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TEMA: DOTTRINA

TITOLO: CRITERI ATTUALI PER LA PROTEZIONE DEI CENTRI STORICI.

SOMMARIO:

La conservazione dei centri storici è divenuta una esigenza per la società della nostra epoca. La definizione: « un insieme di popolazione che vive in strutture che hanno un passato » esprime la necessità di una rivitalizzazione e non di una trasformazione in città museo usando i criteri del passato. Compare quindi, una nuova definizione, quella di « popolazione inseparabile dalla città »; anche inseparabile da quelli che sono i suoi dintorni naturali, testimonianze della sua storia. È necessario, dunque, non conservare solamente i monumenti più indicativi, ma anche « i modi di vita » che hanno conferito alla città la sua identità.

La soluzione non può realizzarsi solamente nell'architettura, ma si tratta di mantenere il *genius loci*. Da questo nasce l'importanza della popolazione dei centri storici, perché contribuisce a donar loro le caratteristiche urbane. È necessario, nello studiare lo sviluppo e l'evoluzione delle città, far ricorso alla storia dell'architettura come si concepisce oggi per l'analisi delle caratteristiche di ambiente, nonché della sua immagine. Il suo restauratore dovrà fare appello alla collaborazione di diversi specialisti tecnologici e socio-economici e anche alla sua popolazione per poterla rivitalizzare congiuntamente al suo contesto urbano regionale, nonché territoriale. Nel caso di una città costruita e definitivamente pianificata non bisognerà aumentare la densità, perché ciò condurrebbe irreversibilmente ad un processo di degradazione, dovuto al superamento delle sue capacità funzionali.

Negli studi dei piani pilota che ho realizzato in diversi paesi europei e, ultimamente, a Toledo ho utilizzato delle metodologie e dei meccanismi operativi moderni adatti ai nuovi criteri per le città storiche.

BERNARD KAUKAS

THE PRESERVATION OF HISTORIC BUILDINGS IN GREAT BRITAIN: A REVIEW AND COMMENTARY ON THE LEGISLATION AND THE INFLUENCE OF PRESSURE GROUPS

The increasing concern, internationally, during the last two or three decades to preserve our historic building heritage has resulted in the creation or strengthening of legislation designed to prevent demolition and alteration of such structures without permission. All such progressive steps were preceded by — if they were not, indeed, actually prompted by — voluntary associations of people who were alarmed at the carelessness, at the least, and the ruthlessness, at the worst, with which historic buildings were treated. The purpose of this short discursive essay is to examine the content of such legislation in Great Britain and to make some comments on the role of the preservation societies.

In England, the year 1877 saw the formation of the Society for the Protection of Ancient Buildings by William Morris, the English poet and artist, who believed that all creative work ought to be artistic. As a natural corollary to this premise he regarded as the greatest sin the sin against beauty of life, thought or natural environment. So it was, then, in that year he issued his manifesto, which has lost none of its force due to the passage of time. Why in a period when architecture was based wholly on past styles was such a society necessary? This, said Morris, *was* the reason — the fact that the Victorians had no architectural style of their own. The controversy of the Classicists versus the Goths in architecture, during that period when the Gothic revival was dominant, is well known; and in one respect the Classicists were truer to their admittedly more austere, and therefore more limited, set of Vitruvian principles of design. On their part the Goths were able to pick their eclectic way over the rubble of

the evolution of Gothic architecture from its Romanesque beginnings; and in this process the worst of them indulged their own particular fancies, too often with unscholarly and disastrous results. It was the application of this process to much older buildings which infuriated Morris and was exemplified in his eyes by the ripping out of mediaeval screens and Georgian pews, to be replaced by the architects' idea of twelfth century seating — in varnished pitch pine — and it was called " Restoration "! But Morris expressed it more strongly; — " feeble and lifeless forgeries " — he called such depredations.

Morris expressed his own philosophy in his manifesto as follows. In the past, he said,

> " 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 or 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 ".

