3/89).

It was not until 1st April 1989 (letter 6/3/89) that "... the English Heritage has extended the provision of S10 and S3A grants to unoccupied listed buildings in very poor condition in conservation areas under S10, or to unoccupied "outstanding" buildings in very poor condition whether in conservation areas or not under S3A....". These are the new buildings at risk grants which English Heritage is initially restricting ".... to owners of listed buildings in very poor condition which are also not in use, or incapable of use". The intention of introducing these new grants is "...to ensure that buildings survive until a new use can be found" (letter 6/3/89). Further consideration of these building at risk grants are not included in this study because they had just been introduced in 1989 and, at the same time, none of the at

risk buildings in the case studies had applied for those grants at the time when the survey was carried out.

There were generally four types of grants involved in the case studies.

They were:

1. Town Scheme Grants (Town and Country Planning (Amendment) Act 1972). This is a joint grant agreed between the Secretary of State or English Heritage and one or more local authorities, which may include the county council, district council, town or city council and/or a representative from the local civic society or other society. "They are contracted over a set period, the object being to offer grant to an agreed schedule of buildings over an agreed period" (Cambridgeshire County Council, 1988, p. 94). The building would have to be identified for this scheme and be in a conservation area.
2. Local authority grants to historic buildings under the Local Authorities (Historic Buildings) Act 1962. Under this grant, the local authorities, which include either the district council or county council, or both, may give grants or loans for the repair or maintenance of historic buildings, including listed buildings.

3. State grants and loans to outstanding buildings and gardens - section 3A under the Historic Buildings and Ancient Monuments Act 1953, and state grants and loans for conservation areas - section 10 under the Town and Country Planning (Amendment) Act 1972. English Heritage may give S3A grants for outstanding buildings for the repair and maintenance "of buildings with outstanding architectural or historic interest, and S10 grants for the preservation or enhancement" of the conservation area, (Cambridgeshire County Council, 1988 p. 90 - 93). Under S10 grant, the Secretary of State may also give this grant. However, these grants are not easy to obtain because of the stringent conditions and selections made by English Heritage in outlining the term "outstanding building".

4. Grants of Housing under the Housing Act 1985. There are four types of grants under this Act; (Cambridgeshire County Council, 1988 p. 97 - 100)

i) Improvement Grants

ii) Intermediate Grants

iii) Special Grants

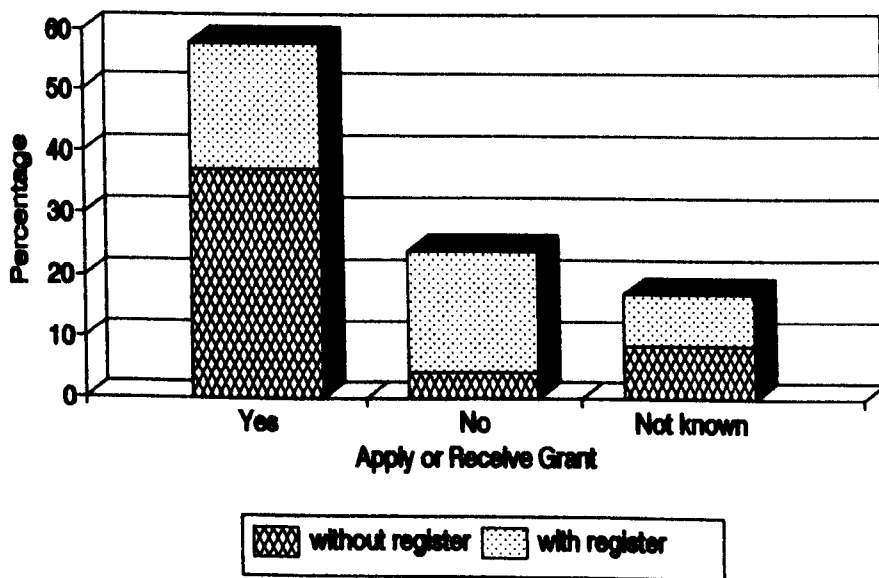
iv) Repair Grants

The only case study (1 - 1A Penny Street, Portsmouth [P4]) that had applied under this Housing Act was for the Improvement Grant. However, this grant was not offered.

About 58% of the case studies had applied for grant aid. However, more grants were applied for by the group of buildings without register than those with register (see Figure 9). Out of the total of fourteen case studies (58%) that had applied for grant aid, half of them were for buildings that had eventually been restored, four were for at risk category buildings and three were buildings that had been subjected to partial demolition. Out of the five buildings (with the register) that

## Grant Aid

Figure 9



had not applied for grant aid, three (P5, P6, D2) of them were under the category of at risk buildings. One had been demolished (55 - 56 (YMCA), High Street, Portsmouth [P1]), while the other had been restored (103 Alvaston Fields, Boulton Lane, Alvaston, Derby [D1]). These three at risk buildings were eligible for grants, but the owner had not taken the trouble or had the initiative to apply since there was still great uncertainty as to the buildings' future use, occupation and even ownership. Two of these buildings were instead left vacant (61, Stamshaw Road, Portsmouth [P6]; 7, North Parade, Derby [D2]) while the other was left partially occupied (61, Queen Street, Portsea, Portsmouth [P5]) and neglected at the time of survey. Though they were considered to be at risk for less than 4 years, the actions taken to restore these buildings are considered to be slow.

The same applies to 150, High Cross Street, Leicester [L4] (without register) where the owner had not applied for any grant, but had left the building at risk and vacant since 1984. Its future ownership was uncertain since at the time of survey, Leicestershire County Council, who is also the owner, was trying to sell off this property. A high proportion of buildings, four out of six, that had not applied for any grants even though eligible, were at risk. These owners did not want to apply for grant aid even though their buildings were obviously in disrepair because they did not want to commit themselves to repair and restoration works which the acceptance of the grant entails.

From the above examples and figures it is clear that the presence of grant aid and the trouble the owner must take to apply for it to some extent shows the willingness of these owners to commit themselves towards the repair and restoration works of their buildings. However, those buildings that were partially demolished without the local authority's prior permission were mainly due to contractors and owners who were from the beginning not interested, and at the same time sceptical about the restoration of the building. In one particular case (7, Church Street, Trowbridge [T3]) the grant (Trowbridge Town Scheme Grant) was withdrawn. Such conflicting attitudes by some owners will be discussed further under Issues (in the next chapter).

The distribution of the different grants applied for, offered and accepted is shown in Table 6.6. Not one of the owners of the case studies had applied for S10 grant or S3A grant. This table shows that more applied for a Local Authority (Historic Building) Act 1962 grant than for others. The Town Scheme Grant is only available in two towns or cities, Trowbridge and Derby. In fact most owners who applied (ten) for Town Scheme grants were offered the grant: eight were offered the grant, but only six had accepted it. Of eleven applications for the Local Authority Grant, seven were offered and only five accepted.

As shown, not all grants that were offered were accepted by the owners.

In this study three offers were not accepted. The reasons were;

1. the building was sold before the grant was accepted (7, Church Street, Trowbridge [T3]) or
2. the owner had changed his mind and decided not to accept the offer, as in the case of the owner of 59 1/2 High Cross Street, Leicester [L3], and 8, North Parade, Derby [D5].

No. of times	APPLIED		Total	OFFERED		Total	ACCEPTED		Total
	WO/R	W/R		WO/R	W/R		WO/R	W/R	
	1 2	1 2		1 2	1 2		1 2	1 2	
Town Scheme	2 3	2 -	10	2 2	2 -	8	3 1	1 -	6
L.A (Hist) Bldg. Act 1962	4 -	3 2	11	2 -	3 1	7	1 -	2 1	5
E.H. & Sec of State S10 & S3A	- -	- -	0	- -	- -	0	- -	- -	0
Housing Grants	- 1	- -	2	- -	- -	0	- -	- -	0
Not known	- -	- -	0	1 -	- -	1	1 -	- -	1

Table 6.6 Distribution of Grants (applied, offered, and accepted)

In some cases, it was the local authority who encouraged the owners to apply for these grants (if they were eligible) in the hope of getting the buildings repaired and restored. These tactics did not always work, especially when the owner was not keen to repair the building in the first place. If their (the owners') main intention was to demolish and redevelop the site, accepting any kind of grant and restoring the buildings would defeat this purpose.

On the other hand, certain grants were not offered to some of the case studies at all because they were not eligible. For example, Conigre Parsonage was not eligible for the Trowbridge Town Scheme since it is situated outside the conservation area designated for the Town Scheme. This analysis shows that grant aid is an important tool to encourage repair and restoration in order to save buildings at risk from further deterioration and risk. However, although most grants applied for were offered, and as shown in one case, 59, High Cross Street, Leicester [L5], the local authority also informed the owner of available grants for which he was eligible, it was still up to the owner to either accept and use these grants to prevent further deterioration to his building or not. In this case, the owner left the building badly deteriorated despite repeated reminders from the local authority ".....to keep the property in a reasonable state of repair" but was ignored (Appendix XIV - case history [L5]). In the end the local authority refused to extend any financial help at all to this owner. It was the attitude of the owner that was at fault, and not the local authority. The owner of 59 1/2, High Cross Street, Leicester [L3], on the other hand, had refused to accept a grant offered by the local authority. In this case, apart from using



statutory power there was no other way to make the owner accept the grant, except to wait for the condition of the building to deteriorate further. If repair works had not been carried out, after repeated warnings, certain statutory powers could be used against the owner, such as serving Section 101 Emergency Repairs Notice of the Town and Country Planning Act, 1971. However, to wait until such a decision and action could be taken against the owner could be a little too late to avoid any kind of demolition, partial or full, for some buildings and from exposing unnecessary deterioration and demolition.

In one example, (Conigre Parsonage, Upper Broad Street, Trowbridge [T5]), on the other hand, although this building was not eligible for a grant, the owner had the capability to repair and restore it without financial assistance. The problem with this building is not one of finance, rather of attitude. The only repair work done to the building was either after stern warnings were issued, or following an Emergency Repairs Notice. The owner had wanted to demolish and redevelop this site, which explains the owner's reluctance to restore this building completely.

Though the number of buildings that had not been offered any grant or those that had not accepted the grants offered were small, they consisted mainly of buildings at risk ( Conigre Parsonage, Upper Broad Street, Trowbridge [T5]; 59 1/2, High Cross Street, Leicester [L3]; 59, High Cross Street, Leicester [L5]). The future of these buildings depends on the ability of the owners to come to a decision about their future. Judging from the case histories of these buildings, the threat was not

because of the lack of financial help but due mainly to the attitudes of the owners. As shown in many previous cases, the owners made every excuse not to repair and find suitable use for their buildings, and at the same time tried to avoid being prosecuted for neglecting to repair them.

There were also cases whereby accepted grants had to be withdrawn.

Two grants had to be withdrawn from cases included in this study. The reasons were:

- 1) The building, 14, The Halve, Trowbridge [T2] was sold two years after accepting the grant and restoring the building. Condition 6 of the grant states that "..... the grant shall be repaid in the event of the property being sold within 3 years of final payment of grant". The owner had to repay the full amount received to the Joint Committee of the Trowbridge Town Scheme. This was eventually repaid in 1987.
  
- 2) An unauthorised demolition of some parts of the building had been carried out, beyond that consented to by the local authority, for example on 7 Church Street, Trowbridge [T3] during its repair work. Since grants were not offered towards the cost of new buildings, English Heritage and the Joint Committee withdrew their respective parts of the grant offer. As a result of this incident, English Heritage decided to remove the property from the agreed schedule of properties eligible for grant aid. Consequently, this building is considered as a demolished building though the demolition carried out was only partial.

Although buildings did get restored and saved as in the first case (T2) with or without grants, the conditions imposed by these grants such as in the Town Scheme Grant, Local Authorities ( Historic Building ) Act Grant, Section 3A and Section 10 Grants still discourage other owners from applying and accepting grants to restore their buildings. At the same time, no potential owner would want to buy these buildings that are obviously at risk, especially if they were not assured of obtaining grants to restore these buildings. This is because, under the guidelines for the consideration of each respective grant, it was stated that, for:

- 1) Section 3A Grant (S3A) - "Grants will not normally be given to a new owner or lessee (new within last 4 years) because the purchase price of a building should reflect its condition. Where it can be shown that the repairs are genuinely unforeseen (not because of poor survey) or where a building is not marketable and the applicants' request is the only chance of saving it, an exception may be made. Applications should include a full explanation of circumstances." ( Cambridgeshire County Council, 1988, p. 91 ).
  
- 2) Section 10 Grant (S10) - "Grants will not normally be given for properties purchased within the last 4 years. Exception may be made in cases where:
  - (a) the work is by a preservation trust or a local authority
  - (b) the building has been neglected for a number of years and the new purchase represents the last chance to save it;

(c) the work is to be undertaken by a non-profit making organisation." (Cambridgeshire County Council, 1988, p. 93).

- 3) Town Scheme grant - "... Grants will not normally be offered for properties purchased within the last 2 years. Unless the property has been neglected for a long period and the new purchases [sic] represents the last chance to save it. Also an exception may be made if the work is undertaken by a non-profit making organisation". (Cambridgeshire County Council, 1988 p. 95).

In the unauthorised demolition case, it was difficult for the local authority to judge the actual intention and attitudes of the owner to conservation, unless he (the owner) had indicated them in some way. Therefore to avoid repetition, tighter controls and supervision are needed. But this may not change an owner's attitudes towards building conservation and restoration.

Generally, however, the introduction of grant aid to assist owners or other groups interested in the restoration of listed buildings and conservation areas is an important step towards conservation. However, the failure of some grant aid experience described in this study shows that there is still room for improvement in the guidelines and the concept of grant aid in general. The idea behind offering grant aid is to assist owners with repair and restoration works, thus encouraging eligible owners to accept them in order to get buildings at risk restored and saved (if possible). A grant cannot assist owners unless they are willing to accept and commit themselves

to restoring their buildings.

#### **6.3.1.5 Statutory Powers**

Another way of checking and preventing further deterioration in buildings at risk is through legislation. The provision of law for historic buildings and conservation areas is ..." to enable those it empowers to safeguard buildings which would otherwise be lost as a result of their structural condition" (Cambridgeshire County Council, 1988 p. 54 ). The concept of buildings at risk involves the act of neglect as defined by English Heritage. The act of deliberate neglect, as can be seen in the case histories of some of the case studies (for example: Conigre Parsonage, Trowbridge; 103 Alvaston Fields, Boulton Lane, Alvaston, Derby; and 59, High Cross Street, Leicester), is in itself the greatest danger and threat to listed buildings and conservation areas.

The local authority is required to negotiate with the owners and assist them in every possible way until the buildings are repaired and saved. Legislative action, Sections 101 - 115 under the Town and Country Planning Act 1971, is only exercised when a building is in a very serious state of deterioration and when the owner will not negotiate and be persuaded. These actions under the 1971 Act are only used after all other steps have been taken. According to Cambridgeshire Guide To

Historic Building Law (Cambridgeshire County Council, 1988 p. 54) "...the Secretary of State and the courts would have little sympathy with an authority which served a notice before exploring other avenues." (see Appendix XV)

	without register	with register	Total
Yes	6	7	13(54%)
No	6	3	9(38%)
unknown	-	2	2(8%)
	12	12	24

**Table 6.7 Subjected to Statutory Powers**

Question 17 of this study analyses actions taken that led to the use of Section 101 - 115 of the Town and Country Planning Act 1972. From Table 6.7, 54% of the case studies had been subjected to certain statutory powers. There is no significant difference between the number of buildings subjected to statutory powers in authorities with a register and those without. However, Table 6.8 implies that the use of statutory powers has increased the number of buildings restored (46%), compared to other categories. Though there seems to be quite a number of buildings demolished (31%, or, four buildings), only half of them were fully demolished while the other half were partially demolished. Those fully demolished were from

conservation areas. One of these building's (75, Princess Road, Leicester [L1]) structural condition was considered to be in a poor state and beyond repair before it was demolished. However, the structural condition of the other building

	without register	with register	Total
restored	2	4	6(46%)
at risk	1	2	3(23%)
demolished	3	1	4(31%)
	6	7	13

**Table 6.8 The Number of Buildings Subjected to Statutory Powers by Building Category**

(84, New Walk Street [L2]) was initially not beyond repair. If action had been taken earlier to prevent this building from being at risk and deteriorating beyond repair, it would not have been necessary to demolish. At the same time since it was "... not considered to be of any architectural interest...", the building was left neglected by the owner and the decision made to grant its demolition was based on this reason too. The building had been vacant since it was owned by Leicester City Council. The importance of this building was superseded by the Grade II listed buildings, numbers

78 and 80, along the same block, which needed urgent repair. The local authority was willing to sacrifice this building (84, New Walk Street, Leicester) and the adjoining building (No. 82), which was also not a listed building, in order to save the two Grade II listed buildings. However, there were several objections to the decision to demolish these buildings (Nos. 82 and 84). No. 84 need not have been demolished in order to save the two listed buildings if Leicester City Council, as the previous owner, had repaired and maintained it while it was under its care. The apparently negligent and careless attitude of this City Council, as an owner and as an enforcement body, had allowed part of a conservation area to be destroyed forever.

