

JOINT PLANNING LAW CONFERENCE

**MATERIAL CONSIDERATIONS
IN TOWN AND COUNTRY PLANNING DECISIONS**

ARCHITECTURE AND DESIGN - MATERIAL CONSIDERATIONS

by

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The theme of this paper is the appearance of buildings and whether this is, can or should be a material consideration in the granting or withholding of planning permission. This is a subject much argued over and one where the official guidance is often flouted by local authorities. Broadly, the official position is that only design aspects which impact practically on neighbours are material whilst the opposition, including Prince Charles, argues for detailed architectural control of new development.

The present minister supports circular 22/80 in insisting that planning authorities should not impose their taste on developers. Relevant planning issues are such things as density and bulk. Compatibility with surroundings is a slippery concept but one which is officially recognised as material. This concept is clearer in areas of natural beauty or urban conservation where it is suggested that authorities confine their concern 'to those aspects of design which are significant for the aesthetic quality of the areas. Only exceptionally should they control design details, if the sensitive character of the area or the particular building justifies it'. (Parliamentary Answer reported in Planning 859, March 1990.)

The unofficial view, supported recently by the RTPI, and of course by HRH, is that standards of architecture matter, and that planners should give firm guidance on what is acceptable in order to ensure continuity of character in our towns and cities. The critics see architecture as a public art not a private matter. Quality of patronage is too variable so the public must act as the patron of the last resort, guiding the architect's hand. English Heritage regularly seizes the pencil from the designer's hand, insisting on its interpretation of appropriate design even though it has no responsibility for the project concerned nor often anything but an arguable basis for its judgement of the appropriate. The Royal Fine Art Commission is not such a conservative body as English Heritage, nor as some local authorities, but it also descends from a great height with judgements which are essentially subjective and often reflect the taste of the Commission member taking the lead. With due respect to recent pronouncements by the RFAC chairman, there is no purely objective basis for judging quality.

The Royal Fine Art Commission has nailed its colours to the mast with a report published this April called Planning for Beauty (ref 1). Written by Judy Hillman, the report recommends that design should be recognised as a material consideration. It asks for government policy to call for all development to enhance the local environment, whether or not the location is a conservation area; it calls for local authorities to draw up guidelines on matters of environmental impact, community impact and visual effect. Environmental impact covers the objective issues of density, bulk, height, street alignment, view preservation and climatic effects. Community impact includes such aspects as mixture of uses, public space provision and the grain or size of parts. Visual effect

covers the whole designer's palette of silhouette, scale, rhythm, proportion, material, colour, ornament, use of art; even window pattern is included. Designers are to be asked to show their designs in context and to justify them verbally. Panels of local architect advisors are to be asked to judge and public enquiries on design grounds are to be held by the minister if the RFAC asks for them.

All this is justified by Lord St John Fawsley in his Foreword as the 'seeking of objective standards of truth and beauty in the arts which is the foundation of our culture'. 'Subjectivism' (or the insistence that taste is an individual matter) 'is philosophically and intellectually inadequate and does not accord with the facts - selection of buildings or of areas for conversation is clearly based on objective standards'.

Hillman continues this astonishing eighteenth-century assertion by saying: 'It is as possible and sensible to judge the quality of architecture as it is to judge anything else'. But she then backs away by saying that design guidelines should be a checklist only, not rigid. She says: 'Guidelines will eliminate the 3rd and 4th rate. Since all rules must have their exceptions council members should be encouraged to recognise and allow the brilliant, imaginative or experimental'. Trying then to have it both ways, she continues: 'Patronage is all important but the people of a place have to live with individual developments and should have a role in decisions about their appearance'.

Whether the RFAC report will influence policy is as yet unclear, but there is no doubt that it encapsulates a strengthening view that design should be controlled and can be controlled constructively. In practice many local authorities attempt this, using the RFAC as a weapon when necessary. De facto aesthetic control is with us.

All this intervention is usually borne by the poor client in spite of the likelihood of his winning an appeal to the minister. The local authorities, pressure groups and official arbiters of public taste know that developers are at the mercy of the clock and will avoid the delay of an appeal if they possibly can. So is ministerial power nullified.