His contempt and dislike, then, for what he termed feeble and lifeless forgeries, taken together with his expressed principle that any work carried out should " by no possibility mislead " are just as relevant today; but there is one important difference. It is indisputable that Morris was concerned at that time almost wholly with ecclesiastical buildings of venerable antiquity, and in his earnest desire to prevent " all tampering with either the fabric or ornament of the building as it stands " he went so far as to propose that if the ancient building had " become inconvenient for its present use, to raise another building rather than alter or enlarge 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 ". He certainly was not thinking then in terms of the dark satanic mills of the industrial revolution, or large railway stations. How surprised he would be if he could see today that the ultramontane wing of the preservation lobby wish to apply his philosophy to such buildings, even when they are fully functional and subject to the changes imposed by the harsh realities of industrial and commercial economics. Conversely in ecclesiastical

terms the maximum — if not the only — architectural innovation during the last hundred years in the Anglican church has been, in imitation of the Catholic church, the repositioning of the altar so that Mass can be celebrated with the priest facing the people.

At this stage it is pertinent to consider how precise we should be in explaining what we mean when we use the terms " preservation " and " conservation ", and how modern practice fits in or contrasts with the admirable philosophy of Morris. Dictionary definitions do not help since, for all practical purposes, the words have the same meaning, and they have been used only relatively recently in relation to the built environment. But it is probably fair to say that most people would accept the following broad meanings — rather than definitions:

Preservation: to keep intact without change.

Conservation: to keep in use with the necessary changes designed to ensure viability of the building or structure.

Both terms have a validity from the standpoint of our architectural heritage. For example the Crusador castles in Mesopotamia are preserved, but mediaeval churches in the city of York (and doubtless in cities all over Europe) — which are now used as teaching or heritage centres, or for some other secular communal use, are conserved. One would not wish to appear dogmatic in making too arbitrary a distinction, since there are obviously shades and gradations in actual application, but the general import of meaning is clear — preserve means no change; conserve means as much change as is desirable in order to preserve.

The reason why it is of some importance to reach agreement on what we mean is because of the difficulty in obtaining a true consensus at national and local levels between the legislators and the preservation societies on the hand, and the building owners and the general public on the other. It is not too fanciful to draw an analogy in historic religious terms. Certainly intense passions are aroused and anathemas fly like arrows between the two factions. In this sense the Minister of State responsible for the relevant legislation may be cast in the role of the Elector of Saxony, who as Luther's protector was more concerned with the political advantages rather than the religious issues of the Reformation. But this is not to say, of course, that any particular minister may not feel personally committed to the cause of conservation. But generally it is left to the preservation societes to preach the new gospel to a broadly pagan and disbelieving world, more taken up with the pleasures of the consumer society than the cultural importance of preventing — at the least — the unnecessary erosion of our stock of historic buildings and structures.

There should be no doubt that the role of the preservation societies is a true one. The fact that such societies are composed mainly of a small minority of articulate people with educational and cultural affinities which make them ideally suited to deal with the state bureaucracy, and large public and private organisations, should be taken as a distinct advantage to society — and not as a denigratory assertion that a small privileged minority is imposing its views on the majority. Was it not Newman who said " There has been a tradition among the Italians that the laymind is barbaric, fierce and stupid, and is destined to be outwitted; and that fine craft is the true weapon of the Churchman "? However, in historic terms it is unfortunately true that when oppressed minorities achieve a confident legislative power base they tend to exceed in intolerance their erstwhile oppressors. So cultural awareness and acuity can then become transformed into intellectual arrogance which, if not tempered with the balm of compromise and discretion, will result, eventually, in a rather nasty back-lash.

Let us now briefly run over the dimensions and the essential points of the legislation in Great Britain and the influence or effect of the preservation societies in its implementation. To make legal provisions for the conservation of a representative selection of buildings of special architectural and historic interest which make up the nation's building heritage is an essential desideratum of a civilized society, especially in a country responsible for pioneering such a diversity of building types; the country house, the mills and factories of the industrial revolution, the stations, bridges, and viaducts of the railway are sufficient to make the point.

There are now in Great Britain over 300,000 listed buildings (that is to say buildings entered in an official list) which cannot be altered or demolished without statutory consent, and over 5,000 designated conservation areas within the confines of which no building of any description may be demolished without consent. The Department of the Environment has stated that a full re-survey programme (which can only greatly enlarge the lists — a figure of 500,000 has been given) is likely to take another fifteen years. Is it possible, or reasonable, that we should ever cry " hold, enough "?

Undoubtedly the fact that architecture as practised in its modern concrete reality, let alone as an art, has never been so unpopular in the truest sense of the word, is the real reason why local preservation societies all over the country have taken full advantage of the opportunity open to them by the legislation to get buildings " listed ". That architects are not wholly to blame, since every culture and age gets the architecture it deserves, is a separate argument.

