


Design Style and Aesthetics as Material Planning Considerations

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 [Keywords to Follow]

In its publication “Design at Appeal” (2006) the Commission for Architecture and the Built Environment (CABE) asserts that “Design is about how places look and feel”. It compares the 1988 and 1992 versions of Planning Policy Statement (PPS) Note 1: ‘General Principles’ with the current version and concludes that, whereas design had once been seen as not all that relevant to planning decisions, it was now of great relevance, pointing out that at para.33, PPS1 now states that design is “indivisible from good planning”. The fourth bullet point of para.5 of PPS1 then requires that we “ensure high quality development through good and inclusive design”. Government policy on design is then further set out in paras 33–39 which will be referred to later in this article.

The importance of design is further underlined by the statutory position of Design and Access Statements. These derive at first instance from the 2004 version of s.62 of the Town and Country Planning Act 1990 (substituted by s.42 of the Planning and Compensation Act 2004). Subsection 5 states that a development order *must require* that applications *must* be accompanied by “(a) a statement about the design principles and concepts that have been applied to the development”. One wonders if this elevates design perhaps to equate with, for example, the policy issues required previously of strategic plans by ss.12 and 36 of the 1990 Act and the survey required by s.13 of the 2004 Act.

In “Design at Appeal” CABE suggests that there may be confusion over what design is really about stating:

“Some people wrongly feel that design just means aesthetics, style and the outward detailing of buildings, and this attitude stifles appropriate decision making.”

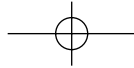
I suspect that some of this confusion may stem from the fact that in the days when design was not on the priority list, design issues were divided into two main categories, namely:

1. The design, i.e. appearance, of new development in a conservation context (i.e. in a conservation area or affecting a listed building or its setting); or
2. The layout of new development, particularly residential areas, which is, to my mind, at the heart of land use planning itself (e.g. the “Essex Design Guide”).

Some of this confusion may also stem from past debates such as that over No.1 Poultry and the extension to the National Gallery, where the public debate seemed to me to concern “aesthetics, style and outward detailing”, not design as explained by PPS1.

I have noted this confusion with design-making, whether at local level, following a planning application, or on appeal. My problem as an adviser and occasional advocate is this: given that design is not just about aesthetics and style, how far is it right, nevertheless, to reject a proposal purely

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because of the choice of style? Putting the question more bluntly, is it right that a proposal is rejected simply because the decision-maker does not like it? I nail my colours firmly to the mast and say that it would be wrong to determine an application for such a reason alone. The advice given by PPS1 is that:

“Although visual appearance and the architecture of individual buildings are clearly a factor in achieving (design) objectives, securing high quality and inclusive design goes far beyond aesthetic considerations.” (para.35)

My objective in this article is to attempt to see how much weight can be given to these “factors” of visual appearance and architecture and how the decision-maker should approach such questions.

Part of the answer is to be found in PPS1 and the documents to which we are referred. This advice is brought together in the document “Design—Advice for Inspectors”, published by the Planning Inspectorate.

Paragraph 36 of PPS1 asserts that development should be “visually attractive as a result of good architecture and appropriate landscaping”. This raises the question, what is good architecture?

Paragraph 38 cautions against unnecessary prescription but also adds:

“LPAs should not attempt to impose architectural styles or particular tastes . . . stifle innovation, originality or initiation through unsubstantial requirements to conform to certain development or styles.”

On the other hand, policies which promote local distinctiveness are to be supported.

For many years, I have advised architects in particular to explain their design, not only the finished product but how they approached the problem and how the scheme evolved. This approach is now partly prescribed with the need for Design and Access Statements but such a statement is improved if the designer can show how his or her design responded to the context and constraints as explained in the publication “By Design—Urban Design in the Planning System—towards better practice”.^{*} Nevertheless, this approach does not always explain a choice of style. One wonders if an explanation of the choice of style is required by the expression “design concepts” in s.62.

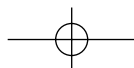
CABE’s “By Design” develops the advice in PPS1. I note in particular the section headed “Character”, which expands on local identity or “distinctiveness”. Importantly, from the perspective of this article, it observes that there is no reason why character and innovation should not go together and that:

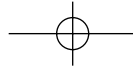
“New and old buildings can coexist happily without disguising one as the other, if the design of the new is a response to urban design objectives.”

In this regard it gives a useful example in the form of a photograph of a modern building in London Docklands instructive. The section headed “Diversity” also points out that “local distinctiveness” does not equate with more of the same.

The section on general design policy observes that policy may provide guidance on the *siting* of landmark buildings. I stress “siting” to distinguish it from style. Nothing in the advice on

^{*} At s.3, under the heading “Development Control”.





supplementary planning guidance, development frameworks or briefs appears to me to allow prescription on style or aesthetics per se.

CABE published in 2008 a handy guide called “Building for Life”, with 20 questions the developer needs to answer. Questions 6, 7 and 8 help with local distinctiveness. Question 17 asks “Do buildings exhibit architectural quality?” but, again, tells us that good architecture is less to do with a particular style and more to do with successful co-ordination of proportions, materials, colour and detail. For further reading, we are referred to p.14 of the CABE 2006 publication “Design review: how CABE evaluates quality in architecture and urban design”.

Most of the advice I have examined above is about design as more widely defined. I have also read the Royal Fine Art Commission (RFAC)’s inquiry report “What makes a good building?” (1994). This, and the p.14 referred to in the previous paragraph, helps the layman like me to understand better what is meant by a good building and an “informed eye”. There is a final question in the “Design review” list of key questions about what makes a good project: “Can one imagine the building becoming a cherished part of its setting?” The RFAC tells us an “informed eye” means one which can read and understand the “plan” of a building but also appreciate aesthetic qualities “of scale, composition, silhouette, properties, rhythm and how the building fits into its surroundings”. It goes on to inform and help, at least this lay reader, attempting to prepare for a public inquiry into an appeal which seemed to be more about style than design.

I have no desire to become an architectural critic but, as a planning lawyer and advocate, I have felt it necessary, of course, to understand what successive governments mean by design when formal advice is set out in Planning Policy Statements and the like. It helps to be interested and, over the years, I have collected and dipped into, rather than read, books on the subject. I have raised the question of what is good architecture with various designers with a variety of responses, some rather astonishing and out of step with current advice. My copy of Pevsner’s *Pioneers of Modern Design* is now nearly 50 years old, but its first chapter makes it plain that design does not equal style; that good architecture is not just a copy of what has gone before. All this said, I find that I am personally unable to answer the questions or meet the objective I set, namely the weight to be given to the factors of visual appearance and “good” architecture and how such issues should be determined.

I can, however, conclude that good design is much, much more than the appearance of the building per se; that because one critic finds the building unattractive but is unable to explain why in design terms this should carry little weight; and that the designer who explains his design and has an answer to his critics should be given credit against those critics. Finally, I believe none of this advice justifies a reason for determining applications for planning permission merely on the personal taste of the decision-maker.

Following my writing of this conclusion, I felt I should attempt to test it by reference to appeal decisions. “Development Control Practice” has a useful section, “The practicalities of control over elevational details”, introduced by a canvass of design issues. One needs, when reading the examples given, to remember that design issues have had lower priority in the past (see my opening paragraph). Having considered with some thoroughness various designs, I felt able to stand by the foregoing conclusions.