And does this jealous guarding of the public from horrors produce the desired effect? Arguably, it does not. The edges of our cities fill up with big red sheds and the centres of them with officially-guided mediocrity like the notorious 'Leeds Look' whilst Peter Palumbo is drawn and quartered for the sake of some rickety Victorian genre buildings. This I call the 'Salman Rushdie Effect' : before and since Rushdie there has always been a regrettable flow of anti-Islamic utterances in the press. None of this raises any official wrath, but when a famous writer publishes his fantasy he is condemned to death.

Prominent, ambitious design is thus castrated whilst the mediocre slides through. It has long been thus, as Palumbo has never tired of pointing out. St Pauls, Somerset House and the Houses of Parliament were all railed against in their day as the greatest horrors, paying no respect to their surroundings. They would never have got planning permission today, let alone under the RFAC recommendations.

Hillman and Fawsley's arguments are flawed : objective judgement of quality has always been the goal of aesthetic philosophy but also has always been elusive. It is one of the key puzzles about human nature that we can all recognise quality in some things but cannot say how we do it nor what it is in anything but the most superficial way. Professors of perception like Richard Gregory make it quite clear that people do not see like cameras, they 'recognise' things, based on their memories and education. So you see what you know. People 'like' things based on their culture, accepting things which are approved by their peer group; you like what you know you should. Original vision is the mark of the artist and is often recognised and liked initially only by the unusually perceptive. Public acclaim may follow after the culture is reeducated by critics. It is axiomatic that original work will not be properly seen by mainstream vision nor will it be liked by mainstream taste. Originality will usually be suppressed by approval processes which rely on public opinion or establishment taste. This can even be seen in recent car design where a divide is emerging between companies who leave design to designers and those who hold styling 'clinics', testing their ideas on groups of members of the public to ensure acceptability. The original Ford Sierra was a designer job not instantly appreciated but looking better every year. The new Fiesta is a clinic product, quickly dated and inherently insipid. Mercedes and Porsche never use clinics.

That we can generally accept the listing of historic buildings or conservation areas as objective is due to the passage of time, the building of reputations and the education of popular culture. The thirty year rule has not allowed Roehampton estate to be listed. Its proponents have hit a wall of political prejudice; perhaps in another thirty years ...?

In the light of this, the hope that visual guidelines could be established but then used only as a checklist and with alertness to the possibility that the proposal is a work of brilliance or of worthwhile experiment seems wishful in the extreme. Guidelines are for the advice of wise men and the obedience of fools. Wise men are rare and it would be a bold planning officer who would argue for the breaking of hard won guidelines for an unusual design. This concept is of a piece with the recent RFAC move to set up a list of recommendable architects, dubbed by the RIBA a 'whitelist'. One can see the intention to educate the development fraternity but the likelihood is that it would become hugely contentious, a list of the uncommercial establishment darlings of the nineties, forever

closed to the firms that will, inevitably get the bulk of the work to do as they understand the client's business and can deliver the required result.

But should not the public be protected against being visually offended? The recent Oxford shark case is the most extreme and relevant. Neighbours found the fiberglass shark sticking out of the artist's roof offensive and succeeded in enforcing its removal. I do not believe that the avoidance of offense to popular taste is a basis for aesthetic control anymore than I believe that literature or theatre should be censored to fit silent majority morality.

Does this mean that I am arguing for total freedom for architects? I would rather say I am arguing for architects to be given and to take the responsibility they claim and which the minister supports. The very first principle of the RIBA Code of Conduct says '(the architect) shall also have a proper regard for the interests both of those who commission and of those who may be expected to use or enjoy the product of his work.' In other words, architects charge themselves with treating the public as their client just as much as the official bill-paying customer.

What a responsible professional architect proposes should therefore be a judicious accommodation between the architect's own design interest, the paying client's needs, resources and taste and the architect's judgement of what is right on the site. The creation of the environment cannot be determined by an advocacy model like that in law where each side puts their strongest case and there is a judging method between them. In development most of the relevant expertise is on the developer's side, and particularly so in the matter of aesthetics. The architect should be putting forward a design judged to have proper regard for the interests of those who may be expected to use or enjoy the work.

Problems arise and have arisen when architects do not behave in accordance with their code but act as a developer's hired gun. Countervailing advocacy is then essential. In the 1960s and 70s there was a pattern of aggressive developers, with no long term stake in the project or community, choosing hired-gun architects and challenging the authorities to stop them if they could. Public distrust of developers and architects became ingrained. A great change has occurred in standards in the past decade, with some very responsible and civically-ambitious developers using responsible architects. But they still usually meet public suspicion verging on paranoia. Public alienation from the development process and from current architecture is now a greater threat to quality than the developers or architects.