There is one school of thought that likens what appears to be the increasingly indiscriminate increase in listing to the malady which afflicts the bibliomaniac, whose obsession drives him to purchase numerous battered and bruised copies of second and third editions of the same volumes which are not even rare or desirable; and the sheer untidy bulk of his collection prevents him from lavishing the necessary care, affection and money on his really good editions — unlike the bibliophile whose jewel-like collection is based upon judicious selection. Indeed this very point was made by the principal spokesman in the House of Lords for the government of the day, when — in a conference at Oxford in 1976 — she said:

> " and indeed I often wonder whether we are listing too many buildings (certainly we hold the European record). I think we have been listing too many marginal buildings, particularly those of the later nineteenth century ".

But let us look at the other side of the argument — because there is a genuine dilemma. What is a very poor edition to a bibliophile can be a prize find to a local and not very wealthy collector. So it is that, for example, ten or twenty almost identical buildings (as is often the case in railway station design along a line of route) can logically be listed, since each one is in a different locality and, as such, is unique in that locality. And here we should discuss the most important and relevant phrase in the legislation which is germane to this issue.

Section 54 of the Town and Country Planning Act 1971 requires the Secretaries of State for England and Wales to compile lists of buildings " of special architectural or historic interest ". It will readily be seen that these words cover a very wide spectrum, since the word " historic " can refer to a totally undistinguished building, architecturally — but some noteworthy person may have lived there or stayed there — and many gradations are possible. Or the word " special " may be applied to a building because, although it may have no historic or architectural significance, it may be the only one of its kind. An important aspect relevant to this point is that the Secretary of State may take into account any building in its context in a group of buildings, even though the building itself would not qualify for listing on its own. Clearly such an overall definition is necessary to prevent the exploitation of legal loopholes through which important buildings or structures may be lost. But because of this latitudinarian aspect of the wording it is all the more essential that the criteria embodied in the legislation should be applied with discrimination. This is difficult to ensure,

however, since the criteria are broad in the extreme and no indications of how they are applied in any individual case are ever given. What is the process, then, by which a building is listed?

These are the criteria — or principles — of selection.

1. All buildings before the year 1700 which survive in anything like their original condition are listed.

2. Most buildings between 1700 and 1840 are listed, though some selection is necessary.

3. Between 1840 and 1914 only buildings of definite quality and character are listed, apart from those that form part of a group. The selection is designed to include the principal works of the principal architects.

4. In choosing buildings, particular attention is paid to:

a) 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);

b) technological innovation or virtuosity (for instance, cast iron, prefabrication, or the early use of concrete);

c) association with well-known characters and events;

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

Before including any building or structure in the list the Secretaries of State are required to consult " such persons as appear to them appropriate as having special knowledge of, or interest in, buildings of architectural or historic interest ". It is not difficult to understand that such persons, because of their special knowledge, are invariably serving either directly or indirectly under the banner of preservation — and there is nothing wrong with that. If, after taking such advice, the Secretaries of State conclude that the building is of special architectural or historic interest, they have no discretion but must list the building. Thus the influence of the special advisers is, for all practical purpose, paramount. Additionally preservation societies or anyone else can ask for the inclusion of any building in the statutory list. A further consideration is that the building owner is specifically debarred from consultation, and the first time he is aware that his building is listed is when he receives the statutory notice. In any other legislative sphere such a dictat would be regarded as undemocratic. The building owner can appeal against listing — but only on the grounds that the national criteria for listing do not have a legitimate application to his building — a most difficult, almost impossible achievement, since (a) he

does not know what elements of the principles of selection were taken into account in listing his building and (b) it will be seen how all embracing these principles are.

After a building has been listed, if the owner wishes to apply to demolish, it is directed by the Secretary of State that all such applications should be notified to various defined bodies — including the major preservation societies such as the Society for the Protection of Ancient Buildings, and its two offspring, the Georgian Group and the Victorian Society whose titles speak for themselves. Any representations made by those bodies would be considered by the local authority and/or the Secretary of State.

