



Government Circular No. 18/00

Department of Local Government and the Environment

HISTORIC BUILDINGS CONSERVATION SCHEME 2000

Approved by Tynwald 17th May 2000

Citation, Commencement and Termination

1. (1) This Scheme may be cited as the Historic Buildings Conservation Scheme 2000 and shall, subject to the approval of Tynwald, come into operation on the 1st June 2000.

(2) This Scheme shall terminate on the 30th June 2005, without prejudice to the payment thereafter of any grant approved prior to that date.

Interpretation

2. (1) In this Scheme -

“the Department” means the Department of Local Government and the Environment;

“approved” means approved by the Department;

“eligible applicant” means a person applying for assistance under this Scheme who is eligible by virtue of paragraph 4 and his successors in title;

“approved contractor” means -

- (a) contractor on the Isle of Man Employers Federation List of Approved Contractors; or
- (b) a Craftsman on the Department of Trade and Industry Register of Craftsmen; or
- (c) such other craftsmen or skilled artisan who may be proposed by an eligible applicant and who is in the opinion of the Department able to illustrate the appropriate level of competence and experience in dealing with work to historic buildings.

“registered building” means a building for the time being entered in the Protected Buildings Register as defined in section 1 (1) of the Town and Country Planning Act 1991 ¹

“conservation area” means an area designated under section 12 (1) of the Town and Country Planning Act 1991

(2) The Interpretation Act 1976 ² shall apply to this Scheme as it applies to an Act of Tynwald.

Eligible Premises

3. (1) This Scheme shall apply to buildings:

- (a) which are registered buildings; or
- (b) which are situated within a conservation area; or
- (c) which do not fall within (a) or (b) above, but which were erected before the 31st December 1920 and in which the repair, restoration, and/or upgrading of original or replacement windows and/or doors with windows and/or doors appropriate to the building’s style and its setting, would in the opinion of the Department make an important contribution to an historic townscape or the rural landscape of the Isle of Man.

(2) Unless otherwise determined by the Department this Scheme shall not apply to premises owned by a Department, Local Authority or Statutory Board.

(3) Where such a building in sub-paragraph (1) above is subdivided into separate dwellings the building as a whole, as originally constructed, shall be the eligible premises.

Eligible Applicants

4. (1) The applicant must be the owner of either the freehold in the property or of a leasehold interest in the property of which not less than 7 years remain unexpired.

(2) No monies will be offered to anyone who is in arrears in respect of Income Tax, National Insurance Contributions, Value Added Tax or Local Authority or Water Rates.

Grant Assistance

5. (1) The Department may give to an eligible applicant financial assistance by way of grant towards the cost of approved works carried out by approved contractors on

1 1991 c.14

2 1976 c.20

eligible premises, being works set out in Part 1, 2 and 3 of the Schedule to this Scheme in accord with the appropriate category of eligible premises.

(2) Grant assistance under this Scheme shall not normally (subject to the discretion of the Department to waive this provision) exceed £20,000 in respect of each eligible premises, but may be for such percentage of the cost of the approved works as the Department thinks fit within the following guidelines:-

- (a) for buildings in category 3 (1) (a) above, up to 60% of the cost of approved works excluding V.A.T.;
- (b) for buildings in category 3 (1) (b) above, up to 50% of the cost of approved works excluding V.A.T.; and
- (c) for buildings in category 3 (1) (c) above, up to 40% of the cost of approved works excluding V.A.T.

(3) An applicant will not normally be required to provide evidence of taxable income where a grant is for a sum which is no more than 20% of the total cost of the approved works (exclusive of V. A. T.) and no more than £5,000. Where an applicant wishes to be considered for a grant the sum of which exceeds 20% of the total cost of the approved works or which is more than £5,000, the Department will normally require an applicant to produce evidence of taxable income for the fiscal year preceding that in which the application is submitted.

(4) Verification of income may be required in connection with an application under the Scheme, by the provision of a certificate (from the Assessor of Income Tax) in a form approved by the Department.

(5) The Department may require the appointment by the applicant of a suitably qualified professional to supervise the execution of the approved works and the grant may include up to 50% of approved professional fees incurred in connection with the approved works, or the investigation of the condition of the property or of any charge pursuant to sub-paragraph (6).

(6) Where the total grant assistance provided by the Department under this Scheme exceeds £5,000, the Department shall make a grant subject to the condition that the property is charged to the Treasury to secure repayment of the grant or such part thereof as the Treasury, in consultation with the Department, determines, in accordance with the following :-

- (a) more than £5,000 but less than £10,000 - 7 years
- (b) more than £10,000 but less than £15,000 - 10 years
- (c) £15,000 or more - 15 years

(7) The total amount of grant repayable in the event of the property being disposed of as above will be based on a sliding scale amortising over the relevant period of the charge.

(8) Any such charge incurred in sub-paragraphs (6) or (7) above shall be in addition to any other such charges incurred to secure repayment of grants under any other scheme.

Applications

6. (1) Applications for grants shall be made in writing in a form approved and provided by the Department.

(2) The applicant shall forward to the Department the completed application form and will provide all such documents, plans and specifications as the Department may require to be submitted in connection with the application. Unless otherwise agreed with the Department, an applicant must submit at least two competitive estimates, for comparable works, from approved contractors.

(3) The applicant shall provide to the Department copies of all Planning Approvals, Registered Building Consents and Building Regulations Approvals as are required to be obtained in respect of the proposed works.

(4) The applicant shall give to the Department such further information as it may reasonably require.

Consideration of Applications

7. (1) The Department shall consider every application and shall inform the applicant whether the application is approved.

(2) The Department shall, if it approves the application, forward to the applicant an approval notice stating the date from which the work may commence.

(3) Any grant shall be subject to any terms or conditions which the Department may in any particular case decide to impose.

(4) The Department in its discretion may refuse any application and any decision of the Department to approve or refuse any application or to impose any terms and conditions upon any approval shall be final.

(5) The approval of the Department of an application shall be conditional upon the correctness of the information supplied therein.

Provisions Relating to the Payment of Grants

8. (1) Before authorising the payment of any grant the Department shall require the applicant to submit to the Department a final account or accounts of the total

cost of the approved works in such detail as the Department may in any particular circumstances require.

(2) No grant shall be made in respect of works commenced before the approval of the Department is notified to the applicant unless the Department is satisfied that there were good reasons for beginning the works before the application was approved.

(3) In order to qualify for a grant, all approved works must be completed within nine months from the date stated in the approval notice or such further period as the Department may in any particular case allow.

(4) The Department may, at its own discretion, carry out any necessary inspections of the property and of any work in progress or completed under the Scheme.

(5) The Department shall have the right to refuse or withhold the grant in any case where, in the opinion of the Department, the work has not been carried out satisfactorily.

(6) The approval or granting of a grant under this Scheme shall not be deemed to imply that approval is granted under any enactment.

(7) The Department may waive any one or more of the requirements contained in this Scheme in any case where it considers it appropriate.

(8) Grants made under this Scheme may be made in addition to grants under any other Scheme.

Amendments

9. The following amendments are hereby made to the House Repair and Modernisation Scheme 1997

(1) Paragraph 3 (2) (d) is revoked

(2) Paragraph 5 (5) to be replaced by
“Total grants under this Scheme, and any other schemes for the improvement of property operated by the Department currently or previously, with the exception of the Historic Buildings Conservation Scheme 2000, shall not exceed £20,000 in respect of each eligible premises.

SCHEDULE

Part 1

Works which may be approved for Grant Assistance for buildings within paragraph 3 (1) (a), (b) and (c)

Repair, restoration and/or upgrading of original or replacement windows and/or doors, or replacement of inappropriate or defective windows and/or doors with windows and/or doors appropriate to the building's style and its setting: to include window/door frames, glazing, ironmongery and fittings;

Part 2

Works which may be approved for Grant Assistance for buildings within paragraph 3(1) (a) and (b)

Works to a building which contribute to an improvement in the townscape or rural landscape (but without prejudice to the generality of the foregoing):

- (1) External painting of a building including masonry, windows, doors, decorative ironwork and boundary walls in colours and finishes approved by the Department and appropriate to the building and its context;
- (2) The replacement of inappropriate or defective external wall coverings or finishes with external wall coverings or finishes (including re-pointing), appropriate to the building and its context;
- (3) The repair and/or renewal of existing appropriate roof structures and/or coverings and/or the replacement of inappropriate or defective roof coverings, with roof coverings appropriate to the building and its context;
- (4) The repair or reinstatement of chimney stacks including the replacement of appropriate chimney pots in a manner appropriate to the building and its context;
- (5) The replacement of external plumbing, leadwork or rainwater goods in character with the building and its context;
- (6) Repair, replacement or reinstatement of external features such as balconies, canopies, bargeboards, finials, shutters, railings, gates, gate posts, external finishes, light fittings, signage, shop fronts or other such features which contribute to the special architectural character or historic interest of a building or area;
- (7) Such other works as may appear to the Department in any particular case to be justified.

Part 3

Additional Works which may be approved for Grant Assistance for buildings in paragraph 3(1) (a) above

- (1) Elimination of various forms of timber decay including wet rot, dry rot and attack from wood boring insects and the replacement of affected structures;
- (2) Structural repairs to the fabric of the building;
- (3) Repairs using natural or traditional materials;
- (4) Restoration of features of historical or architectural interest, both internal and external and within the curtilage of the property.

