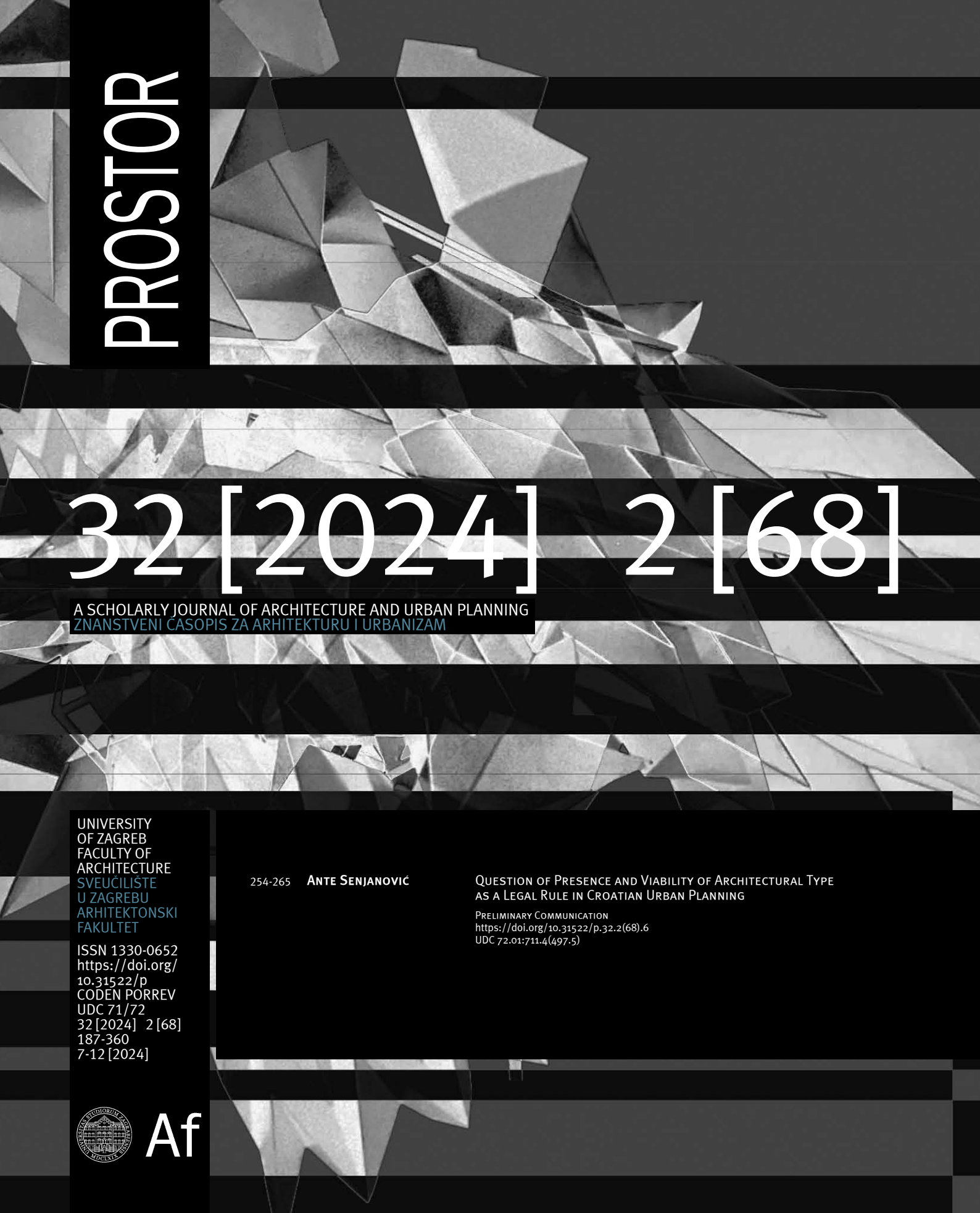

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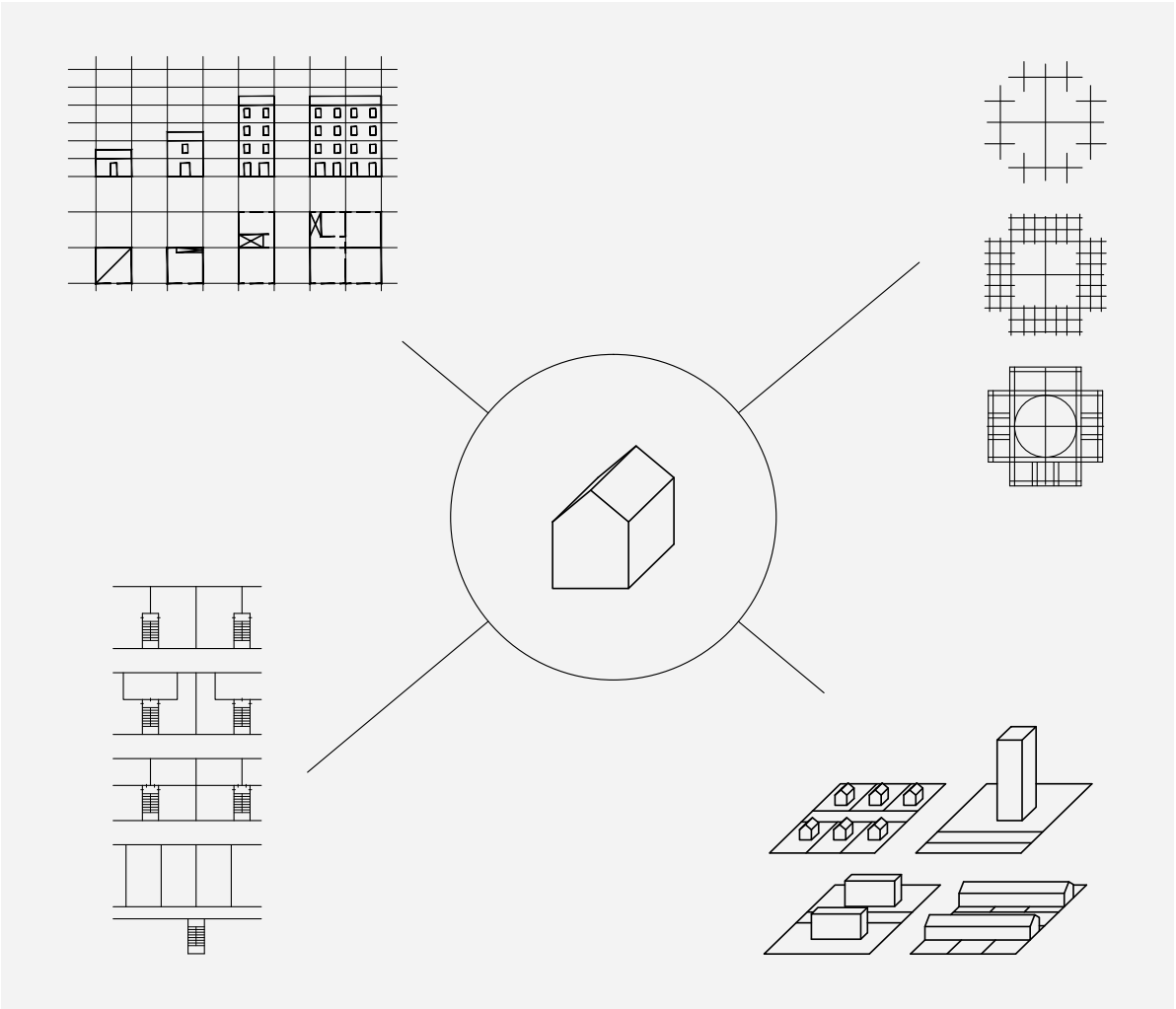