In view of the apparently invidious position of the building owner of a listed building in such a situation, it is desirable to establish exactly what is the legal significance of the statutory notice informing him that his building is listed and the possible consequences to him. On the face of it the legal significance is mild. All that is incumbent upon him is to obtain consent " to carry out any works for the demolition of a listed building or for altering or extending in any manner which would affect its character as a building of special architectural or historic interest ". The blanket nature of this provision will be appreciated even more fully when it is realised that a listed building " includes any object or structure fixed to the building or forming part of the land comprised within the curtilage of the building ". The situation is evenfurther enhanced by the use of the term " curtilage " which is defined in the dictionary as " a small court, yard or piece of ground attached to a dwelling-house and forming one enclosure with it "; it is not difficult to imagine those instances where appeals to the High Court would be needed to obtain a legal judgement as to what constitutes the curtilage. Finally, as the equivalent of a boot in the ribs when the man is down, is the departmental injunction that " because the number of buildings of special architectural and historic interest is limited — the presumption should be in favour of preservation except where a strong case can be made out for a grant of consent after application of the criteria ". It is certainly the firm opinion of the author of this paper that much more selective and accurate descriptions of what parts of a building are listed are absolutely necessary and should be mandatory. It can be well understood that the overall listing of a building can include ludicrous and undesirable later additions.

So at first glance it looks as though the cards are stacked against the building owner and he finds himself the innocent victim of legislation designed to frustrate the lawful aspirations which he would enjoy as the owner of a non-listed building. In reality, however, this is not so since by far the

great majority of owners of listed buildings have no immediate desire but to live in, or continue to utilize the premises for their current purposes. The difficulties and problems arise in those cases where, for one reason or another, the building in question becomes redundant, or it is essential for future viability that another use is found which requires partial demolition or significant alterations or additions.

Before reviewing the procedures through which the building owner must go in his search for consent an important digression is necessary here. Reference must be made to notorious cases where the building owner (invariably " corporate " rather than individual) has deliberately flouted the legislation by demolishing a listed building without consent. There are only two ways in which such a thing can occur. The first is deliberate — because the penalties are so small, and although a prison sentence can be added to a fine there is no precedent yet for such a sentence. The second is only slightly less transparent — and that is when the demolition happens overnight, as it were " by mistake "! Such illegal and ruthless methods of getting rid of an unwanted listed building can be countered by the refusal of any beneficial planning consent for re-development of the vacant site, or even the compulsory acquisition of the site by the local authority at a price low enough to ensure that the erring owner is effectually and effectively penalized, and to deter other owners from following the same course. Although such flagrant abuse of the legislation causes a great furore at the time, a sense of proportion is necessary, and it should be stated that examples are very rare — say one or two per year but many more buildings can be lost by neglect and this is dealt with later.

It is permissible to demolish or carry out alteration works without permission only if it can be proved that such works were urgently necessary in the interests of safety or health or for the preservation of the building. The local authority must be notified as soon as is reasonably practicable in such cases. But the legal question as to who is responsible for taking action, once a dangerous defect has been discovered and when, is a nice one. It is easy to imagine that it might not be a defence in law for a building owner to claim — after a tragedy on his premises — that he was unsure as to whether or not he would be committing an offence by taking demolition action without prior consent. Clearly everything depends on the scale of the problem and the professionalism of the arbiters on the spot. But it should be said here that there is a school of thought in certain preservation circles that any sagging part of a building structure should be propped up until action can be taken to replace the defective part like for like — instead of removing the offending structure. If such a course were to be

followed in all cases we should end up in time with a replica of the original parts wear out. Of course it may well be argued that consistent building maintenance would effectually prevent the need arising for any part of a building to be demolished in an emergency — but that is a policy of perfection which is not only most unlikely to happen in practice, but would be a refutation of Keynesian economics.

When the owner of a listed building wishes to apply for consent to demolish or carry out alterations " in a manner which would affect its character as a building of special architectural or historic interest " (it is quite impossible to know where a demarcation line exists in this respect) he makes a normal planning application to the relevant local authority. They may give consent, with or without conditions, or may deny consent. Here it should be noted that the local authority must publish in a local newspaper a notice drawing attention to the proposed works and stating where and when the plans may be inspected. Additionally a notice giving the same information must be fixed on or near the building in question. Thus any objectors to the proposed works are able to state their reasons to the local authority who in their turn are bound to consider them.

All listed buildings are graded in order of consequence. Grade I is applied only to buildings of major importance, historically or architecturally, and are few in number — about 1% of the whole. Thus the majority of buildings come into the second category — Grade II. However, with what appears to be a nice piece of compromise, there is an intermediate Grade II * — referred to as Grade II (Star). Such buildings are deemed to be higher than Grade II but not high enough to qualify for Grade I. They therefore receive the same special consideration, for all practical purposes, as Grade I buildings — and are relatively few in number.