Of the other partially demolished buildings, one was a Grade II listed building (7, Church Street, Trowbridge): this was demolished without consent. The other, (388 Miles End House, Old Commercial Road, Mile End, Portsmouth was an unlisted building in a conservation area): here, partial demolition was approved since the "...facade was not tied to the remainder of the building..." and the "...load bearing internal wall was in a very poor condition...". (see Appendix XIV, case history [P2]). Partial demolition was inevitable.

In the first case, the Grade II listed building would have been restored without partial demolition if the owner and building contractor had followed the conditions in the planning permission and listed building consent given by the local authority to the latter. This partial demolition was not an honest mistake, since the owner knew that any new development, demolition, or deviation from the approval



given in the planning permission and listed building consent would require submitting a new planning permission and listed building consent from the local authority. The demolition was carried out before any attempt was made to inform and apply for consent from the local authority. The local authority requires the goodwill of the owner to follow the approved schedule of work agreed with it. Despite this, no tough legal action was taken against the owner, except that all the grants offered were withdrawn. Tougher action should have been taken against this owner so as to set a precedent for other owners.

In addition to these, there seems to be (see Table 6.9) more risk grade 1 buildings with statutory powers imposed on them (62%), than in risk grade 3 (38%) and none for risk grade 2. Half of the risk grade 1 were restored, while more buildings were restored (three buildings) than demolished (only one building) for risk grade 3 (see Table 6.10). From these figures the use of some statutory powers by the local authorities was effective in preventing buildings from being demolished and being at risk.

risk grade	without register	with register	Total
1	5	3	8(62%)
2	-	-	-
3	1	4	5(38%)
	6	7	13

**Table 6.9 The Number of Buildings Subjected to Statutory Powers by Risk Grade**

risk grade	restored	at risk	demolished	Total
1	4	-	2	6
2	1	-	2	3
3	3	-	1	4
	8	-	5	13

**Table 6.10 Risk Grades Versus Building Category (Subjected to Statutory Powers)**

	without register	with register	Total
restored	2	-	2(22%)
at risk	3	2	5(56%)
demolished	1	1	2(22%)
	6	3	9

**Table 6.11 The Number of Buildings Not Subjected to Statutory Powers by Building Category**

On the other hand, the distribution of buildings not subject to any statutory powers (Table 6.11) showed that there were more at risk buildings (56%) than those in restored and demolished categories (22% each). Similarly, the trend in Table 6.12 shows that all risk grade 1 buildings were in the buildings at risk category. However, there were more risk grade 3 buildings in this section: 56% or five buildings, two at risk, one demolished and another two were restored buildings. Generally, therefore, it can be said that though 38% of the case studies were not subjected to any statutory power, there was no danger of these buildings, especially those under risk grade 1 at risk buildings (Table 6.12) (63, Fore Street, Trowbridge [T6] and 150, High Cross Street, Leicester [L4]), being demolished. Though these two buildings were risk grade 1 the local authorities where these buildings were situated were supportive of the owners' attempts to restore them.

risk grade	restored	at risk	demolished	Total
1	-	2	-	2(22%)
2	-	1	1	2(22%)
3	2	2	1	5(56%)
	2	5	2	9

**Table 6.12 Risk Grade Versus Building Category  
(Not Subjected to Statutory Powers)**

In fact the former building, [T6], was eligible for Trowbridge Town Scheme, to help with repair works, while for the latter, [L4], the local authority promised to the prospective owner to withdraw any proposed road scheme that would affect this building in future.

The statutory powers used in the case studies were further analysed through nine different steps, identified in the study (see Table 6.13), which are used by the local authorities against errant owners up to the optimum level of action, as provided for by the law. The above Table shows the frequency of actions taken before and after the actual use of the statutory powers, section 101 -115 of the Town and Country Planning Act 1971.

During the course of data collection there was a problem of trying to record the number of informal verbal references and verbal threats made by the local authority to the owners. Some of these verbal threats were recorded in the files for some case studies, while the others were not. It could be misleading, therefore, to record only those in the files while assuming that other owners had no informal verbal references and verbal threats made.

Different local authorities have different methods of recording information. Wiltshire County, Portsmouth City and Leicester City Councils seemed to record everything, even messages and decisions taken over the phone. But in Derby City Council, only correspondence, minutes of meetings, repair estimates or quotations and newspaper cuttings were filed. Because of this, information concerning informal verbal references and verbal threats was omitted: hence the blank space in the table. There were undoubtedly verbal warnings and threats made to owners

	Without register										With register									
	1	2	3	4	5	6	7	8	9	10	1	2	3	4	5	6	7	8	9	10
1 verbal reference																				
2 verbal threat																				
3 written reference			1		1				1	1	2	1	1							
4 written threat	1	2	1			1					1		1			1				
5 served Emergency Repairs Notice (101)	1										1	1								
6 purchase by agreement																				
7 written reference to Compulsory Purchase											1	3			1					
8 written threat to Compulsory Purchase												1								
9 served Compulsory Purchase (114, 115)											1	1								

**Table 6.13 Steps Taken Under Statutory Power (number of times)**

before any formal written threats were issued, even though these were not indicated in the Table. These verbal threats reflect the number of times written references and written threats were actually issued to the owners. The constant contact between the local authority and owners or their representatives during negotiation, undoubtedly force them to issue verbal warnings if and when the process of negotiation did not end in agreement.

Issuing written references and written threats was enough to get three (93, Friar Gate, Derby [D6]; 1 - 6 Cramant Cottages, Kings Street, Leicester [L6]; and 59, High Cross Street, Leicester [L5]) out of six buildings restored. However, two buildings (103 Alvaston Fields, Boulton Lane, Alvaston; and Derby [D1], 1 - 1A, Penny Street, Portsmouth [P4]) were served with section 114 and 115 notices. These orders were not able to be carried out, since full repair works on the buildings had eventually been carried out by their owners. However, only one was restored without the need for any action to be taken (45, St. Thomas's Street, Portsmouth [P3]). In the case history of this building, a compulsory purchase action was imposed, not due to any fault of the owner, but due to the City of Portsmouth's proposal for the development plan of that area. The City Council was required to compulsorily acquire this building in order that the development plan be carried out.

On the other hand only three case studies (D1, T5, P4) were served with Emergency Repairs Notice Section 101. In the case of (D1), for example, Emergency Repairs Notice were served twice. These were the three buildings that were considered as 'problem buildings' and had gone through serious legal procedures to get the owners finally to restore them. Two of these buildings were eventually restored, even though they had also been served with section 114 and 115 notices (but not carried out) as explained earlier (D1, P4).

These figures and Table highlight the fact that in spite of all the opportunity to take action against errant owners, the local authority, chose not to. It preferred to use persuasion, negotiation and written threat until all else failed. The implication underlying the use of a full Repairs Notice, section 115 of the Town and Country Planning Act, was that the local authority would have to compulsorily purchase the listed building if and when the owner failed to do any repair work. All four local authorities in this study were not prepared to use this statutory power because of this clause.

As mentioned earlier, local authorities are required to follow certain procedures (refer to Appendix XV) before acting on these legislative powers. This procedure in itself discouraged the local authorities further from using the statutory power more freely. There were cases such as Conigre Parsonage [T5], when tougher actions should have been taken earlier against its owner in order to get him to repair and restore this building, instead of allowing the building to stay at risk longer than necessary.

In another case (7, Church Street, Trowbridge) tougher actions were needed in order to prevent others from defaulting on the local authority. In general, it can be concluded that the use and the threat of using statutory powers had been enough to force owners to save listed buildings - even temporarily under the Emergency Repairs Notice in the case studies. However, the local authorities could have used the statutory powers more effectively if there were clear guidelines



explaining their use and the implications, and if these implications could be seen to be to the advantage of the local authorities rather than being felt to their disadvantage.

#### **6.3.1.6 Maintenance and Repair Works**

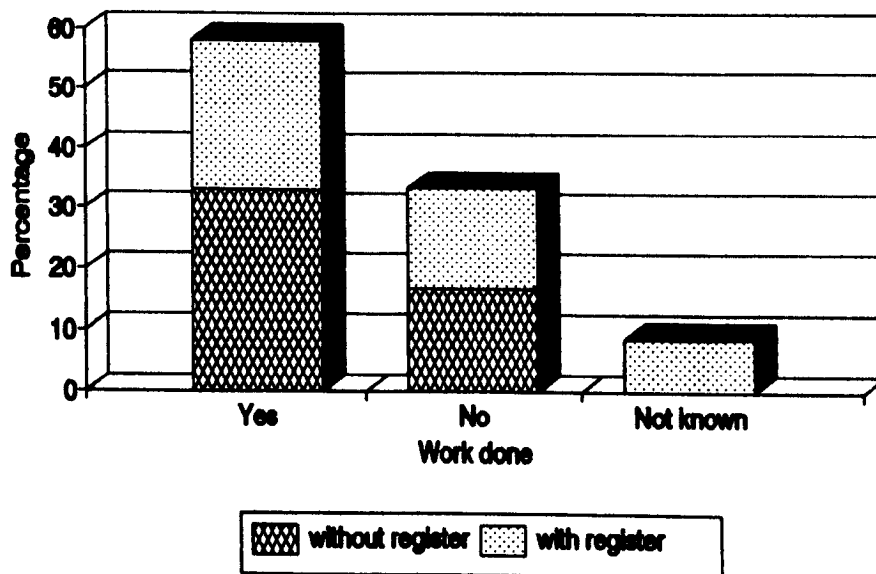
The process of building conservation has always been based on the mutual activities of repair and maintenance. The question of how far maintenance and repair works had been carried out are reflective of this assumption and was examined in question 18 (Appendix IX). However, maintenance and repair work is just one method of preventing buildings from being at risk. Other methods may be in the form of grants and the statutory powers which empower the local authority to prevent listed buildings from being at risk. A combination of any two or three of these factors may happen consecutively or at the same time in the process of the restoration of these buildings. The most popular combination is that of grant and repair. Grant aid is an incentive to assist owners with the repair work.

Figure 10 shows that about 58% of the case studies had carried out repair work and maintenance. These include all the eight restored buildings, three at risk buildings and another three partially demolished buildings (see Table 6.14). Out of the fourteen buildings that had received repair and maintenance works, about 57%

were effective in controlling the building from further risk. Table 6.14 also shows that the group of buildings without the register seem to have carried out slightly more maintenance and repair works than those with the register.

### Maintenance and Repair work

Figure 10

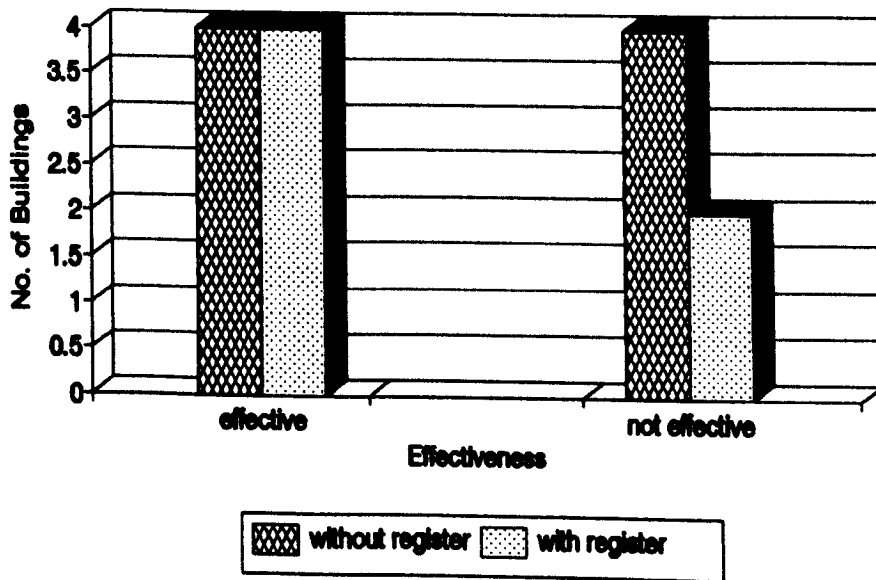


	without register	with register	Total
restored	4	4	8(57.1%)
at risk	2	1	3(21.4%)
demolished	2	1	3(21.4%)
	8	6	14

**Table 6.14 The Number of Buildings Maintained and Repaired by Building Category**

## Effectiveness of Work Done

Figure 11



	without register	with register	Total
restored	4	3	7(88%)
at risk	-	-	-
demolished	-	1	1(12%)
	4	4	8

**Table 6.15 The Effective Number of Buildings Maintained and Repaired by Building Category**

On the other hand Figure 11 shows that a greater number of buildings were effectively maintained and repaired in both groups. This is reflected in the number of buildings restored (88%), shown in Table 6.15. Although there were a small number of buildings at risk where repair works had started (21.4%), as shown in Table 6.14 (Conigre Parsonage, Upper Broad Street, Trowbridge [T5]; 63, Fore Street, Trowbridge [T6]; 7, North Parade, Derby [D2]), most of the other at risk buildings (61, Queen Street, Portsea, Portsmouth [P5]; 59 1/2, High Cross Street, Leicester [L3]) had just come to the notice of the local authority which was still under negotiation with the owners regarding repair works, while the rest were at a transition stage - either carrying out repairs, waiting for an offer of a grant, or waiting for a decision whether to sell or not (8, North Parade, Derby [D5]; 61, Stamshaw Road, Portsmouth [P6]; 150, High Cross Street, Leicester [L4]). Except for Conigre Parsonage [T5], which had many written threats and had once been served with

Emergency Repairs Notice Section 101, to force the owner to carry out repair works, all other at risk buildings in this case study were still in the process of negotiation and persuasion.

Table 6.15 shows that only one restored building was considered not effective in its attempts at repair work. Its restoration took the serving of two Emergency Repairs Notices (Section 101) and a considerable number of written threats before this building was eventually restored and put to good use - as a Nursing Home (103, Alvaston Fields, Boulton Lane, Alvaston, Derby [D1]).

As for the demolished buildings, two of them (16, Fore Street, Trowbridge [T4]; 388 Mile End House, Old Commercial Road, Mile End, Portsmouth [P2]) were given consent for partial demolition during the process of restoring these buildings. However, it was not so with 7, Church Street, Trowbridge [T3], whereby partial demolition had been carried out to the building before permission was sought. Nonetheless, if the restoration had gone well, these buildings could have been in the category of restored buildings. However, only one building in this category (388 Mile End House, Portsmouth [P2]) is considered to be effective in the attempt to rebuild it as multiple residential units, which were considered a suitable use for this building. The extensive work carried out ensured a complete restoration of the rest of the building, despite the inevitable demolition of part of the facade.

The failure of repair work to prevent buildings becoming at risk can be summarised as (see Appendix XII [T4]):

- 1) either because the building has been left neglected for too long and has deteriorated too badly for any repair work to be effective. Sometimes previous alterations which had been poorly built and designed resulted in failure (T6);
- 2) or because of the attitude of owners towards conservation. They were either reluctant to cooperate with the local authority to secure and restore their buildings (D2) or they had attempted to demolish (partial) without prior consent (T3) or,
- 3) the Emergency Repair works under Section 101 of the Town and Country Planning Act 1971 only require "... temporary support or shelter for the building ....." (section 101 [b]) (Town and Country Planning Act, 1971, p. 15) and the owners in these cases (D1 and T5) were content to leave the buildings in that (temporary) state until the buildings required further repair.

However, the effective number of buildings maintained and or repaired is considered small, since only eight out of twenty-four buildings (that is, about one-third or 33.3%) can be considered to have undergone repair work which prevented the buildings from being at risk.

### 6.3.1.7 Planning Appeal

Owners have the right to appeal to the Secretary of State "... if Listed Building Consent is refused by a local planning authority or granted subject to conditions or if the authority fail to reach a decision on an application within the prescribed period of eight weeks unless extended by agreement. The applicant may appeal to the Secretary of State within the prescribed period, that is six months from the receipt of the decision or on the expiry of the eight weeks (or extended) period..." (Circular 8/87, p. 37).

	without register	with register	Total
Yes	2(17%)	2(17%)	4(17%)
No	10(83%)	8(66%)	18(75%)
Not known	-	2(17%)	2(8%)
	12	12	24

**Table 6.16 Planning Appeal**

There were several cases of planning appeal against the decision made by local authorities. Only 17% (four buildings) were involved with planning appeals (Table 6.16). Two of them were at risk buildings (T5, P6). The appeal in both cases was against the refusal to permit Listed Building Consent for the demolition and redevelopment of the buildings. For Conigre Parsonage, Trowbridge [T5], the appeal was refused. The appeal for 61, Stamshaw Road, Portsmouth [P6] was based on the ground that the local authority ".....cannot consider the building worthy of preservation...." ( it had been included in the list on 25/9/72) ".....when they had granted a planning consent for its demolition in 1963....." and "....no objection to its demolition in 1970...." (letter 25/9/72). However, this appeal was later withdrawn.

