

THE EARL OF EUSTON LEGISLATION AND ADMINISTRATIVE MEASURES FOR THE PROTECTION OF BUILDINGS IN GREAT BRITAIN

The protection and preservation of ancient buildings concerns every country and every body — it is essential, just as much as the creation of new buildings. Curiously enough in the past this has barely been recognised. In England recognition dawned in 1877, for the need to protect old buildings, with the foundation of the Society for the Protection of Ancient Buildings, a voluntary Body, and it was through the efforts of the Society from 1882, when the first Ancient Monuments Act was passed, that legislation for the protection of monuments was established.

Before embarking on a description of how we deal with the preservation of ancient monuments and buildings in Great Britain it must be explained that legislation governing building preservation falls into two parts.

On the one hand ancient monuments (ancient monuments in the understood sense — ruins, uninhabited buildings) come under the Ministry of Works, whereas inhabited buildings of architectural interest or historic importance and of all ages are covered by certain sections of the Town and Country Planning Acts administered by the Ministry of Housing and Local Government. The reason for this division is that the primary responsibility rests on the Local Authorities of England on questions of land use and general development of their areas including the preservation of ancient buildings, and the function of the Minister of Housing is to give guidance to the Local Authorities. It was in fact perhaps less confusing when the Ministry of Housing and Local Government was known as the Ministry of Planning and Local Government.

Uninhabited Monuments - Ministry of Works.

In implementing the Ancient Monuments Act the Minister of Works has an Advisory Board whose functions are:

- a) to advise him on the compilation of schedules of lists of monuments in England and Wales, which he is required to publish from time to time.
- b) to report to him cases where an ancient monument is in danger from neglect and
- c) to give advice free of charge to any owner of an ancient monument who asks for advice on its treatment.

The scheduling of an ancient monument by the Minister of Works makes it necessary for an owner or occupier to give three months notice of his intention to demolish, remove, alter or add to the monument. If this provision is broken a fine of L. 100 can be imposed or 3 months imprisonment. The Minister of Works can make a Preservation Order placing it under his protection; he can

make schemes for preserving the amenities of ancient monuments. These may prohibit or restrict the erection of buildings or the felling of trees in a prescribed area round the monument.

The Minister of Works can by agreement or compulsorily, take an ancient monument under his guardianship with its adjacent land and he then becomes liable for its maintenance and management. In all this work the Minister has 18 Inspectors to advise him.

The Minister of Public Buildings and Works has now under his guardianship 700 monuments and it was enlivening to see in one of our National newspapers recently the announcement headed "Old Buildings: Big Business" making reference to the large numbers of visitors in 1963 to Ancient Monuments — a valuable reflection on the profit to be gained from an amalgamation of pleasure and education.

Having briefly outlined the functions of the Ministry of Works for ancient monuments the work of the Ministry of Housing in relation to inhabited buildings of architectural or historic importance must also be explained.

Inhabited Buildings - Ministry of Housing.

The first function of the Ministry of Housing in this field is very similar to the Ministry of Works. Lists of buildings of special architectural or historic interest are prepared for the guidance of local planning Authorities and the Minister has an expert Advisory Committee to advise him on the compilation of these lists. The purpose of these lists is to ensure that the special interest of the listed buildings is appreciated whenever their future is being considered. A separate list is compiled for each local authority area and the first step is for the area to be surveyed by one of the Ministry's Investigators. From the reports received the statutory lists of buildings of special architectural or historic interest for that area are prepared.

In order to obtain some idea of the relative importance of buildings, these are graded I, II, or III. A grade I building would be of outstanding interest. A grade II would be of special interest and for the preservation of which every effort should be made. A grade III building will be regarded as having a sufficient degree of architectural or historic interest to justify inclusion on a supplementary list which is issued to the local authorities with the statutory list, their attention being drawn to the interest of these buildings and the desirability of preserving them if possible. The three grades, I, II, and III are not enjoined by legislation, but are a convenient method of aiding those concerned with the preservation of buildings.