Made this day 14th April 2000

W. A. Gilbey
Minister for Local Government and the Environment

Approved by Tynwald on 17th May 2000.

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme enables the Department of Local Government and the Environment to make grants towards the cost of works involving the repair, restoration and enhancement of properties which are either:-

1. Registered Buildings; or
2. Situated within a Conservation Area;

The Scheme also enables the Department to make grants towards the cost of repair and/or upgrading original or replacement windows and/or doors, or replacement of inappropriate or defective windows and/or doors with windows and/or doors appropriate to the building and its setting, in buildings which are neither Registered Buildings, nor situated in Conservation Areas which were erected before 31st December, 1920 and where such works would, in the opinion of the Department, make an important contribution to an historic townscape or the rural landscape of the Isle of Man.

DEPARTMENT OF LOCAL
GOVERNMENT AND THE
ENVIRONMENT

*Rheynn Reiltys Ynnydagh as y
Chymnyltaght*

POLICY AND GUIDANCE NOTES
FOR THE CONSERVATION OF THE
HISTORIC ENVIRONMENT OF THE
ISLE OF MAN

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INTRODUCTION

In 1987, the Isle of Man became a signatory to the Council of Europe Convention for the Protection of the Architectural Heritage of Europe, thus reflecting the commitment which the Island has to its unique built heritage.

It is fundamental to the Government's responsibilities for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. Together, they give us a tangible link with our history and an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of our Island's distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. It is being increasingly recognised that the historic environment is also of immense importance for tourism, leisure, recreation and commerce generally. The richness and variety of our architectural heritage underpins and is a vital ingredient of the unique and special character which the Island retains. It is important that Conservation should not be regarded as a negative process - it goes beyond the ability to prevent the destruction of our built heritage, although that is crucial; Conservation involves actively caring for our buildings, maintaining them in good physical condition and enabling them to be readily accessible for study, enjoyment, recreation, tourism and nowadays, the Island's developing film industry.

Above all conservation means ensuring that, to the fullest possible extent, our built heritage remains in active use as an integral part of the living and working community, as a material asset that makes a positive contribution to economic prosperity and the overall quality of life which we enjoy on the Island.

Where a building or site can sustain a degree of sensitive change, we should open our minds to this, especially if this will lead to an extended lease of life, and particularly where there will also be wider benefits in terms of urban regeneration or the economic viability of rural areas through suitable and appropriate alteration or re-use. Indeed, many old buildings already bear clear imprint of changes made by later generations and they are often more attractive on that account. What is essential is that any changes we do make, are of a quality which future generations will respect and admire.

SCOPE

The Statements of Policy, Law, and Guidance contained within this document have been designed to present and explain the Policy which applies to the Conservation of the Built Environment of the Isle of Man, including policy for the identification and protection of historic buildings, conservation areas and other elements of the environment. In this context, the "historic built environment" is intended to include man-made structures which are judged to be of special architectural or historic interest, or which individually or as a group, make a vital contribution to the special character of the Island's rural landscape or historic townscapes. Such structures will often have the benefit of Statutory protection such as being Registered Buildings; being located within a Conservation Area or, in due course, within National Heritage areas. Thus, features such as historic field boundaries in the form of dry stone walls and sod hedges; footpaths, roadways and verges which might contain stiles, wells or original gates or gate posts, should also fall within this group for consideration as well as the more obvious buildings and structures.

The guidance is produced in order to assist Departments of Central Government, Local Authorities as well as property owners, developers, special interest groups and all members of the public with an interest in the conservation of the unique and special qualities of the environment of the Isle of Man.

REASONS FOR CONSERVATION POLICY

It is important that in order to provide the requisite amount of protection and enhancement of our historic environment, there should be in place within the planning system, a framework of policies which address the protection of the historic environment, whilst balanced with the need for economic growth. We must, accordingly, ensure that the means are available to identify what is special in the historic environment, so that when proposals come forward for change or new development, we are able to assess their impact on the historic environment, and give it full weight, alongside other considerations.

As far back as November, 1987, the Council of Europe for the Protection of the Architectural Heritage of Europe was extended to the Isle of Man. The Island is also a signatory to the European Convention for the Protection of the Archaeological Heritage of Europe. The concept of designating areas of special heritage status was further developed in the Council of Europe's 1995 recommendation on *"The Integrated Conservation of Cultural Landscape Areas as Part of Landscape Policies"* and specifically:

"The need to develop strategies for integrating the managed evolution of the landscape and the preservation of cultural landscape areas as part of a comprehensive policy for the whole landscape, by providing for the unified protection of the cultural, aesthetic, ecological, economic and social interests of the territory concerned".

As signatory to these measures, the Isle of Man Government has shown its commitment to the comprehensive and inclusive policies to protect the Island's unique heritage. The importance of a proposed new status is that it transcends the existing more specific conservation measures with the object of bringing together the branches of Government and other major land users, to unify and strengthen management policies. The proposal is that, where appropriate, National Heritage Area status will be declared by the Department in collaboration with Manx National Heritage, the Department of Agriculture, Fisheries and Forestry, the Department of Tourism and Leisure and other appropriate agencies. In the small, select number of cases where this occurs, such areas will be defined by a land use designation

reinforcing existing legal protection of buildings, archaeological sites and areas of special ecological, landscape and/or scientific value.

In light of the foregoing, an initial policy is proposed in the following section, with the aim of putting in place the necessary mechanism for the creation of National Heritage Areas.

EXPLANATORY NOTE

Statements of Law will be indicated by *Italics* in the text;

Statements of Policy will be indicated by CAPITALS in the text; and

Guidance will be indicated by Lower Case in the text.

References in the text to "Area Plans" means such plans as described in Section 2 (3) of the Town and Country Planning Act, 1999 and which until the said Act, were commonly called and known as "Local Plans".

SUMMARY OF POLICIES

LAW

AND GUIDANCE

NATIONAL HERITAGE AREAS

POLICY NHA / 1

THE DEPARTMENT, IN COLLABORATION WITH MANX NATIONAL HERITAGE, THE DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY, THE DEPARTMENT OF TOURISM AND LEISURE AND OTHER GOVERNMENT DEPARTMENTS, WHERE APPROPRIATE, MAY SEEK TO IDENTIFY AND RECOGNISE THE SPECIAL HERITAGE STATUS OF AREAS CONSIDERED TO BE OF NATIONAL IMPORTANCE, BY DESIGNATION OF NATIONAL HERITAGE AREAS. THESE AREAS MAY CONTAIN A VARIETY OF EXISTING SPECIAL SITES AND/OR PROTECTED FEATURES WHICH MIGHT FOR EXAMPLE BE REGISTERED BUILDINGS, ANCIENT MONUMENTS, CONSERVATION AREAS AND/OR AREAS OF HIGH ECOLOGICAL, LANDSCAPE OR SCIENTIFIC VALUE. SUCH AREAS WILL, AS A RESULT OF A CONCENTRATION OF SUCH SPECIAL FEATURES, POSSESS A CHARACTER AND QUALITY WHICH IS WORTHY OF RECOGNITION AT A STILL HIGHER LEVEL. NATIONAL HERITAGE AREA STATUS WILL ENSURE THAT A COMPREHENSIVE AND INTEGRATED APPROACH CAN BE ADOPTED BY THE VARIOUS SECTIONS OF GOVERNMENT IN ORDER TO PROTECT, CONSERVE AND ENHANCE THE ESSENTIAL CHARACTER OF AN AREA, UNITING ALL OTHER CONSERVATION MEASURES, TO GUARANTEE ITS CONTINUING CARE, PRESENTATION AND ENJOYMENT.

FOLLOWING THE RECOGNITION OF NATIONAL HERITAGE AREA STATUS, IT WILL BE THE RESPONSIBILITY OF THE PLANNING AND HERITAGE AUTHORITIES, IN CONSULTATION WITH APPROPRIATE BRANCHES OF GOVERNMENT, LOCAL AUTHORITIES, LANDOWNERS AND RESIDENTS, TO DEVELOP INTEGRATED POLICIES AND PLANS TO CONSERVE THE AREA IN THE LONG-TERM INTEREST OF THE MANX NATION

National Heritage Area status has already been the subject of consideration by the Department and forms part of the focus of several policies already outlined in the proposed Isle of Man Strategic Plan. A more detailed Policy Guidance Note will be required to fully address the legal and procedural framework to be put in place, thus enabling National Heritage Areas to be progressed as a concept unique to the Isle of Man.