Planning appeals had also involved a restored (L6) and a demolished (55 - 56 (YMCA), High Street, Portsmouth [P1]) building. Two planning appeals were made for two separate decisions for 1 - 6 Cramant Cottages, Kings Street, Leicester [L6]. The first appeal on 4/2/85 was made against the refusal to grant Planning Permission and Listed Building Consent to demolish No. 4 - 6 Cramant Cottages. The refusal was on the grounds that they were listed buildings and should be retained. This appeal was later withdrawn. The other planning appeal was made by Leicestershire Historic Buildings Trust for the refusal to grant Planning Permission and Listed Building Consent in July 1985 for the refurbishment and use of these cottages as light industrial workshops. The refusal was on the ground that the "...site has inadequate facilities for servicing and parking to cater for the proposed use... ". On appeal, Planning Permission and Listed Building Consent were granted subject to



restrictions on use (that is to daytime hours and preventing use of premises for storage).

The incident that led to the planning appeal for 55 - 56 (YMCA) High Street, Portsmouth (fully demolished building [P1]) was different from the other planning appeals. In this case the Portsmouth County Borough Council failed to issue a decision within the statutory period of the application for planning permission to replace existing study-bedrooms for 97 students and auxillary buildings. The appeal was refused by the inspector on the ground that the proposal constituted over-development and the design failed to pay sufficient regard to the surrounding development.

Most of the planning appeals, except for P1, were against the refusal to grant Planning Permission and Listed Building Consent to demolish and redevelop the sites. This showed that there was a lack of understanding or sympathy for building conservation and restoration. Despite knowing that these involved listed buildings and at the same time being aware of the concepts and rules of building conservation and restoration, there were still many applications submitted for Planning Permission and Listed Building Consent for demolition and redevelopment.

	without register	with register	Total
Yes	9(75%)	8(67%)	17(71%)
No	3(25%)	4(33%)	7(29%)
	12	12	24

**Table 6.17 Demolition or Intention to Demolish**

The figures in Table 6.17 reflect the attitudes of owners towards building conservation and restoration. 71% of the owners in the case studies had intended to demolish (written reference or in application) or had actually carried out partial demolition. Only 29% (seven buildings) had not carried out demolition or had no intention to demolish, of which three were under the category of restored buildings and four were still at risk. If these four buildings, which were still at risk at the time of survey, were successful in avoiding any intention of demolition, then there would be an absolute 29% success. However, if they failed, then the actual figure would be only 13% that avoided being demolished, and an increase to 88% of cases where there was the intention to demolish. The large number of applications with the intention to demolish (53%), besides the buildings that had actually been demolished, undoubtedly showed the attitudes and inclination of owners towards demolition rather than restoration.

This attitude would be disastrous for conservation if these intentions had been accepted. These intentions were an indicator of the numerous problems the local authority had to face and it was obviously an uphill struggle to save buildings not only from being at risk but also in preventing demolition of these buildings at the same time. The communications between the local authorities and the owners showed the patience and tact exercised by the local authorities in handling difficult owners, yet standing firm in their decision.

#### **6.4 SUMMARY AND PROBLEMS**

The analyses of answers to questions 9 to 20 reveals the complexity in the relationship of different factors that contribute to buildings at risk, that is the relationship between use (single or multiple), occupancy, grant aid, statutory powers, and maintenance and repair works. It is obvious from these analyses (especially from question 20) that there were many attempts to demolish these buildings in the case studies. The dedication to save and preserve these buildings on the part of the local authorities alone was not enough. Greater attempts have to be made to identify at risk buildings early, and to carry out essential repair works immediately. The analyses show that buildings should not be allowed to deteriorate further before repair works can be carried out. If deterioration has really set in, buildings cannot be restored successfully, since the deterioration will have adversely affected structural condition,

making partial demolition inevitable.

In the long term, badly deteriorated and delapidated listed buildings cost proportionately more to restore. This alone should discourage owners from restoring their buildings because for the same investment, or perhaps less, they could get new developments with higher returns. Even giving grant aid appears not to stop them (the owners) from applying for demolition and redevelopment. Grant aid was more effective for owner-occupied or potential owners of listed buildings, who genuinely wanted to restore the building but needed financial assistance to be able to do so (example: 8, North Parade, Derby [D5]; 57, Castle Street, Trowbridge [T1]; 1 - 1A, Penny Street, Portsmouth [P4]). This study showed that buildings owned by big companies posed more problems to the local authorities in their attempt to save and restore the buildings. These owners (companies) were more concerned with the financial benefits and returns than with the concept of conservation and restoration.

The other constraints faced by local authorities and owners concerned alternative uses for the listed buildings. As stated in Circular 8/87 (para. 20, p. 6) "...the best use for an historic building is obviously the use for which it was designed and wherever possible, this original use, particularly if it is a residential use, should continue...". As shown in the analyses, original use was not suitable any more for most of the case studies. Since the listed buildings were designed as dwellinghouses, and over the years these buildings had changed their use to other classes of use, the choice of alternative suitable uses was limited. There were indications that local

authorities had adopted a certain flexibility in their approval of some of the alternative uses, which, under the circumstances, were considered as appropriate use (for example the new use of Cramant Cottages).

It was obvious from the analyses too, that the statutory power, Section 101, 114 - 117 of the Town and Country Planning Act 1971 was not widely used, even when the situation warranted it. The conclusion that can be drawn here is that the local authorities seem to be reluctant to use not only the full Repairs Notice (section 114 and 115) but also the Emergency Repairs Notice Section 101. Section 114 to 117 of the Act states that "...if the requirement of the Repairs Notice are not carried out, the council or the Commission may initiate compulsory purchase proceedings" (Circular 8/87, p. 41), which the local authorities do not wish to impose upon themselves. The local authorities do not want to compulsorily purchase these buildings unless they are sure that they can find new owners as quickly as possible. It is expensive to keep such buildings, and according to them they just could not afford to do it (that is, to compulsorily purchase buildings) every time they have to serve the full Repairs Notice Section 114 - 117. It was this part of the clause that the local authorities did not agree with, and therefore they were reluctant to apply it.

Some owners, on the other hand, had used the knowledge of the local authority's reluctance to issue Repairs Notice to their advantage. For example, the owners of Conigre Parsonage, Upper Broad Street, Trowbridge and 103 Alvaston Fields, Boulton Lane, Alvaston, Derby (before restored) had played a 'waiting game'

with the local authorities and had refused to seriously repair and restore their buildings unless forced to (that is after several written threats and the servings of Emergency Repairs Notice Section 101). Both owners in these examples had no financial problems in restoring their buildings. The problem lay, however, with the attitude of these owners, and their using loopholes in the legislation to their advantage. There are obviously some weaknesses in the system of implementing the statutory powers. Both of these case studies had been at risk for eight years and had been allowed to deteriorate unnecessarily when there were no reasons for not restoring the buildings earlier except the attitude on the part of the owners and indecision or lack of it on the part of the local authorities to take action against them (the owners).

The analyses also showed the need to change the buildings' original use (dwellinghouses) and for some the change had occurred. As the town or city grew, the commercial centre had grown. Since the surrounding buildings had changed to commercial use, these listed buildings would not be suitable any more as dwellinghouses; thus the need for change. The danger began when such buildings could not secure some long-term use, or when the new change needed some drastic renovation to the interior which might destroy its architectural and historical features, or when the building was left vacant and neglected. Local authorities, therefore, need to be on the alert and make constant checks on such properties. There are many ways to endanger listed buildings whether consciously or unconsciously, as revealed in the case studies.

The initial intention of this study was to make a comparison between the groups of buildings with register and those without. However the analyses do not show any distinctive and significant difference in the figures in any of the factors discussed and analysed. Those that did show some distinction were highlighted in the discussion. The general conclusion is that the conservation and decision-making process in all four city and county councils in this study are similar. Though different buildings had different problems, they were processed within the same legislation, under similar policies and concepts, and similar constraints such as manpower, time and finance. The only difference was that Derby City Council had adopted the register system introduced by English Heritage, and it has computer software installed to assist with the register, although it was not used. The officer in charge of the listed buildings admitted that he did not have the time to feed in information on the listed buildings. The system (register system) therefore had failed to establish itself.

Portsmouth City Council on the other hand did not use the English Heritage register system, except at the offices of Hampshire County Council. The idea here was for the County Council to monitor and oversee the buildings at risk situation, with help and regular feedback (updating of information) from each of the city and district council. However, Portsmouth City Council was not too concerned with this register system because it was not directly involved with it, and it was considered to be of secondary importance to other problems. On the other hand, Portsmouth City Council have a very good filing and recording system. Files with applications as far back as 1949 or even earlier still exist, and most of them were kept

on microfiche. Such systematic filing and compilation, established for a long time, would not appear to need duplication by means of another system of recording and registering, even just for buildings at risk.

The problems of manpower and time were again the reasons for not accepting the English Heritage register system. As far as Portsmouth City, Wiltshire County and Leicester City Councils were concerned, they do not need English Heritage register system, and they claimed that they could give all the information regarding buildings at risk with no problem (interview with Bob Colley in Portsmouth City Council 6/2/90, James G. Denning in Wiltshire County Council 7/2/90, Mike Taylor in Leicester City Council 21/2/90). Wiltshire County Council, on the other hand, had a team of five to specifically take care of conservation in the county which included Trowbridge Town Scheme. It has not adopted English Heritage register, but has its own compilation and filing system, which, according to J. Denning (interview 7/2/90), the principal assistant architect, works well. Therefore, they found no reason to change the system. Again, time and manpower were the reasons given for its reluctance to adopt this register.

In fact all the four councils chosen for the study had displayed their own unique system which worked well for them. There was no distinct difference in the success or failure to restore buildings at risk in any of the councils, regardless of whether they had any register system or not.



#### 6.4.1 Problems

Problems arose when it was discovered during the survey that both the city councils selected as representing the register system had not actually been involved directly with the system. In Derby City Council however, a computer and the register software from English Heritage had been installed, but the principal urban designer (G. Rennie) had not fed in the data required to start off the register. According to this officer, he was too busy with work to enable him to transfer information onto the computer (interview with George Rennie 19/2/90). This is one city council that did not have a comprehensive recording and file compilation system. Most of the information not found on the file, according to this officer, was mainly known to him alone. Since the register and software from English Heritage had been installed for about six months at the time of the survey, all the information gathered was from records, files and interviews with the officer concerned. There was no way to assess the achievement, success or failure of the register system in this city council, since it had just started.

Portsmouth City Council, on the other hand, had left the compilation of the register system to its county council. Hampshire County Council had adopted it and was a great supporter of this system as early as 1988, when it was first introduced. It (Hampshire County Council) believed that with the help from feedback from all the district councils within the county it could best monitor the at risk situation from that level. The key to success in this system depends on the regular

updating of information from the district councils in the county. Portsmouth City Council, on the other hand, had a systematic and complete compilation of records and they were satisfied with its own system. According to the officer, it does not believe the register system "would change anything" (that is for the better) (interview with Colley 6/2/90) and does not wish to set one up in its office. If the register system were to be installed it would mean more time and manpower to use it. Once again, it was not possible to assess the effect of the register system in this council, when the register was set up in the county council instead. Besides, the effect of the county's register system on Portsmouth City Council could not be assessed at the time of undertaking this study, since the system included the county as a whole.

## Footnote

1. The class of uses and code used, for example, C1, B1, C2, in The Town and Planning (Use Classes) Order 1987 S1 No. 764

## **CHAPTER SEVEN**

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### **7.0 EVALUATION**

#### **7.1 INTRODUCTION**

It is the aim of this chapter to bring together the concepts and ideas of obsolescence and conservation (Chapter 4), the concept of Buildings at Risk Register by English Heritage, the findings from the analyses (Chapter 6) and the key issues (sub-section 7.2) in order to provide an evaluation and explanation of the outcome. However, the issues revealed during the field survey and analyses need to be

highlighted before full evaluation can be made. Out of the significant findings came other issues that show the problems faced in the process of repair works and the restoration of architecturally or historically important buildings.

## **7.2 KEY ISSUES**

During the field work investigation and analyses, several key issues arose, mainly out of the process of protection. These emphasised the underlying factors that contributed to the problems faced by the local authorities, while trying to successfully repair and restore the buildings in the case studies. Eight such issues are identified and these are discussed in order of importance. However, though they are discussed separately, they are interrelated; in other words, some of the causes of disrepair are the result of two or more of these issues.

### **7.2.1 Attitude**

Most of the failures to restore and avoid any kind of demolition can be attributed to attitudes of particular groups or individuals, in particular owners, building contractors and architects who were directly in contact with the buildings and who

sometimes acted as advisers to the owners. The local authorities, specifically the conservation officers or officers directly in charge of the buildings, were most dedicated and committed towards their job of conservation and restoration. Undoubtedly these local authorities faced a variety of delicate technical and administrative situations with owners.

Positive and negative attitudes towards conservation are revealed in this study. The attitudes shown by the local authorities are all positive. Their officers were not only dedicated and committed, but also they showed considerable initiative in making sure that all administrative avenues were being explored, for practical conservation. These avenues included the offering of grant aid and the use of statutory town planning powers. Another method of influence was the issuing of written threats after verbal advice, persuasion, and warnings had been given to the owners, in preference to the use of force. These acts of advice and persuasion definitely took a lot of time and patience on the part of the officers. Other help, in the form of technical support, involved other interested groups or agencies such as the local Preservation Trust, developers, or even English Heritage, in their attempt to secure the preservation and restoration of these buildings in the case studies.

However, local authorities sometimes showed some negative attitudes towards conservation, especially towards buildings they owned, for example Leicestershire County Council who owned 150, High Cross Street (listed building); Leicester City Council who owned 84, New Walk (unlisted building in conservation

area) and Portsmouth City Council who were once the owner of 45, St Thomas's Street. In these three cases, the councils had failed to carry out any repair works to the buildings.

84, New Walk was said to be in a very poor and derelict condition before it was sold. The council made no attempt to repair this building. On the other hand, threatening letters were issued to the new owner to repair or demolish the building when it had deteriorated badly. Such contradiction was not seen as a good example to other owners. It was inevitable that 84, New Walk was eventually demolished since the building was beyond repair. At the same time the city council expressed its view that the building was "...not considered to be of any architectural interest...". However, the reason given for the demolition was not acceptable to the objectors, because "...the demolition was considered to be detrimental to the special environment of this section of the New Walk...." conservation area.

150, High Cross Street, on the other hand, had been at risk and vacant for some time (about five years), and the local authority as the owner had identified its structural condition, yet nothing was done to remedy the situation. Instead, there were two applications for full Planning Permission and Listed Building Consent for the demolition of the listed building and redevelopment of the site. Both these applications brought strong objections from Leicester Civic Society who described these actions (applications) as ".....a disgrace and should be thrown out at once....." (see Appendix XIV, case history [L4]). 45, St Thomas's Street became at risk from

1972. The property was then "...in a very bad state of repair, damp penetration and vandalism had been extensive..." (see Appendix XIV, case history [P3]). Repair and restoration works were carried out only by the new owner. There was no reason why these local authorities should not have carried out repair work on these buildings earlier when the structural condition was obviously deteriorating and perceivably at risk.

The question is how many more listed buildings or unlisted buildings within conservation areas were left deteriorating and at risk while owned by local authorities, and finally demolished as a result of neglect. At the same time there was no explanation for their adopting such attitudes with their own buildings in these three cases when they were positive towards restoration when dealing with other owners.

As mentioned in Chapter Six, it was found that owner-occupied buildings were easily restored compared to rented and vacant buildings, for example 57, Castle Street, Trowbridge and 1 - 1A, Penny Street, Portsmouth. For 1 - 1A, Penny Street, Portsmouth, though the building was left neglected by its former owner (who had not lived there), it was eventually repaired and restored by the new owner who had expressed his wish to use it "...as residential accommodation for himself..." (letter dated 30/10/73). Most, if not all, of the rented and vacant buildings in this study were not easily repaired and restored.



Even if these buildings eventually were restored, the time and effort taken by the local authorities to achieve this had been enormous. For example 103, Alvaston Fields, Boulton Lane, Alvaston, Derby [D1] had been at risk since 1982 and was eventually restored in 1986. The attitude of the owner (Alan Farmer) before the building was restored and later sold, was very clearly expressed in the Derby Evening Telegraph (9 August, 1982) (refer to Appendix XIV, case history [D1]). Most owners who objected and refused to repair their buildings, either did not accept or were not aware of the significance of their buildings as listed buildings or unlisted in conservation areas as required by law to maintain, restore and repair them to their 'former glory'. All their arguments were based on the fact that they owned the buildings, and could do what they liked with them, and should not be required to maintain, repair or restore them if they did not want to (example 103, Alvaston Fields, Boulton Lane, Alvaston, Derby).