Fig. 1 The variety of typological concepts

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Question of Presence and Viability of Architectural Type as a Legal Rule in Croatian Urban Planning

ARCHITECTURAL TYPE
LEGAL RULE
URBAN PLANNING

"Type" can serve as a positive legal term in physical planning and a review of the literature clarifies its specific meaning, distinguishing it from its colloquial usage, where it is often confused with "class." In architectural theory, the meaning of "type" is rooted in concepts of similarity and indeterminacy, which parallels its meaning in legal theory, where it stands in contrast to the identity and determinacy associated with "class." This distinction establishes a fundamental limitation on the usability of "type" in legal regulation: the challenge of determining the meaning of a "type" in concrete situations, leading to potential legal uncertainty. An analysis of how the class of single-family houses is regulated in Croatian urban development plans reveals that "type" is typically used only as a general requirement for the conformity of building appearances with the surrounding built environment. Rather than relying on "type," the planning rules predominantly focus on objectively determinable quantitative values assigned to specific building classes.

INTRODUCTION

Ordinance on Spatial Plans[1] mentions the term „typology“ in two places: a residential building should be of a „typology prescribed by the spatial plan[2] in relation to the number of apartments, number of floors, form, etc.“ (PPP, 2023: art. 4.1.2.), and the plan can prescribe the building's typology when determining the requirements for the building form (PPP, 2023: art. 15.). What does the term „typology“ actually mean here?

This question could easily be addressed – at least regarding the legislator's intention – by consulting the administrative body that drafted the ordinance. However, the use of the term "typology" (which refers to a scientific discipline concerned with types, or a system of types) in place of the more accurate term "type" (which denotes a single concept that unites a group of related phenomena)[3] suggests an unclear and polysemous understanding of the concept of “type”. This ambiguity warrants further research into its implications and usage. Since physical planning is a form of legal regulation of land use, this research inevitably delves into the legal domain and will attempt to ascertain the normative relevance of the concept of “type” within the context of planning regulation.

Through a review of relevant literature on the theory of type in architecture and law, this article will primarily distinguish the precise meaning of *the term “type”* from other similar concepts commonly associated with this term. This distinction aims to establish a foundation for further exploration of the legal structure of spatial plans. The analysis will utilize examples from a specific category of national spatial plans to examine the role of typicality and type within the Croatian system of physical planning. This analysis seeks to answer the following questions: Which of the various meanings of the term “type” are present in that system, and how are they relevant to physical planning in its form as legal regulation?

TYPE AND THE UNDERSTANDING OF ARCHITECTURAL AND URBAN FORM

In this chapter, a precise meaning of the term „type“ shall be explored within the context of architecture and urbanism.

The PPP and spatial plans both fall under the category of general legal acts, for which precision of expression is crucial for their effective implementation. Therefore, the terms used should generally possess meanings that are clear and unambiguous (Milotić, Peranić, 2015: 34), or at the very least, convincingly explainable (Visković, 1989: 64). While the colloquial usage of the term “type” may be mostly clear in a professional context, clarifying the specific meanings of the term can enhance the legal dimension of planning. Given the subject matter regulated by these plans, the definition will be grounded in the theory of type within the field of architecture.

The use of the term „type“ in architecture appears against the background of general linguistic context, where type has a range of related meanings:

1. the fundamental form common to a group of objects or phenomena (Hrvatski jezični portal, 2024: tip 1., Hrvatska enciklopedija, 2024: tip 2., Duden, 2024: typus 2., Dicionário RAE, 2024: tipo 2.),

2. a group of phenomena that share similar characteristics or properties (Hrvatski jezični portal, 2024: tip 3., Hrvatska enciklopedija, 2024: tip 1., Duden, 2024: typus 1.a, Dicionário RAE, 2024: tipo 3., Larousse, 2024: type 4., Cambridge dictionary, 2024: type A.2, Merriam-Webster, 2024: type 1.a, 1.e),

1 Hereafter: PPP (following the original title „Pravilnik o prostornim planovima“). No official translation has been found, so the title was translated following the terminology used in the existing translations of regulations in the field of physical planning in Croatia.

