

*Die Lunae, 3<sup>o</sup> Julii 1905.*

LORDS PRESENT :

Lord ZOUCHE.

Lord DIGBY.

Lord KENYON.

Lord STANLEY OF ADDERLEY.

Lord HYLTON.

Lord ALLERTON.

LORD ALLERTON IN THE CHAIR.

Mr. CHRISTOPHER TURNOR, is called in; and Examined as follows:—

*Chairman.*

692. You have had considerable experience of the effect of building bye-laws in connection with the erection of houses in rural and similar districts?—Yes, in several parts of England.

693. Does that mean in Lincolnshire and elsewhere?—Yes. In Lincolnshire entirely in rural districts.

694. Are you of opinion that owners are seriously interred with in their desire to assist those working on the land obtaining better houses?—I am most certainly of that opinion where economy is an object and where you want to build as good a building as you can and house the people as well as you can and at the same time not be compelled to spend money needlessly.

695. Are you of opinion that the scarcity of buildings in which to house the labourer properly is one of the great causes at the root of the present rural depopulation?—In certain districts I am strongly of that opinion. It is rather a large question and it is hard to go into it, but certainly in many districts many more people would be on the land now if they had houses in which they could live.

696. Will you just develop that a little?—Taking village property, for instance, if one could put up good houses very reasonably at a small rental which would represent a fair interest—if one could build cottages of that type, one would certainly have plenty of occupiers, and in Surrey near to London there is an enormous demand for cottages. I know certain cases where the landlords not being allowed to build the type of house they used to build, on account of the enforcement of urban bye-laws, simply cease to build at all. In the part of Surrey I live in there is an enormous demand for cottages with an acre or two of garden ground for just the useful type of man to get back into the country.

*Chairman—continued.*

697. Do you think that want is on the part of those who work in the district?—Very largely on the part of those working in the district as on the part of their relatives, friends, and connections who would like to be in that district if they had the opportunity.

698. Have you anything to guide us as to what you deem to be the difference in cost due to what you call the restrictive influence of the bye-laws?—That is a very hard question to deal with. After this Garden City exhibition has been held, I think a good deal of evidence will come from that; certainly the requirements as to the height of rooms in certain districts where they require nine feet for bedrooms, instead of, as the Board of Agriculture allow, seven feet nine inches, means a good many extra feet added on to the wall; and there are many other details that would take some time to go into. It certainly adds a very considerable percentage to the cost of building a cottage.

699. 10 per cent.?—I should say more than that. I should say a good 20 per cent.

*Lord Stanley of Alderley.*

700. You mean all taken together—not that one item?—All taken together—the aggregate. There are different requirements in different places. In some places you can use your judgment in giving a good healthy building, and where perhaps you do not want to put so much concrete down in the ground as they require in the foundations.

701. Do you say you are building in counties where there are no bye-laws and you are building in counties where there are bye-laws, and you find there is a difference of 20 per cent. in your work, allowing for labour and so on, between the two?—That again is very difficult to answer, because,

3 July 1905.]

Mr. CHRISTOPHER TURNOR.

[Continued.]

Lord Stanley of Alderley—continued.

because, in some of the counties where you build without bye-laws, building is different—it may be dearer or cheaper.

702. But your judgment as a skilled man is, that it makes a difference of 20 per cent. ?—Yes, certainly. In the case of certain buildings I am building in Hampshire, if I had to comply with some of the bye-laws in certain parts of Lincolnshire it would add very considerably to the cost.

Lord Hylton.

703. I suppose quite apart from the extra cost, there are a great many cases where people might build if there were not these restrictions, and where they do not build at all because of them ?—Exactly. I can give you a case in point. In one district of Lincolnshire I and two or three other landlords have said we will not build at all, good bad or indifferent, until the bye-laws are modified.

Chairman.

704. It seems to me that is putting it rather high. How do you get the labour. Is not that the first consideration—to keep the labour in the district ?—Yes.

705. Is not that a more important question than the mere difference of 20 per cent. ?—Now we are getting into the question of agriculture.

706. I want to see what is the alternative ?—Still there are many cases. Take the very old cottages that have to be pulled down because they are no longer sanitary; those cottages require re-building; there are a large number in every district where that is the case. In this district I am speaking of, we did rebuild two or three years ago four cottages, and really we were so worried by the building bye-laws—and one of my neighbours, also a large landowner there, was also so worried by the same bye-laws—that we simply said, we would not build any more. The effect has been very good on that district council; they have modified, to a certain extent, the requirements about height of rooms. Still I complain that I cannot build the type of cottage that I am now building in Hampshire—and which is giving great satisfaction, both to the people living in it and the people I am building for—in Lincolnshire under those building bye-laws.

707. Is height the principal difficulty you find ?—Just now it is, as they have modified their requirements very considerably. I do not like to say too much about that district council, because I think they seem inclined of themselves now to modify or apply for modification of their building bye-laws.

708. Were any representations made to them ?—Yes.

709. Did they refuse to modify them ?—No; in consequence of those representations a few years ago, they modified, to a certain extent.

710. Therefore, now the cottages are being built ?—No; they have not modified them sufficiently.

711. You made an observation which was rather important in its bearing upon this, from

Chairman—continued.

which I gather that, in a district where there were no bye-laws it did not necessarily follow that you could build more cheaply than in other districts, more convenient of access probably, where there were bye-laws ?—That is quite true. Supposing in North Lincolnshire there were no bye-laws at all, and comparing that with parts of Hampshire and Surrey where there are no bye-laws, the building in Lincolnshire could be done very considerably cheaper on account of the cost of labour and, perhaps, material and so on, than in either Hampshire or Surrey.

712. Is labour cheap in Lincolnshire ?—Yes

713. And probably there is better access for the materials ?—Not necessarily that.

714. You say the local authorities, so far as you are concerned, instead of doing all in their power to aid in any movement for the housing of the labourers cheaply and well, are in many respects hindering and stopping altogether every attempt on the part of landlords and others interested in the problem of rural housing. What you have told us just now would seem to indicate that, at all events, in some places where representations have been made, modifications have been granted ?—In some cases.

715. Do you know of any cases in which they have not ?—In this specific case to which I have referred, I cannot say whether they are going to meet us sufficiently for us to withdraw our statement about our not being able to build. That question is still under discussion.

716. Have you taken any professional opinion from architects or others which would put before you the facts as regards the difference in cost which would be entailed upon you by the bye-laws or by such modifications as you desire ?—I could not give you data.

Lord Kenyon.

717. You are an architect yourself ?—Yes. That is a thing I have not worked up. There is a very great difficulty in the different parts of England to work anything out like that. You can do it certainly, but I have not done it so far.

Chairman.

718. Do not you think we ought to know something about it, before we recommend an alteration of the law ?—I think some of your other witnesses may give you data and details about that. I have not worked it out; but, speaking generally, I am perfectly certain that is the case, and you will find we are all agreed that the bye-laws do add a very considerable percentage to the cost, and also immense worry is caused to the architect. In that way it falls more on the architect than the client, because of the tremendous amount of correspondence that goes on. I have been having a great example of it lately with local surveyors about these building bye-laws, over some very small points. Really one very often cannot help thinking that they are not at all acquainted with their own building bye-laws.

719. You

3 July 1905.]

Mr. CHRISTOPHER TURNOR.

[Continued.]

Chairman—continued.

719. You speak of a case in a district with which you are connected as a landlord, where though they have somewhat modified the regulations as to the height of cottage rooms still it is impossible for you to build the type of cottage you are building as an architect in places where no building bye-laws exist ?—That is the case I was referring to in Lincolnshire; they still require over eight feet of height for bedrooms. The type of cottage I am building in Hampshire has rooms just eight feet in height, but with a certain amount of roof slope on either side. They are large rooms, but in many districts they do not consider that point, but insist upon the whole room being eight feet high. They will pass the area, however small, which is over the eight feet, instead of considering the cubic capacity of the room. Several times I have been required by the building bye-laws to reduce the size of the rooms, so that every part of the room should be eight feet high, thus actually reducing the cubic capacity and making it an impossible room to live in, no place being left for a bed.

Lord Stanley of Alderley.

720. Besides altering the ground floor and the size of the living room ?—No; taking the section above the ground floor, they require you to drop walls down on either side cutting off the angle in the ceiling and excluding it from the room.

Chairman.

721. You do not propose or desire any modification as regards drainage or water supply ?—For myself I do not.

722. Or for fire protection ?—No, not in cases where fire protection is necessary. In the case of building isolated cottages where they will probably always remain isolated, to be compelled to take the same precautions as when building in a row, seems to me perfectly absurd. I have a case here where I wish to build a covered way. I can build it as I have drawn it if I reduce to less than 2,000 cubic feet capacity; but unfortunately, now it is 600 feet over that limit of capacity. Therefore that construction is dangerous from the point of view of fire; but if I reduced it to less than 2,000 cubic feet it can stand, as I have drawn it, a timber construction.

723. You say something about wooden windows. Do you say that on account of the danger of their catching fire, they must be set back from the face of the wall at least four inches, yet the same laws permit the building of a wooden bay window projecting two feet ?—Yes, that is general in many parts, in towns particularly.

724. You think there is some inconsistency there ?—I think it seems so.

725. You have spoken about the height of rooms in cottages. You say there is no standard height. That is not a matter of much consequence, is it. It is rather a question of the minimum, from what

Chairman—continued.

you say ?—Yes, but I think to have nine feet as the minimum is very serious, because that precludes cottage construction. It becomes then a very ugly proportioned thing, and from a practical point of view poor people do not like rooms as high as that. It does not secure better ventilation, because if you have a low room with windows going right up to the top, that is all you require for efficient ventilation. The other requires much more coal to heat; and when nine feet is required I think the tendency is to make a much poorer room and cottage altogether; because to counteract the extra cost in height they economise in the space of the rooms. In a great many of those houses built under the bye-laws, the rooms are not fit—I am talking of the cheap houses built under bye-laws—for human habitation, though they meet every requirement of the building bye-laws.

726. You spoke of some cottages the plans of which were only passed on condition that you reduced the area of the room so that it should all be eight feet high ?—Yes, that is what I was referring to just now.

727. Have you anything to say about the question of material ?—I think there should be much more scope. In some districts they seem to think that only stone and brick exist, and will not allow any timber construction, which might be very advantageously used. I have even one old house built of wattles and mud, which has been standing for 350 years; it is a very comfortable type of house. I do not suppose you could reproduce that, because probably they would not know how to do it now. I certainly think the bye-laws ought to give scope to use any and every material that is sound and good, and especially to use concrete in certain cases where it can be profitably used.