I do not mean to suggest that a responsible architect is one who designs to mirror popular taste, including that of the developer, who, we must not forget has the most powerful lay

influence on what is proposed. Some do follow the popular line, and find an easy road to planning permission. Others take a higher-minded view that the interests of the public are best served by designs which stimulate, innovate or express our present culture. These, they feel, will be the listed buildings of the future whilst initially they will not necessarily be liked. An increasing number of developers support this stance, considering themselves as patrons as much as clients.

This is where the problem comes to a head. When these architects propose what they consider to be fully suitable designs, hoping that the public will give them the opportunity to build something which expresses what they see to be the spirit of the age, they meet a British public perception of the spirit of the age which is very different and very saddening to those with educated eyes.

'The Spirit of The Age' is a phrase often used to describe design which reflects the values and economic realities of the day. In France, Japan, Scandinavia and the USA, whilst there is much kitsch built, there is broad acceptance that the spirit of the age is reflected in buildings which are clearly inspired by industrial artefacts, using the century's basic materials and simple geometry without decoration. In Britain the spirit of the age is schizophrenic. The same person will own a sleek German car and drive home to a georgian town house or tudor cottage (real or ersatz). He or she will turn on the black box hi-fi or TV and cook on the ceramic hob in an interior of chintz and panelling redolent of earlier days. We do not seem to see this comic discontinuity in our tastes. I rationalise this as a symptom of 'Future Shock', as described by Alvin Toffler. He expected bizarre behaviour as people struggled to cope with over-rapid change. In Britain this has crystallised as a categorisation of things into 'equipment' and 'scenery'. Equipment is short lived, can be fashionable and is not threatening to one's sense of self. Here we are all happy to be ultra modern. Scenery on the other hand is our security blanket. Townscape and landscape must not change or we shall feel our sanity and Britishness slipping away. Unfortunately for architecture, people classify buildings as scenery, whilst architects usually classify them as equipment. I often run a test on dinner companions: 'take three things - Cheddar Gorge, St Pauls Cathedral and a Boeing 747; which is the odd one out?'. Whilst there are many categories to use, the regular choice is to separate the 747 as a moving, metal artefact whilst the other two are stone landmarks, part of the sacred scenery. It is ironic that the mobile architecture of the 747 is proving more lasting than that of most other mid 1960's constructions.

Public taste in the UK is therefore a dangerous and stultifying force. Lacking any real visual education, it responds to triggers of nostalgia, preferring to portray life through the styles of a supposed golden age. The crudity of these altitudes is a pity because their roots are not without merit. Prince Charles expresses these feelings very well. He

seeks an architecture which recognises the general public yearning for cultural continuity and traditional humanity in our surroundings. He rejects the idea that how things work or are made should determine how they look, which is a perfectly arguable position, as is the view that progress is a myth. The Prince also shrinks from expressing the reality of the scale of modern organisations, seeing architecture as a way of disguising the trend and of mitigating its dehumanising effects.

The radical modernist tendency in British architecture is, however, repelled by this emotional stance. These designers are tending to harden their stance, moving further away from recognising any legitimacy in the popular view. The lack of humanity, respect for context and simple charm in much recent British architecture can be blamed partly on rebellion against popular taste. So the dead hand of aesthetic control is not persuading the radicals to put down their banners but is actually hardening the resolve of those who are often refused the right to build their ideas.

An accommodation of a sort is now in progress. Some architects have adopted a full-blooded historicist stance; others have evolved styles which blends contextual forms with the essentially modern means of construction we have to use. But many young architects, and quite a few old ones too, still regard this as a sellout of the near-religious principles of modern architecture. There is no one voice for the profession and therefore for the issue under discussion.

Design guidelines are threatened or in existence in more and more authorities. There are helpful and unhelpful models. In New York and San Francisco they control street lines, height to the first set back, light angles, and in San Francisco, treatment of skylines and use of materials. In West Germany the siting of every house is prescribed, as is basic frontage design, with resulting terminal blandness. The famous Essex Design Guide of a decade ago was a well-intentioned attempt to point out the Essex vernacular to unthinking builders. It was followed as a formula and became banal, largely due to the builders remaining free of any desire to use a decent architect.