In others cases, for example 14, The Halve, Trowbridge (Grade II\*) the owner was simply not convinced that such a building should be restored. This attitude was clearly expressed in his letters:

- (a) to the Joint Committee of Trowbridge Town Scheme (letter dated 24/10/85): " Personally, I feel that it is a pity to waste money on this property ....." and ".....it never ceases to amaze me how we go on trying to save derelict old buildings when so many people want a modern home....";

(b) to the Department of Planning, Wiltshire County Council: "...I admire your dedication to these dreadful old, poor quality buildings in Trowbridge but, really, 14, The Halve should have been demolished..." and "...the only thing that can be said in its favour is that it holds up the cottage next door but, had they both fallen down, there would have been enough room to put up a clean pair of semi-detached houses, each with its own garage...".

Another negative attitude was shown by the owners in their reluctance to take the initiative to completely restore or repair their buildings before being issued with threatening letters to take legal action against them if repair work was not carried out as required. Even if they eventually repaired their buildings, the minimum of work was carried out, as neatly summed up in the letter of the owner of 14, The Halve, Trowbridge, "...I propose to do the minimum which will make the building safe...." (letter 23/4/85).

The same attitude prevailed in the case of Conigre Parsonage, Trowbridge [T5] and 103 Alvaston Fields, Boulton Lane, Alvaston, Derby [D1] (before it was restored and sold). Every time repairs were required, the owners only did the minimum, that is making the buildings "wind and weatherproof".<sup>1</sup> When no actual effort was made to prevent further risk and deterioration, such as finding an alternative use if the previous use (before being vacant) was not suitable any more, the building eventually fell prey to weather and vandals. This cycle repeated itself

many times, as in both these examples [T5, D1]. Unless it was stopped, (as in 103, Alvaston Fields, Boulton Lane, Alvaston, Derby), the buildings could end up demolished as their owners had wished.

When preservation had started as early as 1882, when the First Ancient Monuments Protection Act was introduced, it was only for monuments. However, when the risk started affecting other buildings, more information was needed to inform and educate the owners. Few members of the general public or in fact owners of listed buildings or unlisted buildings in conservation areas were aware of what they could and could not do with their buildings. In fact they were not sure what listed buildings entailed or even what "Grade II\*" meant, as expressed by the owner of 14, The Halve, Trowbridge to the Planning Department, West Wiltshire District Council; "...I don't understand this "Grade II\*". Does it mean that I can get a Grant for repairing it?...." (letter dated 23/4/85).

In order to change the negative attitudes of owners and potential owners towards building conservation, more information is needed to explain clearly and simply the concept of conservation, guidelines on how and what to conserve, what the benefits are if any, what grant aids are and how to get them, what laws relate to these buildings, what owners should and should not do with their buildings and where they could seek advice. The assumption made by the local authorities was that most or all owners knew their rights and their duties towards their listed buildings, but, as shown earlier, this was not true. The law concerning the repair of buildings at risk and the

actions taken against owners were only explained in detail in letters that served as a threat, demanding that they do repair works as required, in order to save their buildings. It was only when owners were faced with an unexpected situation coupled with threats that they became defensive, and this caused negative and uncooperative attitudes. As shown in the analyses also, threats had worked with some owners but not with others, especially those who knew what the legislation involved and what their rights were as owners.

On the other hand, it was not all the fault of the owners. The team who advised the owners, such as the architects, building contractors and their solicitors were also at fault. It is their duty to advise according to the law, follow strictly to the work schedule approved by the local authority, and advise on legal matters. To some extent it was the attitudes of these 'experts' that had influenced the owners. Therefore the policies, concepts, and guidelines on conservation should be presented in a positive but firm manner in a way that can be widely and plainly understood by the general public and professionals alike.

Another problem faced by the local authority was 'difficult owners' (as termed by some local authorities) whose lack of cooperation prevented them from inspecting the buildings (for example with 103, Alvaston Fields, Boulton lane, Alvaston, Derby [D1] and 7, North Parade, Derby [D2]). In the first case [D1], a court order was needed to enter the building for an interior inspection in the presence of a police constable to avoid being accused of trespassing. In some instances,

exterior inspection was not enough and did not show the actual condition of the building, for example 61, Queen Street, Portsmouth. However, before actual statutory actions can be taken against the owner for neglecting the building, the local authority need to make a thorough exterior and interior inspection of the building. In the second case [D2], contact from the local authority both by letters or telephone call was ignored.

However, there were inconsistencies in the actions and decisions taken by some local authorities. On the one hand, a decisive action was taken by the local authority requiring the owner of 14, The Halve, to pay back all the grants for selling the property within three years of receiving the last payment of the grant and by withdrawing grant aid to 7, Church Street, for making unauthorised demolition to part of the building.

All these decisions were made when these buildings were being repaired and restored. It is possible that the decision taken against the owner of 7, Church Street was justified, but this was not the case for 14, The Halve. On the other hand, buildings at risk such as Conigre Parsonage, Trowbridge and 103, Alvaston Fields, Derby (before it was restored) were allowed to remain vacant and at risk with occasional minimum repair works to prevent them from deteriorating further. As far as Conigre Parsonage was concerned, it had been at risk for more than twelve years, since 1974. Yet the only action taken was the serving of Section 101 (Emergency Repairs Notices) once. However, the building is still at risk and remains vacant to

this day, despite the fact that there was no reason, such as lack of finance, to prevent the owner from restoring this building. The local authorities should have taken tougher actions and against these owners in order to make them restore the buildings without delay.

### **7.2.2 Perception of Risk**

Issues on perception of risk arose even during the initial field survey. During the interviews with officers from the four local authorities in this study and the other local authorities during the initial field survey and practice visit (that is to Cambridgeshire County, Clwyd County, Derbyshire County, Essex County, Hampshire County, Ipswich County, Kirklees Metropolitan District, and Winchester City Councils) the question of perception of risk was raised, in order to establish the local authorities' actual perception and understanding of the word 'risk' and to establish the definition used in each respective local authority. It was important to establish this perception and understanding (of risk) early so that the study could ascertain whether 'risk' in one local authority meant the same in another, since the study involved and evolved around buildings at risk. In fact, the outcome of the whole study would be misleading if wrong assumptions were made.

All four local authorities had similar perceptions of risk;

- (a) according to the officer in Portsmouth City Council, "...a listed building is said to be at risk when it is left neglected and deteriorated...." (interview with Bob Colley 6/2/90);
- (b) to J.G. Denning of Wiltshire County Council, a building is at risk "...when the owner of a listed building refused to repair and find suitable use for the building if it is vacant too...." (interview, 7/2/90);
- (c) Mike Taylor of Leicester City Council on the other hand perceives risk "...when listed buildings are virtually neglected and lack of maintenance..." (interview 21/2/90), and
- (d) according to G. Rennie from Derby City Council, their perception of risk is "...the same as that used by English Heritage...." (interview 19/2/90).

Studying the views given by these local authorities it is safe to conclude that their perceptions are similar to those defined by the English Heritage as "...that of neglect and decay assessed in relation to condition and occupancy ...." (Vanessa Brand, 1988). This definition of 'at risk' has been adopted throughout this study, as mentioned in Chapter One.

The investigation of the perception of risk does not end at the definition of risk. However, it is important to show that whatever caused the neglect would cause structural decay and deterioration to the listed buildings, thus making them at risk. In the twenty-four case studies, several causes of neglect can be identified.

They were as a result of:

- a) The negative attitudes (as mentioned in section 7.2) adopted by some owners and local authorities. The owners hoped to demolish their buildings and proposed redevelopment to the site in order to get higher returns on their financial investment in the new development;
  
- b) Being included in the City Development Plan in Portsmouth approved in 1956. The buildings involved were 1 - 1A, Penny Street; 45, St Thomas's Street; and 388 Mile End House, Old Commercial Road, Mile End. Once the comprehensive development areas were known, the future of these buildings within these areas became uncertain. In fact, all the previous owners of the three buildings were anxious to sell off their properties. For 388 Mile End House, Old Commercial Road, Mile End, the building had started to be neglected since development plans were established. Coupled with lack of finance, although a small amount of grant aid was offered by Hampshire County Council (which was considered inadequate), the deterioration of the building started to escalate because the owner (a pensioner who later died, leaving a widow) did not have the means to make repairs. It was auctioned in 1980 and restored by the new owner. 45, St Thomas's Street was sold immediately (in 1964) to the city council once the proposed development plan was known by the owner. The building was not said to be in a poor condition when it was sold to the city council, but its aim in buying this property was so it could "...ultimately be resold for restoration..." (see Appendix XIV, case



history [P3]). However, not until the building had become vacant, neglected and needing repair did the city council, as the owner, finally decide to sell off this property. Of course it was not easy to dispose off such a building since "...every prospective purchaser who had inspected the property had concluded that purchase, restoration and resale would not be a viable proposition...." (see Appendix XIV, case history [P3]). 1 - 1A, Penny Street, on the other hand, was already declared to be in a 'state of unfitness' and proposed for 'clearance' (to be demolished) by the Health Department (see Appendix XIV, case history [P4]). This building was eventually sold and restored by the present owner who wanted to occupy the building himself.

- c) The proposed road widening. 150, High Cross Street, Leicester was affected by this proposal when the cycle of being neglected and being 'at risk' started. Leicestershire County Council bought this building from its former owner (British Rail), as a result of this proposal. No attempts were made to repair and restore it when its condition deteriorated, although for several years before this it was rented out and occupied. Instead the council had applied for Listed Building Consent (in 1984) to demolish the building, "...due to the excessive cost of restoration and also because the premises were incapable of being let and would become dangerous if left standing..." (see Appendix XIV, case history [L4]). In fact this county council had applied twice for its demolition, which was contradictory to its policy and the legislation (under the Town and Country Planning Act, 1971) to safeguard such buildings (listed buildings)

from being demolished since "...once lost, they cannot be replaced..." (Circular 8/87, p. 2). Further contradiction ensued in the proposed application to demolish this building, when the planning department mentioned that "...if the property were sold, the County Council may choose to abort the proposed road scheme...." (see Appendix XIV, case history [L4]). If this was the case, then the county council would have been able to restore this building before selling it. However, it remained vacant and at risk at the time of the survey.

- d) Lack of finance. A tenant and potential owner had "...genuinely wished to restore...." 8, North Parade, Derby "...since she intended to buy the property....". Even though the City Council and District Council offered to contribute a certain percentage of the cost of the repair works (see Appendix XIV, case history [D5]) as grant aid, it was still not enough for this potential owner to repair and restore the building, since she herself could not raise enough money to finance the rest. This listed building was still at risk and vacant at the time of the survey, since the owner was just not interested in doing the repair work at that stage.
- e) Being vacant. Vacant buildings posed many problems. Most of these buildings were in bad condition and had started to deteriorate before they were actually vacant. In fact these buildings as a result of their condition could no longer find tenants to occupy them. At the same time vacant buildings were also prone to vandalism. Windows were broken, fittings, such as fire places,

were stolen, and even a front door had been stolen (in Leicester, interview with Mike Taylor 21/2/90) thus creating greater risk to the buildings.

Of all these causes of neglect, the most serious was negative attitudes resulting from plain stubbornness or, as Rennie of Derby City Council called them, the "mad people" (interview, 19/2/90) who refused to be persuaded. These causes of neglect (being stubborn and 'dragging' their feet) were serious but avoidable. Listed buildings were allowed to deteriorate unnecessarily since there was no other reason (such as lack of finance) for refusing to do the repair works. On the other hand, if the owner was sympathetic and accepted the need for conservation, such neglect and therefore risk was eliminated altogether. In fact owners and local authorities could work together to save and restore buildings most effectively. These negative attitudes projected by some owners could be the result of a perception of risk different from that of the local authority. When there was a lack of understanding of the policy and concept of building conservation in general (as pointed out earlier under section 7.2.1: Attitudes) it was inevitable that the owner lacked any understanding of risk. The actions taken and the attitudes adopted clearly show this. Thus there is a need to increase greater understanding and awareness towards the principles of building conservation amongst the general public, and especially among owners of listed buildings.

### 7.2.3 Statutory Powers

Several issues that were raised during the analyses concerned statutory powers. The most obvious was the reluctance of the local authorities to use these powers, in particular the Repairs Notice (section 114 - 117) when there was a clear need to use them. All the local authorities in this study seem to be unanimous in the use of these statutory powers, that is, using them only as a last resort. There were several reasons for their reluctance;

- a) The implication of serving Repairs Notices meant that the local authority was committed to follow the process through to Compulsory Purchase, if reasonable steps had not been taken to preserve the building. On the other hand, the owners might issue a Purchase Order to the local authorities instead, if they found that their buildings could no longer be of any beneficial use to them, as a result of the restrictions imposed on them. In order for the local authority to carry through the Compulsory Purchase, they had to have enough financial resources to be able to purchase the building. According to Taylor (Leicestershire City Council, interview 21/2/90) "....they will have to identify financial resources from somewhere....". All four local authorities agreed that it was too high a price to pay for serving Repairs Notice; they could not afford to hold on to or own such properties for long. This led to another reason, that is;

- b) Being listed or within a conservation area, these buildings have certain restrictions attached to their development, restoration, and maintenance. These restrictions and conditions would not make them easy to sell off once acquired. The local authority did not want to compulsorily purchase such buildings unless they could get potential owners, perhaps a local Preservation Trust or a private developer, to take them over immediately and be responsible for their repair and restoration. However, with expenditure cuts introduced in all local authorities in recent years and "...because of the poll tax..." (interview with Taylor, Leicestershire County Council 21/2/90), local authorities cannot afford to make optional compulsory purchases any more since, the money can be best used to help with the repair works of buildings at risk. Even if they do, according to Taylor (interview, 21/2/90), "...they will have to work with their state department, to look at the potential purchase in terms of its commercial possibilities rather than its conservation possibilities...." thus resulting in conflicting objectives.
- c) The local authorities feel that the use of these statutory powers is not necessary when they can get owners to repair and restore their listed buildings through advice and persuasion. In fact all the local authorities in the study prefer to use this method with some measure of threat rather than to use the statutory powers if and when the owners resist the advice of the local authority. According to Denning (interview 7/2/90), "...Repairs Notice procedure is really foolproof enough to get owners to do the right thing with their building...."

(without actually going through to Compulsory Purchase). Despite such a declaration, they (the local authorities) are still reluctant to use it. Although some listed buildings in this study got repaired and some restored without being served with Repairs Notices at all, there were some owners who had used the local authority's reluctance to use this statutory power to their advantage. This created a situation where some owners did not take threats issued by the local authorities seriously, thus making it difficult for the local authority to get these buildings repaired and restored.

- d) Another contributing factor was that the time taken to prepare and serve the full Repairs Notice (Section 114 - 117) on the owners was long, and also involved a considerable number of individuals and departments in the city council. Using this procedure was simply not considered worthwhile, especially when the building had deteriorated so badly that immediate action had to be taken in order to save it from total destruction. Even if some buildings have not reached this stage, to wait for the process to go through before any positive action can be taken would leave the building badly deteriorated compared to its condition before the whole process started. In such cases, the local authorities or officers felt that it was not worth doing.

Another issue concerning statutory powers was the Emergency Repairs Notice section 101 of the Act. The purpose of this section is to impose on the owner the execution of urgent works as specified. However, if these works are not done, then "...the serving authority may execute the works and recover its costs from the owner...." (Cambridgeshire County Council, 1988, p. 55). However, the works required under this section "...consist of or include works for affording temporary support or shelter for the building...." (Town and Country Planning Act 1971, p. 15). Looking at the case histories of all the buildings (D1, T5, P4) that were served with section 101 notices, it seemed inadequate to provide only "...temporary support or shelter for the building ...." when the local authorities had taken a great deal of time and trouble to persuade the owners to repair their buildings. In one case (103, Alvaston Fields, Derby [D1]), a section 101 notice was served twice before the building was eventually restored. From these case studies, the serving of section 101 notices did not lead to the next stage of permanent repair and the eventual restoration of the building. Instead, these buildings had to be repaired several times afterwards, when they were not 'wind and water tight', and had become at risk again from further deterioration. Thus, temporary urgent repairs were required by the owner even if a section 101 notice was not being served again. When the building is wind and water tight, the building is considered to be out of risk, and the local authority is not required to take further action unless it has deteriorated again. Therefore this situation becomes cyclical unless the local authority eventually manages to get the owners to repair and restore the buildings and find a suitable use instead of leaving them vacant, as in 103, Alvaston Fields, Boulton Lane, Alvaston, Derby, which was eventually

restored after four years of being at risk.

It was also noted from the field survey that the local authorities only started to use these statutory powers when they were pressured by complaints from the local amenity society and other interested bodies and agencies (as in 103, Alvaston Fields, Derby and Conigre Parsonage, Trowbridge). These participants will be discussed further in section 7.2.5: Pressure Groups and Public Participation.