728. For the walls ?—Yes, of different thicknesses. I am not talking now from an architectural and artistic point of view, but simply from a landlord's point of view. In certain districts using the construction of upright iron girders filled in between with six inches of concrete you can get a very effective wall.

729. There is no objection to that ?—Yes, in certain districts, because you may not build less than nine inch brick walls.

Lord Stanley of Alderley.

730. Concrete has not come in yet ?—No, in certain districts that construction will not pass.

731. But if you had the Local Government Board allowing it in their model bye-laws to be put as an alternative, that would set the fashion to that ?—Possibly. Still I think in all those cases it is really much better to go for exemptions.

732. Where the Local Government Board have already passed bye-laws, as they have in an enormous number of districts, we have been told that whatever new bye-laws the Local Government Board pass they have no power of enforcing them on districts which have already got bye-laws ?—I believe that is the case.

733. You

3 July 1905.]

Mr. CHRISTOPHER TURNOR.

[Continued.]

Lord Digby.

733. You talk of bye-laws in the district. Do you refer to the revised model bye-laws, the later edition or the older edition?—They are almost all the revised ones now. The older ones were the urban bye-laws. Then there were the revised bye-laws which have been accepted almost in their entirety, but not quite; various other clauses have been substituted. It is very hard to say in the case of many of those local bye-laws how certain clauses got in at all. No one seems to know really. If you ask the district councillors how or why many clauses have got in they say they do not know. Very often of course it is simply the surveyor who suggests things, and they go into the bye-laws.

Chairman.

734. You speak of the case of a summer residence to be built in several acres of ground?—I have rough plans of that.

735. Where was this?—In Surrey, about eight miles from Guildford. It is just for a small summer residence. They require here quite needlessly the thickening of the walls, and that will involve an expenditure of £40. There is one outer wall, carrying nothing, which I wish to be nine inches, and they have insisted upon its being fourteen inches. It is not part of the main construction; it is like a screen. In the case of another wall, where I have buttresses and it is quite a strong wall—because I do not want to build a wall which will tumble down, they require that to be fourteen inches (ignoring the buttresses) up to the level of the attic floor.

736. Has the case been discussed with the local authority?—I have had a good deal of correspondence with the surveyor, but it is very difficult to get any satisfaction out of him, I find. They do not answer questions very directly, and it really becomes so much a question of interpretation of the bye-laws that it is very hard to know where one is. Discussion has been going on nearly three months over this now. I have acceded to what they have requested about the drainage and I have no complaint to make about that, there were only one or two points; but I do very much complain about the strictures they make about these other points. One is this covered way, which is just 600 feet over the limit of capacity, and I want that to be simply a light construction with oak columns looking into the garden, just to give you shelter from the door to the carriage and a screen on one side. I was putting corrugated iron temporarily upon it to have creepers and things of that sort; but this construction they will not pass. I am not at all sure they will not pass the construction if I do not put corrugated iron, and simply have a roof on posts. But it is putting the corrugated iron on, as far as I can gather, which causes a danger from fire! It is going out to a road which adjoins a common, and I really do not know where danger from fire can come in. I want them to consider part of my covered way as a verandah, which would reduce the capacity then to less than 2,000 feet, and to let the remainder stand. I can see

Chairman—continued.

no difference in the construction of what I suggest and a verandah, except that my roof slopes one way and a verandah roof would slope another. Apparently they cannot see any connection between that portion of the covered way and a verandah.

737. What is going to be the ultimate result—not to build?—No, I am going to build, and I hope I am going to have my covered way; but whether my client will be allowed to live in the house when it is finished, I do not know.

Lord Digby.

738. Is there to be nothing over the covered way?—Simply a roof.

Lord Kenyon.

739. There is nothing to prevent your building and standing the risk of being summoned and fighting it out in court?—No, but one's experience appears to prove that justices almost invariably uphold the bye-laws, and even where many district councils feel the absurdity of them themselves, they do not depart from the absolute letter. I know other districts where they do depart—and then one has no cause of complaint; but where they are conscientious and stick to the letter of the law it is very awkward indeed. In the same houses there is space A, marked on the plan, which is simply a wardrobe or *cabinet de toilette*, to hold a washstand and wardrobe. To apply a law, which may reasonably apply for housing the poor and to mechanics' houses in a row to prevent speculative builders from overcrowding, to a gentleman's residence seems absolutely absurd. According to it they call space A, which is the wardrobe with a large window, "a bedroom without a fire space," and require an enormous ventilator. I do not think anyone can say this is a bedroom. May I show your Lordships a plan? (*Producing a plan and explaining the same.*)

Lord Stanley of Alderley.

740. I suppose it might be used as a nursery where you might put a child, six years old, in a cot?—Possibly.

Lord Hylton.

741. You could go on with the building and take the risk of a fight. Whether you win or lose in a fight you have to pay, because if you win you pay as a ratepayer?—Precisely. It is very seldom one's clients are willing to face the great bother of that.

742. Because they know in either case they lose their money?—Quite. I know one case where there was one bay-window, not quite in accordance with the bye-laws—I do not quite remember the details, except that I could see nothing unreasonable—and the people were never allowed to live in that house at all. For years that house was left uninhabited because they would neither of them give way.

743. You

3 July 1905.]

Mr. CHRISTOPHER TURNOR.

[Continued.]

Chairman.

743. You say you understand the view of the Local Government Board is, that reform should come from district councils themselves sending up revised bye-laws suited to their districts, but you know of cases where this has been attempted, and they were quashed in the workings of the Department. What does that mean?—In several conversations I have had with different members, and I think also the deputation which waited on Mr. Long, it was thought that it was rather thrown back on the districts, that we must work out our own salvation. In theory, it is all very well to trust to local bodies to do that, but in practice it becomes very difficult, because there are a great many district councils that really do not know what would be best in the way of bye-laws, and it would be very difficult for them to draw them up. In other places where they have a really good set of men on the council, and where they have drawn up certain modifications, that would certainly greatly have simplified the working of the bye-laws in the district; they were sent up to the Local Government Board, but nothing more came of them; they were returned. I suppose they never got up to any of the heads of the Department, but simply were lost in the working. That is the only suggestion I can make. I know of three cases where they did not pass; the suggestions, at all events, came to nothing. There was a good deal of correspondence, but it came to nothing. As soon as I heard that, I talked about it to councillors of other districts where I knew much interest was taken in the question of getting the bye-laws reformed; but the feeling was so strong, rightly or wrongly, that any suggestions they made would be quashed by the Local Government Board, that they did not go on with the matter. That is often the way with district councils; you may get them to the point of initiating a movement like that, and then a change comes and they will not go on with it.

744. Were the cases you speak of, cases where the proposal was officially posted to the Department for new bye-laws—because that, I understand, is the form it is to take?—No, I do not think they were for new bye-laws; they were for altering certain clauses in their own bye-laws.

745. You are probably aware that, according to the procedure of the Department, they have no power to alter existing bye-laws, but the district council may apply for a new set of bye-laws?—Yes, a new set drawn up by themselves. In those cases, which were not cases I have been personally acquainted with, I only know that they wanted to get certain clauses modified. They were satisfied with the general working of their bye-laws, but whether they were withdrawing their old bye-laws and re-embodying the new clauses, leaving the other clauses practically the same, I could not at the moment say. Certainly these clauses were not permitted by the Local Government Board.

Lord Stanley of Alderley.

746. But you have not followed it up and seen the correspondence?—No.

747. It merely comes to a charge against the Local Government Board from the talk of a neighbour (O.9.)

Lord Stanley of Alderley—continued.

bour?—I only know that the thing was dropped and the grievance goes on.

748. You do not know enough of your own knowledge to give the details?—No.

Lord Kenyon.

749. What was the locality?—One in Berkshire, and one or two other localities which I think you may hear more of from other witnesses.

Chairman.

750. I suppose you think it necessary that there should be bye-laws and that those bye-laws should be observed?—Certainly, especially in districts where there is so much speculative building going on, I do hold that bye-laws are necessary there; but I do think in cases where the Public Health Act really meets all the necessities of the case, there should be absolute exemption from other bye-laws.

751. You would hardly recommend or suggest that there should be an exemption in favour of one man because he is a landlord in the district which should not apply to a man who is a builder in that district?—No.

752. That would not be practicable?—No; but you must take it on the merits of each case. There should be exemptions if you are building isolated cottages in a large area of ground that is not going to be built over. When you come to the outskirts of a town, that is where the speculative building I am referring to is. Even now building bye-laws do not secure anything very splendid in housing accommodation. In districts where landlords are building on their own property and wishing to do the very best they can, either landlords or people interested in housing the poor—I think it is very hard that they should be hampered by the bye-laws as they are now.

753. But that must be so unless you can agree upon bye-laws which are either modified or applicable to all cases. You cannot have bye-laws which shall apply to one individual in a parish and not to another?—Not to one particular individual; but to districts. I do not see why there should not be exemptions. Supposing a district council puts the whole of a large rural district under urban bye-laws, which is really what causes the trouble?

754. That is entirely a question for a local authority?—Yes, their doing that.

755. You would take away that power from a local authority?—No; but if they see fit to put that district under urban bye-laws, then there should be certain exemptions. This Bill to my mind would secure exemption for houses built on a large area or a sufficient area to secure them against danger from fire, and with sufficient ventilation, simply from the very situation.

756. It is due to their isolation and the limitation of height?—Yes.

Lord Hylton.

757. You do not want to insist on the point that the large landowner in particular should be allowed to do as he likes?—No. I take the building on its own merits, not the people at all. Also the

3 July 1905.]

Mr. CHRISTOPHER TURNOR.

[Continued.]

Lord Hylton—continued.

the district council ought to be able to see that, if a house of a certain type is coming and so much is being spent per cubic foot on a really good building, that ought of itself to give exemption, not from the public health requirements, but from the other bothersome and unnecessary requirements; for instance, where walls three feet thick are being used, and on good and sound foundations, it is absurd to worry about the type of footings you must use.

Chairman.

758. You say that at this moment all cottages built under the Board of Agriculture are exempt. Is that so in all districts?—I think everywhere.

759. That only applies to rural districts?—To improvement of all rural or agricultural property. I do not think it matters much where it comes as long as it is agricultural. It might come in a district under urban bye-laws. It means that you raise money through the Board of Agriculture under the Lands Improvements Act, and submit the plans to the Board of Agriculture.

Lord Stanley of Alderley.

760. What I might call the bye-laws or regulations of the Board of Agriculture supercede the local bye-laws?—They do.

Lord Kenyon.