REGISTERED BUILDINGS

Under the Town and Country Planning Act, 1999 (The Act) (Section 14.(1)), the Department of Local Government and the Environment (the Department) has a duty to maintain a register of buildings of special architectural or historic interest, called "the Protected Buildings Register". The Act goes on to state:

(Section 14. (2) In considering whether to enter a building in the register the Department may take into account not only the building itself but also -

- a) any aspect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and*
- b) the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.*

POLICY - R B /1

REGISTRATION OF BUILDINGS

THE DEPARTMENT SHALL IDENTIFY THOSE BUILDINGS ON THE ISLAND WHICH ARE OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST AND TAKE THE NECESSARY STEPS TO PROGRESS THEIR ENTRY IN THE PROTECTED BUILDINGS REGISTER. IN CONSIDERING SUCH BUILDINGS THE SPECIAL AND PARTICULAR CONTEXT OF THE ISLE OF MAN AS A SEPARATE ENTITY, WILL BE A MATERIAL CONSIDERATION IN ASSESSING THE PARTICULAR VALUE OF A BUILDING. THIS MAY RESULT IN SOME BUILDINGS BEING REGISTERED WHICH WOULD NOT BE JUDGED WORTHY OF SUCH PROTECTION IF ASSESSED OUTSIDE OF THE LOCAL CONTEXT OF THE ISLE OF MAN.

IN ASSESSING THE MERITS OF A BUILDING RELATIVE TO POTENTIAL REGISTRATION, THE DEPARTMENT SHALL HAVE REGARD TO THE FOLLOWING CONSIDERATIONS:-

ARCHITECTURAL INTEREST AND/OR AESTHETIC QUALITY:

THE REGISTER IS INTENDED TO INCLUDE BUILDINGS WHICH ARE OF IMPORTANCE TO THE ISLAND FOR THE INTEREST OF THEIR ARCHITECTURAL DESIGN, DECORATION, CRAFTSMANSHIP, OR BY VIRTUE OF THE EMINENCE OF THE ARCHITECT; THIS WOULD INCLUDE IMPORTANT EXAMPLES OF PARTICULAR BUILDING TYPES AND TECHNIQUES (E.G. BUILDINGS DISPLAYING TECHNOLOGICAL INNOVATION OR VIRTUOSITY, AS MIGHT BE FOUND IN STRUCTURES CONNECTED WITH THE HISTORIC RAILWAYS OF THE ISLAND) AND SIGNIFICANT PLAN FORMS;

HISTORIC INTEREST: THIS INCLUDES BUILDINGS WHICH ILLUSTRATE IMPORTANT ASPECTS OF THE ISLAND'S SOCIAL, ECONOMIC, CULTURAL, AGRICULTURAL, INDUSTRIAL OR MILITARY HISTORY; THIS IMPORTANCE MIGHT BE ASSESSED IN THE PARTICULAR LOCAL CONTEXT OF THE TOWN OR VILLAGE IN WHICH THE BUILDING IS LOCATED;

CLOSE HISTORICAL ASSOCIATION: WITH NATIONALLY IMPORTANT PEOPLE OR EVENTS;

LANDMARK QUALITIES: SOME BUILDINGS WILL BE CLEARLY RECOGNISABLE AS HAVING SUCH QUALITIES WHETHER THEY BE LOCATED IN ISOLATED COASTAL OR RURAL LOCATIONS, OR AS FOCAL POINTS WITHIN A BUSY LOCAL TOWNSCAPE;

GROUP VALUE: ESPECIALLY WHERE BUILDINGS COMPRISE AN IMPORTANT ARCHITECTURAL OR HISTORIC UNITY OR A FINE EXAMPLE OF PLANNING (E.G. SQUARES, TERRACES OR FARM GROUPS).

It is worth noting at this point the distinction between groups of Registered Buildings and Conservation Areas. *Under the Town and Country Planning Act 1999, the Department has a duty to determine which parts of the Island are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.*

Conservation Areas are identified by the special quality and local character of groups of buildings, together with their context, be it roads and footpaths or areas of green open space and many factors can contribute to the special identity of a locality which has been deemed worthy of Conservation Area Status. Groups of Registered Buildings protect the buildings individually and the protection is limited to the built envelope of named buildings and their curtilage. Conservation Areas usually contain a number of Registered Buildings which serve to reinforce the particular character and merit of the area as a whole.

AGE AND RARITY: THE OLDER A BUILDING IS AND THE FEWER SURVIVING EXAMPLES OF ITS KIND, THE MORE LIKELY IT IS TO BE WORTHY OF REGISTRATION. MANY OF THE ISLAND'S OLDEST BUILDINGS ARE LIKELY TO BE THE BEST CONSTRUCTED SURVIVALS OF THE PAST, WHERE THE MAJORITY OF MORE HUMBLE DWELLINGS, BUILT OF LESS DURABLE MATERIALS AND CONSTRUCTION, WILL HAVE DISAPPEARED WITH THE RAVAGES OF TIME. THUS, THOSE BUILDINGS, OR PARTS OF THOSE BUILDINGS, WHICH SURVIVE IN SUBSTANTIALLY THEIR ORIGINAL CONDITION AND WHOSE ORIGINS CAN BE ESTABLISHED AS BEING PRIOR TO 1800, WOULD BE WORTHY OF CONSIDERATION FOR REGISTRATION. BUILDINGS BUILT BETWEEN 1800 AND 1860, MAY BE WORTHY, ALTHOUGH SOME SELECTION WILL BE NECESSARY. FOR THE PERIOD 1860 TO 1920, BECAUSE OF THE GREATER NUMBERS WHICH SURVIVE,

ASSESSMENT AND SELECTION IS NECESSARY TO IDENTIFY THE BEST EXAMPLES. FOR THE SAME REASONS, ONLY SELECTED BUILDINGS FOR THE PERIOD AFTER 1920 WOULD BE REGISTERED: BUILDINGS WHICH ARE LESS THAN THIRTY YEARS OLD WOULD NORMALLY ONLY BE LISTED, IF THEY ARE OF OUTSTANDING QUALITY.

POLICY - R B /2

IDENTIFICATION OF BUILDINGS FOR REGISTRATION

BUILDINGS MAY BE IDENTIFIED FOR ENTRY IN TO THE REGISTER IN SEVERAL WAYS:-

- (1) THE BUILDING MAY ALREADY APPEAR IN THE PROVISIONAL LIST DRAWN UP BY THE DEPARTMENT FOR THE PURPOSE OF RECOMMENDING BUILDINGS FOR REGISTRATION;
- (2) BUILDINGS JUDGED WORTHY OF INVESTIGATION WITH A VIEW TO REGISTRATION MAY ALSO HAVE BEEN IDENTIFIED IN THE LOCAL PLAN FOR THE AREA;
- (3) BUILDINGS MAY ALSO BE ADDED TO THE PROVISIONAL LIST FOLLOWING PROPOSALS FROM LOCAL AUTHORITIES, SPECIAL INTEREST GROUPS OR OTHER BODIES OR INDIVIDUALS, THAT A PARTICULAR BUILDING OR BUILDINGS SHOULD BE CONSIDERED FOR REGISTRATION, OR PROTECTION BY WAY OF A BUILDING PRESERVATION ORDER PENDING REGISTRATION; AND
- (4) IF IT COMES TO THE NOTICE OF THE DEPARTMENT THAT A PARTICULAR BUILDING MAY MERIT REGISTRATION AND MAY SATISFY THE CRITERIA SET OUT IN RB / 1 ABOVE, THEN THE DEPARTMENT MAY ITSELF PROPOSE SUCH A BUILDING FOR REGISTRATION.

BUILDING PRESERVATION NOTICE

Under Section 17 of The Act, if it appears to the Department that a building (which is not a registered building) is of special architectural or historic interest; and is in danger of demolition or of alteration in such a way as to affect its character as a building of such interest, it may serve on the owner and occupier of the building a notice (a 'building preservation notice').

A building preservation notice will state that the building appears to the Department to be of special architectural or historic interest and that the Department is considering entering it in the Register. The document should also explain that the notice will come into force as soon as it has been served on both the owner and the occupier of the building to which it relates and that it will remain in force for 3 months from the date when it was served or, as the case may be, last served. The notice shall cease to be in force if the Department enters the building in the Register, or states in a notice served on the owner and occupier of the building, that the building preservation notice is withdrawn. While a building preservation notice is in force with respect to a building, the provisions of The Act will be applied as if the building were Registered.

POLICY RB/ 3

GENERAL CRITERIA APPLIED IN CONSIDERING REGISTERED BUILDING APPLICATIONS

THE ISSUES THAT ARE GENERALLY RELEVANT TO THE CONSIDERATION OF ALL REGISTERED BUILDING APPLICATIONS ARE :-

- THE IMPORTANCE OF THE BUILDING, ITS INTRINSIC ARCHITECTURAL AND HISTORIC INTEREST AND RARITY, RELATIVE TO THE ISLAND AS A WHOLE AND WITHIN THE LOCAL CONTEXT;
- THE PARTICULAR PHYSICAL FEATURES OF THE BUILDING (WHICH MAY INCLUDE ITS DESIGN, PLAN, MATERIALS OR

LOCATION) WHICH JUSTIFY ITS INCLUSION IN THE REGISTER; DESCRIPTIONS ANNEXED TO THE ENTRY IN THE REGISTER MAY DRAW ATTENTION TO FEATURES OF PARTICULAR INTEREST OR VALUE, BUT THEY ARE NOT EXHAUSTIVE AND OTHER FEATURES OF IMPORTANCE, (E.G. INTERIORS, MURALS, HIDDEN FIREPLACES) MAY COME TO LIGHT AFTER THE BUILDING'S ENTRY IN THE REGISTER;

- THE BUILDING'S SETTING AND ITS CONTRIBUTION TO THE LOCAL SCENE, WHICH MAY BE VERY IMPORTANT, E.G. WHERE IT FORMS AN ELEMENT IN A GROUP, PARK, OF ITS ENVIRONMENT (INCLUDING OTHER REGISTERED BUILDINGS).