Before a listed building is demolished or altered in such a way as to affect its character, two months notice must be given to the local planning authority who in turn inform the Ministry of Housing. This provides opportunity for the Ministry and the local planning authority to consider the effect of the work proposed. No objection would be raised provided the alteration did not detract from the character of the building. If however, the proposals were not approved the local planning authority would try to persuade the owner to amend his plans. If this were not successful, or in a case where the demolition of a building was proposed, the Ministry and the local planning authority would consider whether the importance of the building was such that its demolition

or alteration should be prevented by the making of a building preservation order. The advice of the Minister's Advisory Committee is frequently sought on cases of importance.

Local Authorities themselves have the power to make Building Preservation Orders. These Orders however, have no effect unless confirmed by the Minister.

The second function of the Minister of Housing in relation to building preservation is therefore to confirm, or reject, Orders made by the local authorities. A Preservation Order prevents a building being demolished or altered without the consent of the local planning authority. The owner, and any other person or Body interested, has the right to object or support the confirmation of the Order. Where objections are raised a local Inquiry is held on behalf of the Minister and the parties concerned have the opportunity of stating their case. The majority of preservation orders are made by local planning authorities and, at the end of 1963 307 preservation orders were in force covering 1148 buildings. In the rare cases where the local authority does not wish to make an Order, the Minister can himself make an Order, and between ten and twenty of the number given above have been made by him.

Financial aid for the repair of buildings of outstanding Historic and Architectural interest.

An event of outstanding importance in 1953 was the passing of the Historic Buildings and Ancient Monuments Act.

The main provisions of this Act enabled the Minister of Works to make grants towards the repair or maintenance of buildings of outstanding historic and architectural interest or their contents or adjoining land, and towards the acquisition of buildings by local Authorities and by the National Trust. The Minister was also empowered to acquire buildings by purchase, lease or otherwise to accept gifts of buildings of outstanding interest, and the contents of important buildings. An annual sum of L. 500,000 has been set aside for this work and a further L. 500,000, spread over five years, to be spent on the acquisition of buildings. Although this has been of the greatest possible aid it is still considered that far too small a part of the Nation's resources is devoted to this important work of helping the private owner to face the considerable problem of the repair and maintenance of their important houses.

The benefit to the country is immeasurable, not only has it made possible for outstanding houses, large and small, and features of the landscape to be preserved, but it has made these buildings available to the public, a condition of a grant being that the building should be open to the public.

Local grants.

More recently, in June 1962, The Local Authorities (Historic Buildings) Act, was introduced. This enables local Authorities to contribute grants or loans towards the repair or maintenance of historic buildings, and at the same time towards the upkeep of gardens occupied with the buildings. It is early days yet to consider the result of this Act, but certain Authorities have realised its value and have set money aside for the purpose of making grants.

Improvement grants for the improvement of sub-standard houses.

Through the provisions of the Housing Acts grants are available for the

improvement of substandard houses, those without bathrooms and the amenities necessary for a reasonable standard of living. It is the old house which no longer conforms with present-day standards which forms such a large part of the interest of our towns and villages. Owners are encouraged to undertake works of repair and improvement with the help of improvement grants.

Traffic and historic centres.

In discussing the preservation of old buildings and historic centres the problem of traffic and development cannot be avoided, it is a problem confronting nearly every country in the world. In England with our population of over forty six million we are seriously effected and desperate efforts are being made to grapple with this problem.

Development and listed buildings.

The Minister of Housing in a recent circular to our local authorities urged on Councils the importance of careful consideration being given to proposed development near listed buildings, and not only on the individual buildings themselves but attractive streets and villages which owe their character to the harmony produced by a whole range or complex of buildings. The Minister among other things encourages Local Authorities to seek independent professional advice on proposals before reaching a decision and reminds them that the advice of the Royal Fine Art Commission can be sought on such cases. The work of the Royal Fine Art Commission is to enquire into, report and advise upon all questions of public amenity and of artistic importance.

Development and high buildings in historic centres.