761. I do not think they are much less stringent?—I have no difficulty in working under them. I cannot give the details of any, but I know they pass the type of house I have been referring to. In fact some of the houses I am building in Hampshire are under the agricultural bye-laws.

Lord Zouche.

762. Do I understand that all the cottages built under the Board of Agriculture, sometimes through companies, are exempt from local bye-laws?—Yes, absolutely exempt. You do not have to submit the plans at all.

Lord Stanley of Alderley.

763. You say that you work under this rule. Will you get a copy of the rules and put a pencil mark in the margin where a rule departs from your usual building bye-laws, and point out the advantages. If you send it in in writing we shall be glad to see it?—Yes; the difference comes chiefly in the question of the height of the rooms.

Chairman.

764. With regard to the provisions of Clause 5 of the Bill, you approve I understand of those provisions. You say you attach great importance to them, and you describe two ways in which they will operate. Just tell us your view about that. You say they will operate, first so as to enable good bye-laws as they are devised to be promptly put in force in districts where now unsuitable bye-laws are in force. I understand Clause 5 only relates to a power of appeal to the Local Government Board on certain signatures?—Yes, I do not know quite what the full scope of that clause may be.

Lord Stanley of Alderley.

765. As you understood the clause, this is your observation upon it as set out in your proof?—Yes, I think it certainly ought to have this effect.

Chairman.

766. You approve this draft clause in the Bill?—Certainly.

767. You do not think Clause 5 of the Bill would weaken the hands of the local authority? As I understand Clause 5, it gives a power to five ratepayers to make an appeal from the local authority to the Local Government Board asking for an inquiry?—I think the effect of that will be very beneficial; because there is always the temptation to the surveyor, and possibly others in a small office, to exercise their authority sometimes rather arbitrarily. There always has been that tendency and danger and temptation; and knowing that the question could be raised, I think would very often help them in their interpretation of the clause.

Lord Stanley of Alderley.

768. You mean it would help them to break the law for fear of having the law altered. Is that what you mean?—No; help them in their interpretation of the law.

769. You admit they interpret it correctly?—Or not insist upon things which they should not.

770. I think you admit that their interpretation was a just one if honest; but with dishonest people it would be easy to break the law, because they would not enforce it?—There are a great many cases where their interpretation is really not the one that one could read one's self from the bye-laws.

771. That is for a magistrate to say, of course?—Exactly.

Chairman.

772. Would it not be the desire of most of these local officials to try and encourage the development of their districts and to avoid, therefore, putting on any restrictions which they were not compelled by the law to do?—That is rather a difficult question to answer. I do not say they determinedly oppose the development, but very often I think in the exercise of their duties, or the way in which they exercise them, it becomes so very annoying that the practical result is that people abstain from building. The type of bye-laws existing, from the way the surveyor very often interprets them, does cause one an extraordinary amount of inconvenience and annoyances naturally that affects both landlords and architect, and certainly is not conducive to the further development of building.

Lord Kenyon.

773. Do you agree with Sir William Grantham, and would you like an appeal to the county council?—About that I have not a decided opinion. I think there ought to be an appeal. It would be a question

3 July 1905.]

Mr. CHRISTOPHER TURNOR.

[Continued.]

Lord Kenyon—continued.

a question of deciding which is the most efficient body to appeal to and the least expensive in the working of such an appeal. There is that side to look at.

774. Sir William Grantham suggested that the county council have their skilled surveyors who are competent men, who might possibly interpret the application of the bye-laws more practically?—In so many districts the surveyors are really people who are not competent.

Lord Stanley of Alderley.

775. You have experience of a good many rural councils?—Yes.

776. Would you say that generally the rural

Mr. THACKERAY TURNER, is called in; and Examined as follows:—

Chairman.

778. You are an architect?—Yes.

779. You are in practice with Colonel Eustace Balfour?—Yes.

780. You are Secretary to the Society for the Protection of Ancient Buildings?—Yes.

781. You have had considerable experience, I suppose, in surveying them?—Yes.

782. You have read the Bill and arrived at certain conclusions?—Yes.

783. Will you tell us what you think about it. Do you draw a distinction between towns and any other districts?—I think, first of all, that all building bye-laws are a necessary evil.

784. Necessary, if evil?—There is always an evil quality in them, but nevertheless they are necessary. My reason for thinking that they are an evil, is that you have, in drawing up bye-laws, to ask for a minimum. Having asked for the minimum thickness of wall, for instance, that minimum becomes the maximum, because supposing the architect shows a wall thicker than that, it is pointed out that it is even greater than required by the bye-laws.

785. But if the person who is going to pay the bill prefers the walls thicker for any reason of safety or comfort, there would be no objection on the part of the local authority, I suppose, to his making them thicker?—The local authority would not raise the objection, but the architect in designing the building if he puts anything more than the bye-laws require, has to say to his client in each case, "I have shown this thicker than required by the bye-laws," and he has to explain his drawings all the way through, which is rather a troublesome thing to the architect and to the client. Here is a simple instance: I designed a building which was a perfectly reasonable building, as any one would have said. I showed fourteen-inch walls, which in my opinion should be a minimum, I do not think nine inches is thick enough for any one to live behind. When the price came out at too much, the builder remarked, "Your architect has put more than required by the bye-laws." Naturally the client thinks that

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Lord Stanley of Alderley—continued.

councils are dominated, both in voting power and point of view, by farmers. Is that a general characteristic? Is it a farmer's point of view, and farmer's mind that governs the rural council?—I should say in the Midlands probably; but I should think in districts like Surrey and more populous and less rural districts, it would be small tradespeople that are on the council. It is not a point I have gone into or examined.

777. Are not the farmers anxious to have cottages so as to have the requisite supply of labourers accessible?—I do not know; I have not noticed any particular anxiety on their part.

The witness is directed to withdraw.

Chairman—continued.

is obviously unnecessary; whereas in framing those bye-laws the minimum that could be possibly allowed was naturally stated. I think they work undesirably in that particular way. I think they are also undesirable because an architect after he has read through fifty or sixty pages of regulations feels that he is so fettered that he has hardly a free imagination to work with. He begins to look at the regulations to see what he ought to do, instead of, as he should do, designing the building fitted for its purpose.

786. Would you contemplate bye-laws which should permit an architect to depart from them in one direction and another, according to his view of what is necessary?—Certainly not. I said I thought bye-laws were necessary, and I would have urban bye-laws and no rural bye-laws. I would have the urban bye-laws applying to the whole country, and exempt all buildings that were sufficiently far away to protect them from fire and prevent them from being a nuisance. If I join my neighbour I must consider my neighbour, and my neighbour must consider me. One set of bye-laws I think would do for the whole.

787. You would have the urban bye-laws to apply?—Yes, to apply to rural districts only where houses are congregated together.

788. You say in your statement, in Paragraph C, that building bye-laws are founded upon our present knowledge of building. Would you have them founded upon anything else?—That is again one of the evils of the bye-laws. They cannot frame them upon what is not known, and yet there are perpetually new things being brought out. To take, for example, concrete; that was not contemplated when most bye-laws were framed.

789. But there is nothing to prevent the bye-laws being added to?—No, but there is such a difficulty in getting bye-laws reformed when once you have them. The Local Government Board cannot take them away, and the people who administer them are not distressed about the inconvenience caused.

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790. I

3 July 1905.]

Mr. THACKERAY TURNER.

[Continued.]

Chairman—continued.

790. I do not quite follow this line of thought, if it is the result of experience. Would you say that a local authority entrusted with the administration of the district pays no regard to the development of the district for which it is responsible; because on any other ground than that, surely it is the interest of the local authority to grant as much elasticity as is in their power so long as it complies with the conditions of safety and health?—Undoubtedly I think that is so, but then they have not the power unless they go for new bye-laws to the Local Government Board.

791. I want you to carry it a step further. Supposing you were a member of one of those local authorities, is it to be supposed, that, recognising by reason of the complaints that had been made that there were some restrictions that were hindering the developments of the district—restrictions which might probably be removed—you would not for a moment wish us to believe that you would stand in the way of getting those restrictions removed?—No, my Lord. But you must remember that the people who are on these boards are in most cases quite ignorant of building matters, and do not hear of what the difficulties are. It is no use sending in a design for a concrete building, because you know it would not be passed. We know very well that iron drains are very much better than earthenware drains, but it is no use showing iron drains upon your plan, because they would not be approved; they would have to be embedded entirely in concrete, as at present all drains have to be.

792. Whether iron or earthenware?—Iron was not contemplated when the bye-laws were framed.

793. In your view, an iron drain without the concrete would be as good as the other with concrete?—A great deal better. The London Building Act is kept up to date a great deal more than these local bye-laws are, but there is much more money involved in building in London. People do not build sufficiently in the country for the difficulties of the bye-laws to be really found out. Architects do their utmost to smooth over those difficulties, because they do not want their clients to say, "Here is a man who is always finding difficulties"; and therefore they try and suppress the difficulties as far as possible. We should often be glad if our clients would allow us to go into court, but they will not—they dislike it. There was only one occasion in which I was in court. My clients were exceedingly angry. We got in unexpectedly. Our building was found fault with when the roof was on. They said we ought to have footings when we had not footings. It caused intense annoyance to our clients. We won the case, but that was not much satisfaction, because they were so annoyed. We have to be very careful to smooth over difficulties and not make the most of them.

Lord Hyllon.

794. Your client, as ratepayer in the district, had to pay part of the cost of having successfully fought his own local authority?—When I asked whether we should ask for the expenses, my client

Lord Hyllon—continued.

said: "What is the use? I shall only have to pay them myself amongst other people."

Lord Zouche.

795. Supposing that you, having a knowledge of architecture, and being thoroughly cognisant with this business, were a member of the local district council, and moved to have the bye-laws altered, or took some step for their alteration, in your opinion, generally speaking, do you think you would be outvoted and swamped by the ignorant members of the local authority, who would perhaps oppose you because they did not wish for your interference, and possibly would think you were taking away from them their power of interference?—I do not see how I can answer that question, because I have never been on those boards, and I do not think it is desirable that any architect or builder should be on those boards, because nearly always the power is used to disadvantage, so far as I have noticed it.

Chairman.

796. To summarise what you say, you say the bye-laws tend to prevent buildings of a substantial nature being erected where money is no hindrance. In what way do you illustrate that. Is it because of what you have already told us, that the client would be apt to complain if the builder who tendered for the work pointed out that the architect was spending more money than he need do?—Yes, and it is a very important point; because an architect does not like to be described as an extravagant man, and these things are said very often without the opportunity of his being able to defend his position. Quite apart from that, to take an instance, the law requires, I think in all bye-laws, that you shall have six inches of concrete under your building. There was a case down in Sussex where the surveyor said that six inches of concrete must be laid over the whole of the site. Solid rock had been excavated for the house to be put down, and his requirement was that six inches of solid rock should be taken out in order that six inches of concrete might be put in—an inferior material. That surely was a case of gross extravagance.