Urban design rules are to ensure that a considered composition emerges, shaping public spaces of value and controlling the impact of one building on another and on the public space. By all means let there be guidelines on massing, bulk, noise and fume emission, traffic generation, energy use, access to sunlight, wind effects and other environmental impact aspects which affect the community specifically. Building regulations and planning guidelines could come very close in this sense. Where the controls are framed as building regulations they must be followed or relaxed by agreement. Where they are planning requirements it is best if they are in the form of performance specifications and adherence to them should certainly be a material consideration.

Where we move into deep waters is in guidelines on style of architecture. In the UK, such design guidelines are set down by private developers for large, multi-building developments such as Stockley Park near Heathrow, Canary Wharf or the proposed Kings Cross development. These rules have exactly the same goals as public rules would have, to ensure a coherent urban design and corporate identity for the development. But whilst the rules themselves have to be approved by the authorities, compliance is left to the developer who has the absolute power of patronage or covenant agreement to achieve it.

In the public realm outside conservation areas I believe that such guidelines should not exist. Conservation areas are a widely accepted concept, being places whose character is judged to have been satisfyingly formed at an earlier period; which character should continue with as little concession to change as possible. The conservation area concept cannot and should not apply to the rest of our cities. The liveliness of our townscape has always been based on contrast between the scale and materials of one period against those of another.

Professor Peter Smith has demonstrated the psychology of perceived visual harmony in townscape. He shows how disparate sizes and styles of building have repeatedly gone well together, cohesion being provided by overall balance of horizontal and vertical, or by rhythmic intervals of features.

Urban development is now accelerating, creating new focal places, changing the role of others. Bleak ranks of council housing slabs will go to be replaced by much more humane environment. But equally, office buildings, retail and entertainment complexes and transport facilities will be larger than, and different technically to, anything we have been used to. We cannot wish them away whilst enjoying their fruits. We cannot disguise them without the most craven cultural duplicity. We have to evolve an architecture for the twenty-first century which goes beyond the novelty values of the machine age on the one hand and theme-park nostalgia on the other to blend our emotional needs with our rational ones. It is far too subtle a job to be based on prescriptive guidelines.

To conclude, I believe that present day material considerations in architectural design are relatively simple outside conservation areas. Designs must respect local authority rulings on density or bulk (meaning height, or light angle related to the street) and compatibility with surroundings, though this last point should not be interpreted as meaning architectural conformity to existing character. That is only required in conservation areas where more specific rulings on use of materials, scale or other aspects significant to the aesthetic quality of the area may be reasonably made.

For the future I suggest what are likely to become regarded as material considerations in design. My categories differ slightly from those proposed by the RFAC. The initial category is **Environmental Impact Guidance** and it is possible to see design being controlled by planning law or by building regulations as these aspects could all be construed as matters of public health. The ideal form of such controls would be the setting of performance standards for design such as are now enforced for insulation or fire safety. The concept could cover:

- . sunshine - retaining 'solar access' to neighbours and public open space.
- . wind - avoiding acceleration of wind at ground level.
- . emissions - limits on CO2 and other effluents, ban on CFC venting.
- . utilities - controls on loads to be accepted by roads and mains services.

The second category I call **Urban Design Guidance**. Where a local authority publishes urban design guidelines the following of these would be a material consideration. Admissible Urban Design guidelines in this context would be policies designed to shape streets, spaces and skylines, preserve or create views, and ensure desired mix of uses, suitable pedestrian, disabled and vehicular access. Outside a conservation area Urban Design guidelines would not go further into architectural design guidance, though the possibility exists that authorities will start seeking a percentage of building cost to be invested in publicly visible art in the building as they have in Germany and parts of the USA.

The final stage, **Architectural Design Guidance**, is relevant in my view only to conservation areas or private estates and would ideally be based on a published appreciation of the character of each area and of the sort of design aspects considered significant to the aesthetic quality of the area. The developer and architect should be given clear guidance before they start, leaving judgement of whether they have complied as a relatively objective matter. Work to or affecting listed buildings is yet more complex to control but is perhaps less controversial in the context of this conference. It inevitably involves detailed oversight by experts.

My goal would be to see improvements to architectural design achieved by raising the level of patronage rather than of control. A more educated and motivated clientele, public and private, stimulated by award schemes or other forms of public recognition, would be the objective. Control alone can only stultify and where control is used it should be made as objective as possible so that one may clearly see before one starts just what are the material considerations.

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