POLICY R B/ 4

USE

IN CONSIDERING A PROPOSAL FOR CHANGE OF USE OF A REGISTERED BUILDING, THE PRINCIPAL AIM SHOULD BE TO IDENTIFY THE OPTIMUM VIABLE USE THAT IS COMPATIBLE WITH THE FABRIC, INTERIOR AND SETTING OF THE BUILDING, ALL OF WHICH AFFECT ITS SPECIAL CHARACTER AS A BUILDING OF MERIT. AN APPLICANT WILL HAVE TO ILLUSTRATE THAT THE EFFECT OF ANY PROPOSED CHANGES UPON THE ARCHITECTURAL AND HISTORIC INTEREST OF THE BUILDING WILL BE MINIMISED.

ALTERATIONS AND EXTENSIONS

POLICY R B/ 5

IN CONSIDERING WHETHER TO GRANT PLANNING APPROVAL FOR DEVELOPMENT WHICH AFFECTS A REGISTERED BUILDING OR ITS SETTING AND IN CONSIDERING WHETHER TO GRANT REGISTERED BUILDING CONSENT FOR ANY WORKS, THE DEPARTMENT SHALL HAVE SPECIAL REGARD TO THE DESIRABILITY OF PRESERVING THE BUILDING OR ITS SETTING

OR ANY FEATURES OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST WHICH IT POSSESSES.

REGISTERED BUILDING CONSENT IS REQUIRED FOR THE BUILDING'S ALTERATION IN ANY WAY WHICH WOULD AFFECT ITS SPECIAL ARCHITECTURAL OR HISTORIC CHARACTER. THERE WILL BE A GENERAL PRESUMPTION AGAINST ALTERATION OR EXTENSION OF REGISTERED BUILDINGS, EXCEPT WHERE A CONVINCING CASE CAN BE MADE, AGAINST THE CRITERIA SET OUT IN THIS SECTION, FOR SUCH PROPOSALS.

APPLICANTS FOR REGISTERED BUILDING CONSENT FOR ALTERATION OR EXTENSION TO A REGISTERED BUILDING MUST BE ABLE TO JUSTIFY THEIR PROPOSALS. THEY WILL BE REQUIRED TO SHOW WHY THE WORKS WHICH WOULD AFFECT THE CHARACTER OF THE REGISTERED BUILDING ARE DESIRABLE OR NECESSARY AND THEY SHOULD PROVIDE FULL INFORMATION TO ENABLE THE DEPARTMENT TO ASSESS THE LIKELY IMPACT OF THEIR PROPOSALS ON THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE BUILDING AND ON ITS SETTING. WHERE REGISTERED BUILDINGS ARE THE SUBJECT OF SUCCESSIVE APPLICATIONS FOR ALTERATION OR EXTENSION, CONSIDERATION WILL ALSO BE GIVEN TO THE CUMULATIVE EFFECT UPON THE BUILDING'S SPECIAL INTEREST AS A RESULT OF SEVERAL MINOR WORKS WHICH MAY INDIVIDUALLY SEEM OF LITTLE CONSEQUENCE.

In judging the effect of any proposed alteration or extension to a Registered Building, it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious features such as a decorative facade, or an internal staircase or plaster ceiling, but may include the spaces and layout of the building and the archaeological or technological interest of the surviving structure and surfaces. These elements can be just as important in the simple vernacular and functional buildings, as in grander status buildings.

Cumulative changes reflecting the history of use and ownership can

themselves present an aspect of the special interest of some buildings, and the merit of some new alterations or additions, especially where they are generated within a secure and committed long-term ownership, are not discounted.

DEMOLITION

The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or failure to make imaginative efforts to find new uses or incorporate them into new developments.

POLICY RB / 6

THERE WILL BE A GENERAL PRESUMPTION AGAINST DEMOLITION AND CONSENT FOR THE DEMOLITION OF A REGISTERED BUILDING SHOULD NOT BE EXPECTED SIMPLY BECAUSE REDEVELOPMENT IS ECONOMICALLY MORE ATTRACTIVE THAN REPAIR AND RE-USE OF AN HISTORIC BUILDING; OR BECAUSE THE BUILDING WAS ACQUIRED AT A PRICE THAT REFLECTED THE POTENTIAL FOR REDEVELOPMENT, RATHER THAN THE CONDITION AND CONSTRAINTS OF THE EXISTING HISTORIC BUILDING. WHERE PROPOSED WORKS WOULD RESULT IN THE TOTAL OR SUBSTANTIAL DEMOLITION OF A REGISTERED BUILDING, AN APPLICANT, IN ADDITION TO THE GENERAL CRITERIA SET OUT IN RB / 3 ABOVE, SHOULD BE ABLE TO DEMONSTRATE THAT THE FOLLOWING CONSIDERATIONS HAVE BEEN ADDRESSED:-

- THE CONDITION OF THE BUILDING, THE COST OF REPAIRING AND MAINTAINING IT IN RELATION TO ITS IMPORTANCE AND TO THE VALUE DERIVED FROM ITS CONTINUED USE. ANY SUCH ASSESSMENT SHOULD BE BASED ON CONSISTENT AND LONG TERM ASSUMPTIONS. LESS FAVOURABLE LEVELS OF RENTS AND YIELDS CANNOT AUTOMATICALLY BE ASSUMED FOR HISTORIC BUILDINGS AND RETURNS MAY, IN FACT, BE MORE FAVOURABLE

GIVEN THE PUBLICLY ACKNOWLEDGED STATUS OF THE BUILDING. FURTHERMORE, HISTORIC BUILDINGS MAY OFFER PROVEN TECHNICAL PERFORMANCE, PHYSICAL ATTRACTIVENESS AND FUNCTIONAL SPACES, THAT IN AN AGE OF RAPID CHANGE, MAY OUTLAST THE SHORT-LIVED AND INFLEXIBLE TECHNICAL SPECIFICATIONS THAT HAVE SOMETIMES SHAPED NEW DEVELOPMENTS. ANY ASSESSMENT SHOULD TAKE INTO ACCOUNT POSSIBLE TAX ALLOWANCES AND EXEMPTIONS. IN RARE CASES WHERE IT IS CLEAR THAT A BUILDING HAS BEEN DELIBERATELY NEGLECTED IN THE HOPE OF OBTAINING CONSENT FOR DEMOLITION, LESS WEIGHT SHOULD BE GIVEN TO THE COSTS OF REPAIR;

- THE ADEQUACY OF EFFORTS MADE TO RETAIN THE BUILDING IN USE. AN APPLICANT MUST SHOW THAT REAL EFFORTS HAVE BEEN MADE, WITHOUT SUCCESS, TO CONTINUE THE PRESENT USE, OR TO FIND NEW USES FOR THE BUILDING. THIS MAY INCLUDE THE OFFER OF THE UNRESTRICTED FREEHOLD OF THE BUILDING ON THE OPEN MARKET AT A REALISTIC PRICE REFLECTING THE BUILDING'S CONDITION.
- THE MERITS OF ALTERNATIVE PROPOSALS FOR THE SITE. SUBJECTIVE CLAIMS FOR THE ARCHITECTURAL MERITS OF A REPLACEMENT BUILDING SHOULD NOT JUSTIFY THE DEMOLITION OF A REGISTERED BUILDING. THERE MAY BE VERY EXCEPTIONAL CASES WHERE THE PROPOSED WORKS WOULD BRING SUBSTANTIAL BENEFITS FOR THE COMMUNITY; THESE WOULD HAVE TO BE WEIGHED AGAINST PRESERVATION. EVEN HERE, IT WILL OFTEN BE FEASIBLE TO INCORPORATE REGISTERED BUILDINGS WITHIN NEW DEVELOPMENT, AND THIS OPTION SHOULD BE CAREFULLY CONSIDERED. THE CHALLENGE PRESENTED BY RETAINING REGISTERED BUILDINGS CAN BE A STIMULUS TO IMAGINATIVE NEW DESIGNS TO ACCOMMODATE THEM.

CONTROL OF UNAUTHORISED WORKS

Section 15 of the Act provides that no works may be executed -

(a) for the demolition of a registered building, or

(b) for its alteration or extension in any way which would affect its character as a building of special architectural or historic interest, unless they are authorised under the Act and the Department has granted written consent for the execution of the works ("registered building consent").

N.B. It should be noted that Section 15 of the Act does not apply to works for demolition, alteration or extension of :-

(a) any building which is for the time being the subject of a preservation order under section 11 of the Manx Museum and National Trust Act 1959, or

(b) a building for the time being included in the list of monuments prepared under section 13 of the said Act.