797. You thought it was wrong?—No, it was working to what the law actually required, and the surveyor said, "My duty is to carry out the law; I do not see that there is any way of getting over it." But there are other instances. In a particular case we had of footings, they demanded that there should be brick footings on the top of the concrete. If the concrete was not strong enough probably the footings would not make it strong enough. If it was strong enough the footings were not needed. The footings would have necessitated our going eighteen inches lower into the ground, that is, making the building eighteen inches higher besides the cost of excavation.

798. There is nothing in the Bill which will touch a point like that?—The Bill, as I understand it, would exempt you from all the building clauses

3 July 1905.]

Mr. THACKERAY TURNER.

[Continued.]

Chairman—continued.

clauses providing you are a sufficient distance from your boundary; in other words, it is only giving us what we have in the London Building Act, because there if you keep a certain distance away you are free from the building clauses.

Lord Stanley of Alderley.

799. Your case of the building on the rock would apply in the town as well as in the country?—In London you would be able to go to the Court of Appeal and get an exemption at once. Besides which, in London the district surveyors are all men of education who take upon themselves to say "I shall not require that," and they take the responsibility on their own shoulders—which makes a great difference.

800. You have experience in Guildford and Reading, and other towns, and your contention is, that wherever a house is built on rock, concrete is unnecessary?—Certainly.

Chairman.

801. Will you just look at Clause 3, in the model bye-laws issued by the Local Government Board for rural districts:—"Every person who shall erect a new domestic building shall cause the whole ground surface or site of such building within the external walls to be properly asphalted or covered with a layer of good cement concrete, rammed solid, at least six inches thick." You would say that in a case where there was dampness of soil, that was a wise precaution?—Certainly, but the particular building bye-laws which I referred to were the urban bye-laws, Clause 11 of which says:—"Every person who shall erect a new domestic building shall cause the whole ground surface within the external walls of such building to be properly asphalted or covered with a layer of good cement concrete, at least six inches thick." There is nothing about the dampness of the site in that. That was the clause probably under which this building came.

802. Therefore, so far as the Local Government Board is concerned, that point has been met?—Yes.

803. You say that these bye-laws prevent progress and invention in the art of building and cause buildings to be unnecessarily expensive, and where economy has to be studied they prevent any regard being had to aesthetic considerations?—I would not insist upon that last clause. I wish to omit it. It would take too long to amplify it.

804. Then you say they undoubtedly interfere with the provision of good and healthy cottage homes in the country and in the districts adjoining towns and villages, and thus tend to drive people off the land into towns to add to the already existing overcrowding. You have had experience of the working of bye-laws in urban districts. Will you tell us what you have found?—At Guildford we were building a rather large court, a series of houses built in the form of an E—fifteen or eighteen. Our drains had to run about 150 feet in one straight run. The surveyor

Chairman—continued.

required us to bed those drains in cement concrete. We know by experience, as has been shown over and over again, that if you bed your drain pipes in cement concrete the expansion and contraction of the cement always breaks the pipes. If they stand the water test when put in, it will be found on testing them in three years' time that they always leak—I have never known a case to the contrary. We overcome that difficulty by using blue lias lime concrete, which gives better results in our opinion. But the bye-laws say, cement concrete, it is a hard and fast rule and they have no chance to go from it—it must be cement.

Lord Stanley of Alderley.

805. You mean until they amend their bye-laws?—Yes, but it would not be worth while to amend them on one point; you have to find a good many points before they go to the expense of amending them, because it is a considerable expense, I understand. Another point seems to me even worse: The Guildford bye-laws require that every drain going from property into the sewer shall have an opening into that drain immediately before it reaches the sewer and that the opening shall be close to the ground. The consequence is that you constantly see children sitting on that ventilator playing, with the result that any sewer gas that does come out of those drains they must certainly breathe. When I refused to build it in that way, the surveyor said he should summon me.

806. Did he?—I did not do it and he did not summon me. I carried them up some ten feet above the ground.

807. Then the connection is not trapped?—They are supposed to have a mica inlet ventilator over them; but the children very quickly pick those out; I hardly ever see them in. They are only light things—they can tear them away easily. I have already quoted a case at Dorking as to brick footings.

Chairman.

808. With regard to the urban building bye-law in rural districts, you knew of a case near Salisbury?—Yes; at Lake House there is a magnificent old barn of which the thatching got out of repair I said to my friend that I hoped he would re-thatch it. He said he should. When he started re-thatching it, he found that the bye-laws said it should not be thatched; and it was covered with corrugated iron instead, thatching not being allowed by the bye-laws.

809. Does that apply to the whole district?—There was another instance at Winsford, on Exmoor, a most beautiful village, which is being absolutely ruined in appearance by all the thatching going and corrugated iron and machine-made fluted tiles being put on in place. The effect is most lamentable, and I maintain that thatching is better than either corrugated iron or tiles as a roof covering.

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3 July 1905.]

Mr. THACKERAY TURNER.

[Continued.]

*Chairman*—continued.

810. It is more liable to catch fire?—It is not more liable. I was once in a farmer's house and the chimney caught fire. There was a flame fourteen feet high or more out of the chimney and the thatch did not catch fire. I think there is a difference between straw and reed thatch. Straw thatch will more easily catch fire than reed thatch; but reed thatch I do not think will catch fire at all easily.

811. With regard to a house that you built in Sussex, you say the w.c. was condemned by the surveyor, although an expert informed your client that it could not be better arranged?—The surveyor read his bye-laws and it did not seem to him that we had met the requirements according to his bye-laws. We had certainly done it in the best possible way under the conditions, and the expert who gave the opinion was the foreman of the North British Plumbing Company—a better man could not be found. The only thing I could do when we were found fault with was to ask him to come and give an opinion to Lord Robert Cecil, whose house it was. This man came in and said that we could not have done it better, and Lord Robert Cecil said, "Under those conditions I do not mean to alter it." I do not think he was compelled to alter it. There was another case. He wished to put up a wood built shed some little distance from the house. I told him that it could not be done. He applied to the builder and said that he thought I could not be right. The builder assured him that it must be built in brick, and then he said, "The farmer in that field over there, a long way from any road, put up a wooden shed to use for lambing, and he was compelled to pull it down and put one up in brick or not at all."

*Lord Stanley of Alderley.*

812. But in the case of the w.c. you defied the local authority?—They did not press it. My client said he would not alter it. I had no power. I should have had to alter it.

813. They abandoned it?—There are numberless instances where they do not take you into Court; but an architect is in an awkward position where he runs that risk and gets his client into Court.

*Chairman.*

814. In this case you had a lawyer who was refusing to alter?—Yes.

815. In East Grinstead, that is the case of the concrete and solid rock, that would have been met by the model bye-laws you have been referred to?—Not as the bye-laws are down there.

*Lord Zouche.*

816. You have to go by the laws that are in force?—Yes, and you cannot get them amended. That is a hardship.

*Lord Hylton.*

817. These model bye-laws, I dare say, up to the present day never have been adopted by East Grinstead, and there is no power to get them adopted?—As soon as we get working under the new model bye-laws we shall find difficulties, and it always must be so. You cannot have bye-laws without their being hard cases. It is impossible to make bye-laws which will not be a disadvantage in some ways.

*Chairman.*

818. You cannot dispense with them?—No, except in the case of a house which is isolated. The London Building Act exempts a house thirty feet from the boundary of the adjoining premises; and that is what we ask for. If we only get that, I think there will be no hardship at all if this becomes law, no hardships worth speaking of.

819. You speak of a home for boys which you built near Reading?—That is another instance of the bye-laws not contemplating a home like that. It was very desirable that all the earth closets should be collected in one building—almost essential. Having one large room, I should have wished to ventilate that room and put up divisions; but their requirement was that each earth closet should have a door of a certain size and a window of a certain size. That could not be done under those conditions. I know we evaded it, and said we would not put any earth closets in; and when they passed the building we put them up. But that is only evasion; that is not getting over the difficulty properly. Another point which seems to me important is that it is a very great cost to prepare plans and get them submitted and approved, and then supply the local authorities with copies. It costs, for a mere cottage, a couple of guineas, and for a big house you cannot charge less than five or ten guineas for doing it.

820. What would you do, dispense with the need for the plans?—If this Bill were to become an Act, no copies would be required, because there would be no bye-laws to come under.

*Lord Hylton.*

821. That is in the case of exempted buildings?—Yes. It would be a great saving of cost both to the country and to private individuals, as well as to the officials.

*Chairman.*

822. Would not plans have to be furnished in order to show that the requirements for exemptions were complied with?—Only a block plan.

823. You mean that the detailed plan of the buildings would not be required?—Yes. There is another difficulty. Supposing your client or you yourself wished to make an alteration to the building, to be strictly within the law you have to make a fresh set of plans and submit them to the authorities because you have made an alteration, which is an increase in cost.

824. Is there any other point which occurs to you?—If it has not been already done, I should like

3 July 1905.]

Mr. THACKERAY TURNER.

[Continued.]

*Chairman*—continued.

like to call attention to a letter which Dr. Bond of Gloucester wrote to *The Times* of the 19th January this year. If I may read about four lines, he says: "What then is the remedy for the difficulties which it is alleged prevent the building of cheap cottages in rural districts? It is to abolish the distinction between urban and rural councils, and their relative powers in the matter of building bye-laws; to establish it between detached and non-detached houses, and to insist in the latter case that each house is so constructed that such agencies as fire, wind, rain and infection shall, when affecting one house, have as little chance of damaging the inmates of the house or houses connected with it as possible, and that in regard to the disposal of solid and liquid refuse each house shall be as independent of its neighbour as it is practicable to make it."

*Lord Stanley of Alderley.*

825. That is merely stating that he agrees with you; it does not add to your evidence?—I do not wish to take credit for my point of view when it has been largely suggested by him.

*Lord Digby.*

826. In a district where there are no building bye-laws, supposing a person built a house and interfered with his neighbours light, is there any remedy at common law?—Yes. The question of right of light has nothing to do with building bye-laws. The law of light and air is quite separate altogether.

827. At present he would be liable at common law?—Certainly.

DR. JOHN CLOUGH THRESH, is called in; and Examined as follows:—

*Chairman.*

832. You are the Medical Officer of Health to the Essex County Council, Medical Officer of Health to the Chelmsford and Maldon Rural District Councils, and a Lecturer on Public Health at the London Hospital?—Yes.