In cases where owners had deliberately neglected their buildings, and in one case where partial demolition had gone ahead (7, Church Street, Trowbridge [T3]) without first applying for listed building consent, no stern actions were taken against the owners. This clearly shows that these statutory powers were not being used effectively for the repair and restoration of listed buildings. Besides, the general consensus amongst the local authorities was that there should be more definite and detailed guidelines concerning the use of these statutory powers. This concern about lack of guidelines was also mentioned in the Cambridgeshire Guide to Historic Buildings Law (Cambridgeshire County Council, 1988).



## 7.2.4 Grant Aid

Grants are meant to assist owners with the cost of repair to their buildings. According to Denning, (interview 7/2/90) since the local authority's aim is to encourage and persuade owners of listed buildings and those in conservation areas to carry out the repairs to their buildings, they use every incentive within their power to add to this pressure. This might be in the form of a grant offer, if available.

However, grant aid would not be of much use if the owners or potential owners could not come up with the rest of the cost of repair (as in 8, North Parade, Derby and 388, Mile End, Portsmouth). Grant aid is offered for between 15% to 40% (or even more) of the total cost of repair, but may vary at the discretion of the issuing authority. These grants are still considered inadequate by the owners as incentives to persuade them to carry out the repair work. Grant aid in some of these case studies did not act as a means to assist owners, but had become an essential and important part of the restoration process. Perhaps together with aid from other sources they could help finance and control the repair work more effectively in order to save the buildings from further deterioration.

However, for the two case studies (8, North Parade and 388, Mile End) repair work could not be carried out since there was no other aid or resource to help the owners further. Instead, for No. 8, North Parade, Derby, the occupier (potential owner) who applied for grant aid with the hope of buying this property had to

abandon the plan because she could not come up with the rest of the repair cost. This property at the time of the survey was vacant and still at risk. As for 388, Mile End, Portsmouth, the building was not repaired, due to the owner's lack of finance, until it was auctioned and restored by the new owner. Since the building was left neglected for a long time, part of the front wall or facade had to be demolished and rebuilt, due to its poor and unstable condition. It is possible that this demolition of the facade could have been avoided if more grant aid and help from other sources had been given to the previous owner when she had applied for it earlier. As mentioned by Denning (interview 7/2/90), these financial constraints were indeed serious and 'real'. In any case, leaving the building to deteriorate further means that the cost of repair is greater and the financial risks higher.

Another issue raised during the interviews with the officers was the difficulty of obtaining a grant under section 10 for conservation areas and section 3A for outstanding listed buildings which were controlled by English Heritage. As shown in the analyses in Chapter Six (see Table 6.6) there were no section 10 or section 3A grants applied for by any of the twenty-four case studies. The officers were of the opinion that there is a lot of red tape to deal with before being offered these grants, such as;

- a) the amount of information they have to provide for English Heritage on the buildings,
- b) English Heritage still insists on sending its representative to check on the buildings, even a Grade I listed building. The officers objected that English

Heritage did not trust their judgement. The officers felt that the English Heritage were questioning their ability to handle their own job and know their own buildings. To emphasise this point further, it was also stated in the Cambridgeshire Guide to Historic Buildings Law (Cambridgeshire County Council, 1988 p. 91) that "...even at Grade I does not necessarily mean that English Heritage will declare outstanding status...". Besides it takes English Heritage a long time to deal with applications. According to Denning (interview 7/2/90), he was often kept waiting for an answer, in one case for as long as four years. As a result of the approach and attitude taken by English Heritage, the local authorities were not keen to apply for grants unless absolutely necessary.

Grants are offered subject to conditions. It was one of these conditions that was raised as an issue during the analyses. The owner of 14, The Halve, Trowbridge was asked to repay the whole grant back because the building was sold within a year of receiving it. According to condition number six of the grant, "...the grant shall be repaid in the event of the property being sold within three years of final payment of the grant." (letter 18/10/85). The owner asked the local authority to waive this condition on the grounds that "...they have spent sums in excess of £36,000 on the restoration work so far and it is obvious therefore that if they are constrained to repay the grant they will be out of pocket...." (letter from owner's solicitor [Pinneger Finch & Co with Middleton & Upsall] to the Joint Committee of the Trowbridge Town Scheme dated 12/12/86). The local authority refused and the

grant was finally repaid on 31/7/87. Although the building was restored, the owner was a reluctant participant right from the start of the restoration process. In fact in almost every letter that was written to the local authority, some remarks were made against the idea of preserving and restoring this building.

Although this owner was making his views known to the local authority, concerning the preservation and restoration of the building, he had given his full cooperation to the process and had not given them any problems. In the owner's covering letter in which he enclosed the cheque for the repayment of the grant, he asked "....that the whole question of giving grants should be considered..." and stated that "....if you could find a speculator who would spend as much time and trouble as we did over 14, The Halve, he should be encouraged (assuming, of course, that you think the buildings are worth preserving), and not discouraged by making him give back the grant...". Though the owner at one point admitted wanting to do the minimum to make the building safe, the fact that a large amount of money was spent on the repair works and restoration showed that they had done good and worthwhile work on the building. Perhaps the decision taken by the local authority was not fair, compared to the decision made on 45, St Thomas's Street, Portsmouth. This building was vacant and in a very bad state of repair when first bought from the City Council (the previous owner). The owner received grants (on 18/5/77) for the restoration work but sold this property within a year of receiving this grant.

The owner of 14, The Halve, Trowbridge, has obtained a grant and carried out work of a speculative nature with a view to disposing of the property, and the council considered reclaiming a proportion of the grant. However, in the case of 45, St Thomas's Street, the council felt that "...this right should be waived as Mr. Hudson...." (the owner) "...has carried out first class restoration work with the encouragement of the council....". The owner was a willing participant and in fact had also done restoration work to Nos. 43 and 44, St Thomas's Street.

Even though the grant was smaller and of a different kind (Local Authority 1962 grant) from that of 14, The Halve, Trowbridge (Trowbridge Town Scheme) the situation concerning the sale of these properties within three years of receiving these grants was the same. Even if the main objectives of the local authorities were for the preservation and restoration of these buildings, the way of achieving them could have been more flexible and encouraging (as was the decision taken in 45, St Thomas's Street) when appropriate.

However, in another example, the decision taken to withdraw grant aid from 7, Church Street, Trowbridge, for making unauthorised demolition to part of the building, was considered justified. This was because even the act of partial demolition had contravened the whole concept of preservation and conservation. Unless the structure itself has crumbled beyond repair before any repair works can be carried out, no demolition, no matter how small, should be done unless Listed Building Consent is granted for such actions. The local authority should be strict in such cases. On the

other hand, it should be able to act fairly in cases such as 14, The Halve, Trowbridge.

### **7.2.5 Pressure Groups and Public Participation**

The presence of public participation, especially by a local amenity society such as the local historic and preservation trust, and the local civic society was greatly felt in most of the twenty-four case studies. They were actively participating in the conservation and restoration process of the buildings. In most cases, these local amenity societies not only acted as a watchdog on the lookout for buildings at risk, but they also exerted pressure on the local authorities to take action against certain owners by objecting to the proposed demolition of listed buildings or unlisted buildings in conservation areas. In fact in Circular 8/87 (1987, p. 3), the role of the local amenity societies was clearly seen "...not only as catalysts for local opinion, but [they] may also possess, or have access to, expert advice and information on conservation matters which may be of use to the authority...".

In this study, the local amenity societies were most vocal in their objections to proposed demolition of listed buildings and unlisted buildings in conservation areas, such as in L2, L4, L6, T5, P1 (refer to Appendix XI). Except for L2 (84, New Walk, Leicester) and P1 (55 - 56 (YMCA), High Street, Portsmouth), the objections made for the other buildings were successful. However, L2 and P1 were

demolished despite objections made not only by these local amenity societies but by other interested parties and individuals. The fact that these buildings were not listed buildings possibly influenced the decision, since none of the listed buildings were given permission for total demolition. On the other hand, their contribution as part of a group of buildings that enhanced the conservation area in which they were was not taken into account. This typical decision taken against unlisted buildings in a conservation area also led to the demolition of 75, Princess Road, Leicester [L1]. The objections made by these local amenity societies and others were not taken into consideration during the period of decision-making.

On the other hand, the pressure brought to bear by these societies was most successful in inducing the local authority to take specific action against some owners for neglecting and putting their buildings at risk, such as in the case of Conigre Parsonage, Trowbridge [T5] and 103, Alvaston Fields, Boulton Lane, Alvaston, Derby [D1]. At the same time, pressure by neighbours, occupier and other interested parties (private company) had also contributed a great deal to bringing the local authority's attention to these buildings at risk, such as in D2, D5, and T2. Often owners brought the local authorities' attention to the conditions of their buildings only when they applied for Planning Permission and Listed Building Consent for the demolition of these buildings and redevelopment of the site. Some of these buildings were in a very bad state of repair and structurally unstable, as in the case of 61, Queen Street, Portsea, Portsmouth. The application for its demolition in this case was not ruled out. In fact, Portsmouth City Council was waiting for the Secretary of

State's decision (on the listed building consent) for the demolition of this building at the time of the survey. However, there were also a small number of buildings that needed straightforward repair work and assistance in terms of grant aid (example 93, Friar Gate, Derby and 57, Castle Street, Trowbridge).

On the whole, public participation was effective when acting as a pressure group to induce local authorities to take action against certain owners and in preventing demolition of most listed buildings in the study, although there were some unlisted buildings in conservation areas that got demolished, despite objections from the local amenity societies and other interested bodies and individuals, such as the case of 84, New Walk and 75, Princess Street, Leicester.

#### **7.2.6 Maintenance and Repair**

It was obvious from the analyses of the case studies that most, if not all, the buildings had not been maintained and repaired before they were brought to the attention of the local authorities. The worst affected were those buildings that were rented out. When they were no longer fit for habitation, the buildings were left vacant and neglected until such time as either the owners themselves made certain proposals (mainly to demolish and redevelop the site) or one of the local amenity societies, interested bodies, or individuals, brought the buildings to the attention of the



local authority. The buildings that were affected in this manner were 45, St Thomas's Street, Portsmouth; 1 - 1A, Penny Street, Portsmouth; 61, Stamshaw Road, Portsmouth; 150, High Cross Street, Leicester; and 93, Friar Gate, Derby.

Most of the buildings in the study were brought to the attention of the local authority in a very poor state of repair. Although some could be repaired and restored successfully, for others the repair work had to involve partial demolition. The level of success in the repair work that eventually led to complete restoration in the study as a whole was not impressive, as shown in the analyses.

However, as long as these buildings had been brought to the attention of the local authority, they were not be allowed to deteriorate and be neglected. All the local authorities in the study had some way of monitoring buildings at risk. The officers admit to not having a definite list of buildings at risk on paper, but they claimed to know which were at risk from off 'the top of their head'. No definite time period was mentioned at which these buildings at risk were monitored, nor how frequently in a year. With such an ambiguous system, there is no doubt that some buildings did slip through and were left neglected and deteriorated beyond repair, for example 61, Queen Street, Portsmouth. The purpose of having section 101 or the Emergency Repairs Notice was to prevent listed buildings from falling into disrepair before they could be suitably restored and, if vacant, found a suitable use.

This whole exercise of monitoring buildings at risk would be unsuccessful if there was no definite system to identify buildings that needed immediate attention and those that might need further attention in the near future. Therefore, the concept of the buildings at risk register, as introduced by English Heritage, is significant and beneficial for the purpose of actually making the local authorities identify these buildings on paper for easier future reference. The danger of not compiling the list of buildings at risk could result in;

- a) the information not being accessible to any other individuals or officers;
- b) the officer who was in charge of these buildings at risk is not indispensable, that is he or she could be transferred to another council. For example, during the initial field survey, before selecting which four councils were to produce the twenty-four case studies, several tentative enquiries were made to different local authorities about the number of buildings at risk in their jurisdiction (before making the final selection). In the New Forest, Hampshire, however, the conservation officer was new to the post, while the former officer had been transferred, as the conservation officer for East Hampshire District Council. The new conservation officer of the New Forest could not identify how many buildings were at risk without going through all the files;
- c) when there was no record of buildings at risk, it was difficult to make plans with regard to the allocation of finance for grants and other resources to assist the repair works and monitoring.

There seemed to be a lot of stages and steps to be taken and considered before finally being able to restore the buildings completely. The most important consideration was the question of how far the owners were willing to do the repair works. As stated previously, most of the owners were forced to do the repair works because of the actions that the local authority threatened to take against them. Even after these warnings, only the minimum was done to save the buildings from further deterioration, at least at that time. If the building was also vacant then a suitable use had to be found if the original use was no longer acceptable, and the repair and restoration works would have to suit this new use. There was no way that the local authority could force the owner to find a suitable use for the property (when the building was out of danger) nor could it force the owner to sell the property. Therefore the fate of these buildings lay with their owners, while the local authority could only monitor and assist wherever possible. The success of the repair and restoration works only came with complete cooperation from the owner, as shown in the case studies.

The second consideration was the finance available from the local authorities and the owners. It was a hopeless situation if there were grants available from the local authority but the owners could not come up with the rest of the money. On the other hand, it would delay or even stop any intention to repair and possibly restore the building if there was no opportunity to be considered eligible for any grant aid (example in Conigre Parsonage, Trowbridge).

The third consideration was how bad the condition of the building was and how soon the repair work could commence. It normally takes about six months to a year, or more in some cases, before repair work can start. The process starts with the application for listed building consent and planning permission for any restoration work. If a grant is available, then an application for it is made separately.

The local authorities have to do a building inspection and the application is passed through several committee meetings before any decision is made regarding listed building consent, planning permission and grant aid. These processes may involve English Heritage and other national amenity societies, such as the Georgian Group or Victorian Society. The length of time to make these decisions definitely affects the success rate of the repair and restoration works. The structural condition of the building may not allow a long wait before it can be repaired. However, one of the conditions of grant aid is that repair work must not start before a decision is made. Even when it was possible to obtain prior approval for the repair proposals without prejudice to the grant aid application in cases where urgent work was necessary, some owners still did not carry out repair works until confirmation (for grant aid) was given (as in 7, Church Street, Trowbridge).

### 7.2.7 Manpower

During the course of the field survey and interviews the issue of manpower was raised. One of the main complaints from the local authorities was the imbalance between the amount of work and the number of staff to deal with it. All four councils in the study had an average of four to five staff, including the conservation officer or officer in charge of the listed buildings and conservation areas. However, the work involved not only processing proposals for listed building consent and planning permission, application for grant aid, various site meetings, committee meetings within the councils, building inspections and supervision, and informal visits to the owners, but also administrative work, and the reports that may have to be prepared. In addition, they as a team were responsible for all the listed buildings and conservation areas within their jurisdiction.

The unauthorised demolition of 7, Church Street, Trowbridge and 75, Princes Road, Leicester could have been the result of heavy workload and lack of staff for tighter supervision. Even though in both cases it was clear how the repair works should have been done, the owners and their team (building contractor, architect, etc.) had chosen to ignore them. According to the local authorities, their instructions on the repair works, as far as 75, Princes Street was concerned, had been misunderstood on purpose. No action was taken against either of these owners, however. Despite this there was also a statement in the Town Scheme Guidance Notes (Conservation in Wiltshire, July 1988) that endorsed the right not to give close supervision to all the

repair and restoration works. In this guidance note (see Appendix XVI) it states that "...the Technical Officers have a duty to ensure that work is carried out to a proper standard but they cannot supervise the work for each applicant. Applicants who require surveys, schedules of condition and who want the works supervised should seek the services of a professional adviser....".

There were, of course, others who were involved with these case studies. But their involvement was restricted to an official level only. They were the city solicitor, town clerk, city surveyor, city engineers and the chief planning officer of the councils. They do not contribute in terms of 'real' manpower to the conservation team.

However, the problem of providing adequate manpower is mainly due to bureaucracy. The conservation teams need not only more manpower, but also specialist individuals who have the appropriate knowledge about preservation and conservation. But this problem (concerning manpower) could be alleviated if there was a proper system to monitor all the listed buildings and conservation areas, instead of relying only on the officer's knowledge. With a proper system the local authorities would at least be able to study and anticipate the actual situation in their areas and hopefully be able to stop any unauthorised demolition.

### 7.2.8 Who Are The Decision-Makers?

From the field survey, analyses and issues there was a clear indication that the key decision makers were the local authorities. Firstly, they were responsible for all the listed buildings and conservation areas in their region (jurisdiction). With legal power, the local authority has access and the right to oversee these buildings to make sure that they were out of risk. It was mainly the backing of these statutory powers and the authority to recommend grant aid that put them in the forefront. Even though the buildings were legally owned by their owners, there were many restrictions as to their use, and what could be done to them. Any changes, alterations or demolition that would affect the character (internally or externally) of the building would need listed building consent. On the other hand, the owners were also legally responsible for maintaining them and keeping them from being at risk.

