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## Historic Scotland Guidance Notes Managing Change in the Historic Environment Consultation Response

We consider the Guidance Notes are very competent, comprehensive and useful and deserve to be published in printed form, thereby accessible to a wider audience than those who can view them on the website.

We offer the following comments:

**Accessibility:** There should be some flexibility indicated here concerning ramped approaches to historic buildings. The building regulations, through several recent revisions, have moved to steadily reduce the permitted incline of internal ramps, such that only 1:20 is now allowed for a long ramp (it used to be 1:10). Anything steeper requires frequent landings which are space consuming and thus counter-productive. The irony of this is that many streets in Edinburgh, onto which such ramps disgorge their users, would not pass this test and are considerably steeper. I would like to see this guidance advocating a flexible approach which balances the historic setting with the needs of users, on a case by case basis. Enormous ramped approaches can be disfiguring.

Similarly, this guidance should try to be more explicit about the Disability Discrimination Act in the historic environment. The DDA applies to new and old buildings alike, and is framed from the point of view of discrimination, to be balanced by an interpretation (still to be decided by a test case in the courts) of what is reasonable. One assumes, therefore, that it is discriminatory for disabled users to use a side door. However, compared to the alterations which might be necessary in some cases to make an historic entrance serviceable for wheelchair users then surely historic buildings are the one place where this option should remain possible. Many historic buildings are government-owned and publically accessible, and naturally the government wants to lead by example, but this might not always be the best policy. The consultation paper already hints at this, so perhaps this option just needs more emphasis.

**Boundaries:** Sometimes there can be dubiety as to whether a boundary wall is part of the curtilage of a Listed Building (where the Descriptive List is 'silent'). More guidance giving criteria (including distance from a building) on how to resolve this dilemma would be helpful.

As there is no legal definition of curtilage this causes problems of interpretation with various pieces of legislation, including the Land Reform (Scotland) Act 2003 where the curtilage of a dwelling is excluded from the right to roam.

**Demolition:** This revised guidance note sets out more clearly the issues that have to be addressed when demolition of a building is considered. However, there is some material in the previous guidance, which would be helpful to retain, perhaps as supplementary notes in an appendix to the new guidance.

Clear guidance on the demolition of structures other than buildings, especially listed structures, could not be found either in this guidance or in the revised guidance on Engineering Structures. It is important that this apparent omission is rectified.

## **KEY ISSUES (page 2)**

### 1. Sustainability

This paragraph appears to refer to the historic environment as a whole. In this context, it would be helpful to have some comment in this guidance about the protection of buildings with character that are locally important, but not listed or within conservation areas.

### 2. Consent for demolition of a listed building is therefore only granted in exceptional circumstances.

We welcome this statement. However, as many of the judgements about the retention of historic buildings can be borderline in nature, we believe it would be helpful if some guidance could be given on this aspect.

For example:

- In borderline cases where the evidence for and against the retention of a building is not clear or debatable, we believe it would be desirable to apply the precautionary principle and retain the building – at least for a reasonable period of time to allow more or different evidence to be collected (vide the recent Drivers Jonas report on the Odeon Cinema, Newington, Edinburgh).
- For important buildings (e.g. A or B listed), where there is conflict between the protection of their historic fabric/special character and for example, economic growth, we believe that greater weight should be given to the protection of the historic character. This is called the Sandford Principle and is derived from Section 9 (6) of the National Parks (Scotland) Act 2000.

## **WHAT INFORMATION IS NEEDED?**

### Four Tests for Demolition (page 5)

There is significant subjectivity in these tests and it would be prudent to require applications to be assessed on all four tests and not just one.

We suggest that the first sentence should be altered accordingly and made clearer as follows: *'To obtain consent for demolition, applications will need to demonstrate clearly that none of the above tests for retaining a building can be met'*

Moreover, all of the tests require the applicant to carry out various surveys and assessments. There is a danger of bias, if applicants commission their own consultants to deliver the applicants briefs. We suggest that Historic Scotland should require applicants to use independent consultants identified by Historic Scotland and working to briefs set by the agency. The costs of using these consultants would still be borne by applicants.