RECORDING OF BUILDINGS

POLICY R B / 7

IN THE EVENT OF THE GRANTING OF REGISTERED BUILDING CONSENT TO ALTER, EXTEND OR DEMOLISH A REGISTERED BUILDING, WRITTEN NOTICE OF A PROPOSAL TO CARRY OUT THE APPROVED WORKS MUST BE GIVEN TO THE DEPARTMENT OF LOCAL GOVERNMENT AND THE ENVIRONMENT AND MANX NATIONAL HERITAGE AND FOR A PERIOD OF AT LEAST ONE MONTH FOLLOWING THE SERVICE OF SUCH NOTICE, REASONABLE ACCESS TO THE BUILDING MUST BE MADE AVAILABLE FOR THE PURPOSES OF RECORDING THE SAME, PRIOR TO THE COMMENCEMENT OF THE APPROVED WORKS. HIDDEN FEATURES OF INTEREST ARE SOMETIMES REVEALED DURING WORKS OF ALTERATION, ESPECIALLY IN OLDER OR LARGER BUILDINGS: CHIMNEY PIECES, FIREPLACES, EARLY WINDOWS AND DOORS, PANELLING, EARLY EARTH-BASED CONSTRUCTION OR OTHER FEATURES MAY COME TO LIGHT. IF THERE IS ANY LIKELIHOOD THAT HIDDEN FEATURES MAY BE

REVEALED, CONDITIONS MAY BE ATTACHED TO AN APPROVAL TO ENSURE THEIR RETENTION OR PROPER RECORDING AND MAY REQUIRE EXPLORATORY OPENING UP WORK TO BE CARRIED OUT PRIOR TO CONSIDERING THE FULL CONTENT OF AN APPLICATION FOR REGISTERED BUILDING CONSENT. AN APPLICANT MAY ALSO BE REQUIRED TO PAY WHOLLY OR IN PART FOR THE COST OF RECORDING THE BUILDING.

ADVICE TO OWNERS

Owners of Registered Buildings should obtain advice as to whether proposed works require Registered Building Consent from the Conservation Section of the Planning Division. Informal advice may be given to owners on the most appropriate way to carry out works to a Registered Building, as well as guidance on where further information may be obtained for themselves. In many such cases, professional or specialist advice may be required, especially where unusual problems are encountered.

BUILDING AND FIRE REGULATIONS

In exercising the responsibility for the safety of buildings under the Building and Fire Regulations, when dealing with a proposal for the repair or conversion of a Registered Building, the appropriate authority should deal sympathetically with such a proposal. The Regulations should operate in such a way so as to avoid the mutilation or removal of features which contribute to the character of the Registered Building and if at all possible, alternative acceptable solutions should be sought. It is particularly important that there should be a flexible approach to structural matters, to ensure that any changes are in character with the rest of the building and that there is no avoidable damage to the fabric. In order to ensure that requirements which might be unacceptable in terms of an historic building, can be considered as part of a Registered Building Consent application, the precise Building and Fire Regulation requirements should be made explicit before an application has been determined. Application for consideration of the Fire Regulations should be made to the appropriate local Building Control authority and a successful outcome is more likely to be negotiated, if the relevant authorities

have been consulted from the outset.

POLICY RB/8

ACCESS FOR PERSONS WITH DISABILITIES

IT IS IMPORTANT IN PRINCIPLE THAT PERSONS WITH DISABILITIES SHOULD HAVE AS DIGNIFIED AND EASY AN ACCESS TO HISTORIC BUILDINGS AS IS REASONABLY POSSIBLE. IF THIS CONSIDERATION IS TREATED AS PART OF AN INTEGRATED REVIEW OF ACCESS REQUIREMENTS FOR ALL VISITORS OR USERS, IT SHOULD BE POSSIBLE TO PLAN SUITABLE ACCESS FOR SUCH PERSONS, WITHOUT COMPROMISING A BUILDING'S SPECIAL QUALITIES. ALTERNATIVE ROUTES OR RE-ORGANISING THE USE OF SPACES MAY ACHIEVE THE DESIRED RESULT, WITHOUT THE NEED FOR DAMAGING ALTERATIONS. INNOVATIVE SOLUTIONS, SUCH AS DE-MOUNTABLE STRUCTURES, MAY BE POSSIBLE, THUS GIVING READY ACCESS TO THE BUILDING FOR ALL USERS, WITHOUT DISFIGURING DESTRUCTION OF HISTORIC FABRIC.

FIXTURES AND CURTILAGE STRUCTURES

The Registration of a building confers protection not only on the building, but extends to its full curtilage. Protection is also conferred on any object or structure fixed to the building, which is ancillary to the building. The word "fixed" is taken to have the same connotation as in the law of fixtures. The rule provides that any object or structure fixed to a building should be treated as part of it. It is a test, therefore, of fact in each individual case, as to whether a structure is free-standing or physically fixed to the building. Generally, it would be reasonable to expect some degree of physical annexation, together with indications that the annexation was carried out with the intention of making the object an integral part of the land or building. The principal tests as to whether an object or structure is within the curtilage of the Registered Building will relate to the physical layout of the land surrounding the Registered Building at the date of Registration and the

relationship of any structures on the surrounding land to each other. Changes in ownership, occupation or use after the date of Registration will not bring about the de-Registration of a building which formed part of the principal building at the date of Registration.

REGISTERED BUILDINGS IN GOVERNMENT OWNERSHIP

POLICY RB/ 8

REGISTERED BUILDINGS IN GOVERNMENT OWNERSHIP WILL BE SUBJECT TO THE SAME CONDITIONS AS THOSE WHICH ARE IN PRIVATE OWNERSHIP, BUT THERE IS THE FURTHER IMPLIED REQUIREMENT THAT SUCH BUILDINGS SHOULD BE DEALT WITH IN WAYS WHICH WILL PROVIDE EXAMPLES OF GOOD PRACTICE TO OTHER OWNERS. IT IS PARTICULARLY IMPORTANT THAT EVERY EFFORT SHOULD BE MADE TO MAINTAIN HISTORIC BUILDINGS IN GOOD CONDITION, AND TO FIND APPROPRIATE NEW USES FOR BUILDINGS IN GOVERNMENT OWNERSHIP WHICH ARE NO LONGER IN ACTIVE USE. PROMPT DISPOSAL IS IMPORTANT: EMPTY BUILDINGS SHOULD NOT BE RETAINED ON A CONTINGENCY BASIS, WITH ALL THE RISK OF NEGLECT AND DISREPAIR THAT THIS CAN CREATE.

ECCLESIASTICAL BUILDINGS

POLICY RB / 9

THE SAME PROVISIONS APPLY FOR REGISTERED BUILDINGS WHICH FALL WITHIN THIS CATEGORY, AS APPLY ELSEWHERE. CONTRARY TO THE SITUATION WHICH PREVAILS ELSEWHERE, NO EXEMPTION EXISTS WITH RESPECT TO ECCLESIASTICAL BUILDINGS IN THE ISLE OF MAN.

IN CONSIDERING APPLICATIONS FOR REGISTERED BUILDING

CONSENT FOR ALTERATION OR EXTENSION TO BUILDINGS IN THIS CATEGORY, IT IS ACKNOWLEDGED THAT FACTORS SUCH AS THE SIZE AND REQUIREMENTS OF MODERN CONGREGATIONS MAY DIFFER CONSIDERABLY FROM WHEN THE CHURCH WAS ORIGINALLY CONSTRUCTED. APPLICANTS CONSIDERING CARRYING OUT ALTERATIONS, EXTENSIONS OR IMPROVEMENTS TO ECCLESIASTICAL BUILDINGS WHICH ARE REGISTERED, SHOULD CONSIDER THE EXTENT TO WHICH THEIR PROPOSALS WILL AFFECT THE PARTICULAR HISTORIC MERIT OR ARCHITECTURAL CHARACTER OF THE BUILDING IN QUESTION. AN APPLICATION IS LESS LIKELY TO SUCCEED IF EITHER OF THESE QUALITIES IS MARKEDLY AFFECTED.

IT MUST ALSO BE REMEMBERED THAT IN ADDITION TO THE REQUIREMENT FOR REGISTERED BUILDING CONSENT, IT WILL USUALLY BE NECESSARY TO OBTAIN THE FORMAL CONSENT OF THE APPROPRIATE CHURCH AUTHORITY: EARLY DIALOGUE CAN OFTEN ASSIST IN DECIDING UPON THE MOST APPROPRIATE WAY TO PROGRESS SUCH WORKS.

LEASEHOLD TENURE

It is important that in creating a Leasehold Tenure of a Registered Building, particularly in the case of a fully or partially repairing Lease, notice of the building's Registered status should be passed from Landlord to Tenant, as the policies which apply to the Registered Building and its freehold estate, will generally be equally enforceable against the owner of a leasehold estate. (e.g. If a Leaseholder carries out unauthorised works which affect the special architectural character or historic interest of the building).

FINANCIAL ASSISTANCE

Grant assistance for works which would be judged to be routine maintenance and repair, would not usually be available as a matter of course. However, works to protect the structural integrity of the building, or which protect the architectural and historic interest of the building, may well merit financial

assistance under one of the prevailing financial assistance schemes operated by the Department. Financial assistance can help ease the burden of the requirement to use traditional craftsmanship and materials, or to reinstate on a “like for like” basis. Each case will be judged upon its individual merits.

CONSERVATION AREAS

The Town and Country Planning Act, 1999 provides that:

“18. (1) The Department shall determine which parts of the Island are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and shall by order designate such areas as conservation areas.

(2) Before making an order under subsection (1) the Department shall consult -

every local authority in whose district the area in question, or any part of that area, falls. ”

There are at present ten conservation areas in the Island and whilst Registration focuses on the merits and protection of individual buildings, conservation area designation is the main means whereby the special architectural quality or local character of an area may be preserved and enhanced for our present enjoyment and that of generations to come.