Grading is material, apart from the grant aid point of view, which will be explained later, when it is known that the local authority to whom applications are made must refer all applications for consent relating to Grade I and Grade II (Star) buildings which they propose to grant to the Secretary of State in case he wishes to " call in " such applications in order to deal with them himself. He thus exercises a controlling veto or ratification on consents, in such cases; but plainly is not concerned with refusals by the local authority unless and until such applications come before him in the form of appeals. In the case of Grade II buildings all applications for demolition which the local authority propose to grant must be referred to the Secretary of State for his veto or ratification. The notable difference is that all applications to alter or extend Grade II buildings can be granted by the local authority directly without the need to notify

the Secretary of State. There are two exceptions however; the first applies to those rare cases where a Grade II building has been grant-aided. The second relates to a Grade II building owned by a local authority. Obviously the local authority cannot be allowed to be their own judge and jury and they must therefore refer any application to the Secretary of State for his decision.

If consent by the local authority is given, or given subject to conditions acceptable to the applicant, work can proceed subject to the normal exercise of control by the local authority to ensure that the proposed works are executed in a proper manner. Additionally, in the case of demolition, the Royal Commission on Historical Monuments must be given the opportunity — if it wishes — to make a record of the building before work commences. Were consent is refused, however, or given — but subject to unacceptable conditions — the building owner has three options open to him. Firstly he may accept the local authority's decision. Secondly he may claim that by reason of the refusal the building is incapable of beneficial use and he can then issue a " listed building purchase notice " on the local authority, which means that he requires the authority to purchase his property. Thirdly he may appeal to the Secretary of State against the local authority's refusal to give him consent for the works he wishes to carry out.

In the first case just cited there is always the possibility of making a revised application which might succeed. In the second case when the listed building purchase notice has been served on the local authority, the latter may comply with it — if they wish — or, if they do not, they must send a copy of the notice to the Secretary of State who may do one of several things. He may confirm the notice — which means that the local authority must purchase; he may grant the listed building consent originally applied for; he may make any amendment or grant any other permission which would lead to rendering the building capable of reasonably beneficial use, thus removing the grounds for the purchase notice. In the third case the building owner may appeal, within six months after refusal, to the Secretary of State indicating the grounds of his appeal. There is a statutory right to be heard by a person appointed by the Secretary of State. Such a hearing invariably takes the form of a public enquiry under an Inspector who will collect evidence from the building owner, the local authority and any objectors, and present his findings with his recommendation to the Secretary of State who retains the right either to confirm or overturn his Inspector's recommendation.

In reality the length of this procedure is far too long. In one recent instance five years elapsed between the original listing and the final favourable decision by the Secretary of State. Even in a much simpler and smaller case a period from start to finish of two years elapsed before an unfavourable decision. In the former case the whole raison d'être of the application could be adversely affected to a marked degree by the changing fortunes of the market in the intervening years. In the second case the difficulty facing the building owner then was to know whether or not to proceed with a further modified application and risk another two years wait for a second decision which again might not be in his favour if the Secretary of State had set his face against that particular project in any form. Certainly such delays are inexcusable, since they tend not only to throw the system itself into disrepute but can have an eventual deleterious effect on the business of the building owner which can be reflected, in extreme cases, to the detriment of the listed building itself.

There are a number of other essential objectives embodied in the legislation which should be noted, such as building preservation notices, enforcement notices, repairs notices, compulsory purchase orders. A building preservation notice is designed mainly as an emergency measure to protect a non-listed building — often in a situation where there is reason to suspect that it may be demolished. When such a notice is served by the local authority on the building owner or occupier (it can be affixed to the building itself if he cannot be found) the building is then, for all practical purposes, designated as a listed building. The notice remains in force for six months, during which period the Secretary of State must decide whether or not the building qualifies for listing. If he decides that it does not, then the local authority is debarred from serving another building preservation in respect of that building within 12 months of the Secretary of State's decision. One important consequence of a building preservation notice not receiving confirmation is that the owner may claim compensation for any damage caused to him by the notice. This is particularly critical where, for example, the building owner may have found himself in breach of contract relating either, perhaps, to the sale of the building or its demolition as a preliminary to sale or development.

An enforcement notice may be issued if a building owner illegally carries out work of demolition or alteration to a listed building without listed building consent. The notice requires the owner to restore the building to its former state. It will be plain, however, that in cases of complete demolition of unique buildings, genuine restoration will be quite impossible, and it would be quite inappropriate — even as a form of punishment — to compel the owner to build a replica. The weakness of the legislation in this respect is apparent.

