



· INSTITUTE · OF · HISTORIC ·  
BUILDING · CONSERVATION

*Making Heritage Work*

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Dear Mr Macklam

### **RIGHTS TO LIGHT : A CONSULTATION PAPER**

The Institute of Historic Building Conservation (IHBC) is the professional body of the United Kingdom representing conservation specialists and historic environment practitioners in the public and private sectors. The Institute exists to establish the highest standards of conservation practice, to support the effective protection and enhancement of the historic environment, and to promote heritage-led regeneration and access to the historic environment for all.

Thank you for inviting us to participate in this consultation.

The Institute has read the Consultation Paper with interest and understands the need for reform. However, we feel that there may be circumstances related to historic buildings which need to be taken into account in any decision to abolish prescriptive rights that are not mentioned in the paper.

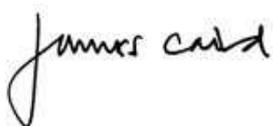
Historic buildings form an element of the nation's cultural heritage and need special attention to ensure that their historic character and appearance is not undermined by neighbouring development. Several points arise:

- Historic buildings tend, naturally, to be old and to have been built before the niceties of modern law or, for that matter, the 1832 Act.
- Consequently they often have orientations and fenestration patterns that do not conform to modern development principles and may more often than usual rely on light acquired over neighbouring property; the one which gave rise to the Heaney case being an example.
- Sometimes such use of light will have existed for centuries, and sometimes the picture will be complicated by historic land transactions in which no account was taken of the matter because the need never suggested itself.

- Alterations to remedy loss of light may be more difficult than for other buildings because of the requirement not to damage the appearance of the building by inserting new windows in other elevations.
- While in some cases right of light issues may be left to the balance of evidence in the context of the Planning Acts, we are concerned that this may mean that rights connected with heritage properties may be sacrificed to the pressing demands of new development.
- Therefore we would prefer not to see the establishment of prescriptive rights abolished altogether and would like to see recognition of the particular needs of historic buildings to be reflected in any new procedures that may replace the acquisition of rights of light by prescription.

We would also like to say, in passing, that the Consultation's narrow focus deals only with property values and impacts on them. It does not recognize any wider social or cultural value attaching to affected property. The lack of a fully integrated method of dealing with easements in the Planning system does rather leave these wider issues to the vagaries of expression by owners and tenants for the time being.

Yours sincerely

A handwritten signature in black ink that reads "James Caird". The signature is written in a cursive, slightly slanted style.

James Caird  
Consultant Consultations Co-ordinator