The City of Oxford has adopted a planners code as a guide to would-be developers and as part of the city's development plan, roughly it is that every building within approximately 3/4 of a mile radius of Carfax (the most important part of the City) which exceeds 60' 0" in height shall be carefully examined in its relation to the townscape as well as the landscape and may be rejected on either account. A similar restriction has been recommended for Cambridge, but we have far to go in finding the perfect solution. It is interesting to note that in the United States of America, which we regard as such a very new country, in Washington no building is allowed to exceed the height of the Capitol.

Voluntary Organisations.

Finally no comment on preservation would be complete without reference to the work of the voluntary Bodies in Great Britain specifically concerned with the preservation of buildings and the amenities.

The National Trust, founded in 1895, with the function of the ownership and care of properties committed to their charge. The privileges of the Trust are that it enjoys statutory powers to hold land and buildings inalienably and for all time. Property given or left by will to the Trust and held for preservation is excluded from death duties and aggregation with the rest of the benefactor's estate. The Trust has special powers to protect privately owned land and buildings by means of restrictive covenants and special powers to collaborate with local authorities with a view to preservation generally. The Trust has

its own bye-laws to control and regulate properties.

The Council for the Preservation of Rural England; The Georgian Group; the Victorian Society; the Historic Churches Preservation Trust: my own Society, the oldest of them all, the Society for the Protection of Ancient Buildings; the Civic Trust, newly formed to provide high standards of architecture and to encourage a wider interest in the appearance of towns, villages and countryside, and the local archaeological and preservation societies throughout the Country. All these represent the whole great movement and act as pressure groups in fighting against the destructive tendencies which surround us. They awaken and educate public opinion in an awareness of the need to preserve old buildings and their surroundings.

It is of great interest to the Society to receive visitors from abroad and to hear of what is done in their countries and to tell then of what we do. It seems to us that this is a subject which is more and more providing a common ground for discussion, whether it is with Japan who have in the last two years formulated a policy of building preservation or with France who are constantly grappling with the problem. The increasing awareness, concern and knowledge must surely imbue us all with the wish to preserve the architectural heritage of the world.

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LÉGISLATION ET MESURES ADMINISTRATIVES
POUR LA PROTECTION DES ÉDIFICES
EN GRANDE BRETAGNE.
RÉSUMÉ.

La nécessité de protéger les vieux édifices a été pour la première fois reconnue en Angleterre en 1877, avec la fondation de la Société pour la protection des Anciens Monuments et ce fut grâce à la Société que la législation pour la protection des Monuments fut établie.

La législation pour la préservation des Monuments en Grande Bretagne est articulée en deux: d'un côté les anciens Monuments, ruines et édifices inhabités dépendant du Ministère des Travaux Publics tandis que les édifices habités d'intérêt architectural ou d'importance historique, et de toutes les époques, sont protégés par certains organismes (sections-) de la ville et par les « Country Planning Acts » administrés par le Ministère du Logement et les autorités locales.

Le Ministère des Travaux Publics a un corps consultatif dont les fonctions principales consistent à dresser les listes des Monuments.

Le Ministère du Logement accomplit une fonction semblable à celle du Ministère des Travaux Publics. Des listes d'édifices d'architecture particulière ou d'intérêt historique sont préparées pour guider le planning des autorités locales.

La notification de démolition ou d'altération d'un édifice répertorié doit être faite, deux mois avant tous travaux, aux autorités locales. Le Ministère et les autorités locales peuvent donner des ordres pour préserver l'édifice en question s'ils considèrent qu'il est important de le sauver.

Comme le Ministère des Travaux Publics, le Ministère du Logement a un comité consultatif auquel les cas spéciaux sont rapportés.

Une aide financière pour la réparation et le maintien des édifices d'importance historique ou d'intérêt architectural est prévue par la législation et par les autorités locales.

En Grande Bretagne, il y a un corps de volontaires dont l'unique tâche est de prévenir de la destruction et du vandalisme les anciens édifices et d'éveiller l'opinion publique, en l'éduquant, pour l'orienter vers une consciencieuse préservation de l'héritage architectural du pays.