833. You have read the Bill that we are considering?—Yes.

834. You propose to give us some general reasons for desiring the relief proposed by the exemption clause of the Bill?—Yes. Whilst I do not agree with every detail of these sections, I agree with the general principle.

835. Do you agree that the building bye-laws adopted in many rural districts are too stringent?—I do. This matter came under my attention first many years ago, when I recommended the Chelmsford and Maldon Councils to get building bye-laws. We were some three years in each case before we got a code approved by the Local Government Board, simply because the Local Government Board insisted upon our having the same code for these districts as was applied to the urban districts round about; ultimately we had to adopt their model code.

*Lord Kenyon.*

828. In Section 5 of this Bill, do you think an appeal to the county council would be satisfactory?—I think any appeal would be better than no appeal. Whether the county council would be the best body, I do not know. Personally, I would sooner go before the magistrates than the county council.

829. The Petty Sessional Court or the Quarter Sessions?—The Petty Sessional Court.

*Lord Zouche.*

830. I see on page 4 of your statement you refer to the question of local authorities whose aim appears to be to interfere as much as possible. Have you anything more to say about that; do you think there are many authorities whose aim appears to be to interfere as much as possible?—It is a disagreeable question to have to answer. I think there are cases, certainly.

*Chairman.*

831. Still you wish it to be put on record that that is your view of them?—Naturally where one has met a surveyor and opposed him and fought a case out, and he has said "I shall take you into Court," and you have said, "You had better do so," the surveyor does his best under any possible condition to trip you up where he can. There is no doubt about that; it is human nature.

*The witness is directed to withdraw.**Chairman*—continued.

836. Against your conviction?—Yes, we must have had those or nothing, and I thought the lesser evil was to have the urban bye-laws.

*Lord Kenyon.*

837. What date was that?—About 12 to 14 years ago.

*Chairman.*

838. You say in effect that the bye-laws imposed upon you by the Local Government Board were more stringent than you were convinced were necessary for the case?—That is so.

839. Does that mean that you submitted to the Local Government bye-laws of the a less stringent character and they rejected them?—Yes. The usual plan is to supply a sheet with the model bye-laws printed on one side. You then cross out such as you object to, and if there are any you wish to substitute, they are written in the margin; these are then sent up to the Local Government Board; if they object to your objections, they

3 July 1905.]

Dr. JOHN CLOUGH THRESH.

[Continued.]

*Chairman—continued.*

they cross them out and in a different coloured ink other suggestions are put in; and they go backwards and forwards for perhaps three years, and ultimately you find you have to give way, as we had to, and adopt what the Local Government Board suggest.

840. Is it within your knowledge that the revised bye-laws, of which probably you have heard, which have been since issued by the Local Government Board, would in any sense have modified the view that you now express?—Yes, but these have only been issued a very short time.

841. Would they have applied to your district?—There are two districts in the county which have adopted them. I saw the medical officer of one district on Saturday, and he said that so far they appeared to answer the purpose; but I can quite see that there are provisions which will sometimes be irksome and against which I think there ought to be some appeal.

842. Will you say what those are?—One, which is a very important one, is that with reference to the concrete under the foundations to make the house dry—No. 3. It is the most important of the lot, perhaps, and it is the only one which is optional. Who is to judge if the nature of the soil renders the precaution necessary? This will give rise to friction because it is optional.

843. Would not that question have to be determined by the local authority administering the bye laws?—Quite so; and there one builder will say "If so and so sends in plans, you do not want concrete, if I send in plans, you want concrete."

844. The circumstances being quite different, perhaps?—The trouble arises when the thing is made optional and where the option rests with the local authority. Yet here one of the most important bye-laws is made optional. I do not know that there is another one that is optional.

*Lord Kenyon.*

845. You would have some option and not force them to use concrete or to do without it?—No; I think there ought to be option in connection with most of these.

846. What do you object to—the person who applies the option?—I think it is better that the authority itself should not have the option.

*Lord Stanley of Alderley.*

847. You would give an appeal to a magistrate or somebody to say whether the bye-law should apply?—Yes.

*Lord Kenyon.*

848. As to the court of appeal, would the county council satisfy you?—The county councils would satisfy me, and if they were always advised by, say, a medical officer and architect, as my council is, I think they may be trusted; but many county councils are not so advised. Besides

*Lord Kenyon—continued.*

that, they only meet once in three months, and their sanitary committees only once in three months. You could not expect buildings to be delayed until a meeting was held.

*Chairman.*

849. Do not they delegate any authority?—They might possibly do it. I am not at all sure whether a Court of Summary Jurisdiction, local magistrates having local knowledge, would not be best.

850. At any rate it would be more convenient in the sense that you could get at it quickly?—Yes, and I think it could be done cheaply.

*Lord Hylton.*

851. There is no county medical officer of health in the case of many county councils?—No, the majority of councils have not any.

*Lord Kenyon.*

852. They have all a surveyor?—Yes, but he is only a road surveyor.

853. But surely they have a surveyor for county buildings?—Yes, there must be. In our case he is called a county architect, and the county surveyor has jurisdiction over the roads only.

*Chairman.*

854. Do you think that there would be any objection on the part of the local authority to having, as a court of appeal against their decisions, the magistrates—an independent body?—I fancy they would prefer the county council to the magistrates; but I believe in some instances they would prefer any court of appeal to the present arrangement.

855. You think then the local authority would not object to a court of appeal?—The local authorities are in this position: If they allow a building which contravenes the bye-laws of the present time, someone else wants to contravene another bye-law and then charges them with favouritism. If they were able to say "We have no objection to this building. It contravenes our bye-laws, but if you like to go to the court and get an order we will not oppose it," I think they would be very glad to get out of the difficulty in that way.

856. It would not be a very costly process if done practically by consent?—A very few shillings. If on the other hand, the person who wants to construct a building thought he was being used hardly, he in the same way would be able to go before the court and the rural district council would be able to appear against him if they thought necessary, and state their view of the case.

857. You think both in point of time and readiness of access and probably of complete impartial independence, the Petty Sessional Court might be preferable to the county council?—If the county council met sufficiently frequently, I do not know that I would not prefer the county council.

858. It

3 July 1905.]

Dr. JOHN CLOUGH THRESH.

[Continued.]

*Lord Stanley of Alderley.*

858. It would be quite competent for the county council to have a standing tribunal for building bye-law appeals—three people, say the chairman of one of their committees, the surveyor and medical officer, or solicitor, or somebody?—I would have a committee who could consult their officers if desired, and not have the officers on the committee.

859. But a small standing committee to act whenever a case came up?—Probably that would be better. I do not know whether the county council would object to it.

860. You would have uniform administration throughout the county then?—Yes.

*Chairman.*

861. In the case of a building which possibly was being stopped, a court of appeal which would take more than three months to get a decision from would be impracticable?—My impression is at the present time that the court that would be most easily and readily available is a court of summary jurisdiction. I think the magistrates would take care that the bye-laws were not too seriously infringed, and also that they were enforced as far as reasonable.

*Lord Hylton.*

862. If an appeal were given to the magistrates in Petty Sessions you would get a quorum once a fortnight, or sometimes oftener; whereas if you had a tribunal of a county council committee it would be difficult to say when you could get a quorum because there is no statutory obligation on them?—Yes, and there would be no difficulty as to the place of meeting. I am afraid we should find members would not care to give their time to a small committee which might be going all over the county.

*Chairman.*

863. Have you anything to say to the Bill with reference to the urban code which could be adopted or retained in rural districts?—I think it would be quite possible to get a code which with exemptions and appeals would meet both cases.

864. You, I presume would think it necessary to prescribe and define clearly what the exemptions were to be?—Quite so.

865. And they would be exemptions not at the discretion of the local authority?—Quite so. You want to leave as little as possible to the local authority.

866. It should be a discretion with regard to certain conditions which apply to all?—Yes. With regard to the exemption that is claimed in this Bill, I should like to point out that the two authorities, Maldon and Chelmsford, have got it already.

867. In their bye-laws?—Yes. It is Clause 3, on page 4, of the bye-laws relating to the rural district of Maldon, dated 8th March, 1904. After I had reported to the authorities that the building bye-laws prevented building taking place, and

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*Chairman—continued.*

were exceedingly irksome, and that unless we made some alteration we should see people continuing to reside in their dilapidated cottages, they, with the other authorities to whom I also reported, had a conference, first in Chelmsford and then in London. We drafted something like this exemption and sent it to the Local Government Board, but the Local Government Board would not listen to it. The first conference was held on November 30th, 1900—the second on January 24th, 1901. I got the board to receive two deputations, and to each one they said that they saw no reason to hold out any hope that the modifications we desired would be permitted, and that they were contrary to all precedents. I then got someone to lay the whole facts of the matter before Mr. Long, and the result was that about a year after we got the exemption we wished, and it is very much like the one in the Bill: that if one or two cottages are being erected on ground at least fifteen feet from anyone else's property, they are then exempt from the bye-laws with reference to walls, foundations, roofs, and so forth.

868. That is, I understand, by an additional clause added to your bye-laws?—No, it is by a series of exemptions.

869. Are they embodied in one clause?—Clause 4: "The following buildings shall be exempt from the operation of bye-laws 18 to 35"; so they practically exempt everything except drainage, and the like.

870. Those were new clauses added to the bye-laws?—I do not know that anyone else has them except the Chelmsford and Maldon authorities. (*The witness produces a copy of the bye-laws, with respect to new streets and buildings of the rural district of Maldon.*)

*Lord Kenyon.*

871. Do I understand that these relate to detached houses?—Either a detached house or a pair of cottages. If it is a pair of cottages there is to be a wall of incombustible material separating the two. That is the only stipulation. I may say that since these have been adopted the amount of grumbling on the part of architects and builders has been very considerably decreased.

*Chairman.*

872. Mr. Monro, of the Local Government Board, in his evidence, at Question 227, referring to some exempting clause, says this. He was asked: "Since it has been made known" (his evidence was that it had been made known) "within the last two years, that an exempting clause of this kind might be inserted in the bye-laws, has any case come before your notice where bye-laws previously passed and confirmed by you have been sought to have such a clause added to them." He said: "That is so." Is it within your knowledge whether the exempting clause referred to by him would be an exempting clause such as you have described?—I do not think the Local Government Board have made it known

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3 July 1905.]

Dr. JOHN CLOUGH THRESH.

[Continued.]

Chairman—continued.

that we have that exempting clause, because people are intensely surprised to find that we have it. A gentleman who was here a minute ago read from a letter from Dr. Bond, asking that this should be done, as if it was something new. It has been already done and approved by the Local Government Board. It was considered as tentative.