2 A document which serves to „establish the purposeful organisation, use and intended purpose of space as well as the requirements for spatial development, improvement and protection“. (ZPU, 2013: art. 53. (1))

3. the ideal or exemplary specimen of that group, or an object that defines it (Hrvatski jezični portal, 2024: tip 2.a., Duden, 2024: typus 1.a, 3., Diccionário RAE, 2024: tipo 4., Larousse, 2024: type 1.,3.,7.,9., Merriam-Webster, 2024: type 4.b, 4.c), or

4. an individual member of that group (Merriam-Webster, 2024: type 1.c).

These individual aspects – similarity, exemplarity, and repeatability – imply an idea of similarity that links a group of individuals and is recognizable in each of them, or an idea of a recognizable individual representing such a group.

In professional usage, the concept of type commonly appears in the form of functional type and morphological type, so that typological debates typically focus on the correspondence between these two types (Forty, 2000: 304). Contrary to such a perspective on typology, which often leans towards simple and unambiguous classification (Oechslin, 1986: 37), a significant body of theory is devoted to a more nuanced investigation of the relation of type to form.

A key reference point for that is Quatremère de Quincy's 19th-century article „Type“ – the basis for many theorists' conceptions (Oechslin, 1986: 40). For Quatremère, type is an abstract, almost Platonic principle that governs the creation of form, both in nature and art (Madrazo, 1995: 201), and explains the roots of architecture by allowing for the recognition of history, nature, and function that defines the architectural object (Moneo, 1978: 28).

Quatremère defines it in the context of French classicism and the search for the resolution of conflicting conventions about classical orders, through a rational basis that would justify specific forms (Anderson, 1982: 110). His approach was influenced by Laugier's primitive hut, a protoform whose imitation leads to the development of architecture, as well as by the natural science concept of type (Madrazo, 1995: 171). However, he replaced the model of the primitive hut with the concept of type, considered as the principle of architecture – a deep structure inherent in and natural to material action within a given cultural context, which produces recognizable, typical forms and is accessible through typological reasoning: analogy, recognition of relationships, application of principles, and adaptation of approaches (Jacoby, 2013: 118, 123, 127).

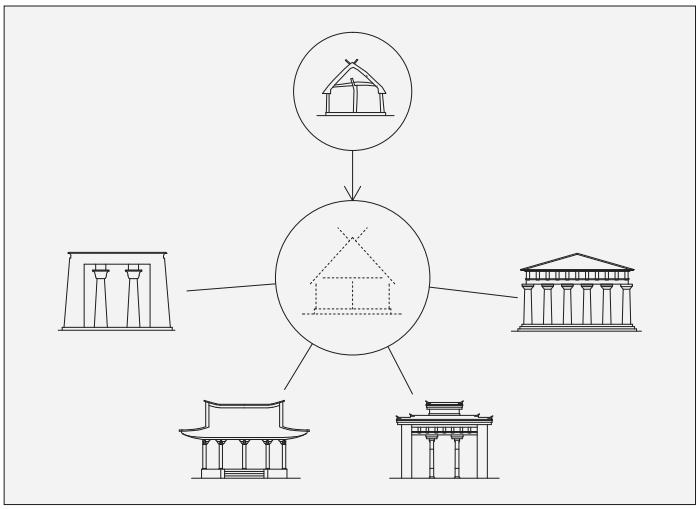

Fig. 2 Protoform as a precursor to type

In the 19th century, as a part of the effort to rationalize the chaos of eclectic architecture and define a style suitable for the era, the concept of type[4] continues to provide the rational basis of architectural forms in a particular culture (Martín Hernández, 1984: 59; Madrazo, 1995: 228). At this point, however, it begins to diverge significantly from Quatremère's purely conceptual idea: the predominantly compositional and taxonomic approach based on Durand[5] becomes the foundation for determining the form of the

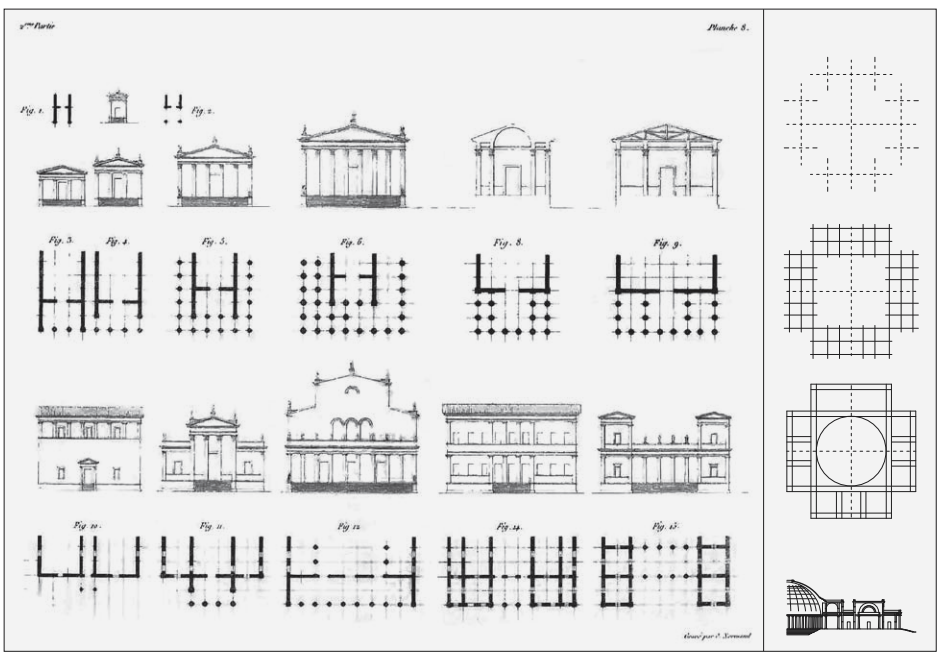

Fig. 3 Typology as taxonomy and composition

3 For more details on this, see next chapter of this article.

4 It appears relatively rarely in a direct sense (e.g., in Semper's writings), but there are related concepts. (Madrazo, 1995: 227).