From the field survey and analyses, it can be seen that the actions taken by the local authority had a direct result on the final outcome for the building. The refusal to grant listed building consent and planning permission to demolish and redevelop several buildings (such as in case studies L4, L6, T5, P6 [see Appendix XI]), had saved them from being demolished, except for L6 (which was eventually restored); the rest of the buildings were still at risk. Looking at the case histories of these buildings at risk, it seems they were not in danger of being demolished and had the opportunity of being repaired and restored fully, provided some tough action was taken.

One building 61, Queen Street,Portsea, Portsmouth [P5], for which listed building consent for demolition was conditionally accepted, would suffer demolition unless the Secretary of State did not agree to this decision. Except for two case studies (7, Church Street, Trowbridge and 75, Princess Street, Leicester), decisions to partially demolish were taken by the owners without applying for Listed Building Consent first. The rest of the other case studies were guided through the repair works every step of the way. Some had been successfully restored, even though some had taken longer than the others. The rest were still carefully monitored by the local authority to prevent them from being at risk, and eventually completely restored.

As seen in Chapter Six, the time taken to restore these buildings varies considerably from one case study to another. The influencing factors depended very much on:

- a) the attitude of the owner. If the owner were willing and cooperative about repair and restoration then there would be few obstacles;
- b) the availability of finance, either in terms of grant aid or from the owner himself, or both, for repair and restoration costs;
- c) the condition of the building. If the building was in a very poor structural condition it would inevitably need more finance and more time to repair. The detailed preparation needed to apply for grant aid and grants (if available) and building inspection before any repair schedule could be prepared take longer;
- d) the application from the owners, such as for planning permission and listed building consent for whatever changes or alterations were needed or even



partial or full demolition and redevelopment of the building. Acceptable and straightforward applications can be dealt with and take shorter time than applications that involve partial or full demolition or other unsuitable proposals for the buildings. The latter type of application might involve a planning appeal against the decision taken by the local authority if it was considered unfavourable by the owners.

Even though the local authority would have the final say as to how the building should be repaired and restored and what uses would be suitable for the building, the owner did make the final decision about when such repairs and restorations should be made. The owners cannot be forced to repair and restore their buildings and rent or occupy them if they were not at risk, even if the situation was moving towards it. As long as the owner could make the building wind, water and vandalproof, the local authority could not force the owner to do further work until the situation had deteriorated to such an extent that it would need intervention from the local authority.

On the whole, the local authority and the city council were the key decision makers in the preservation and conservation process. Being the implementer of the conservation policy, their role as decision maker fits very well, since they were responsible for upholding these policies. But this was not always true, since there were some deviations that were sometimes beyond control, though not many were encountered in this study.

Nevertheless, the officers in the conservation team in the study areas were most enthusiastic and diligent in their work. They could undoubtedly handle any situation. However, improvements are needed in the process to give greater control over the buildings. Since the buildings involved were considered to be of architectural or historic importance, the decisions taken by the local authority should be correct and precise, and this depends on the right information at the right time. The rate of failure, (that is, of buildings being demolished in the country) could not be ascertained in this study (as it is not within its scope). However, disturbing evidence of how this can happen, even at the slightest chance has to be monitored. These categories of buildings (of architectural or historical importance) should not be allowed to be destroyed and demolished at all, since once lost, they cannot be replaced. Therefore, methods such as introducing a register for buildings at risk, and for all other listed buildings, are important for better monitoring of these buildings.

### **7.3 SUMMARY AND INTERPRETATION**

The issues that arose from the analyses and field survey have shown loopholes in the local authority's controlling and monitoring of buildings at risk and listed buildings in general. Though the local authorities professes to know which buildings are at risk, they could not actually give specific information, such as the exact number of those at risk, off-hand. Indeed, no one other than these specific

officers was able to give detailed information concerning these buildings under their care.

At the same time there were no definite risk grades (formulated) in either Portsmouth or Leicester City Councils, while Trowbridge Town Scheme (under the Wiltshire County Council) had its own categories (refer to Appendix XVII). Derby, on the other hand, claimed to use English Heritage's risk grade for its buildings, but there was no evidence of that since information for the register had not all been transferred into the software supplied by English Heritage for that purpose. The introduction of a buildings at risk register would be the solution to this problem.

The introduction of this register could also help overcome other difficulties, such as the lack of manpower in the local authority to deal with listed buildings and conservation areas. Lack of proper staff has adverse effects by putting more buildings at risk in real danger of being unnecessarily destroyed and demolished. Besides, there could be others very much at risk which had not been brought to the attention of the local authority (proper authority). The introduction of a building at risk register could help with better management and monitoring of these buildings, keeping a close watch on those that were at the verge of being at risk.

With this register, the buildings would be categorised into risk grades, depending on structural condition and occupancy. Having identified structural condition, a local authority would have some idea of the extent of repair works needed and of repair costs. Therefore in the allocation of resources, such as the budget for grant aid and the distribution of manpower, the local authority would be able to plan the financial allocation and set up a strategy of which buildings to handle as priorities, and where the others could be fitted into these plans. With regard to Lord Montagu's recommendation (1987, p. 58 - 59), that "...local authorities should compile and regularly review lists of 'historic buildings at risk' in their areas, in order to identify priority needs for financial and other forms of assistance..." such a register would indeed satisfy this recommendation. However, since the register was first introduced in 1988 it has not yet been adopted and widely implemented.

This study found that the register was viewed with scepticism by some officers, particularly in Wiltshire County, Portsmouth City and Leicester City Councils. There were no specific criticisms of any particular part of the register but, rather, a general complaint against the attitude of English Heritage, who were trying to persuade them of the virtue of the register. The local authorities (departmental policy) considered adopting the register to be a waste of time, because they could not envisage how it could help them finance and increase manpower in the conservation team or to prevent buildings becoming at risk. The concept of the register had obviously not been well explained or understood. At the same time the local authorities considered the introduction of this register disruptive on top of their already

heavy workload, since at least one of the staff would have to learn the software, and how to operate and feed information into the computer. All these misgivings were unfounded, and the register, if used properly, can in fact benefit the local authority.

Even though the concept of the register was not readily acceptable to any of the councils in the study, the argument earlier shows that the register has great potential and benefits the welfare of the buildings at risk and the organisation of listed buildings as a whole. However, after studying the English Heritage register closely, the scale of conditions (Appendix XIII) is considered too general and ambiguous, creating conflicting interpretations. Different local authorities interpret the conditions (especially between conditions 1 [very bad] and 2 [poor]) differently from one another. Condition 1 [very bad] was described as "...likely structural failure, example roof covering largely missing, roof structure sagging....." while condition 2 [poor] was described as "...deterioration tending towards structural failure, example area of missing slates but roof structure still sound ....". The use of the words "likely" and "tending" described the category of these conditions badly. In order to avoid misinterpretation, specific description for each scale of the condition should be used, ensuring a uniform and constant risk category for all listed buildings.

On the other hand, the register could be based on the equation used in the Spitalfields study (Greater London Council, 1987) to determine the priorities of action, namely, the Index of Priority. The equation was based on several factors, such as the existing use class, "injuriousness of use", density of occupation, Use index (U),

Repair index (R), Index of decay (D) = UR/10 and Index of special interest (H) [as discussed in Chapter Four]. In this equation more factors and details were involved compared to the English Heritage buildings at risk register. The index of priority showed that the higher the index, the greater the priority for action. However, in the Spitalfields study the index (from the index of priority) was not grouped to show a scale of priority. It would be more efficient and comprehensive if the various index of priorities were grouped in this way, showing the risk grades: that is, the higher the priority or scale of priority, the higher the risk to that building.

As suggested in Chapter Four, the equation in the calculation of the priority of action presented in the Conservation of Spitalfields Study could be an alternative to the English Heritage buildings at risk register. This method could be easily adopted, but the only problem for the local authority might be the quantity of factors, details, and time involved in the preparation of the equation. The local authority would need to set up all the necessary information into groups of categories such as the "injuriousness of use", existing use class, density of occupation, etc. to ensure its correct and accurate incorporation into the equation. Even if the local authority had its own categories, they could be grouped and scaled differently. Thus, to maintain consistency and accuracy throughout, the categories should be kept exactly as in the Spitalfields study. These time-consuming demands for details could be a major obstacle. Local authorities complained of lack of staff and other resources, so they might not accept this concept any more enthusiastically than the English Heritage's register.

Nonetheless, this method could be easily adopted provided a local authority is willing to adapt its categories and scales according to those employed in the Spitalfields study. Another change should be made to the scale for the index of priority. The index of priority should be grouped to provide a scale which corresponds to the scale of risk shown in Figure 12.

INDEX OF PRIORITY		RISK CATEGORY
		<u>Buildings at risk</u>
2.81 - 2.35	1	extreme risk
2.34 - 1.88	2	grave risk
1.87 - 1.41	3	at risk
		<u>Vulnerable buildings</u>
1.40 - 0.94	4	
		<u>Buildings not at risk from neglect</u>
0.93 - 0.47	5	
0.46 - 0.00	6	

**FIGURE 12 Scale to Measure the Degree of Risk**

Risk grades 5 and 6 are here under the same category, while risk grade 4 should be monitored to prevent further deterioration. Risk grades 1 to 3 are the risk grades that need action, which means risk grade 1 would get the highest priority for action followed by risk grade 2 and so on. According to Duckett (telephone interview 3/10/91) this method was successful when it was introduced and used in Spitalfields. However, it was not introduced and used in any other study.

An adapted version of the English Heritage buildings at risk register could also solve these problems. The main idea is to introduce a method that is simple and straightforward without involving too much time, changes and preparation for its use. Although the English Heritage register is simple, ambiguity in the scale of the conditions used makes it inaccurate in use. The Spitalfields' model also may not be ideal, since there are many categories involved, and it undoubtedly entails a considerable amount of time in preparation which could discourage local authorities from adopting it. However, adopting the 'scale of condition' (see Appendix XVIII) used in the Spitalfields method (with some minor changes made to it) instead of the scales of condition in the English Heritage register, a revised register more accurate and acceptable to the local authorities could be achieved.

The minor changes needed in the measurement of structural condition adopted from the Spitalfields method would involve reducing the scale from five to four categories (see Appendix XVIII). Category 5 (hopeless) should be incorporated into category 4, which obviously falls into the 'very bad' category. The rest of the

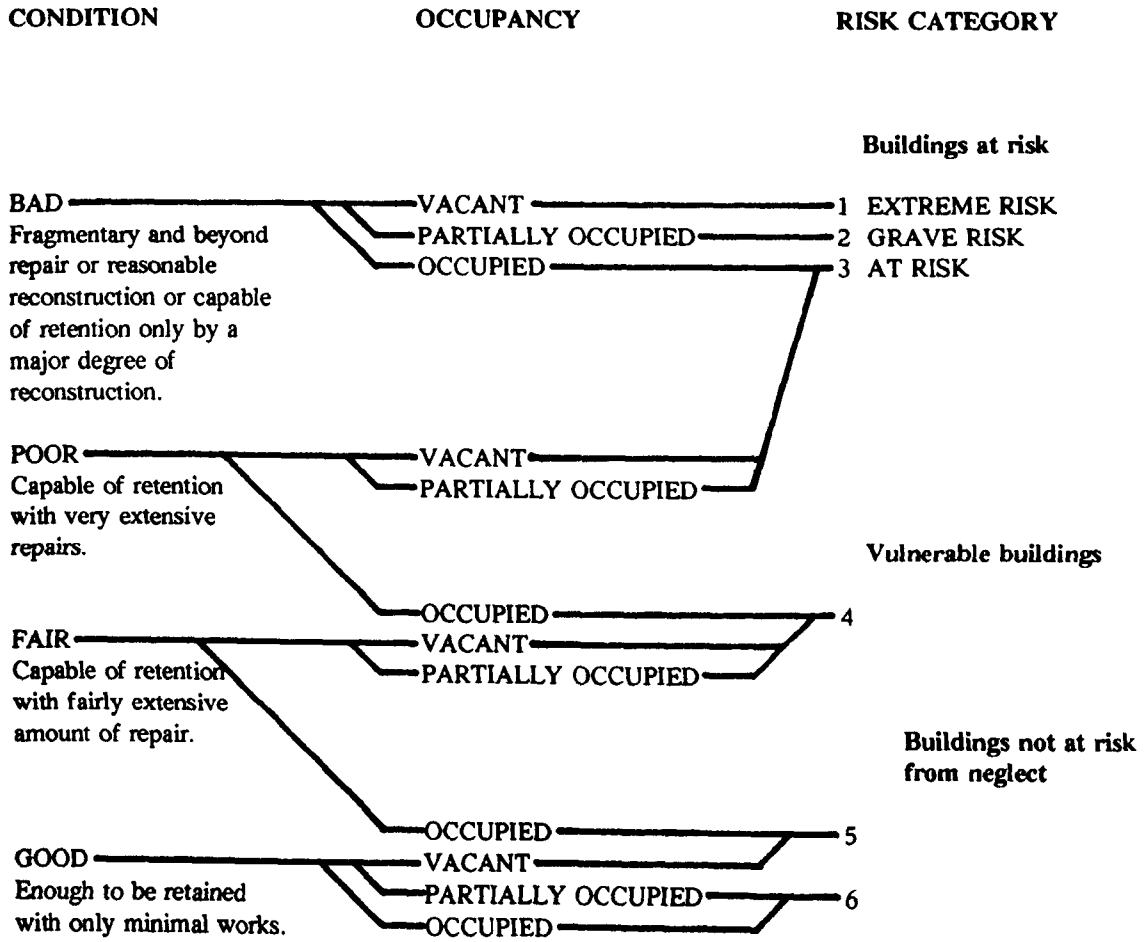


other categories are acceptable as they are. To create uniformity it would be necessary to redefine these categories, that is adopting the words used by English Heritage for structural condition, but using the Spitalfields' definition below, which distinguishes them better.

The categories would then be arranged as:

1. **Bad:** Fragmentary and beyond repair or reasonable reconstruction or capable of retention only by a major degree of reconstruction.
2. **Poor:** Capable of retention with very extensive repairs.
3. **Fair:** Capable of retention with fairly extensive repairs.
4. **Good:** Can be retained with only minimal works.

To distinguish the difference between these four categories, the physical condition of each building should be assessed through five different sections of the building, namely, the front elevation, rear elevation, party walls, roofs and interior (by storeys). This would enable the local authority to assess the relative cost of repair of each building, thus distinguishing which building needed more or less repairs than the others. Instead of each section being assessed in turn, with one of the four categories (good, fair, poor, and bad), a collective assessment of the different sections of the whole physical condition would be made then the building placed in one of the categories (see Appendix XVIII, section 3.2.6). The changes to the English Heritage building at risk register would mainly be to the categorisation of the structural condition; it would look as in Figure 13.



**FIGURE 13 Scale to Measure the Degree of Risk (Adapted Version)**

The most outstanding issue that arose out of this study was the problem of overall management of listed buildings and buildings at risk in particular. As identified earlier, the success of the implementation of the register could not be controlled from the county level. The failure is brought about by the 'strained' relationship that seems to exist between the district and county councils. Though the county council is supposed to act as consultant or in an advisory capacity to the city council, its role was regarded more as an 'intervention' which was often not welcomed. Portsmouth City Council kept itself distant from the register system that had been set up by Hampshire County Council. To ask the local building preservation trust to take over this role of management would not be acceptable to the local authority, because the trust does not have full-time professional expertise to administer buildings at risk. In addition, its interest may not cover all buildings at risk - it is more selective. Nor does it have the power or the financial backing to implement curatorial duties effectively. The only alternative lies with English Heritage, which has the duty under the National Heritage Act "to secure the preservation of ancient monuments and historic buildings..." (National Heritage Act, 1983, p. 19).

However, the difficulty appears to be in terms of the inability of the present English Heritage to be closely involved with district councils. The issue of detachment is one which is revealed in several of the case studies. Where English Heritage was involved, this was found to be impersonal by nature, and this led to misunderstanding and distrust. In spite of this, with the introduction of the regionalisation of English Heritage from 1 April 1991 (English Heritage, 1991, p. 17),

with smaller and more localised areas to administer, more attention and interaction could be developed with the district councils. Management of the buildings at risk register by a smaller and regionalised English Heritage offices could be more effective, since a closer relationship could develop in terms of the implementation of the aims and objects of the legislation (Town and Country Planning Act 1971), grant aid, and technical support. Thus, any problems could be discussed and solved easily and quickly due to the experience of English Heritage with listed buildings and buildings at risk. From these smaller regional centres of English Heritage, London headquarters could get direct feedback, and more reliable information than from local authorities themselves.

## **Footnote**

1. This term was normally used by this local authority (Wiltshire County Council) and Trowbridge Civic Society. Another term, "wind and water tight", was used in other counties, but has the same meaning.