**Doorways:** It would be helpful to see something in favour of retaining and repairing Victorian bell pulls and opening systems on tenements in conservation areas. These have generally been replaced by electric door entry systems, and there seems no policy on this, yet they form a charming element of the original building's character.

We might have expected door lighting to be covered here, but since it isn't perhaps a reference could be made to the Fixtures paper. It would also be helpful to see some guidance regarding garage doors on mews properties.

**Extensions:** We are puzzled by the idea that "replica" extensions should not 'masquerade as being of the original period'. Is that not the point? A replica style necessarily denies both the historical and the contemporary - this theory is fashionable with architects at present but there are many examples from the past which counter it.

**Micro-renewables:** Wind turbines attached to historic structures (usually at a high point) have the greatest potential to cause detrimental impacts. In part this guidance recognizes this but needs to be

strengthened by replacing the 4<sup>th</sup> sentence with '*For these reasons, it is prudent to avoid attaching wind turbines to buildings wherever possible and to seek free standing locations for turbines.*'

**Setting:** The Cockburn Association supports this guidance as it contains much useful information and explanation of the issues affecting the setting of historic structures.

However, in previous guidance there are useful examples of particular impacts that new developments can have on historic structures and the possible mitigations. It would be helpful to retain these in some way, perhaps as supplementary notes in an appendix to the revised guidance.

The approach shown in this guidance is also applicable to the consideration of settings for other designated areas such as, National Parks, National Scenic Areas, National Nature Reserves, and Areas of Great Landscape Value.

**Key Issues (page 2, para 1)** In view of their importance and for the avoidance of doubt from the outset, *World Heritage Sites* and *conservation areas* should be included amongst the examples in brackets in the 2<sup>nd</sup> sentence.

**Shops:** Some new shop fronts give the impression of being a short term fashion trend. It is preferable where there are modern shop fronts to Listed Buildings and in Conservation Areas, that they are designed in a simple 'classic' way that avoids unnecessary future alteration. Coloured illumination of lettering usually appears unsympathetic in a historical environment.

**Roofs:** We support this guidance as it contains useful information and explanation of the issues affecting historic roofs.

Notwithstanding this comment, the previous guidance contains a wealth of useful information about roof features e.g. crowsteps, skews, chimney stacks etc (para 1.5.5 – 1.5.8), finials etc (1.5.11), bargeboards etc (1.5.16), skylights etc (1.5.18), which is not included in this revised guidance. Can this material be retained in some way, perhaps as an appendix to the revised guide?

That said many of the approaches shown in this guidance are also applicable to non-historic roofs and could be usefully promulgated in local authority design guides.

**Walls:** Traffic sight-lines can be a reason for lowering, setting back or angling a street wall. Where this has to be agreed it is important that altered walls are rebuilt to match the existing wall by a proper mason. Rebuilding albeit in stone but with the wrong coursing and unsuitable mortar mix is unsightly.

**Windows:** Although there are many sensible comments on how to alter and replace timber sash & case windows, clearly double-glazing presents a problem. The dichotomy is, conserving energy versus conserving traditional windows. This needs a greater degree of resolution and is worthy of closer examination by HS in consultation with other Government Departments and manufacturers. For instance many Listed Buildings have dormers added later and with the Government's encouragement to improve roof insulation it seems not unreasonable to have high performance double-glazing there too. A review might bring out solutions which on balance do not compromise the integrity of the heritage.

There are several ways to introduce double-glazing to traditional sash and case windows without changing their external appearance, and if the sashes are remade from new this can include not changing the internal appearance. However, as from May 2010 the Building Regulations will be revamped once again, such that triple-glazing will become the only way to economically meet the new thermal standards. This will cause a swing towards secondary internal double-glazed sashes which can be removed in summer, and hopefully this will make the preservation of existing single glazed windows a more reasonable proposition.