5 Jean-Nicolas-Louis Durand, an architect and professor, published two books in the early 19th century as textbooks for his lectures at L'École Polytechnique. In these books, he systematizes architectural disposition and composition, and defines a rational, generic design method. (Jacoby, 2013: 64, 67)

building appropriate to its program (Martín Hernández, 1984: 60; Moneo, 1978: 28), bringing the related concepts of taxonomy and typology significantly closer.

The modernist concept of type developed this rationalizing line of thinking: type began to signify either the idea of a pure geometric form, free from stylistic deviations, or the idea of an efficient, functionally appropriate, applicable, and thus repeatable solution – a standard or prototype (Meninato, 2018: 57-62). In the crisis of late modernism, this strict, formal concept of type is replaced by a shift back towards Quatremère's more abstract approach. As a way to reconnect architecture with its context (Forty, 2000: 308), it became the theoretical basis for defining the architectural form that could be integrated into the city and its historical development – a tool for analysing the context from which principles of form could be derived (Moneo, 1978: 35; Bandini, 1984: 74). Through the idea of types acting as carriers of meaning (Forty, 2000: 309), it later evolved into a reduced, formalistic, and prescriptive conception, which gradually lost its theoretical relevance (Bandini, 1984: 80-81).

These concepts of type can be divided into two main currents:

1. type as an abstract idea, a foundation of a recognizable way of building – an indefinite concept that links similar phenomena; through its investigation, something can be learned about building in a particular context;

2. type as a design template – a compositional and formal solution to the relationship between function and form, i.e., an efficient, functional solution for a specific use.

The first of these, the idea of an abstract relationship between type and form, can be considered to be unique to type, while the idea of a template and repeatable solution is, in essence, classificatory – different from type, as we shall see in the next chapter. Thus, it can be argued that the specific meaning of type is tied to its indeterminacy, as an attempt to encompass, rather than to define, the essential similarity of typical objects. In that respect type presents a way of posing questions about why something has, or should have a particular form, or why typical forms exist or should exist.

How would form relate to type in the field of physical planning?

In planning, form is a contentious topic, primarily because planning pertains to ongoing and changing spatial relationships, which never conclude with a definitive, final form (Lendi, 1995: 127). But, if the strategic character of planning transcends the question of the specific form of individual interventions, it could be conceivably supported by a typological, abstract approach to form, based on the principles of building (Raith, 2000: 32). Expanded to, for instance, a typomorphological approach, it would allow for the development of urban form to be based on the maintenance, controlled transformation, or new formation of tissue types, made up themselves of various types of components (Kropf, 2017: 118, 213).

The urban tissue is constituted by the relationships between its components, so the analysis of the types of these components and the resulting tissue type – morphological analysis – becomes a significant tool for understanding the processes of urban tissue formation and their interdependence with the types of architectural interventions that comprise it (Panerai, Depaule, Demorgon, 2005: 76, 132, 160). It relies on the assumption that understanding the principles of the typological process (the emergence and development of types common in a given context) can help to plan accordingly (Caniggia, Maffei, 1995: 185) – and thus determine the manner of space utilization that aligns with socially accepted practices, and with the technical systems that guide building in that society (Habraken, 2000: 279, 252, 256).

This raises the question: can type, in this specific guise, also have a normative, legal role?

TYPE AS THE LEGAL EPISTEMOLOGICAL TOOL

A spatial plan is a by-law (ZPU, 2013: Art. 58) – in other words, a general legal act[6] (Žagar, 2018: 688). It regulates the use and protection of a particular space by specifying the requirements for carrying out interventions within that space, and is implemented by issuing the appropriate permit for carrying out those interventions[7], or, at higher levels, it contains guidelines for drafting lower-level plans and is implemented through the adoption of those plans (ZPU, 2013: Art. 53, 114, 15).

6 A general legal act is an act consisting of general legal rules, which abstractly and generally predicts and regulates certain, repeatable relations between people. (Perić, 1994: 103)

7 The content of the PPP, especially its Annex II, which determines the permissible kinds of interventions (mostly buildings) and the content of the implementation rules (mostly pertaining to the characteristics of buildings) allows us to equate the term "intervention" with the term "building" for the purposes of this paper.

8 Meaning that they can apply to an unlimited number of concrete situations sharing characteristics with that abstract description.

In this paper, the research is limited to the urban development plan (hereafter: UPU) as the lowest level of planning, which contains only the requirements for carrying out the building interventions within its scope (ZPU, 2013: Art. 80).

As a general legal act, UPU must be effective – that is, applicable: a person or a legal entity must be able to comply with the requirements, and there must exist a mechanism to enforce the law in cases of non-compliance (Kelsen, 2015: 156-157). The issue of effectiveness lies precisely in compliance: the person must know what one should do in order to comply with the regulations (Šarčević, 2013: 24), and, similarly, the governing authority that enforces the law must be able to assess whether the person has complied or not.

A general legal act necessarily consists of general legal rules (Perić, 1994: 103) that abstractly[8] describe the situation and the prescribed conduct (Larenz, 1992: 329). In UPU, they contain the requirements that buildings need to meet (PPP, 2023: Art. 54.). The required conduct can be represented as the obligation that the investor wishing to build a certain kind of building at a specific location must meet. Therefore, when obtaining a building permit, which confirms adherence to the relevant spatial plan, it is necessary to establish whether the building project reflects the properties[9] that UPU requires of that kind of a building (ZoG, 2013: Art. 106.).