Genuinely accidental demolition or deliberate demolition — no matter if disguised as being accidental — is normally irreversible; but there is another method of demolition which is far more insidious and just as effective. This occurs when a building is deliberately neglected, so that gradual erosion of the building fabric by the elements can effectively destroy it, if action is not taken in good time to prevent further damage and decay. Such action can be achieved by issuing a repairs notice, where the local authority specifies the remedial works required. If such an order is not complied with the local authority or the Secretary of State can initiate compulsory purchase proceedings. The operative word here is " can ". There would be a reluctance in many cases to acquire the building — no matter how low the cost, since the liability for acquiring the cost of repairs and future maintenance and use of the building would not necessarily be an attractive proposition to a local authority. If the local authority decided, however, to make such an order it would need to be confirmed by the Secretary of State —or not, if he considered that the building should not be preserved. In the case of an unoccupied building suffering from such neglect the local authority may carry out the necessary repair work and recover their costs from the owner but it is interesting — and sensible — to note that such powers would only be exercised in connection with buildings of exceptional interest.

As well as buildings of special architectural or historic interest the Secretary of State is empowered to designate areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. These are known as Conservation Areas. In addition to exercising careful control of development, all buildings are subject to control as regards demolition. In fact from that point of view all buildings may be regarded as listed. There are some exceptions which are too detailed and complex to list here.

Financial aid is available in the form of grants both from the Secretary of State and local authorities. In the former case such aid is limited to Grade I and Grade II (Star) buildings. Generally speaking the purpose of such aid is to enable building owners to keep their premises in proper repair by using appropriate materials which may be much more expensive than other common materials. The national budget for such work is very small and the Historic Buildings Council which is responsible for administering these grants take the greatest possible pains and care to allocate the money where it will do most good — but the sums of money allocated are wildly insufficient to even begin to measure up to the problem. Local Authorities on the other hand, who are enabled to make grants, have a

very poor record indeed. Their power is absolutely discretionary and they take full advantage of the fact, either by refusing grants altogether or awarding such small sums as to be meaningless relative to the actual costs involved.

It is probably superfluous to add that in such a short review and brief commentary on carefully drawn legislation no attempt has been made to deal with the many exceptions and qualifications which relate to the various sections of the acts. One is also aware of a degree of over-simplification, perhaps, in the attempt to make the purport immediate and clear.

Conclusion

As fully as one accepts the machinery of the legislation designed to protect the national historic and architectural heritage, one has the uneasy feeling that, because the impetus and scale of listing has increased dramatically over the last two decades and is likely to continue, rather than level off, there is the distinct risk that the proper enforcement of the provisions of the various acts may atrophy and lose its effectiveness owing to the sheer scale of the problem which is inverse proportion to the small sums of money allocated. There are already certain indications that this process has begun. The two most unmistakable signs are firstly the triumphalist attitude of the preservation societies who have already thrown discrimination to the winds when it comes to the vast stock of inferior Victorian buildings, for which they are clamouring to be included in the statutory lists. Indeed there is a whiff of fanaticism in the quite sincere declaration by a member of such a society that those decaying, roofless and rotting hulks of buildings in our run-down city centres should be merely boarded up and left for some future utopian generation who will be grateful for the legacy. One very much doubts it and one very much doubts whether we can restore confidence in our city centres unless we can either properly restore and rehabilitate such buildings or demolish them and re-develop. It is senseless trying to dodge this issue.

The second sign that all is not well is the fact that these unoccupied buildings are redundant in whole or in part — so they have no useful life or prospect of one. The main reason why the buildings are unused is that they have been overtaken both by the decline in the industry concerned, and by the wealth of legislation in recent years connected with health, welfare and safety at work in such buildings. It has proved to be either too expensive or impossible or impracticable in structural terms to bring these

buildings up to the required standards. Such realities of life do not have any effect on the preservation societies who will produce an example here and an example there of such buildings which have been converted to another purpose. But one swallow does not make a summer and market forces are implacable in demanding a market. Because an old warehouse in an American city has been successfully converted into a restaurant is no reason for supposing that the formula is equally applicable to a similar building in the middle of a desolated industrial area in a provincial city in England — where there are no shops, offices or houses to provide a catchment area.