IDENTIFICATION OF SPECIAL CHARACTER

POLICY CA/1

IT IS THE QUALITY AND INTEREST OF AREAS, RATHER THAN THAT OF INDIVIDUAL BUILDINGS WHICH SHOULD BE THE PRIME CONSIDERATION IN IDENTIFYING CONSERVATION AREAS. FEATURES SUCH AS:-

- THE HISTORIC STREET PATTERN AND DEFINITION OF PROPERTY BOUNDARIES;
- A PARTICULAR MIX OR VARIETY OF USES;
- THE USE OF MATERIALS OR STYLES LOCAL TO THE PARTICULAR AREA, OR THE ISLAND;
- THE QUALITY OF “ PERIOD” ARCHITECTURE;

- THE QUALITY AND DETAIL OF CONTEMPORARY BUILDINGS;
- THE SURVIVAL OF BUILDING TYPES OR FEATURES, SUCH AS SHOP FRONTS, STREET FURNITURE, DECORATIVE IRONWORK;
- THE PRESENCE AND FORM OF HARD AND SOFT LANDSCAPING;
- THE QUALITY OF ENCLOSURE, SPACES BETWEEN BUILDINGS AND VISTAS ALONG STREETS;
- THE PRESENCE OF GREEN OPEN SPACES AND TREES AS “BREATHING SPACES”;
- THE PRESENCE OF WATER IN THE LANDSCAPE: THIS MIGHT BE IN THE FORM OF A STREAM, RIVER, WEIR OR WATERFALL, DUB OR POND, LAKE, ESTUARY, HARBOUR OR COASTLINE. OTHER PHYSICAL FEATURES, NOT LISTED ABOVE, MAY ALSO MAKE A MAJOR CONTRIBUTION TO THE OVER ALL INTEREST OF A LOCALITY.

CONSERVATION AREA DESIGNATION SHOULD TAKE ACCOUNT OF AND RECOGNISE THE WIDE VARIETY OF QUALITIES, INCLUDING THE HISTORIC DEVELOPMENT OF THE NEIGHBOURHOOD, WHICH CAN ALL SERVE TO BE IMPORTANT IN MAKING UP THE UNIQUE AND SPECIAL CHARACTER OF AN AREA.

SPECIAL PLANNING CONSIDERATIONS

Under Section 18 subsection (4) of the Act, special attention shall be paid to the desirability of preserving or enhancing the character of a conservation area, in the exercise, with respect to any buildings or other land in the area, of any powers under the act.

POLICY CA/2

WHEN CONSIDERING PROPOSALS FOR THE POSSIBLE DEVELOPMENT OF ANY LAND OR BUILDINGS WHICH FALL WITHIN THE CONSERVATION AREA, THE IMPACT OF SUCH PROPOSALS UPON THE SPECIAL CHARACTER OF THE AREA, WILL BE A MATERIAL CONSIDERATION WHEN ASSESSING THE APPLICATION.

WHERE A DEVELOPMENT IS PROPOSED FOR LAND WHICH, ALTHOUGH NOT WITHIN THE BOUNDARIES OF THE CONSERVATION AREA, WOULD AFFECT THE ITS CONTEXT OR SETTING, OR VIEWS INTO OR OUT OF THE AREA; SUCH ISSUES SHOULD BE GIVEN SPECIAL CONSIDERATION WHERE THE CHARACTER OR APPEARANCE OF A CONSERVATION AREA MAY BE AFFECTED.

CONSERVATION AREA APPRAISAL

In the past the designation of conservation areas has, in all cases, been formalised after having carried out an initial study of the area.

POLICY CA/ 3

IT IS PROPOSED THAT IN FUTURE A REASONED APPRAISAL SHOULD BE CARRIED OUT OF ANY PROPOSED CONSERVATION AREA, PRIOR TO FORMAL DESIGNATION. THE APPRAISAL WILL TAKE THE FORM OF A STATEMENT IDENTIFYING THE SPECIAL FEATURES OF THE AREA WHICH IT IS DESIRABLE TO PRESERVE OR ENHANCE. THE STATEMENT WILL ACT AS A BENCHMARK AGAINST WHICH FUTURE PROPOSALS FOR DEVELOPMENT, OR DEMOLITION MAY BE JUDGED.

THE MORE CLEARLY THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST THAT JUSTIFIES DESIGNATION IS DEFINED AND RECORDED, THE SOUNDER WILL BE THE BASIS FOR DEVELOPMENT CONTROL DECISIONS, OR ANY POLICIES WHICH MAY BE OUTLINED IN THE AREA PLAN. IDENTIFICATION OF THE PARTICULAR CHARACTER OF THE CONSERVATION AREA IN THE FORM OF A REASONED APPRAISAL, WILL ALSO PLAY A VITAL PART IN THE FORMULATION OF PROPOSALS FOR THE PRESERVATION AND ENHANCEMENT OF THAT VERY CHARACTER OR APPEARANCE.

PROPOSALS FOR PRESERVATION AND ENHANCEMENT

Section 18 subsection (5) provides that the Department shall from time to time formulate and publish proposals for the preservation and enhancement of conservation areas.

POLICY CA/4

IT IS IMPORTANT THAT DESIGNATION IS NOT SEEN AS AN END IN ITSELF, BUT THAT THERE BE AN OPPORTUNITY FOR THE DESIGNATION TO BE CONSIDERED IN A WIDER CONTEXT, SUCH AS THAT OF AN AREA PLAN. IT IS THIS OVERVIEW WHICH WILL BASICALLY DETERMINE THE LONG TERM VALIDITY AND PROSPERITY OF THE CONSERVATION AREA. FOR EXAMPLE, PROPOSALS AND POLICIES CONTAINED WITHIN AN AREA PLAN MAY TAKE THE OPPORTUNITY TO IMPROVE MATTERS SUCH AS TRAFFIC CONGESTION IN AND AROUND A CONSERVATION AREA BY TRAFFIC MANAGEMENT AND IMPROVEMENT, THE PROVISION OF OFF-STREET PARKING AND THE INTRODUCTION OF SOME PEDESTRIAN OR BICYCLE PRIORITY WAYS. THE PLAN WILL ALSO PRESCRIBE THE USE OF LAND AND BUILDINGS WITHIN THE CONSERVATION AREA AND BEYOND AND MAY INDICATE OPPORTUNITIES FOR ENHANCEMENT BY RESTORATION AND RE-USE, OR IF APPROPRIATE, FOR REPLACEMENT OF ELEMENTS WITHIN THE CONSERVATION AREA WHICH DETRACT FROM THE SPECIAL CHARACTER OF THE AREA.

CONSULTATION

POLICY CA/5

THE CHARACTER AND APPEARANCE OF MANY CONSERVATION AREAS IS HEAVILY DEPENDENT ON THE TREATMENT OF ROADS, PAVEMENTS AND OTHER PUBLIC SPACES. IT IS IMPORTANT THAT CONSERVATION POLICIES ARE INTEGRATED WITH OTHER

POLICIES FOR THE AREA, FOR EXAMPLE, LAND USE, TOURISM, TRAFFIC MANAGEMENT, HIGHWAYS, DRAINAGE, TELECOMMUNICATIONS AND OTHER CONSIDERATIONS. THE DEPARTMENT WILL WELCOME THE OPPORTUNITY TO CONSULT WITH OTHER SUCH BODIES WHEN FORMULATING DETAILED CONSERVATION AREA PROPOSALS.

PUBLIC INTEREST AND PARTICIPATION ARE VIEWED AS BEING AN IMPORTANT INGREDIENT IN ACHIEVING A SUCCESSFUL AND VITAL CONSERVATION AREA AND IN FORMULATING PROPOSALS FOR PRESERVATION AND ENHANCEMENT AND THE DEPARTMENT WELCOMES THE ADVICE, SUGGESTIONS AND VIEWS OF LOCAL RESIDENTS AND AMENITY GROUPS.

The undergrounding of overhead electricity and telecommunication cables, together with proposals which promote "good housekeeping" and appropriate landscaping are examples of ways in which a Conservation Area might be significantly enhanced.