In the application of law, this is a straightforward example of what is referred to as "subsumption": a logical inference that a concrete case, which shares relevant characteristics with the conduct outlined in a general legal rule, falls within that conduct (Larenz, 1992: 161). This process effectively categorizes the case as a member of the class defined by that rule. Consequently, the application of a general rule can be viewed as classifying a conduct as either legal or illegal, thereby triggering specific legal consequences (Larenz, 1992: 160). For instance, if the designed building falls within the class of structures defined by the rules of the UPU, the building permit is granted; if it does not, the permit is denied.

The issue then becomes how to assess if the concrete and the abstract properties are shared, i.e. equivalent (Larenz, 1992: 162). In architectural theory, one of the primary characteristics of a type is its indeterminacy, which implies a problem in determining the equivalence of typologically defined properties.

The concept of type once enjoyed a certain popularity in legal theory, but, while still present, isn't particularly significant anymore (Carlizzi, 2016: 93). However, the question of the theoretical legal importance of this concept is not as relevant to us[10], as the assumption that examining the significance of type in legal theory could further illuminate the relationship between architectural typology and the normative task of spatial plans.

Type is presented as opposed to the class (Strache, 1968: 21): as a concept that can simultaneously encompass both the individuality of its members and the generality of what connects them (Carlizzi, 2016: 97). The class is defined by an exact set of properties shared by all members of that class, and not by the other individuals; thus, it deals exclusively with generality which distinguishes that class from all others (Strache, 1968: 36). Type, on the other hand, is a concept based on comparison: if an individual is sufficiently similar to what are considered typical examples of the type, it can be attributed to that type (Strache, 1968: 53). Therefore, type is based on „family resemblance", where typical properties overlap between examples, but there is no single set of properties common to all examples.[11] Typicality arises from the interaction of properties, so an individual may, depending on context and other properties, have some sufficient property and not be typical, or have some unusual properties and still be typical (Kuhlen, 1977: 142-143). Typicality is recognized in the context of some purpose, a goal that the involved parties perceive as fulfilled through typical actions or objects (Carlizzi, 2016: 98, 102). This recognition depends on the attitudes of the individuals involved and the situation in which the type is being discussed (Strache, 1968: 39).

The fundamental criticism of this concept is that the idea of a dichotomy between type and class is outdated, and that the concept of typicality is based on intuitive, unsubstantiated, and thus arbitrary assumptions (Kokert, 1995: 276-277). The flexibility and freedom to adapt legal decision-making to the demands of real-life situations, which typological thinking is supposed to provide, are already available within legal reasoning (Ko-

9 The issuance of a permit also requires compliance with other regulations (ZoG, 2013: Art. 110), but that is not the subject of the UPU, nor of this paper.

10 Although it points to an area for future research, in which the normative role, or potential, of architectural typology concepts could be explored through the application of legal concepts that are currently considered more relevant in legal theory.

11 Except for some necessary, basic properties: the members of a type must already be connected into some basic kind, in order to coherently talk about a type – when we talk about a type of building, all its members must necessarily share at least the property of being a building. (Caniggia, Maffei, 1995: 69)

kert, 1995: 275). Legal reasoning is a complex process of interpretation, argumentation, communication, and the constant creation of law, which in both practice and theory is not just a simple model of subsumption (Müller, 1996: 210) – that is only one of the assumptions for the justification of legal conclusions (Alexy, 2019: 18).

A.H. Kaufmann therefore shifts type from the realm of positive legal terms into the domain of interpretation, positioning it as the foundation for both defining and interpreting the content of a general legal act (Seoane, 2002: 332). As an inductively formed idea of a „typical" life situation, it serves as a model for legal regulation, so that the class functions as a reduced linguistic and positive expression of type (Seoane, 2002: 352), or rather of its aspects. Type would then be based on the concept of the „nature of things": the assertion that a particular domain of life and its objects have an inherent, albeit fragmentary and roughly outlined, order or factual structure, and thus their regulation should conform to that structure – appropriate to the thing itself (Larenz, 1992: 222). In this context, type determines the reason for regulation: it identifies the original phenomenon through empirical recognition of typicality within a slice of reality, which, connected with the idea of law, gains an axiological and normative dimension, and so explains why and with what aim something is regulated in a particular way (Seoane, 2002: 332, 344).

Viewed this way, type becomes an epistemological tool, the foundation for the creation and realization of law. That parallels the architectural type: an analytical tool by which a conduct, or its causes and results (specifically: the built environment), is recognized as typical and desirable within a given context.

Kaufmann, in addition to recognizing such uses of type, acknowledges that it is always possible (albeit problematic) to use it directly as the content of a legal rule, by:

1. attempting to describe the type in detail and with precision (which turns it into a class definition, and no longer a type),

2. merely referring to it (which creates legal uncertainty, since the meaning of the type is inherently open and indeterminate), or

3. resorting to an exemplary method, citing examples to indicate the content of the type; it is then expected that the person applying the law will analogously conclude about the specifics of the case (Seoane, 2002: 333).

In the second and the third cases, the problem of the normative use of type remains its legal certainty: instead of proving the existence of a specific set of required characteristics, the predictability of a judicial decision regarding the conformity of specific conduct with the type depends on the context, on the existence of socially recognizable, conventional examples of the type, and on the ability of an expert to correctly assess typicality on those grounds (Strache, 1968: 39, 54, 58).

THE ANALYSIS OF BUILDING-CLASS PROPERTIES IN CROATIAN URBAN PLANNING

Whether the use of type can be detected in the general rules that make up the UPU shall be explored through the analysis of a set of properties used in a sample of UPUs to define a certain class of buildings.