Only recently a positive attempt to resolve this problem was made in Great Britain when a working party was set up to look at alternative uses for historic buildings. After a thorough examination taking evidence from every side the final recommendations contained no positive or new methods of coming to grips with the situation. The only exception to this was the recommendation that the 15% Value Added Tax on building repairs should not be applied where listed buildings are concerned, thus providing some small incentive to keep them in repair. Only such monetary incentives, including grants, and easy and encouraging town planning permissions will begin to make it worthwhile for building owners to regard their listed buildings as a possible asset instead of a positive liability.

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THEME: DOCTRINE

TITRE: LA PRÉSERVATION DES MONUMENTS HISTORIQUES EN GRANDE BRETAGNE: CRITIQUE ET COMMENTAIRE SUR LA LÉGISLATION ET L'INFLUENCE DES GROUPES DE PRESSION.

RESUME:

Cette communication retrace les débuts du mouvement des associations en faveur de la préservation depuis ses origines en Grande Bretagne en 1877 jusqu'à nos jours et souligne, en particulier, comment la législation est maintenant si fortement ancrée qu'on peut avoir des raisons de se demander si le procédé d'inscription (c'est-à-dire l'inventaire) des monuments d'intérêt architectural ou historique ne risque pas d'aller trop loin. Jusqu'à ce jour, plus de 300.000 monuments ont été inscrits et plus de 5.000 secteurs sauvegardés créés. Dans le premier cas, aucun monument ne peut être démoli ou transformé sans autorisation. Dans le 2ème cas, aucun monument dans ces zones ne peut être démoli sans autorisation bien que la plupart de ces monuments soient avantageusement occupés par leur propriétaire. Beaucoup de monuments ainsi protégés sont désaffectés et inutiles, car les exigences de la sécurité moerne et la législation en matière de sécurité sociale rendent leur reconversion extrêmement ruineuse par rapport au coût d'une nouvelle construction.

D'autre part, le système de subvention est tout à fait inadéquat pour inciter les propriétaires, dans de tels cas, à entretenir leur monument. L'envers de la médaille est que la législation est souvent tournée en dérision par un abandon délibéré du monument. On a besoin de beaucoup d'argent et d'autorisations pour changer l'affectation afin de persuader les propriétaires que de tels édifices représentent un actif plutôt qu'un passif.

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SUBJECT: DOCTRINE

TITLE: THE PRESERVATION OF HISTORIC BUILDINGS IN GREAT BRITAIN: A REVIEW AND COMMENTARY ON THE LEGISLATION AND THE INFLUENCE OF PRESSURE GROUPS.

SUMMARY:

The paper traces the beginning of the preservation society movement from its foundation in Britain in 1877 to the present day and notes particularly how legislation is now so strongly entrenched as to give reason for some doubt as to whether the process of listing (i.e. scheduling) buildings of special architectural or historic interest is not in danger of overreaching itself. To date over 300,000 buildings have been listed and over 5,000 conservation areas created. In the former case no buildings may be demolished or altered without permission. In the latter case no buildings at all in such areas may be demolished without permission although the majority of such buildings are beneficially occupied by their owners. Many buildings so protected are becoming disused and redundant because the requirements of modern safety and welfare legislation make their conversion completely uneconomic compared to the costs of new buildings.

Additionally the system of grant aid is totally inadequate to provide an incentive to building owners, in such cases, to keep their buildings in repair. On the other side of the coin, the legislation is being flouted often by deliberate neglect of the building. A great deal more money and planning permissions for change of use are required to persuade owners that such buildings can be an asset rather than a liability.

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TEMA: DOCTRINA

TITULO: LA SALVAGUARDIA DE EDIFICIOS HISTÓRICOS EN GRAN BRETAÑA: PANORAMA Y COMENTARIO DE LA LEGISLACIÓN Y LA INFLUENCIA DE GRUPOS DE PRESIÓN.

SUMARIO:

El artículo describe los inicios del movimiento y asociaciones para la salvaguardia desde su fundación en Gran Bretaña (1877) hasta nuestros días. En particular apunta que la legislación está tan solidamente incrustada que puede justificar algunas dudas y podemos preguntarnos si en los procedimientos actuales de censo (declaración de interés) para los edificios con especial interés arquitectónico o histórico no existe un riesgo de exceso. Hasta la fecha, se han repertoriado más de 300.000 edificios, y creado más de 5.000 zonas de conservación. En el primer caso, no se pueden demoler o alterar los edificios sin permiso. En el último caso, los edificios no pueden de ningun modo ser demolidos sin permiso, si bien la mayoría de los edificios se hallan ocupados y utilizados por sus propietarios. Muchos edificios, así protegidos, se vuelven inutilizables y en demasía por las exigencias modernas de seguridad; y la legislación social hace que su reconversión sea totalmente antieconómica comparada con los edificios de nueva planta.