DEMOLITION

Under Section 19 of the Act, conservation area designation introduces control over the demolition of most buildings within conservation areas. Those buildings which are exempted from such control are listed in the said Section 19, but may be summarised as follows:-

- (a) registered buildings;*
- (b) a building for the time being the subject of a preservation order under section 11 of the Manx museum and National Trust Act 1959, or*
- (c) a building for the time being included in the list of monuments prepared under section 13 of that Act;*
- (d) any buildings, a description of which is specified in a direction issued by the Department under Section 19 subsection (2) of the Town and Country Planning Act 1999, which are by virtue of such direction, are excluded for the time being from an order designating a conservation area.*

POLICY CA/6

ANY BUILDING WHICH IS LOCATED WITHIN A CONSERVATION AREA AND WHICH IS NOT AN EXCEPTION AS PROVIDED ABOVE, MAY NOT BE DEMOLISHED WITHOUT THE CONSENT OF THE DEPARTMENT. IN PRACTICE, A PLANNING APPLICATION FOR CONSENT TO DEMOLISH MUST BE LODGED WITH THE DEPARTMENT. WHEN CONSIDERING AN APPLICATION FOR DEMOLITION OF A BUILDING IN A CONSERVATION AREA, THE GENERAL PRESUMPTION WILL BE IN FAVOUR OF RETAINING BUILDINGS WHICH MAKE A POSITIVE CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THE CONSERVATION AREA. SIMILAR CRITERIA WILL BE APPLIED AS THOSE OUTLINED IN RB/6 ABOVE, WHEN ASSESSING THE APPLICATION TO DEMOLISH THE BUILDING, BUT IN LESS CLEAR CUT CASES, FOR EXAMPLE, WHERE A BUILDING COULD BE SAID TO DETRACT FROM THE SPECIAL CHARACTER OF THE AREA, IT WILL BE ESSENTIAL FOR THE DEPARTMENT TO BE ABLE TO CONSIDER THE MERITS OF ANY PROPOSED NEW DEVELOPMENT WHEN DETERMINING WHETHER CONSENT SHOULD BE GIVEN FOR THE DEMOLITION OF AN UNREGISTERED BUILDING IN A CONSERVATION AREA. ACCOUNT WILL BE TAKEN OF THE PART PLAYED IN THE ARCHITECTURAL OR HISTORIC INTEREST OF THE AREA BY THE BUILDING FOR WHICH DEMOLITION IS PROPOSED, AND IN PARTICULAR OF THE WIDER EFFECTS OF DEMOLITION ON THE BUILDING'S SURROUNDINGS AND ON THE CONSERVATION AREA AS A WHOLE.

ADVERTISEMENT CONTROL

All external advertisements affect not only the appearance of the building upon which they are displayed, but also the neighbourhood where the building is located. This will apply particularly to illuminated signage which is often formed from shiny, non-traditional materials and can result in an unsuitable and harsh appearance which detracts from the character of the building and a conservation area as a whole. The aesthetic quality of a

building can be markedly affected by the installation of inappropriate external signage.

Where matters such as Corporate Image are a consideration; for a conservation area the Department may require a deviation from what might be acceptable in other high street locations and many large corporate bodies do have alternative designs of signage which might be suitable for use in conservation areas. In many cases it will be necessary for signage to adopt traditional design and materials, in keeping with the character of the building and neighbourhood as a whole. Externally illuminated signage with the appropriate detailing and colour rendered lamps, may be judged suitable.

ABSENCE OF PERMITTED DEVELOPMENT

Permitted Development Orders which apply elsewhere and enable minor development to be carried out in particular circumstances, may apply in designated Conservation Areas, but to a more limited extent. Most proposed development and any proposed demolition will require to have first been granted planning approval before any works may be progressed. If in any doubt, property owners are advised to consult the Department direct, rather than to rely upon the advice of a third party.

FINANCIAL ASSISTANCE

Work which might be considered as preserving the architectural or historic interest of an individual building, or which might be judged as enhancing the special character of a Conservation Area, historic townscape or the Island's rural landscape, may qualify for financial assistance under one of the schemes which the Department operates. Each case will be judged upon its own particular merits.

IMPACT ON THE HISTORIC ENVIRONMENT
OF
TRANSPORT AND TRAFFIC MANAGEMENT

IMPACT OF PROPOSALS TO BE MINIMISED

Major new transport infrastructure development can have an especially wide-ranging impact on the historic environment, not just visually and physically, but indirectly, for example by altering patterns of movement or commerce and generating new development pressures or opportunities in historic areas. There is already in place an informal framework which allows for early dialogue between the Department of Transport, the Local Authority and the Department and it is essential that such consultation should continue to take place where any changes in such infrastructure are proposed, in order to avoid or minimise impacts on the various elements of the historic environment and their settings. It is not intended that the policies which follow should replace or supersede those applied by the Department of Transport, but they are intended to provide a framework within which productive dialogue can continue to take place when considering the impact of proposed changes.

POLICY T M / 1

NEW TRAFFIC ROUTES

IF AND WHEN NEW ROUTES ARE CONTEMPLATED, IT IS IMPORTANT TO CONSIDER WHETHER THE NEED FOR THE NEW ROUTE AND ITS IMPACT ON THE ENVIRONMENT, MIGHT BE OBTIATED BY AN ALTERNATIVE PACKAGE OF TRANSPORT, SUCH AS PARKING AND CHARGING POLICIES, PARK-AND-RIDE SCHEMES, AND PUBLIC TRANSPORT PRIORITY. NEW ROADS WHICH FACILITATE MORE COMMUTING INTO ALREADY CONGESTED AREAS, SHOULD, WHEREVER POSSIBLE, BE AVOIDED. THIS IS ESPECIALLY TRUE IN OUR HISTORIC TOWNS WHERE THE CHARACTER AND LAYOUT CANNOT EASILY ABSORB RADICAL CHANGES SUCH AS MAJOR NEW TRAFFIC ROUTES.

IF A NEW ROUTE IS UNAVOIDABLE, ANY FEATURES SUCH AS REGISTERED BUILDINGS OR ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES SHOULD BE IDENTIFIED AT THE OUTSET AND THEIR IMPORTANCE EVALUATED. WHEREVER POSSIBLE, ANY NEW ROADS AND OTHER TRANSPORT INFRASTRUCTURE SHOULD AVOID AFFECTING REGISTERED BUILDINGS, CONSERVATION AREAS AND OTHER HISTORIC SITES. HOWEVER, IN EACH CASE, A SUITABLE BALANCE WILL HAVE TO BE STRUCK BETWEEN CONSERVATION AND OTHER ENVIRONMENTAL CONCERNS, ECONOMICS, SAFETY AND ENGINEERING FEASIBILITY.

POLICY T M / 2

WORK TO BRIDGES

WHERE WORK TO REGISTERED STRUCTURES, OR THOSE IN CONSERVATION AREAS, SUCH AS HISTORIC BRIDGES, IS TO BE UNDERTAKEN, THIS SHOULD BE CARRIED OUT WITH GREAT CARE. MANY OF THE ISLAND'S BRIDGES ARE OF CONSIDERABLE AGE AND REPRESENT IMPORTANT FEATURES OF OUR CULTURAL HERITAGE. THEIR SURVIVAL OWES A GREAT DEAL TO THE CARE OF PAST GENERATIONS AND, WHERE REMEDIAL OR STRENGTHENING WORKS ARE FOUND TO BE NECESSARY, PROPOSALS SHOULD SEEK TO RETAIN THE CHARACTER OF

THESE STRUCTURES FOR FUTURE GENERATIONS. TRADITIONAL MATERIALS SHOULD ONLY BE REPLACED WHERE IT CAN BE SHOWN THAT THIS IS ESSENTIAL IN THE INTERESTS OF STRUCTURAL STABILITY. SYMPATHETIC REMEDIAL MEASURES, WHICH RESTORE THE CARRYING CAPACITY AND EXTEND THE LIFE OF THESE STRUCTURES WHILE RETAINING THEIR CHARACTER, ARE PREFERABLE TO COMPLETE RECONSTRUCTION. WHERE NEW CONSTRUCTION IS THE ONLY REALISTIC OPTION, IT MAY BE POSSIBLE TO RETAIN THE EXISTING STRUCTURE ALONGSIDE THE NEW, FOR USE BY PEDESTRIANS AND CYCLISTS.

POLICY T M / 3

REUSE OF EXISTING STRUCTURES

WHEN THE OPPORTUNITY OCCURS, THE POSSIBILITY OF REUSING EXISTING STRUCTURES FOR NEW SERVICES OR TRANSPORT SCHEMES SHOULD BE EXAMINED. DISUSED RAILWAY VIADUCTS AND BRIDGES PROVIDE AN ENVIRONMENTALLY ADVANTAGEOUS SOLUTION FOR SUCH SCHEMES, IN BOTH RURAL AND URBAN AREAS AND ESPECIALLY IN ENVIRONMENTALLY SENSITIVE AREAS.

POLICY T M / 4

ROADS IN TOWNS OR VILLAGES

THE HIGHWAY AUTHORITY IN CONSULTATION WITH THIS DEPARTMENT, SHOULD TAKE MEASURES TO PROTECT THE HISTORIC ENVIRONMENT FROM THE WORST EFFECTS OF TRAFFIC. MEASURES SUCH AS THE CREATION OF VEHICLE-RESTRICTED AREAS, PEDESTRIAN ZONES OR TRAFFIC-CALMING MAY BE APPROPRIATE. HOWEVER, THERE IS INCREASING RECOGNITION THAT IN SOME HISTORIC AREAS THE TOTAL EXCLUSION OF TRAFFIC, COMBINED WITH EXTENSIVE PEDESTRIANISATION CAN RESULT IN A FEELING OF STERILITY,

ESPECIALLY AT NIGHT. IN SOME CASES, IT MAY BE PREFERABLE TO CONSIDER LIMITED ACCESS AT SELECTED TIMES FOR ALL TRAFFIC, OR PARTICULAR CLASSES OF TRAFFIC (E.G. BUSES, DELIVERY AND SERVICE VEHICLES).