873. You think that goes a long way to meet a great many difficulties?—I think it does.

874. And if it were known that an exempting clause of that kind could be obtained by local authorities, a good many of the grievances would be removed?—I believe so; that is my experience in two districts.

875. That, coupled with an appeal which you would give to petty sessions, would rather meet the case, you think?—My impression is that that would practically meet all our difficulties.

Lord Hylton.

876. This Bill rather, in your opinion, makes general by law what the Local Government Board allowed in the case you name?—Yes. I would not like it to be said that I agree entirely with the Bill; because I think wherever a building is going to be put up some kind of plan should be deposited. I think the authority ought to know that a building is going to be put up, and a block plan, I think, would suffice. In our exemption they may build the house of wood or lath and plaster, if they like, but they must deposit a plan. I do not know that it is necessary that they should deposit detailed plans, but a block plan, so that an inspector or surveyor may know that the house is going to be erected and exercise some little supervision, which is very desirable; and the expense would be very trivial.

877. With regard to claiming an exempting clause, at present it can only be done through the council applying to the Local Government Board. Is that sufficient, do you think? In Clause 5 of the Bill you see any five ratepayers may appeal?—That is another section.

878. They cannot get the bye-laws altered except on the application of the urban or rural district council. Would you allow any other means of getting those bye-laws altered?—One has to remember that those bye-laws were framed with the consent of the Local Government Board, and they say their consent is only given after they have satisfied themselves as to the requirements of a district; and you are appealing to the Local Government Board to disallow something for which they themselves are in a measure responsible.

879. It is perhaps not always easy to get the district councils to move in the matter. They are satisfied with the powers they have, and do not want any less powers. Therefore would you allow any other individuals to apply for a change of bye-laws?—I do not know that there is any objection, particularly if it could be shown not to be a frivolous complaint; and it might have to follow upon the local bench having disallowed or allowed a number of infringements.

Chairman.

880. But do not you think the two remedies which you have suggested, namely, first, the exempting clause, and, secondly, the appeal, would meet the case that Clause 5 is intended to meet?—I should like to say that I do not think that Clause 5 would be necessary at all if you get the other two.

881. You are in favour of anything which encourages spaces about buildings in country towns?—I am very much in favour of it.

882. And you think the exemptions proposed would tend to this?—I am certain of it.

883. Do you think it would encourage the building of cottages for those who have to work on the land?—I do. In the neighbourhood of London we have had many speculators buying farms and dividing them up. It very greatly tends to the disposal of the land and the erection of cottages, if they can put up cottages at a cheap rate.

884. Speaking generally, you would say that the tendency of the local authority would be rather to encourage the development of its own district?—As far as possible; but occasionally you may tend to develop it in one direction and ruin it in another direction. I know an estate near Woodham Ferris which was cut up just about the time we first got bye-laws, and sold for building purposes to people from the East End. They came down and put all sorts of shanties up. The result was that neighbours who had decent cottages and decent houses began to complain. That was one of the reasons why we were led to adopt bye-laws. They put them up in any place, anyhow, adjoining their neighbours' property. Some of them were built of packing cases and tin cans—most heterogeneous materials.

885. Do you say that in your district you have not much difficulty now with the powers which you have?—We have not much difficulty; but they are two typical districts. The Maldon authority, if a plan is presented in which the deviation from the bye-laws does not appear to be serious, simply write, "Not disapproved," and it goes forward. The other authority, the Chelmsford authority, are very careful, and if the plan does not correspond with the bye-laws, they say, "We are very sorry; our bye-laws are so and so; it is our duty to enforce them, and we cannot approve the plans."

886. I thought it was part of the requirements that the approval of the local authority should be obtained?—Yes.

887. In the case of Maldon, the local authority would not have given its approval?—By "not disapproved" it means "we have not disapproved that plan and you build on your own responsibility." It is not a proper position for a local authority to take up.

888. Would that be evidence in an action subsequently brought by an authority?—I doubt whether it would.

889. As to the working of building bye-laws in urban districts, as county council medical officer you have had constant opportunities of seeing how these bye-laws are enforced in urban districts.

3 July 1905.]

Dr. JOHN CLOUGH THRESH.

[Continued.]

Chairman—continued.

districts. Do you think that they are unnecessarily stringent?—There are urban districts and urban districts. In some cases you find that there is a small town which occupies perhaps one-fifth, or even less, of the whole of the area, which is called urban; and I think those who want to build towards the outskirts of a district of that kind should be able to appeal against some of those bye-laws if they wish to do so.

890. In other words, that they should be encouraged to build?—Yes, it would encourage them to build and go a little further out, and put a little more land to the house in order that they might escape the more irksome bye-laws.

891. Do you think the exemption clauses would effect this?—To a certain extent, yes.

892. As to the working of urban building bye-laws in rural districts, what do you say?—In every rural district you have certain villages in which you may say, "This small portion is urban in character" and in which you want to be a little more stringent in the carrying out of your bye-laws than if you go to the outlying parts of the parish. In lots of villages in the rural districts with a population of seven or eight hundred up to two thousand, the majority of that population is congregated together in a rather dense village. If anyone wants to build in that village I think one needs to be more careful about the bye-laws as to fire prevention than if a man goes to an outlying farm and puts one or two cottages on the farm. I do not think at all there would be any difficulty if it was always the case of a large landowner. In our own county, Lord Petre or Lord Rayleigh one could perfectly trust to put up cottages which would be satisfactory, even if they did not submit plans; but we have jerry builders and small owners to think of, who want to get the greatest return for their money.

893. Then with regard to new model rural bye-laws, you say so few districts have adopted those that you know nothing of their working?—I have inquired in the two districts where they have got them in the county of Essex, and I am told that they have had very little trouble since they adopted them. But they are not perfect; because if a man buys a farm and cuts it up, unless we have some little control, the houses may be put anywhere. So that if ultimately you have to lay a sewer or water supply, you cannot lay out a straight street; it does not adapt itself for economic sanitary administration.

894. In fact you would think that as to agricultural land being laid out for building, the local authority should have some control over the direction of the streets?—I think so. We have found it very desirable.

895. Then as to the working of bye-laws and the methods of local authorities and of the Local Government Board, you think building bye-laws are desirable in both urban and rural districts?—I am quite convinced of it.

896. And you think that the existing bye-laws are, generally speaking, too stringent?—Yes, especially if applied rigorously to rural districts.

(0.9.)

Chairman—continued.

897. And you think that the Local Government Board has always advised the strict enforcement of bye-laws when adopted?—I believe legally they must say, "If you adopt bye-laws they are really the same as Acts of Parliament, and it is your duty to enforce them."

898. And you consider that the Local Government Board until recently have practically compelled rural districts to adopt urban bye-laws or none at all?—That is my experience.

899. That was not quite the evidence we had from Mr. Monro?—I think until these new model rural ones were issued, practically they were the same.

900. Then you qualify it by that?—Quite so.

901. You think that rural district councils generally desire more power but also want authority to exercise that with discretion. I think you have illustrated to us that you think discretion is a little difficult for the local authority to exercise?—Yes.

902. As between individuals for exemption you gave us an instance where one builder would say: "You allowed it in such a case and refused it in my case," although the circumstances might be different?—Yes, the discretion would be that here the authority would say: "We will allow this if you get an order from the Court." The man would make a formal application and get the permission. Then there could not be any question of favoritism, because the man could take it into Court if he wished to.

903. You think the exemption proposed by the Bill—and perhaps you might add, even the remedies which you have suggested—would tend to permit the following advantages. The provision of cottages in country districts; the prevention of overcrowding in country towns and villages; the relief of landowners from onerous restrictions which are unnecessary to public health or safety; the avoidance of friction, and the waste of public and private time and money?—Especially the last one.

904. You think cheap cottages with a fair area of garden is the great want of rural districts and even of urban districts?—I do, and I might have added, cheap cottages with three bedrooms. I want to see a cottage with three bedrooms built at the same rate as it at present costs to build with two.

905.—In fact all cottages ought to have three bedrooms?—Yes, but the majority have not.

Lord Stanley of Alderley.

906. Even the new cottages now building have not three bedrooms?—Many of the new cottages have not. We try and get it wherever it can be done; but the cost of building is so high that a man who wants a three-bed room cottage is generally a man with a large family and with less money to pay in rent.

Lord Hylton.

907. I suppose you find that even when cottages with three bedrooms are put up, unfortunately the

H 2



3 July 1905.]

Dr. JOHN CLOUGH THRESH.

[Continued.]

Lord Hylton—continued.

the occupier sometimes underlets or takes in a lodger. It is very difficult to guard against that?—Yes, but I always take strong action in such cases of overcrowding. One may tolerate a little over-crowding when all are members of one family, but if they begin to take in members of other families, then I strongly recommend the authority to take proceedings for overcrowding.

Chairman.

908. And they have the power?—And they have the power.

909. Then you say that every rural district council wishes to encourage building. That is your view?—There is no question of that.

910. At the same time they wish to comply with the law; but you repeat that they have always been informed by the Local Government Board that their duty was strictly to enforce any bye-laws adopted?—Yes.

911. That rather strengthens your contention that there should be this exempting power?—That is why I think we should have this exempting power.

912. You think that the bye-laws make cottage building unnecessarily expensive and lead to local friction?—They do make it additionally expensive and lead to a good deal of friction.

913. You think there should be certain discretionary powers vested, if not in the rural authority itself, then in a Court of Summary Jurisdiction or the County Council on appeal. You have elaborated that?—Yes, I feel strongly on that.

MR. LACY WILLIAM RIDGE, is called in; and Examined as follows:—

Chairman.

921. You are a Fellow of the Royal Institute of British Architects and Surveyor for the Diocese of Chichester, which is in the County of Sussex?—Yes, the whole of Sussex.

922. You have read the Bill and you appear in support of it, I understand?—Yes.

923. You have certain reasons to offer for supporting it?—Yes.

924. Do you think the present system interferes with liberty in the use of materials in building unnecessarily?—Yes.

925. You think it stops invention and unnecessarily adds to expense, and so on?—Yes.

926. Do you refer to any cases where, in your experience, you have had difficulties?—I have had some difficulties, but they have been on matters of detail. I know that the general tendency of the thing is to cause a good deal of irritation, that is, the making of a great number of unnecessary drawings and a good deal of unnecessary correspondence, which either the client has to pay for or which the architect has to do without being paid for. I know that one's drawings and specifications are reviewed by persons incompetent really for that purpose in the great

Chairman—continued.