UPU regulates a defined spatial area, primarily by demarcating public, unrestricted access area (streets, squares, parks, etc.) from the other areas (ZPU, 2013: art. 80., 3.) where access restriction and individual interventions for non-public purpose are possible. It further divides those areas into zones for certain purposes (ZPU, 2013: art. 80), which can also be subdivided into spatial units with their unique implementation rules[12] (PPP, 2023: art. 7.).

PPP defines which zone purposes are allowed, as well as which building purposes are allowed within each zone purpose (PPP, 2023: Prilog II).[13] A building of a given purpose can be subject to different implementation rules within different implementation-rule areas. Therefore, while a building class most often regulates all the buildings of a given purpose, it can also regulate only the buildings of a given purpose within a certain implementation-rule area.

The way those implementation rules are defined by PPP specifies which kinds of proper-

12 In Croatian: „pravila provedbe". Legal norms containing the requirements for buildings – that is, defining their required properties. The spatial unit is called an „implementation-rule area" (in Croatian: „područje pravila provedbe").

13 The practice currently taking shape indicates that the additional definition and limitation of the zone purpose through UPU could become the norm.

14 The plan must be published in digital form within the official electronic system "e-Plans". This system limits the ability to input different kinds of implementation rules to those prescribed by the system, and to a set of „other" implementation rules whose content can be developed according to the recommendations by PPP (PPP, 2023: art. 8.(2)).

15 They are often regulated in subclasses of detached, semi-detached and row houses. However, only detached houses appear in every analyzed plan, so they were taken as the object of research.

16 This refers to the now outdated statistical division of the Republic of Croatia into five regions: Central, Eastern, and Mountainous Croatia, as well as Northern and Southern Littoral. It is retained in this research,

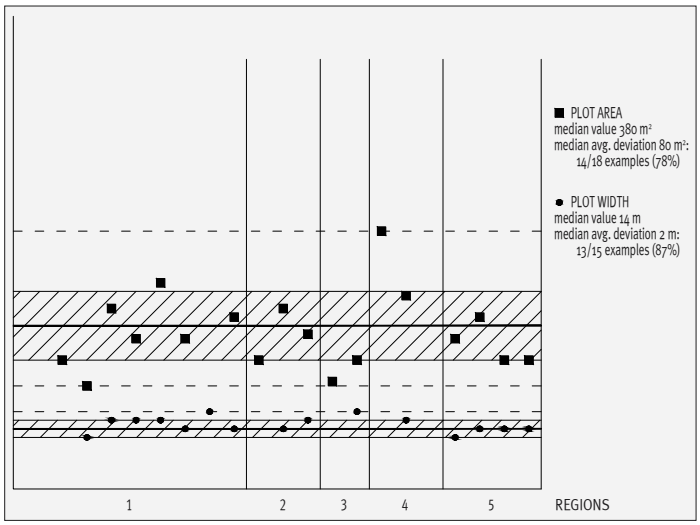

Fig. 4 Plot size values in the analysed sample

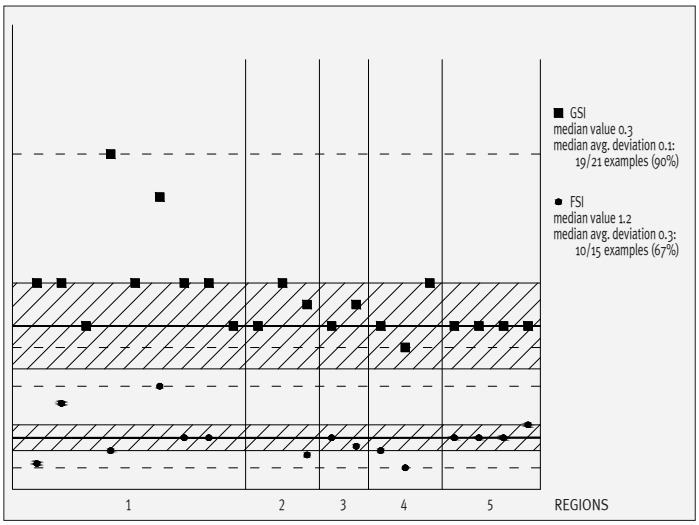

Fig. 5 Building area values in the analysed sample

ties must or can be included.[14] These include spatial indicators and other properties of buildings that determine their placement in space and their use (PPP, 2023: art. 8-21).

Based on planning experience, which suggests that individual (single- to three-family) residential buildings are the most frequently and extensively regulated building classes in Croatian urban planning, their regulation[15] has been elected for the following analysis. The research sample includes plans that were developed in accordance, or aligned with the current ZPU, and that also meet the following requirements: that for each region[16] there is at least one plan for a large city, a city, and a municipality, that each county is represented, and that each plan was drafted by a different planner.[17]

The analysis of the set of properties was structured according to the content of the implementation rules defined by PPP and divided into three sets of properties:

1. the content of the building (purpose)
2. the spatial properties of the building and its associated space
3. the construction prerequisites (procedures, infrastructural connections).

Only the second group was analysed, as the first essentially determines the building class to which the spatial properties apply, and the third group is mostly independent of the building class.

Since PPP is a new regulation, the plans in the sample were not created in accordance with it.[18] However, the legally established obligation to transform existing plans into the system defined by PPP suggests that there is an assumption of compliance between the content of existing plans and the new system.[19] The analysis confirmed this assumption to the extent that the identified properties could be fully categorized according to the content of PPP.

Out of 47 different properties identified within the analysed group, 31 appear in less than 1/2 of the examples, while 15 are regulated in more than 2/3. The values of those 15 predominantly present properties, determined by different plans, falling within the median absolute deviation in 2/3 or more of the plans where they appear (Figs. 4-7), and can therefore be considered to be the typical range of values for these properties.[20] The properties and their values are taken as an indication of a typical way of regulating this building class in national urban planning.

