




Research Article

THE CONCEPT OF PUBLIC AESTHETICS FROM ENVIRONMENTAL LAW

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Abstract

According to modern understanding, public aesthetics, which takes its place among the elements of public order, is a concept encountered in many areas related to environmental law such as urbanism, zoning, planning, and architecture. In a field that is also considered the new human rights, it is extremely important to ensure regular urbanization. With the concept of public aesthetics, modern city planning is aimed at preserving the natural beauty, and historical and cultural texture of public spaces. It is important to see how aesthetics, which includes certain deficiencies and ambiguities in terms of content, transform into a legal concept from the branch of science it belongs to, to reveal the application of the concept in the field of law, to examine the way it is handled in foreign countries, and to determine possible negative and positive results in advance.

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ÇEVRE HUKUKU AÇISINDAN KAMUSAL ESTETİK KAVRAMI

Özet

Modern anlayışa göre kamu düzeninin unsurları arasında yerini alan kamusal estetik; şehircilik, imar, planlama, mimari gibi çevre hukukunu ilgilendiren birçok alanda karşılaşılan bir kavramdır. Yeni insan hakları olarak da değerlendirilen bir alanda, düzenli kentleşmenin sağlanması son derece önemlidir. Kamusal estetik kavramı ile kamusal alanların doğal güzellikleri, tarihi ve kültürel dokusu korunarak, modern bir şehir planlaması amaçlanır. İçerik açısından belirli eksiklik ve muğlaklıkları ihtiva eden estetiğin, ait olduğu bilim dalından hukuki bir kavrama nasıl dönüştüğünü görmek, kavramın hukuk alanında nasıl uygulandığını ortaya koyabilmek, yabancı ülkelerdeki ele alınış biçimini incelemek, muhtemel menfi ve müspet sonuçları önceden belirleyebilmek açısından önem arz etmektedir.

Anahtar Kelimeler

Çevre hukuku
İdari kolluk
Kamusal estetik
Kent estetiği
Kamu düzeni

INTRODUCTION

German philosopher Alexander Gottlieb Baumgarten, who first examined the word aesthetics as a subject of scientific research, defines the concept as "the science of sensory knowledge". The concept [1], which comes from the Greek word "aisthesis/aisthanesthai", relates to what is beautiful or what looks beautiful. In short, the subject of aesthetics is people's perception of beauty. People have been interested in aesthetics from the moment they invented the plow and harvested the first crop. Every person who solves the nutritional problem and relieves the anxiety of survival is interested in aesthetics. Aesthetics is a luxury that emerges only after a certain standard of living. People who have problems with their basic needs do not care about aesthetics and do not pay attention to beauty. For this reason, the perception of aesthetics emerged after the fulfillment of many basic needs [2].

I. Transformation of Aesthetic Concept into Legal Concept

Discussions on the concept of aesthetics are generally about whether this concept can be evaluated on a legal basis. As a matter of fact, according to Paul Bernard, every attractive concept can't turn into a legal concept. Legal concepts should contain a certain degree of clarity. Therefore, only situations that have a legal order of thought, have a real-life counterpart, and whose effectiveness is supported by sanctions can find a legal response [3]. Although Douzinas-Nead states that the concept of aesthetics has no connection with the law, in other words, the law isolates itself, especially from aesthetics and aesthetics is outside the scope of application of law [4], in the view of Morand-Deviller, which we agree, the administration should take preventive measures to bring harmony and order to cities that have become ugly and should be able to impose sanctions [5]. With the expanding content of the public order, it is clear that the aesthetic concept has gained a legal appearance.

On the other hand, the fact that public aesthetics allows intervention in individual freedoms may lead to the pressure of totalitarian states through politics. In addition, the aesthetic phenomenon varies according to time and place. This is expressed in the Latin adage, "colors and tastes are indisputable [*de gustibus non est disputandum*]" [6]. What is meant by aesthetics is quite relative. This debate stems from the nature of the understanding of aesthetics. Most aesthetic evaluations such as beautiful/ugly, artwork/freak, compatible/incompatible, suitable/unsuitable, pleasant/unpleasant, liked/disliked, cultural/modern, and horizontal architecture/vertical architecture emerge in a subjective field. It shows that this concept will be discussed for many years, by which authority these evaluations about aesthetics will be made, how this evaluation will be appreciated by the legislature, the executive, and the judiciary, whether there will be a participation of the public in determining the aesthetic one, and the chaos that historical, cultural, social and local situations will reveal in determining the aesthetic one.

It does not seem possible to formulate the concept of aesthetics within certain patterns. However, his understanding of aesthetics has a social and even a universal view as well as a personal appearance. Over the years, especially in the last period, the perception of aesthetics has turned into a social quality rather than a personal concern. In addition, some situations related to aesthetics are not confined to a certain geographical limit but have a universal appearance. Works expressed as "7 Wonders of the World" or "Unesco World Heritage Lists" are indicators of universal aesthetic understanding [7].