914. You lean rather to a Court of Summary Jurisdiction than to the County Council?—Yes, because, I think, there would be greater facilities,

915. You are of opinion that the machinery, however the result may be obtained, should be easily and quickly set in motion and should entail very little expense?—I think that is essential.

916. You draw attention to the fact that county councils do not meet sufficiently frequently for this purpose, and that the members of rural authorities would prefer not to be charged with exhibiting favouritism, or to being open to undue influence. That means they would rather not have a discretion?—I think the majority of them would.

917. And you think possibly, therefore, a Court of Summary Jurisdiction would be best able to decide when non-compliance with a local bye-law might be permitted?—That is so.

918. Do you suggest an appeal to Quarter Sessions?—I think if it was a serious matter there might be an appeal. I do not know that that is essential.

919. It would add a good deal to the delay and to the cost if you are to make a further appeal to a further court?—Yes.

Lord Kenyon.

920. It could be qualified according to the amount of money involved?—I think, perhaps, there should be a qualification. If there was power to appeal for a trivial cause, it would be a rather serious matter.

The witness is directed to withdraw.

Chairman—continued.

majority of rural districts; and that is one of the causes of dissatisfaction with the state of things as it now exists.

927. What remedy could you apply to that. You would not propose, for example, to get rid of the local authority?—I would not desire to get rid of the local authority, but I would point out that the present urban authorities are practically, in a very large number of cases, merely persons governing what is really a village. In the great majority of so-called urban places in Sussex the houses are merely at the sides of the main roads; there is no accumulation of population such as would require stringent laws as against fire. There is nothing in the least degree special in regard to places like East Grinstead, which has been mentioned, to distinguish it from the ordinary villages of Sussex in any one of which a row of houses may at any time spring up.

928. Would you advocate no bye-laws?—Not wholly. Last December I read a paper before the Institute of British Architects. I may mention that I have taken this thing up for some years. I went to the Local Government Board in 1900, as the leader of a deputation from the Royal Institute

3 July 1905.]

Mr. LACY WILLIAM RIDGE.

[Continued.]

Chairman—continued.

Institute of British Architects. On two occasions I attended there, and I think it was largely in consequence of that, that the modified model was brought out of which you have already heard. In my paper at the Institute which I alluded to, I suggested that some seven or eight general bye-laws for the whole country might be enacted; that those would meet all that is really necessary in small towns and in rural districts; that they could be enforced without the supply of any drawings beyond perhaps a block plan; that they could be enforced by almost anyone employed as an inspector; that the class of man now employed as surveyor might very probably be employed as inspector under a competent surveyor; and that the districts should be grouped of such a size that they could afford to employ a competent surveyor over them. I would suggest the county councils as being the authority to appoint this competent surveyor. Sussex is divided into two counties and, therefore, they would have two surveyors, and I think a good man could very well look after each of those counties; the boroughs of Brighton and Hastings being omitted from the counties. I think there should be a surveyor more of the class you get in big towns, who should have authority over the inspectors who could look after the seven or eight bye-laws which I believe to be the only ones really necessary so far as building goes.

929. Will you put yourself for a moment in the position of the surveyor or of the officer advising the district council. Would not you think it necessary to have plans submitted?—Not in the least.

930. Not even as regards the direction of streets, and so on?—I am speaking now in regard to buildings.

931. Would you repeat what we so often see, where in the absence of these restrictions or these powers by the local authority, buildings are planted down here and there so that after a few years it is absolutely necessary for the local authority at great cost to make new streets in straight lines?—I would point out that one of the bye-laws I suggest is, that no building should be put nearer than twenty feet to the centre of the road as defined by the local authority.

932. You begin by defining the road?—I let them define the road. Most of the roads in the country are not straight.

933. No, but they should be continuous?—They should be. They are as a rule. When it comes to the laying out of the suburbs of towns, the question of sewers and so on would come in. Then, of course, the local authority would have their say, because the sewers would have to be made to their satisfaction. I would point out that it is the building owners and not the local authority who make the roads and sewers.

934. And bear the cost of them?—Yes.

935. With regard to the use of incombustible materials and the strength of walls, do you think that that power should be in the hands of the

Chairman—continued.

local authority?—I do not think it is necessary for small buildings.

936. You mean a couple of cottages?—Yes, but I would have party walls used in all cases.

937. Therefore you would define the thickness of the party wall?—Yes. The Royal Institute of British Architects drew up a bye-law on party walls, which they submitted to the Local Government Board some years ago, and that bye-law I think meets the point.

938. Then you say under the Public Health Acts, rural district councils can obtain urban bye-laws, and these for the most part are now in force in rural districts?—That I think is the reason of the agitation which has taken place. I think the Local Government Board, without quite seeing what they were doing, granted urban powers to rural authorities, and that has caused very considerable irritation. I think the mistake they made was regarding the bye-laws as a whole. Perhaps a rural authority wanted powers to lay out streets, and so they went for the urban powers, which go a great deal further than anything they wanted.

939. But there was an Act passed, one of the clauses of which conferred the power upon the Local Government Board to grant the rural councils urban powers on application?—Yes.

940. It is only on application that those powers have been granted?—Yes; but I think that in granting those powers the Local Government Board did not see that any power granted to a local authority was so much liberty taken away from the person who wanted to build.

941. Must not that be so in every case?—Yes; and I think not realising that, they went further than there was any necessity to go in that way. There is one thing I feel a good deal personally. Weather-tiling is very much used in Sussex in the old cottages. That has become impossible under the bye-laws which are frequently adopted.

942. Impossible for what reason?—Because you have to build in brick.

943. That is to say, the use of wood is prohibited?—The use of wood is prohibited, and if you wish to have the appearance of the weather-tiling you have to put it on a nine-inch wall. It is ignored, in fact, for the purposes of the bye-law. Now a nine-inch wall which passes the bye-law, built of Sussex bricks, will not keep the wet out; the plastering and paper will not hang on the walls, the place is damp and the cottage is bad. The old cottages with the weather-tiling on wood are perfectly sound, perfectly comfortable and infinitely better. I think it was feeling that which first made me take up this subject—that so much worse a thing was being done under the law than before the law was invented.

944. Did you hear Dr. Thresh's evidence this morning with regard to the exemption clauses?—Yes.

945. Would that meet such a case as you describe?—The exemption clauses would do some good, but I think if the party walls were insisted on the

3 July 1905.]

MR. LACY WILLIAM RIDGE.

[Continued.]

*Chairman—continued.*

the exemptions might practically be allowed in all the small towns, for domestic buildings.

946. The party wall you think would give you safety as regards fire?—Yes.

947. Anything else beyond that?—Yes; I think it is a question of decency. I think a proper party wall as between cottages and houses is a question of common decency.

948. If made sound-proof?—If sound-proof so much the better.

*Lord Hylton.*

949. You would like to go further than this Bill goes?—I certainly should.

*Lord Stanley of Alderley.*

950. Your party wall would go right through the roof and right up?—Yes, when the buildings reached beyond a certain size; but it is not in the least degree necessary that it should do more than go up to the underside of the roof covering in small buildings and cottages.

951. If you build a street of cottages would not you carry the party wall through those?—No, I think it unnecessary.

952. Have one roof over the whole?—Yes, have the party wall carried up to the underside of the slates.

953. Even in a Sussex village with ten or twelve cottages, all contiguous, you would rather wish to have the weather-tiling, and therefore power for wooden construction?—Certainly. I think the cheapest way to build a cottage in that neighbourhood would be with two four-and-a-half-inch walls with proper ties on the ground storey and then timber above weather-tiled and overhanging the walls. You would then have a perfectly dry building; but if you carried the nine-inch wall up the two storeys you would certainly have a wet one. The reason for not carrying the party wall through the roof is, that it lets in the wet, and wet is a very much more serious evil on the south coast than fire.

*Chairman.*

954. You mean it is difficult to make the joint?—Yes. It can be done, but it adds to the expense.

955. As regards the model bye-laws issued in 1901 for rural districts, I understand you think they are an improvement on the previous ones?—They are an improvement; but I put it in this way, that the architectural authorities to the Board gave in and the doctors held out. I think the architectural authorities gave in too much, because they took out the party wall. I got the Institute to pass a resolution on that subject afterwards. On the other hand, I do think that they are most unnecessarily oppressive on the question of the windows and the height of storeys, and so on. I do not think those are things we ought to employ officials to look after at all. It is all grandmotherly legislation.

956. With regard to the powers contained in Clause 5, which would enable the Local Government Board to require the adoption of good bye-

*Chairman—continued.*

laws when any district asked to be relieved of those now in force, what do you say?—I think that part of this Bill is extremely important. It is very difficult for the inhabitants of a district who feel themselves oppressed by this sort of thing, to take action themselves. I do not think from what I know of the ordinary rural districts, that the councils themselves or their surveyors are in the least degree competent even to go to the Board and ask for other bye-laws. I think that the Local Government Board ought to have the power of intervening in the matter.

957. But they have no power from Parliament which would enable them to compel the acceptance by a local authority of any bye-law, however good they might think it to be?—That is so.

958. Would you propose to give them that power?—I certainly should like to give them that power.

959. How would that be enforced. Could it be enforced upon a local authority who was disinclined to have it?—My impression is that the local authority would be only too delighted to be relieved of the responsibility which they now know themselves to be quite incapable of carrying out. I have spoken to several members of the rural authority which came into contact with Mr. Justice Grantham, and I am quite certain they would be only too delighted to be relieved of the responsibility of the whole matter.

*Lord Hylton.*

960. Have you found in the case of some district councils that they take this line: they say, "After a great deal of trouble, and perhaps after an interval of two or three years in which bye-laws have been bandied about between us and the Local Government Board, we at last have got them to sanction a certain code. Experience shows that that code has not worked well, and we many of us, think it ought to be modified, and the new model bye-laws would meet our case. But we have had so much trouble and delay in our dealings with the Local Government Board that we would rather sit still with our bye-laws, which as we know ought to be improved, than go to the Local Government Board and enter upon a fresh period of trouble"?—I can quite imagine that that might be the feeling of one of those authorities. I think they feel themselves very largely over-weighted by the burden put upon them.

*Chairman.*

961. Clause 5 would not relieve them of that, but only increase the number of applications that there would be?—Still the Local Government Board would be in a position to suggest to them with a certain amount of authority, that they had better alter their bye-laws. Clause 5 gives the Local Government Board actually the power to make bye-laws and thrust them upon them.

*Lord Stanley of Alderley.*

962. It is power not merely to annul the existing bye-laws, but to put others in their place?—Yes, otherwise it would be useless.

963. I.

3 July 1905.]

MR. LACY WILLIAM RIDGE.