The set of typical properties can be taken to represent those characteristics of buildings whose regulation is generally considered to be important for the achievement of planning

because it better reflects the geographical and cultural diversity of the country than the current division into statistical regions.

17 It was not possible to meet the requirement that each county be represented or for all three kinds of municipalities to be represented in each region. However, regional overlaps resulted in a sample that matches the number of counties: 21.

18 They followed the old ordinance regulating the content of spatial plans: Pravilnik o sadržaju, mjerilima kartografskih prikaza, obveznim prostornim pokazateljima i standardu elaborata prostornih planova. (1998) Republika Hrvatska. Narodne novine, 106/1998, 39/2004, 45/2004, 163/2004.

19 The author's experience of the transformation processes shows that this assumption holds, albeit with certain issues, mostly caused by a misunderstanding of the subject matter of UPUs by planners or relevant authorities.

20 The exception is the building height, where less than a half of examples fall within MAD, precluding the assumption of the typical height value.

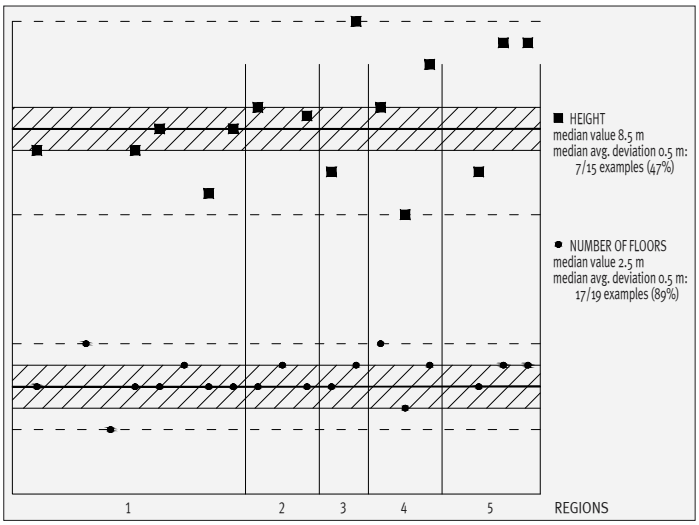

FIG. 6 BUILDING HEIGHT VALUES IN THE ANALYSED SAMPLE

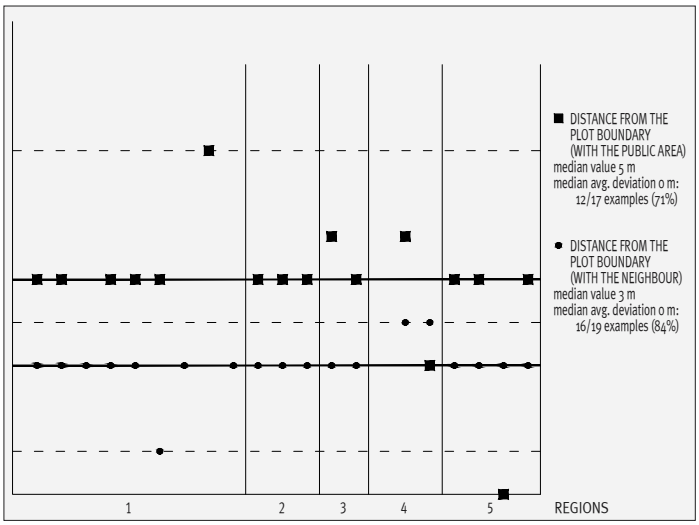

FIG. 7 BUILDING PLACEMENT VALUES IN THE ANALYSED SAMPLE

objectives. This set can be ordered into the following groups:

1. purpose[21] – the fundamental assumption defining the building's content: which activities, and in what quantity, are allowed to be placed within the building and on the associated land;

2. size – the plot size (area and width), the building area (GSI, FSI)[22] and height (number of floors, height);

3. placement – the distance from the plot's boundary;

4. form – the general formal requirement (referring to the facades, materials, as well as size and the form of the building), roof form (shape, slope, openings);

5. open space of the plot – the amount of natural terrain and its content, height and material of the fence.

Almost all of these properties are expressed in clear, quantitatively defined values, usually as minimum or maximum allowed limits – giving them a classificatory and not a typal character.

A notable exception is the general formal requirement, which most often simply calls for the appearance of the building to be harmonized with the surroundings or the local (mostly traditional or regional) building style. This makes it an obvious example of a rule referring to a type (although type is of the most general sort): a typical way of building. It appears in 80% of analysed plans, but it is the only one of the 15 typically present properties which is a type- and not class-concept.

The values are mostly consistent across all regions. However, certain regional differences seem to emerge, which merits further research. They suggest the existence of regional variations in common building practices, in line with the typological principle that type is conditioned by context.

The professional planning experience suggests that this mode of regulation is similar for other building classes, with differences in typical values, and variations in the set of essential properties. However, additional research is needed to confirm this. Nevertheless, the object of analysis is sufficient to draw some general conclusions about typicality in Croatian urban planning.

CONCLUSION

The term „type“, in professional colloquial usage mostly refers to the purpose (function)[23] or spatial structure[24] of buildings. That is acceptable, both professionally and linguistically, since they can be taken as type-signifiers that refer to the recognizable ways in which those kinds of buildings are built in a given context. However, in legal context, they function as classes: each is a concept defined by a set of necessary properties which an individual needs to have in order to be considered a member of that class. Legal conception of type as an essence, the nature of something which connects similar individuals in an indeterminate way, parallels the theoretical concept of the architectural type. It is a universal concept, recognizable in its instances – the typical individuals – but is itself undefined. There is no set of necessary properties which would define the typicality of any individual, since it always needs to be judged within the context. In the concrete situation, typicality may require the existence of additional properties, or even the absence of those usually considered typical. Type, as opposed to class, is therefore a flexible concept, resting on the similarity instead of the equality of properties.