## **CHAPTER EIGHT**

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### **8.0 CONCLUSION**

#### **8.1 INTRODUCTION**

The major concerns of the study have been;

- a) to examine the main causes of disrepair, the way in which buildings at risk registers are compiled and used, and to analyse the effects of decisions made on listed and unlisted buildings in conservation areas by owners and local authorities; and to evaluate the outcome in terms of the number of buildings

successfully restored or demolished, and

- b) to examine Lord Montagu's recommendation, that "...local authorities should compile and regularly review lists of 'historic buildings at risk' in their areas, in order to identify priority needs for financial and other forms of assistance...." (1980, p. 58 - 59), the assumptions made by English Heritage and others of the causes of continued threat to listed buildings and in particular to test the efficacy of the buildings at risk registers.

The questions addressed to this hypothesis are:

- 1) Are registers the best way of resolving problems associated with identifying risk?
- 2) Are registers the most effective way of protecting listed buildings?
- 3) What are the implications of registers for the proper enforcement of repairs?
- 4) Why do registers appear to be more successful in some local authorities than in others?
- 5) What is the potential of using specialist preservation trusts to administer registers and to encourage building maintenance?
- 6) Which of district or county levels is better for the compilation and administration of a register?

## 8.2 SUMMARY OF FINDINGS

The evidence shown in Chapters Six and Seven clearly suggests that the main causes of disrepair are the result of several factors, sometimes on their own and sometimes a combination of different factors. No one factor seems to be the sole cause of disrepair. Several points emerged from the case studies. These show that:

- 1) The change of use from its original (that is, dwellinghouse) was inevitable to ensure their continued occupancy. Besides, threats to these buildings increased when there was a change from single use to multiple use. It appears that more buildings in authorities without register have multiple use than those with register.
- 2) Vacancy relates clearly to risk. Vacant buildings left neglected for some time deteriorated quickly, for example at Conigre Parsonage, Upper Broad Street, Trowbridge. Besides, vacant buildings, even when made wind and water tight are exposed to vandalism, for example at 103 Alvaston Fields, Boulton Lane, Alvaston, Derby. In the case study, the councils with registers (Portsmouth and Derby) were not capable of reducing the number of vacant buildings under their care any more than in other districts.
- 3) The longer an at risk building is neglected, the higher the risk of demolition, and the greater the cost of repair, for example at 103 Alvaston Fields, Boulton Lane, Alvaston, Derby and 388 Mile End House, Old Commercial Road, Mile



End, Portsmouth. Most of the buildings under this category were neglected on purpose. Once neglected and deteriorated most of these buildings were beyond repair.

4. The threat has arisen not from ignorance or lack of understanding but more from the attitudes of some owners, local authorities and the general public. It was obvious from the case studies that the owners were well informed of their responsibilities towards their listed buildings. But they had chosen to ignore their responsibilities and the reminders made to them by the local authorities (example 7, North Parade, Derby). In addition to this, the attraction of higher site value offered by redevelopment outweighed the importance of the building's restoration. The problem for conservation still exists when the owner is strongly influenced by the possible profit of redevelopment of the site. This adds to the threat and risk faced by the buildings in this study.
- 5) Grant aid was not enough to change the attitude of the owners. Every opportunity for grant aid had been offered to all owners who were eligible for it. However, the decision to accept falls on the owner, for example at 59 1/2, High Cross Street, Leicester. This study shows that offering grant aid to owners to repair their buildings is not enough of an incentive. More buildings in councils without register had applied for grants.

- 6) Repairs notices were not frequently used and the virtues of the statutory powers are not made overt, for example at Conigre Parsonage, Upper Broad Street.
  
- 7) All the local authorities in this study, regardless of whether they have adopted the English Heritage buildings at risk register or not, perceived risk as the result of neglect and decay in the same way as the definition given by English Heritage. Some owners, on the other hand, were seen to use 'neglect' (that is the danger of being at risk) to force the local authority to agree to their application for demolition and redevelopment to suit their purposes, rather than comply with the requirements of the legislation on listed buildings and conservation areas, by refusing to find any suitable use for the building and by deliberately neglecting to maintain and repair it.
  
- 8) There do not seem to be any significant advantages for those buildings under the councils with register over those without, in terms of grant offers, or with respect to the number of buildings repaired and restored.

### 8.3 Buildings at Risk Register

The concept of compiling a list, and the regular monitoring and reviewing of 'historic buildings' was recommended by the working party to study alternative uses of historic buildings, chaired by Lord Montagu (1980). This recommendation finally become a reality when English Heritage translated it into something more specific, that is, the buildings at risk register in 1988.

The questions addressed to the hypothesis (see pages 5 and 249) at the outset of the study can now be answered:

#### **Question 1:**

However, from the evidence shown in this study, this concept has not been completely accepted in principle, nor readily adopted by any of the local authorities approached in this study. Despite a successful pilot survey in Kirklees, some local authorities, such as Wiltshire and Leicestershire, still retain reservations about the concept. They do not have a register because they cannot see the value in having one. This study shows a lack of monitoring of listed buildings, especially those at risk from neglect and perhaps in imminent danger of demolition if left beyond repair, due to insufficient numbers of staff in local authorities. As demonstrated in Chapter Seven, a register would assist in monitoring the numerous listed buildings in the local authority and especially those at risk. There are two alternatives: either the concept of priority of actions is adopted (as at Spitalfields) or, the English Heritage

register is used with some amendment. The introduction of a clearer definition of the different scales of structural condition is important to avoid misinterpretation. As suggested in Chapter Seven, the adoption of the first solution entails a considerable amount of work before a list of priorities for action can be obtained. However, the adoption of the second solution, (a buildings at risk register) would be simpler to compile and more straightforward to implement. Therefore, in answering the first question addressed to the hypothesis, the register could be the answer to all the problems faced by local authorities in the prevention of more buildings from becoming at risk.

#### **Question 2:**

The findings from the case studies cannot conclusively show that registers were effective in protecting listed buildings because two district councils (Portsmouth and Derby) in the study were not actually established with the register system. Hampshire County Council is established with a register not in Portsmouth City Council. The register in Hampshire has not affected Portsmouth in anyway, whilst Derby had just started to get the feel of the database provided by English Heritage and had not actually fully adopted the system at the time of survey. Irrespective of the cases of Portsmouth and Derby, the exploration of the different concepts and ideas in this study pointed positively towards suitability of registers in protecting listed buildings. Undoubtedly, registers appear to be the most effective way of protecting listed buildings.

### **Question 3:**

Implementing a register system universally would ensure that all at risk and vulnerable buildings would be monitored. It would be easier for the local authorities to remind owners of their responsibilities to repair and restore their buildings, and to enforce the powers entrusted to them under the Town and Country Acts. As admitted by some of the local authorities, some buildings only came to their attention when there was a proposal for redevelopment or demolition. Most of these buildings were mostly in poor condition, (example 7, Church Street, Trowbridge; 84, New Walk, Leicester; 388 Mile End House, Old Commercial Road, Mile End, Portsmouth; and 61, Queen Street, Portsea, Portsmouth). Partial or total demolition to these buildings would be unnecessary if their condition had been monitored.

### **Question 4:**

This study has not being able to answer the fourth question since none of the district councils involved were fully committed to the use of the register system at the time of survey.

### **Question 5:**

This study shows that building preservation trusts and civic societies do play an important role in the protection of buildings (example Kirklees). However, their role is limited, in the sense that as voluntary bodies their funds are limited. Undoubtedly though, they do play an important role to those buildings selected for restoration and every assistance from such trusts are welcome by the local

authorities. Building preservation trusts have not been able to administer registers but they could assist local authorities in monitoring and find suitable use for these buildings on the list, and bring those that need attention to the notice of local authorities.

**Question 6:**

One significant finding in this study has been that district level is better for the compilation and administration of registers. Officers in the district councils are closely involved and associated with these buildings, therefore, the registers would be more useful and effective in their everyday work.

#### **8.4 FURTHER AREAS OF INVESTIGATION AND RESEARCH**

During the course of the survey, possibilities for further research have emerged. One concerns the computerised systems used by different local authorities to compile information on listed buildings, and how these differ. For example, Cambridgeshire uses software called STAIRS, an IBM standard mainframe package. Clwyd uses a different system and approach. It also uses main frame and personal computers to achieve this, while English Heritage uses a database format on a personal computer. Clwyd claims to be the first council to produce a computerised listed building register and it has subsequently improved the system. Cambridgeshire does

does not feel that it should adopt the English Heritage system as it believes its own to be superior. This opens another area of research: to evaluate the system in Clwyd and Cambridgeshire against the system introduced by English Heritage.

Another field of research concerns the 'use' of repairs notice procedure in relation to effective control of buildings at risk. This should be carried out over a wide area of study, as recently attempted by Kindred (1991) in his initial report on the use of repairs notices by local planning authorities in England.

A further field of research is the evaluation of the impact of the regionalisation of English Heritage on the effectiveness of monitoring buildings at risk in the local authorities within the region. This would investigate in greater detail the administrative gap that exists between city council, county councils, English Heritage, and other agencies, such as the local preservation trusts.

## **APPENDICES**

- I           The Manifesto of William Morris**
- II           Listing of Buildings of Special Architectural or Historic Interest - Principles of Selection**
- III          New Life for Old Buildings**
- IV          Buildings at Risk Register**
- V           Special Case of Renewal or Interventions Allowable Under Conservation**
- VI          The Theory of the Obsolescence of Buildings**
- VII         Pilot Questionnaire**
- VIII        Historic Buildings and Monument Commission for England**
- IX          Buildings at Risk Survey**
- X           Summary Sheet**
- XI         Respondent's Code and Identification**
- XII        Responses to Open-Ended Questions**
- XIII       English Heritage Scale to Measure the Degree of Risk**
- XIV        Case History**
- XV         Steps or Initiatives Suggested by Cambridgeshire County Council**
- XVI        Town Scheme Guidance Notes**
- XVII       Building Condition Category for Trowbridge Town Scheme**
- XVIII      Structural Condition**



## APPENDIX I

source: HARVEY, John (1972) Conservation of Buildings.  
London, John Baker, p. 210 - 212.

*The Manifesto of William Morris, setting forth the principles of the Society for the Protection of Ancient Buildings upon its foundation in 1877.*

'A Society coming before the public with such a name as that above written must needs explain how, and why, it proposes to protect those ancient buildings which, to most people doubtless, seem to have so many and such excellent protectors. This, then, is the explanation we offer.

No doubt within the last fifty years (since 1827) a new interest, almost like another sense, has arisen in these ancient monuments of art; and they have become the subject of one of the most interesting of studies, and of an enthusiasm, religious, historical, artistic, which is one of the undoubted gains of our time; yet we think, that if the present treatment of them be continued, our descendants will find them useless for study and chilling to enthusiasm. We think that those last fifty years of knowledge and attention have done more for their destruction than all the foregoing centuries of revolution, violence, and contempt.

For Architecture, long decaying, died out, as a popular art at least, just as the knowledge of medieval art was born. So that the civilized world of the nineteenth century has no style of its own amidst its wide knowledge of the styles of other centuries. From this lack and this gain arose in men's minds the strange idea of the Restoration of ancient buildings; and a strange and most fatal idea, which by its very name implies that it is possible to strip from a building this, that, and the other part of its history, of its life that is, and then to stay the hand at some arbitrary point, and leave it still historical, living, and even as it once was.

In early times this kind of forgery was impossible, because knowledge failed the builders, or perhaps because instinct held them back. If repairs were needed, if ambition or piety pricked on to change, that change was of necessity wrought in the unmistakable fashion of the time; a church of the eleventh century might be added to or altered in the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, or even the seventeenth and eighteenth centuries; but every change, whatever history it destroyed, left history in the gap, and was alive with the spirit of the deeds done midst its fashioning. The result of all this was often a building in which the many changes, though harsh and visible enough, were, by their very contrast, interesting and instructive and

could by no possibility mislead. But those who make the changes wrought in our day under the name of Restoration, while professing to bring back a building to the best time of its history, have no guide but each his own individual whim to point out to them what is admirable and what contemptible; while the very nature of their task compels them to destroy something and to supply the gap by imagining what the earlier builders should or might have done. Moreover, in the course of this double process of destruction and addition the whole surface of the building is necessarily tampered with; so that the appearance of antiquity is taken away from such old parts of the fabrics as are left, and there is no laying to rest in the spectator the suspicion of what may have been lost; and in short, a feeble and lifeless forgery is the final result of all the wasted labour.

It is sad to say, that in this manner most of the bigger Minsters, and a vast number of more humble buildings, both in England and on the Continent, have been dealt with by men of talent often, and worthy of better employment, but deaf to the claims of poetry and history in the highest sense of the words.

For what is left we plead before our architects themselves, before the official guardians of buildings, and before the public generally, and we pray them to remember how much is gone of the religion, thought and manners of time past, never by almost universal consent, to be Restored; and to consider whether it be possible to Restore those buildings, the living spirit of which, it cannot be too often repeated, was an inseparable part of that religion and thought, and those past manners. For our part we assure them fearlessly, that of all the Restorations yet undertaken the worst have meant the reckless stripping a building of some of its most interesting material features; while the best have their exact analogy in the Restoration of an old picture, where the partly-perished work of the ancient craftsman has been made neat and smooth by the tricky hand of some unoriginal and thoughtless hack of to-day. If, for the rest, it be asked us to specify what kind of amount of art, style, or other interest in a building, makes it worth protecting, we answer, Anything which can be looked on as artistic, picturesque, historical, antique, or substantial: any work, in short, over which educated, artistic people would think it worth while to argue at all.

It is for all these buildings, therefore, of all times and styles, that we plead, and call upon those who have to deal with them, to put Protection in the place of Restoration, to stave off decay by daily care, to prop a perilous wall or mend a leaky roof by such means as are obviously meant for support or covering, and show no pretence of other art, and otherwise to resist all tampering with either the fabric or ornament of the building as it stands; if it has become inconvenient for its present use, to raise another building rather than alter or en-

large the old one; in fine to treat our ancient buildings as monuments of a bygone art, created by bygone manners, that modern art cannot meddle with without destroying.

Thus, and thus only, shall we escape the reproach of our learning being turned into a snare to us; thus, and thus only can we protect our ancient buildings, and hand them down instructive and venerable to those that come after us.'

## APPENDIX II

source: GREAT BRITAIN, Department of Environment (1987) Historic Buildings and Conservation Areas - Policy and Procedures. Circular 8/87, London, H.M.S.O., p. 47 - 48.

### **LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST—PRINCIPLES OF SELECTION**

#### **How the Buildings Are Chosen**

The principles of selection for the lists were drawn up by the Historic Buildings Council (the functions of the former Historic Buildings Council for England are now carried out by the Historic Buildings and Monuments Commission (HBMC)) and approved by the Secretary of State. They cover four groups:—

All buildings built before 1700 which survive in anything like their original condition are listed.

Most buildings of 1700 to 1840 are listed, though selection is necessary.

Between 1840 and 1914 only buildings of definite quality and character are listed, and the selection is designed to include the principal works of the principal architects.

Between 1914 and 1939, selected buildings of high quality are listed (see below).

After 1939, a few outstanding buildings are listed.

In choosing buildings, particular attention is paid to:—

Special value within certain types, either for architectural or planning reasons or as illustrating social and economic history (for instance, industrial buildings, railway stations, schools, hospitals, theatres, town halls, markets, exchanges, almshouses, prisons, lock-ups, mills).

Technological innovation or virtuosity (for instance cast iron, prefabrication, or the early use of concrete).

Association with well-known characters or events.

Group value, especially as examples of town planning (for instance, squares, terraces or model villages).

#### **A Note on Interwar Buildings**

The criteria for selecting buildings of the 1914–1939 period for listing cover two issues: the range of buildings which may be considered, and the quality of the individual buildings actually selected.

The criteria are designed to enable full recognition to be given to the varied architectural output of the period. Three main building styles (broadly interpreted) are represented: modern, classical and others. The building types which may be considered cover nine categories, as follows:—

- (a) Churches, chapels and other places of public worship.
- (b) Cinemas, theatres, hotels and other places of public entertainment.
- (c) Commercial and industrial premises including shops and offices.
- (d) Schools, colleges and educational buildings.

- (e) Flats.
- (f) Houses and housing estates.
- (g) Municipal and other public buildings.
- (h) Railway stations, airport terminals and other places associated with public transport.
- (i) Miscellaneous.

The selection includes the work of the principal architects of the period.

#### **Grading**

The buildings are classified in grades to show their relative importance as follows:—

*Grade I* These are buildings of exceptional interest (only about 2 per cent. of listed buildings so far are in this grade).

*Grade II\** These are particularly important buildings of more than special interest (some 4 per cent. of listed buildings).

*Grade II* These are buildings of special interest, which warrant every effort being made to preserve them.

*Grade III* A non-statutory and now obsolete grade. Grade III buildings are those which, whilst not qualifying for the statutory list, were considered nevertheless to be of some importance. Many of these buildings are now considered to be of special interest by current standards—particularly where they possess “group value”—and are being added to the statutory lists as these are revised.