II. Various Views of the Concept of Aesthetics in Environmental Law

A. Public Aesthetics

Public spaces are places that symbolize the city, display the identity of the city, and reflect the city historically, socially, economically, and culturally. The most important element that distinguishes public aesthetics as a legal concept from the

common aesthetic understanding of society is the envisaged sanctions. In this respect, the concept of public aesthetics, besides being a social perception, is a legal institution based on sanction as a part of public order.

The needs of society change, develop and increase as time progresses. In order to find a solution to this problem, the regulations made by the administration to protect public order and the number and type of activities it carries out also differ in the same direction. In addition to issues such as economy, environment, and ethics, public aesthetics has become a new situation in terms of providing and protecting public order [8]. The search for solutions to environmental problems that occur with the increase in population in cities and the desire to live in peace and tranquility have led to the formation of different perspectives in terms of the concept of public order. One of the new perspectives is public aesthetics [9].

Violation of public aesthetics harms the moral and cultural existence of society [10]. The order of the protection of the natural environment and its structural appearance ensures that the living spaces of individuals are improved by beautifying [11].

The nice appearance of cities gives people happiness and pleasure like other beautiful things. To achieve this, it is necessary to comply with the rules of public aesthetics. In this respect, architectural aesthetic commissions have been established on the aesthetics of buildings, roof and facade cladding, and the use of local materials, and this has led to the evaluation of buildings contrary to the commission's decisions as buildings contrary to the zoning legislation [12].

Today, public aesthetics has gained importance, especially with developments in the fields of environment, urbanism, architecture, and zoning. Apart from this, it can be applied in areas such as aesthetic "Protection of Property Values", "Traffic Safety", "Protection of Visual Resources", "Visual Blight" [13], and "Preservation of Permanent Forest Reserve" [14].

The administration has the authority to make regulations on aesthetics. For example, in some towns, situations such as the prohibition of painting the exteriors of buildings in a color other than white, not allowing for modifications or allowing modifications under the supervision of the administration with the specified materials, the location and size of advertising signs, similarly the size of workplace signboards, inspections on glass balcony coverings constitute a legal aspect of aesthetics. On the other hand, as a result of non-compliance with these regulations, it is possible to face administrative sanctions.

B. Urban Aesthetics

Urban aesthetics is a concept that includes physical, psychological, historical, social, and cultural reflections that affect people's life comfort in the city and also help the formation of urban identity. The concept of the city, which is at the core of urban aesthetics, is a result of people's need for shelter and living in society. People have created residential areas to meet their need for protection and security against external factors. It is envisaged that the settlement areas will be determined in a certain order (with a zoning plan) to protect the urban aesthetics today. With the preparation and implementation of zoning plans, it is aimed to provide an orderly, healthy, and aesthetic city appearance [15].

On the other hand, urban aesthetics is not only limited to the pleasing or orderly appearance of the city. The concept of urban aesthetics also has an appearance that reflects and represents the identity of the society living in that city. In this respect, urban aesthetics is a concept that also shows the spiritual and social position of the local people. For this reason, the content of urban aesthetics consists of the appearance of the whole town, rather than individual buildings belonging to individuals.

Citizens' rights not only enable individuals to develop their personalities in a versatile way but also enable them to perform their living, producing, resting, and

wandering activities. Urban rights such as the right to shelter, cultural rights, the right to live in a healthy and balanced environment, the right to security, and the right to development arise from the needs of individuals and communities to acquire an urban living environment. Therefore, living in an aesthetic and orderly environment is included in the scope of individual and social rights as an extension of the right to life [16].

III. Examples of the Historical Development and Appearances of the Concept of Aesthetics in Different Country Legal Systems

In French law, since the beginning of the 20th century, the legislator, who has been concerned about the protection of sites and historical monuments, continues to apply the principles and rules in the field of urbanism as a private administrative law enforcement activity, together with the issues of cleanliness and hygiene. Conseil d'Etat, which had a cautious policy at first, later started to evaluate public aesthetics within general law enforcement activities. However, in cases where there is no special legal regulation regarding public aesthetics, administrative law enforcement can find an application area if the violation of public aesthetics is very severe [17].

In the United States, public aesthetics has passed through three periods. In the early period, the judiciary did not accept that aesthetic values should be a basis for regulation because they were subjective [18]. In the 1930s, the judiciary decided that aesthetic purposes could be an element of public order, especially if it was supported by other traditional purposes. In order to eliminate the ideas that dominated the early period, mid-term decisions were supported by traditional public interest considerations. One of the important decisions of this period was *St. Louis Poster Adv. Co. v. St. Louis* case. This case is characterized as the transition from the first period to the middle period. In this case, the Missouri Court found the regulation of billboards to be lawful, considering that it could prevent criminal elements and immoral practices [19]. In the 1960s, which is called the modern period, the judiciary

accepted aesthetics in land use solely as a public purpose. Increasingly, the judiciary has come to see the preservation of visual beauty and the creation of new spaces for public welfare as a legitimate basis for land use [20].