POLICY T M / 5

VEHICLE RESTRICTION AND TRAFFIC CALMING

THERE ARE AVAILABLE A WIDE RANGE OF FEATURES TO BRING ABOUT TRAFFIC CALMING: THESE CAN INCLUDE ROAD HUMPS, CHICANES, BUILD-OUTS, PINCH POINTS, GATEWAYS, RUMBLE DEVICES, ISLANDS AND OVERRUN AREAS. HOWEVER, SOME DESIGNS CAN BE VERY DIFFICULT TO INTEGRATE INTO AN OLDER STREETScape WITH ANY DEGREE OF SUCCESS, AND WITHOUT BEING INTRUSIVE. WHERE SUCH MEASURES ARE PROPOSED AS BEING ESSENTIAL, EACH FEATURE OR DEVICE SHOULD RELATE IN ITS DESIGN AND MATERIALS TO THE OVERALL TOWNSCAPE, TO ENSURE THAT TRAFFIC CALMING REINFORCES, RATHER THAN DIMINISHES, THE LOCAL CHARACTER.

TRAFFIC-CALMING MEASURES WHICH EMPLOY TRADITIONAL LOCAL MATERIALS AND DESIGN DETAILS, WHEN COMBINED WITH TRIED AND TESTED METHODS MAY HELP TO SECURE THE RIGHT BALANCE. FOR EXAMPLE, THE USE OF TRADITIONAL COBBLES, WEATHERED BEACH STONES OR STONE SETTS MAY PROVE EFFECTIVE IN KEEPING DOWN TRAFFIC SPEEDS, THOUGH THEY MAY INCREASE LEVELS OF ROAD SURFACE NOISE; THEY MAY NOT ALWAYS FIND FAVOUR WITH CYCLISTS, OR PERSONS WITH DISABILITIES AND THIS IS WHERE EARLY CONSULTATION WILL HELP IN PRODUCING A SCHEME WHICH ADDRESSES THE REQUIREMENTS OF THE VARIOUS INTERESTED PARTIES. IT WILL ALSO BE NECESSARY TO CONSULT WITH THE EMERGENCY

SERVICES BEFORE LAYING SUCH SURFACES TO ENSURE THAT THEIR RESPONSE TIMES ARE NOT UNDULY INCREASED.

POLICY T M / 6

FLOORSCAPE

FLOORSCAPE CAN MAKE A VITAL CONTRIBUTION TO THE APPEARANCE OF OUR CONSERVATION AREAS. TRADITIONAL STONE SETTS, COBBLES, FLAGSTONES AND KERBSTONES SHOULD BE RETAINED WHEREVER POSSIBLE, OR RE-INTRODUCED WHERE THERE IS HISTORICAL EVIDENCE FOR THEM.

IN PARTICULAR, WHERE THERE IS EVIDENCE OF AN HISTORIC STREET PATTERN WITH TRADITIONAL SURFACES AND FINISHES, SMALL BLOCK PAVIOURS AND ARBITRARY NEW PATTERNS SHOULD BE AVOIDED. INJUDICIOUS USE OF MODERN PAVING PRODUCTS IN GEOMETRICAL PATTERNS WHICH HAVE NO BASIS IN THE HISTORICAL DEVELOPMENT OF THE LOCALITY, MAY DETRACT FROM THE OVERALL QUALITY OF THE AREA AND DILUTE THE STRENGTH OF ITS SPECIAL CHARACTER. TARMAC DRESSED WITH A SUITABLE LOCAL AGGREGATE, CAN BE A SUITABLE AND INEXPENSIVE FINISH FOR ROAD SURFACES IN CONSERVATION AREAS. WHERE PRACTICAL AND APPROPRIATE, AGGREGATE DRIVES AND FOOTPATHS SHOULD BE RETAINED AS THESE CAN HELP SUSTAIN THE RURAL OR SEMI-RURAL CHARACTER OF SOME CONSERVATION AREAS.

IF A STREET IS TO BE PEDESTRIANISED, IT IS IMPORTANT TO RETAIN THE TRADITIONAL RELATIONSHIP BETWEEN FOOTWAYS AND CARRIAGEWAY, INCLUDING KERB LINES. 'WALL-TO-WALL' SURFACES ARE OFTEN UNSUITABLE AND THE SCALE, TEXTURE, COLOUR AND LAYING PATTERNS OF ANY NEW MATERIALS SHOULD BE SYMPATHETIC TO THE AREAS SPECIAL CHARACTER AND APPEARANCE.

POLICY TM / 7

FINANCIAL PROVISION

IN CERTAIN CIRCUMSTANCES A FINANCIAL CONTRIBUTION MAY BE AVAILABLE FROM THE DEPARTMENT'S BUDGET FOR CONSERVATION, WHERE THE WORK EMBRACES STREET IMPROVEMENT SCHEMES WHICH ENHANCE THE APPEARANCE OF THE CONSERVATION AREA AND WHICH INCORPORATE THE USE OF TRADITIONAL MATERIALS AND FINISHES. IN SUCH CASES A JOINT INITIATIVE BETWEEN RESPECTIVE DEPARTMENTS, LOCAL AUTHORITY OR THE PRIVATE SECTOR, MAY PROVIDE THE APPROPRIATE IMPETUOUS AND OPPORTUNITY FOR A DEGREE OF SHARED FUNDING.

POLICY T M / 8

REINSTATEMENT OF DISTURBED SURFACES

IN A CONSERVATION AREA, WHERE, AS A RESULT OF REPAIRING OR RENEWING SERVICES LOCATED WITHIN THE HIGHWAY OR FOOTPATHS, THE SURFACE OF THE SAID HIGHWAY OR FOOTPATH IS DISTURBED, THERE WILL BE A REQUIREMENT THAT THE SAID SURFACE OR SURFACES SHALL BE REINSTATED TO THE SAME OR TO A BETTER STANDARD OF MATERIALS AND FINISHES, AS THAT USED PREVIOUSLY.

POLICY T M / 9

STREET FURNITURE

EVEN OUR SMALLEST TOWNS AND VILLAGES CONTAIN A WEALTH OF STREET FURNITURE OF HISTORIC OR ARCHITECTURAL INTEREST. THIS ITEMS CAN COMPRISE ITEMS SUCH AS TELEPHONE KIOSKS, DRINKING FOUNTAINS, STREET LAMPS, RAILINGS, CLOCKS, POST BOXES (BOTH FREE STANDING AND WALL MOUNTED) AND MANY OTHER SUCH FEATURES WHICH ALL FORM PART OF THE LOCAL DISTINCTIVENESS.

THE APPEARANCE OF HISTORIC STREETS CAN BE IMPROVED BY PRESERVING OR REINSTATING THESE ITEMS. THE INTRODUCTION OF NEW OR ADDITIONAL ITEMS OF STREET FURNITURE MUST BE VERY CAREFULLY HANDLED AND SENSITIVE DESIGN WILL BE NECESSARY IF WE ARE TO AVOID A CLUTTERED AND CONFUSED END RESULT.

POLICY T M / 10

ROADS SIGNS AND MARKINGS

ROAD SIGNS AND MARKINGS CAN ALSO HAVE A SIGNIFICANT IMPACT ON A STREET'S APPEARANCE. THESE SHOULD BE OF AN APPROPRIATE CHARACTER AND QUALITY WITHOUT UNNECESSARY DUPLICATION OF SIGNS AND POSTS. WHEREVER POSSIBLE, SIGNS SHOULD BE FIXED TO EXISTING POSTS OR STREET FURNITURE. 'STREET AUDITS' CAN BE A VALUABLE TECHNIQUE OF KEEPING A CHECK ON CUMULATIVE SIGNAGE AND LOCAL AMENITY SOCIETIES MAY WELL BE ABLE TO ASSIST IN CARRYING OUT SUCH AUDITS.

THE PRESENCE OF GARISH DOUBLE YELLOW LINES INDICATING PARKING RESTRICTIONS IN OUR CONSERVATION AREAS IS TO BE AVOIDED IF AT ALL POSSIBLE. NARROWER LINES OF A DIFFERENT COLOUR ARE ALREADY BEING ADOPTED IN SOME ENVIRONMENTALLY SENSITIVE AREAS. CONSIDERATION SHOULD BE GIVEN TO APPLYING WAITING RESTRICTIONS TO AREAS, WHERE APPROPRIATE, SO ENABLING THE REMOVAL OF DOUBLE YELLOW LINES.

POLICY T M / 11

STREET LIGHTING

LOCAL AUTHORITIES SHOULD CONSIDER CAREFULLY THE SELECTION AND POSITIONING OF STREET LIGHTING EQUIPMENT

APPROPRIATE TO THE AGE AND CHARACTER OF THE SURROUNDING AREA. HIGH PRESSURE SODIUM LAMPS (WITH CONTROLLED LIGHT SPILLAGE) MAY BE PREFERABLE IN ENVIRONMENTALLY SENSITIVE AREAS AS THEY PROVIDE A WHITE LIGHT WITH A NATURAL RENDITION OF COLOUR. OFF THE PEG 'PERIOD' COLUMNS AND LANTERNS ARE NOT UNIVERSALLY APPROPRIATE IN THE HISTORIC CONTEXT OF OUR ISLAND TOWNS AND VILLAGES. SPECIAL DESIGNS REFLECTING ESTABLISHED LOCAL STYLES AND MOTIFS ARE AVAILABLE AND MAY BE PREFERABLE.