APPENDIX VII

PILOT QUESTIONNAIRE

DRAFT

Name:..... Local authority:.....  
Telephone:..... County:.....

QUESTIONNAIRE

A. BUILDINGS-AT-RISK REGISTER

1. How would you define buildings-at-risk in your council?

.....  
.....  
.....  
.....

2. Do you have any form of buildings-at-risk register in your council?

YES  NO

If YES;

i) When was it started?

.....

ii) Initiating cause or reason:

.....  
.....  
.....

iii) Have the aims of the register changed since initiation?

YES  NO

Please comment further.....

.....  
.....  
.....

iv) Which staff compiled the register?

.....  
.....

v) How often do you monitor the buildings included in the register?

.....  
.....

vi) What form does your compilation take?

.....  
.....  
.....  
.....

vii) What improvements in your system of compilation would you like to see?

.....  
.....  
.....  
.....

viii) How do new buildings for inclusion in the register come to your notice?

.....  
.....  
.....  
.....  
.....

If NO:

i) Would you like to start a buildings-at-risk register?

YES  NO

ii) What problems would you envisage in starting a register in your area?

.....  
.....  
.....  
.....

iii) Do you consider that registers are best compiled at:

either county level?   
or district level?   
or national level?

3. How many listed buildings are there in your local authority's area,

of which, how many of them are 'at risk'?

4. In what ways do you consider a register helps in reducing risk?

.....  
.....  
.....  
.....  
.....



5. Over the past 5 years, how many listed buildings have been demolished because of neglect and disrepair?

(actual / approximate)

**B. REPAIRS NOTICES**

1. Where significant disrepair had been identified by your council, how many listed properties incurred initial correspondence with the owners?

2. How many Repairs Notices (section 114, <sup>117</sup> Town and Country Act 1971) have your authority served over the last 5 years?

3. How many emergency repairs have been carried out by your council over the last 5 years?

permanent repair

temporary repair

4. How many of these Repairs Notices subsequently led to the serving of Compulsory Purchase Order under section 114<sup>117</sup> of the Town and Country Planning Act 1971?

5. How many Compulsory Purchase Orders took place under a direction for minimum compensation by the Secretary of State?

6. In your opinion, would you see the threat of the serving of a Listed Building Purchase Notice upon your council by an aggrieved owner be likely to prevent your council from issuing a Repairs Notice?

YES

NO

7. How many such Purchase Orders have been successfully served upon your council?

8. Does your council have a formal programme of rehabilitating buildings (listed or otherwise)?

YES

NO

If YES, is it by;

i) By direct council purchase (Compulsory Purchase Order or otherwise) where a building is renovated in conjunction with another body. (i.e a Preservation Trust or local Civic Society).

YES

NO

ii) By direct council purchase (Compulsory Purchase Order or otherwise) where a building is renovated solely by the council.

YES

NO

iii) Where Compulsory Purchase has taken place and a Listed Building is then sold off to a private developer.

YES

NO

iv) With direct financial support from the council to other Trust or Societies (grants, loans) to undertake preservation works.

YES

NO

9. Where repairs notice procedures have been employed:

i) How many officer hours are typically incurred;

- within the planning department?

- in other departments?

Please comment further.....  
.....  
.....  
.....

ii) Which other departments of the council have been involved?

.....  
.....  
.....

10. What financial commitments have typically been incurred with respect to:

	low	high
i) Emergency Temporary Repairs .....	.....	.....
ii) Compulsory Purchase .....	.....	.....
iii) Listed Building Purchase Notices .....	.....	.....

---

Thank you for your help.

Please post this questionnaire by 30th April 1989 to:  
Ms H. Yakub,  
School of Planning,  
Oxford Polytechnic,  
Gipsy Lane,  
Headington,  
Oxford OX3 0BP

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# APPENDIX X

## SUMMARY SHEET

Buildings Questions	WITHOUT REGISTER											WITH REGISTER												
	T1	T2	T3	T4	T5	T6	L1	L2	L3	L4	L5	L6	P1	P2	P3	P4	P5	P6	D1	D2	D3	D4	D5	D6
7	1 restored	✓									✓	✓			✓	✓			✓					✓
	2 at risk					✓		✓									✓			✓			✓	
	3 demolished P			✓	✓								✓									✓		
	3 demolished P						✓	✓					✓									✓		
8	1 with register												✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	2 without register	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓												
	I																							
	II*		✓													✓								
9	II	✓		✓	✓	✓		✓	✓	✓	✓	✓					✓		✓	✓	✓	✓	✓	✓
	L (local)												✓											
	1			✓			✓	✓		✓	✓	✓							✓	✓	✓	✓	✓	✓
	2												✓					✓						
10	3	✓	✓		✓			✓						✓	✓	✓							✓	
	Y YES	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	N NO																							
					✓				✓	✓	✓	✓							✓	✓	✓	✓	✓	✓

	T1	T2	T3	T4	T5	T6	L1	L2	L3	L4	L5	L6	P1	P2	P3	P4	P5	P6	D1	D2	D3	D4	D5	D6
16 (a)	YES	✓	✓	✓	✓	✓			✓		✓	✓		✓	✓	✓							✓	✓
	NO									✓			✓					✓		✓				
	not known						✓	✓													✓			
(b)	YES		✓																					
	NO	✓		✓	✓	✓			✓		✓	✓		✓	✓	✓		✓				✓	✓	✓
	YES			✓	✓	✓	✓	✓			✓	✓		✓	✓	✓		✓	✓	✓				✓
17	NO	✓		✓		✓			✓				✓				✓						✓	
	not known																				✓	✓		
	YES	✓	✓	✓	✓	✓					✓	✓		✓	✓	✓			✓	✓				✓
18 (a)	NO						✓	✓					✓					✓					✓	
	not known																					✓		
	effective	✓									✓	✓		✓	✓	✓								✓
(b)	not effective			✓	✓	✓													✓	✓				
	YES					✓						✓						✓						
	NO	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓			✓	✓			✓	✓
19	not known																					✓		
	YES		✓																					
	NO	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓			✓	✓			✓	✓
20	not known																					✓		
	YES		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓						✓	✓	✓
	NO	✓				✓			✓										✓	✓			✓	✓
not known																							✓	✓

## APPENDIX XII

### RESPONSES TO OPEN-ENDED QUESTIONS

**Question 11: Is this building in a conservation area?**

**If Yes, name the conservation area:**

- D6 Friar Gate Conservation Area
- L1 New Walk Conservation Area
- L2 New Walk Conservation Area
- L6 New Walk Conservation Area
- P1 Conservation Area 4 Old Portsmouth
- P2 Conservation Area 5 Mile End
- P3 Conservation Area 4 Old Portsmouth
- P4 Conservation Area 4 Old Portsmouth
- P5 Conservation Area 23 Portsea
- T1 Conservation Area No. 2 Trowbridge
- T2 Conservation Area No. 2 Trowbridge
- T3 Conservation Area No. 2 Trowbridge
- T4 Conservation Area No. 2 Trowbridge
- T6 Conservation Area No. 2 Trowbridge

**Question 18: Have maintenance and/or repair works carried out by the owner been effective in controlling the at risk situation of the building?**

**If Not effective, why?**

- D1 Under section 101 the owner is only required to "execute the works, which may consist of or include works for affording temporary support or shelter for the building" (section 101 [b]). The building was constantly exposed to vandalism and the general surrounding condition was also another contributing factor to its at risk situation.
- D2 Attempts to trace the owner with the view to secure the proper repair of the building proved impossible. When eventually the owner was found contacts were still difficult. It was difficult to get cooperation from the owner to secure the building properly.
- T3 Attitude of owners and developers - part of the building under repair was demolished first before informing the Council.

- T4 The repair done on the building was too late to prevent any kind of demolition. In this case part of the facade from the first floor upwards was demolished.
- T5 Only the minimum of repair was done to the building every time the owner was asked to maintain and repair the building as required under the Emergency Repair Notice under Section 101 of the Town and Country Planning Act, 1971.
- T6 Previous alterations and repair works were not done correctly, resulting to the present structural conditions.

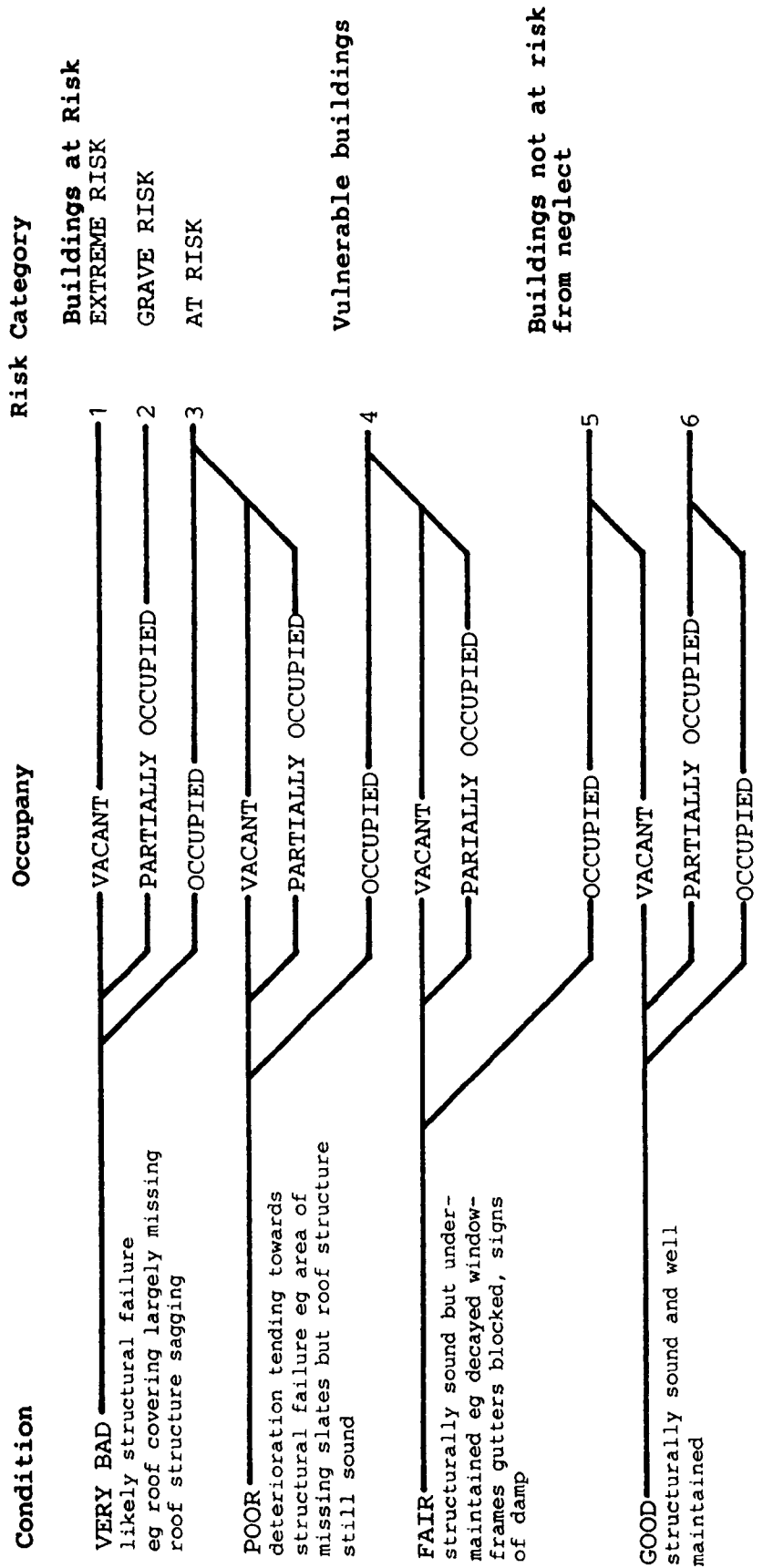
**Question 19:** Had any application concerning the building been involved in planning appeal?

If Yes, what was the outcome?

- L6 Two appeals were made. The first appeal made by Morris was later withdrawn. The second appeal made by the Leicestershire Historic Building Trust was successful and a conditional planning permission was granted.
- P1 The appeal was refused.
- P6 The appeal was later withdrawn
- T5 The appeal had been refused

# APPENDIX XIII

## ENGLISH HERITAGE SCALE TO MEASURE THE DEGREE OF RISK





## APPENDIX XV

source: CAMBRIDGESHIRE COUNTY COUNCIL (1988) The  
Cambridgeshire Guide to Historic Buildings Law. Cambridge,  
Cambridgeshire County Council, p. 54 - 55

**STEPS OR INITIATIVES SUGGESTED BY CAMBRIDGESHIRE COUNTY COUNCIL:** to be taken at the first stage before taking any statutory power against owners.

- (I) The Local Authority proposes a range of uses in relation to its powers as planning authority.
- (II) The Local Authority makes every effort to propose and permit appropriate development gain to assist with the financing of repairs.
- (III) The Local Authority offers grants under the 1962 Act and assists in seeking grants from other sources, e.g. English Heritage.
- (IV) The Local Authority explores other sources of finance under its power for housing, tourism, economic development etc.
- (V) The Local Authority offers technical support.
- (VI) The Local Authority pursues the use of its powers for purchase by agreement (1971.119).
- (VII) The Local Authority attempts to secure preservation by involving other agencies such as a local preservation trust or a developer. The authority might also seek the support of English Heritage in this respect.

## APPENDIX XVIII

source: Greater London Council (1977) Conservation of Spitalfields. Greater London Council, Department of Architecture and Civic Design, section 3.2.5

### 3.2.5 STRUCTURAL CONDITION

A survey is carried out to assess the extent of physical deterioration of the building. At this stage, in order to determine a system of priorities, the physical condition is estimated of each of the following elements of each house:-

- Front Elevation
- Rear Elevation
- Party Walls
- Roof
- Interior by storeys

(So far as these can be deduced from visual inspection.)

Each component is assessed in one of the following categories:-

- 1 Good enough to be retained with only minimal work.
- 2 Fair; capable of retention with fairly extensive amount of repair.
- 3 Mediocre; only capable of retention with very extensive repair.
- 4 Poor; capable of retention only by a major degree of reconstruction.
- 5 Hopeless; fragmentary and beyond repair or reasonable reconstruction.

### 3.2.6 COMPARATIVE COST OF REPAIR

In order to assess the relative cost of repair of each building without producing estimated costs for each, the proportion of the whole cost which can be ascribe to each of the elements enumerated above must be determined. From examination of typical bills of quantities, the following proportions are deduced:-

Front Elevation	-	20%
Rear Elevation	-	15%
Party Walls	-	10%
Roof	-	25% (including roof storey, garret, etc.)
Each Storey	-	10% (up to three)

From this a figure can be calculated which represents the magnitude of repair work needed for the building under consideration. If this is then multiplied by the total floor area of the house, a figure will be arrived at which enables the magnitude of work required to different houses to be compared with one another. This is termed the Repair Index (R).

## ABBREVIATIONS

ACO	The Association of Conservation Officers
CAACs	Conservation Area Advisory Committees
CO	Conservation Officer
CPO	Compulsory Purchase Order
DOE	Department of Environment
E.H.	English Heritage
GLC	Greater London Council
HBC	Historic Buildings Council
Hist.	History
L.A.	Local Authority
MHLG	Ministry of Housing and Local Government
MSC	Manpower Services Commission
para.	paragraph
R.N.	Repairs Notice
S3A	Section 3A
S10	Section 10
Sec.	Secretary
SPAB	The Society for the Protection of Ancient Buildings
U.K.	United Kingdom
W/R	with register
WO/R	without register

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## PERSONAL COMMUNICATIONS

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2. STUBBS, Kevin, interview at Hampshire County Council, Winchester, 27 January 1989
3. COLLEY, Bob, interview at Portsmouth City Council, Portsmouth, 6 February 1990
4. DENNING, James G., interview at Wiltshire County Council, Trowbridge, 7 February 1990
5. CARPENTER, Robin, interview at Essex County Council, Chelmsford, 13 February 1989
6. MORRISON, Allan, Derbyshire County Council, Matlock, 16 February 1989
7. WOULDs, Eric, interview at Kirklees Metropolitan District Council, Huddesfield, 17 February 1989
8. MILLER, John, interview at Kirklees Metropolitan District Council, Huddesfield, 17 February 1989
9. RENNIE, George, interview at Derby City Council, Derby, 19 February 1990
10. TAYLOR, Mike, interview at Leicester City Council, Leicester, 21 February 1990
11. CLEW, interview at Clews Architect Partnership, Banbury, 14 March 1989
12. BRAND, Vanessa, interview at English Heritage, London, 17 March 1989
13. JAMES, Jon, interview at Clwyd County Council, Clwyd, 23 March 1989
14. HAIG, David, interview at Cambridgeshire County Council, Cambridge, 24 May 1989
15. CRAVEN, Maxwell, interview at Derby Museum, Derby, 3 September 1990
16. DUCKETT, H., telephone communication, 3 October 1991