Además, el sistema de subvenciones es totalmente inadecuado y no constituye un incentivo para que los propietarios hagan reparaciones en sus fincas. La otra cara de la moneda es que la legislación se vé desviada a menudo por la negligencia deliberada para con los edificios. Son necesarios mayores créditos y un programa de permisos para cambio de utilización para persuadir a los propietarios que dichos edificios pueden ser un bien patrimonial y no una carga.

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Предмет : Философское обоснование

Название : ОХРАНА ПАМЯТНИКОВ СТАРИНЫ В ВЕЛИКОБРИТАНИИ: КРИТИЧЕСКИЕ ЗАМЕЧАНИЯ И КОММЕНТАРИИ ПО ПОВОДУ ЗАКОНОДАТЕЛЬСТВА И ВЛИЯНИЕ ОБЩЕСТВЕННЫХ ГРУПП

Краткое описание : Это сообщение обрисовывает начало деятельности различных ассоциаций по охране памятников в Великобритании - от истоков - в 1877 году и вплоть до наших дней. Здесь, в частности подчеркивается, что это законодательство настолько рьяно проводилось в жизнь, что мы вправе спросить себя - не слишком ли далеко заходит процедура занесения в список /иначе говоря, инвентаризации/ исторических и архитектурных памятников. На сегодняшний день этот список включает более 300 000 памятников старины и более 5 000 заповедных территорий. В первом случае запрещено уничтожать и переделывать без особого разрешения любое из зданий, имеющихся в списке. Во втором случае, ни один памятник из тех, что находятся в заповеднике, не может быть перестроен без разрешения, невзирая на то, что многие из таких зданий могли бы оказаться заселенными их владельцами. Множество памятников старины, сохраняемых таким образом, остаются нежилыми и ветшают, т.к. нынешние требования по их охране и законодательство в области социального обеспечения делают их переоборудование абсолютно нерентабельным, в сравнении со стоимостью постройки нового здания.
С другой стороны, система дотаций абсолютно неадекватна тому, чтобы владельцы оказались заинтересованными в поддержании в порядке памятника старины. Оборотная сторона медали здесь состоит в том, что законодательство об охране памятников зачастую приводит к полному обветшанию памятников старины. Нужно много денег и специальные разрешения, чтобы изменить их предназначение, чтобы в конечном итоге убедить владельцев, что подобные здания представляют собой скорее актив, чем пассив.

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TEMA: DOTTRINA

TITOLO: LA TUTELA DEI MONUMENTI STORICI IN GRAN BRETAGNA: CRITICA E COMMENTO DELLA LEGISLAZIONE E INFLUENZA DEI GRUPPI DI PRESSIONE.

SOMMARIO:

Questa comunicazione traccia gli inizi del movimento delle associazioni in favore della tutela, dalle sue origini in Gran Bretagna nel 1877 fino ai nostri giorni e sottolinea, in particolare, come la legislazione è oggi così fortemente bloccata che si possono avere ragioni per domandarsi se il procedimento di schedare monumenti d'interesse architettonico e storico non rischia di allargarsi troppo. A tutt'oggi, più di 300.000 monumenti sono stati notificati e più di 5.000 aree di salvaguardare sono state create. Nel primo caso, nessun monumento può essere demolito o trasformato senza autorizzazione. Nel secondo caso, nessun monumento in queste zone può essere demolito senza autorizzazione anche se la maggior parte di questi monumenti sia vantaggiosamente occupato dai proprietari. Molti di questi monumenti protetti divengono inutili e abbandonati perché le necessità della moderna sicurezza e della legislazione in materia rendono la loro ristrutturazione completamente antieconomica in rapporto ai costi delle nuove costruzioni.

D'altra parte, il sistema di sovvenzione è del tutto inadeguato a spingere i proprietari, in tali casi, a intraprendere il restauro del monumento. La faccia contraria della medaglia è che la legislazione è spesso utilizzata per abbandonare deliberatamente il monumento. C'è bisogno di molto denaro e di molte autorizzazioni per un cambiamento d'uso al fine di convincere i proprietari che tali edifici rappresentano un attivo piuttosto che un passivo.