[Continued.]

*Chairman.*

963. I do not see how they are going to enforce it, supposing the local authority were violently opposed to it, and said, "We will not have it"?—I think you might meet that case when you came to it. I do not think they are so wedded to their powers.

964. Generally with regard to the Bill, you think it is necessary and that it would facilitate the provision of cottages in country districts, the prevention of overcrowding in country towns and villages, the relief of landowners from onerous restrictions which are unnecessary to public health or safety; and the avoidance of friction and the waste of public and private time and money?—Generally, I think the Bill would tend in that direction.

*Lord Zouche.*

965. What do you say about giving the local authorities power to revise their own bye-laws?—They have that now.

966. Only with the sanction of the Local Government Board?—Yes.

967. But I mean to give them rather more extensive powers—to give exemptions without having recourse to the Local Government Board, in any case that they thought might be worthy of exemption?—I should have no objection to their having discretion in the whole matter. If they were more competent bodies I should quite approve of its being wholly a question of discretion, but I am afraid they are not sufficiently competent bodies.

*Chairman.*

968. They are rather averse to having the discretion?—So I understand, and it has been rather the policy of the Local Government Board to advise them not to exercise discretion. If there was a superior surveyor acting for them, who could advise some body, either the county council or the magistrates, in cases where discretion should be used, I think that would be a very great relief to everybody.

*Lord Zouche.*

969. Do you agree with the last witness who thought that these local authorities would have some objection to being given such discretion as we are talking of, for fear of being accused of favouritism?—Yes; but if they are fit to be local authorities they are fit to exercise discretion. If they are not fit to exercise discretion in minor matters of this sort, they are not fit to be local authorities at all.

*Lord Stanley of Alderley.*

970. When you spoke of a superior surveyor for the county, was it your idea to put him in the position of the sort of district surveyor you meet in London, and make him really a court to decide whether the bye-law should be strictly enforced or exemption allowed?—That is not the position of a district surveyor in London.

971. He has power to pass surveys; he takes you before the magistrate in London?—The district surveyor has not nominally that power;

*Lord Stanley of Alderley—continued.*

but the district surveyor is a man of education and he is, or rather was (perhaps it is not quite the same now), the class of man whom you could trust to exercise discretion.

972. He has very wide powers?—Not nominally.

973. In fact he has?—In fact he has, and of course district surveyors differ. There is no doubt that a good professional man such as a district surveyor, sees a way through the Act, advises the architect as to the best way of meeting the requirements of the Act, and is very helpful.

974. You speak of these two superior surveyors for the whole county of Sussex. Would you consider that those men, if there was any dispute, should have power to pass the points?—I think he should not have it personally but see his Committee about it.

975. That would make three months delay if he had to report to the Committee?—He might have the Chairman of a small Committee to act with him.

*Chairman.*

976. Would not your suggestion, that there should be a competent surveyor appointed, be a rather difficult one. In the first place would it not lead to additional cost?—I suppose the counties do keep a man of some position.

977. But I think we have it in evidence that in the rural districts it is not always the case?—I am speaking of the county.

978. In the case you referred to, where Mr. Justice Grantham was interested, there is none apparently?—That was the local surveyor. I want the county surveyor. It is impossible to ask these very small districts, for very small districts they are so far as building goes, to appoint a surveyor at £500 or £600 a year.

979. It would be very difficult on the ground of expense. But further than that, if you are going to confer upon this surveyor the power of determining individual cases and not always determining on the same lines, you are going to put in his hands an enormous power, because if he were professionally engaged outside that, it might lead to difficulties?—I do not think he should be that class of man. You could not give it to a man professionally engaged outside. But if you take Sussex it could very well employ two surveyors in this capacity.

980. And they would have to travel about?—They would have to know the county.

*Lord Zouche.*

981. Do not you think the time of the county surveyor in west Sussex is entirely taken up with roads?—Yes. I do not think a road surveyor would be the proper man.

982. You would have to appoint a new official altogether?—Yes, I think that is very possible. At any rate you would have to find some man who would be competent for the work. I am not very strong on the appeal at all; my real ground is, have as few bye laws as possible.

*The witness is directed to withdraw.*

3 July 1905.

Mr. ROBERT WEIR SCHULTZ is called in; and Examined as follows:—

*Chairman.*

983. You are an architect and you have had considerable experience in a professional capacity, of the mischief caused by the unnecessary interference of building bye laws. Will you tell us what in your view is the principal mischief?—One of the principal points is that the bye-laws tend to increase the cost of building unnecessarily.

984. You believe that bye-laws are necessary?—No, I do not think in rural districts bye laws are at all necessary. I consider that the Public Health Act covers all reasonable contingencies with regard to rural districts.

*Lord Stanley of Alderley.*

985. By rural districts, do you mean rural areas or rural districts?—A rural district of course includes villages.

986. Do you really mean rural areas or "rural districts," which has a technical meaning?—Rural districts in the sense that they are governed by rural district councils.

987. Then you say there ought to be no building bye-laws for a pit village with 1,000 cottages in it?—Not if it is distinctly a village.

988. Of course it is a village till it is made an urban authority. If there is a large colliery being opened up and a thousand pitmen's cottages being built in streets in a rural district, you say that being a rural district there should be no building bye-laws?—Perhaps I may modify my area. I mean a purely agricultural or country district—a rural area.

*Chairman.*

989. "Rural District" has a technical meaning, which you had overlooked perhaps?—Yes.

990. With regard to the new model bye laws for rural districts which the Local Government Board have issued, do you think they contain unnecessary restrictions?—I do.

991. That is even with regard to the latest series of them?—Yes.

992. What do you say as to Clause 3 in the model bye-laws?—That is in the new model rural code of 1903, which is the last revision I think.

993. Tell us what is your objection to Clause 3. You say it is generally altered so as to be made compulsory under all conditions by rural councils?—I found in almost every case where I had to deal with rural district bye-laws, that this clause has been compulsory as to six inches of concrete under the floor. It is only necessary in certain cases where the nature of the soil renders it such.

994. I think Lord Stanley read the section in which it was shown that it was not compulsory in all cases?—It is not compulsory in the model code, but it is altered very often. If this code was accepted as it stood by the local authority and applied by them, it would be all right.

995. Do you mean you think the local authorities act erratically?—Very often they try to

*Chairman—continued.*

make these model bye-laws more stringent and send them in, and the Local Government Board; on the principle of letting the local authority have a free hand, accepts them.

996. Then Clause 4 you say is unnecessarily restrictive and goes too much into specific detail, and that a general provision as to an efficient damp course would be sufficient. If you were an adviser of a rural district council would you not think it better to have some clear prescription or definition of what was to be done?—You always make limitations by making restrictions, which very often tend to increase cost.

997. But on the other hand you would not venture to leave it to be a question of dispute hereafter as to what was an efficient damp course. Would not you prescribe in some form a minimum of your requirements?—When you go to state definite types of damp course and there are other equally efficient ones in the market which are perhaps half the price, it seems perhaps rather hard, when you are building in an economical way, that you cannot use them. That is the danger of too much definition. I may say generally with regard to these clauses, that the principal parts of the rural code which especially adds to the cost of the building of cottages, are the drainage clauses.

998. But you do not touch that by this Bill?—No, but these are where the general costs come in with regard to the rural code. In this clause which I refer to a good deal of money could be saved if the clauses were not so stringent.

999. You go on to speak of Clauses 6 and 7. These are all in the last model bye-laws I understand. You say that bay windows are allowed to project beyond the building line in towns and why not, therefore, in rural districts?—That is a small detail, but it is a point on the lines of restriction.

1000. You say Clause 8 is restrictive in the sense that it does not recognise top-lighting and ventilation as an alternative to side-lighting, and that in many cases one would be quite as efficient as the other. Then what have you to say upon Clause 9?—That is a question really of the situation of the house. For instance, a house on the top of a hill open to the winds and having full sun and air facing due south, does not require as much window area as a house in a hollow which gets a minimum of sun.

1001. Clause 10 you say is arbitrary in the sense that it prevents a solid board floor being laid on the ground floor?—Yes. It is often more wholesome to put concrete over the whole area of the ground floor even in a cottage, and put wood boards on pitch to get a solid floor, so that you have no space underneath. This clause will not allow of that. I have a case here, reported in March of the present year, in the county of Hampshire, where a surveyor absolutely declined to allow a solid floor to be laid in cottages; and the result was that the scheme did not go on.

1002. Clause

3 July 1905.]

Mr. ROBERT WEIR SCHULTZ.

[Continued.]

*Lord Stanley of Alderley.*

1002. Clause 10 does not require a boarded floor, as I read it, in those model bye-laws?—No, it does not require a boarded floor.

1003. It says if there is a boarded floor it shall be ventilated underneath, but it does not require a boarded floor?—My contention is that you can lay boards on a solid basis in the same way that you can lay blocks. Blocks are wood, and a 1½ inch board can be laid just as efficiently as wood blocks 1½ inches thick. The surveyor would differentiate between the two. Besides a wood block is a board.

*Chairman.*

1004. With regard to Clause 11, you say that these apertures are generally effectively stopped up with bags a few days after a house is occupied?—That is so. The ventilators are very seldom to be found in active use, especially in a cottage.

1005. And even in a workshop?—Very often, and if you have windows to open you have everything. If people will not open windows they certainly will not keep ventilators open.

1006. The Bill does not touch the drainage sections?—No.

1007. Then with regard to urban bye-laws, have you anything you wish specially to draw attention to?—I think the question of the width of roads is too much insisted upon even in the

*Chairman—continued.*

urban bye-laws. It is not so much the necessity of having a wide road but the necessity of having a wide space between the buildings on either side of the road; and my contention is that you are adding to the initial cost of building by the bye-laws insisting upon having roads of a certain width, which is wider than necessary. Of course one must differentiate between thoroughfares and simply roads leading to a few houses, which never by any possibility can become thoroughfares in any large sense.

1008. I suppose you would recognise that where building begins in a district hitherto unoccupied by buildings, it is desirable to have the buildings laid out in some form, so that thoroughfares can be established hereafter or so that they formed part of thoroughfares?—There ought to be some general scheme. I do not know how far it is desirable to insist on every detail of the laying out of an area of ground being absolutely adhered to. You may put in a main road through the area and you may find reasons for altering your scheme.

1009. You think the power proposed to be given to the Local Government Board would be of great use in enabling good bye-laws as and when devised to be adopted with little friction and promptly?—Yes.

1010. That is under Clause 5 of the Bill?—Yes.

*The witness is directed to withdraw.*

*Ordered*—That this Committee be adjourned to Thursday next at 11 o'clock.