21 Although purpose was not the subject of analysis, it should still be presented as part of the typical properties that define a certain building class.

22 GSI: ground space index or lot coverage. In Croatian: kig (koeficijent izgrađenosti). FSI: floor space index. In Croatian: kis (koeficijent iskoristivosti).

23 E.g. residential, public or commercial. Possibly further divided into single-family, multi-family or collective housing, or into museums, schools, libraries, office buildings, banks, supermarkets, etc.

24 E.g. detached, semi-detached or row housing, or central-, corridor-, gallery-, courtyard-types.

25 It should be taken into account that class and type concepts don't need to refer exclusively to the building as a whole: a single property can also be based on the class (it is present if a set of necessary characteristics exists) or type concept (it is present if there are typical characteristics).

26 The anecdotal evidence of notable challenges in determining these properties in specific cases will probably be familiar to professionals. It can still be argued that, in ideal case, these properties are easily and objectively determinable.

27 It could be said that it is possible: through adaptation of the traditional type to the requirements of the modern context, set out by those rules – but in that case, the meaning of the type concept becomes even less clear.

Architectural type can be viewed as a value claim about the contextual fitness of buildings. As a universal concept, it cannot be expressed, but it can be approximated through an analysis, classification and description of the properties of typical forms. However, as mentioned, a form having those properties isn't necessarily a typical form. Thus, regulation by class doesn't necessarily realize the type and the value it contains. Rather, regulation by type, by requiring that a building of a certain kind be built in a typical way, might seem more efficient. However, since typicality always needs to be argued, the legal certainty of such a regulation is limited. Regulation should, therefore, simultaneously provide both the legal certainty, by defining class concepts, and the flexibility, using type concepts which, in a given context, ensure that the type is realised.[25]

The analysed plans contain almost exclusively class-based concepts: UPU defines the content of its area by assigning building classes to specific zones, and for each of these classes, a set of properties that each building must possess in order to be a member of the class is defined, thereby aligning with the plan and being permissible for construction. These properties are predominantly quantitative: spatial or measurable in terms of quantity, and thus relatively easily and objectively determinable.[26] The only significant type-based concept is the requirement for the building appearance to be consistent with the built or natural context, but this does not refer to a specific type of building or construction; rather, it represents a general demand for typicality. It appears in the majority of analysed plans, but makes for a tiny share of all the properties. Building types appear only as the building class markers, primarily as the purpose of a building, and more rarely as their plot situation (detached, semi-detached or row). Other building types don't appear in the analysed sample.

Architectural type doesn't appear to be significant as a positive legal term in the Croatian system of urban planning. However, its presence does point out a possible potential for the use of type concepts in planning. The requirement for the typical appearance of the building is often contradictory to the requirements set out by the class concepts: it isn't possible to achieve the form which would be consistent with the traditional or regional way of building – the architectural type – while at the same time adhering to the rules about the placement and size of the building which do not reflect that type.[27] The regulation making use of the legal concept of defeasibility – a possibility of deviating from the class concept required by the legal rule, in order to achieve a certain legal value – could incorporate the type concept to ensure the necessary flexibility. Further research in that direction would be of value.

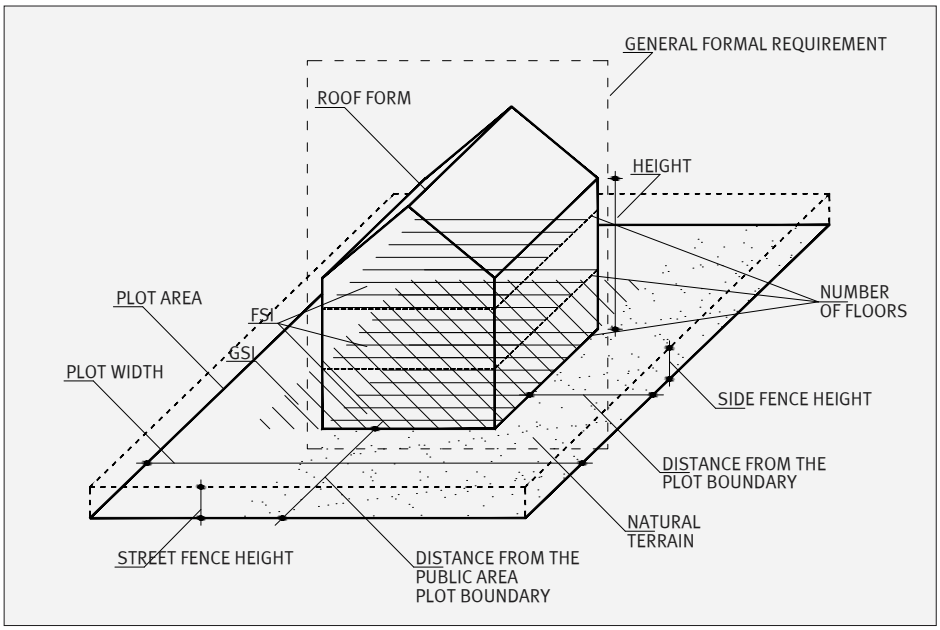

Fig. 8 The set of typical properties (author's drawing)

Research has also shown another dimension of typicality: that of the regulation itself. The analysed sample shows a typical set of properties and their values, most often used to define building classes. Where does it come from? Is it just a template-based method of regulation, adopting successful or simply common models? Or does it stem from alignment with the actual social conditions of spatial development and the resulting typical way of utilizing space? That suggests the need to not only research the planning methods generally utilized, but also the historical plans, to uncover patterns of regulation, their persistence and transformation. Identifying the presence of architectural and building types in those patterns would also contribute to the understanding of the role and potential of typological thinking in planning.

[Proofread by Vanja Šrajer, prof.]

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Illustration sources

Figs. 1-2, 4-8 Author

Fig. 3 Durand, 1823. Processing and additional material by the author.

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