In 1954 *Berman v. Parker*. After the *Parker* case, the judiciary took a positive attitude towards zoning regulations on the grounds of public aesthetics. In this case, the Supreme Court considered aesthetics as an interest that was sufficient for regulation independently of other elements of public order [21].

In 1956, in the *People v. Stover* case, the act of a citizen criticizing tax policy by hanging old clothes and rags-filled laundry in his garden was prohibited [22].

The development of the public aesthetic understanding is compatible with the changes in the economic, political, and social fields. In this context, artists' designs are used in the decoration of parks, entertainment venues, and public buildings in the United States. For example, in the city of New York, there are two courthouses where tourists are attracted by their paintings and stained glass windows. The American public supports such structures despite the high cost [23].

Public aesthetics is not just about pleasing the eye. In this respect, restrictions on signage generally serve to ensure public safety. For example, it was stated in a regulation implemented in the city of Atlanta that signage restrictions were issued to ensure traffic safety by preventing the distraction of pedestrians and drivers [24]. A similar arrangement exists for the city of Hollywood [25].

In the United States, the expropriation of suitable places for parks [26] or recreational areas have been the most important tool in promoting public aesthetics. The Federal Government first allocated the funds in the case of *Gettysburg El. Ry. Co.* In this case, funds were allocated to identify and preserve, as well as develop and beautify, the war routes in Gettysburg, Pennsylvania. The appropriations allocated by Congress ensured that monuments and tablets were erected and made available to the public [27].

In England, the concept of "amenity" is preferred over the concept of "aesthetics". In English law, the view of visual detail in planning activities is less important than in American law [28]. Housing and Town Planning Act (1909), Housing and Town Planning Act (1919), Town Planning Act (1925), and Town and Country Planning Act (1932) were initial moves toward modern urban planning legislation in England. Over the years, the planning system has undergone several alterations, which were consolidated in the Town and Country Planning Act (1990). The concept of "amenity", which has no definition in any legislation, has been regulated in the second part of the Town and Country Planning Act within the framework of neighborhood law and it has been regulated that unpleasant/unattractive situations will be subject to some sanctions upon the notification of the local planning authority [29].

In Australia, the Graffiti Prevention Act came into effect in 2007. Graffiti, which is accepted as street art, is considered illegal according to this regulation [30]. The measures taken by the Melbourne City Council for the aesthetics of the city and the law in question have been criticized for various reasons. This law paves the way for cities to be designed in a single format as part of a capitalist system. In this respect, the uniformity of all cities under the name of the concept of public aesthetics is criticized in various ways. According to Lefebvre, *"What is different...is excluded"* [31]. According to Halsey and Young *"Historically, and significantly, the modern state has sought to transform smooth and nomadic territories into places where everything is ordered, numbered, monitored and controlled"* [32]. The city streets lose their local character and cities are becoming more ordinary [33].

The historical texture is one of the most basic criteria taken into account in public aesthetics while city planning in China. Indeed, the depiction of ancient China found in Kaogongji for over two thousand years has become the urban order of public aesthetics practiced throughout the country [34].

IV. Public Aesthetics in Turkish Law

A. History and Development of Public Aesthetics in Turkey

In the 19th century, Westernization had a significant impact on urbanization along with economic and institutional changes in the Ottoman Empire. The main factor of the urban transformation that started after the 1850s is the fires. Cities built of wood suffered great damage from fires. Therefore, the first urban regulations emerged in the form of plans for fire areas. Regulations or guides, the first written text on urban arrangements, regulated the qualities of materials used in the construction of buildings, roads, and other structures. In addition, regulations were made, such as removing outdated buildings from use through expropriation. In these arrangements, the aim of protecting public safety and health was at the forefront rather than aesthetic concerns [35].

With the proclamation of the Republic in 1923, city planning and development gained great importance in the eyes of the government. Thus, a new construction period began. The most important effects of modernity in Turkey's planning are seen in the Istanbul plan designed by the French planner Henri Prost in 1936. These plans often emphasize the "beautiful and contemporary city". The silhouette of the city and its natural assets were also taken into consideration in these plans. European municipal management models and urban planning studies were taken as examples, and the approach adopted towards nature, historical urban fabric, and the morphology of the city was supported [36].

As a result of economic development and industrialization policies between 1950-1980, migrations from rural areas to cities started. Political development-oriented economic growth led to an increase in the urban population until 1980. The increase in internal migration to cities has triggered the housing problem. Due to the lack of housing, slum problems started. To find a solution to this problem, some arrangements had to be made. Thus, Urban Planning Law No. 6785 dated 1956 came

into effect. According to this law, it is obligatory to obtain permission from the municipality for all buildings to be constructed within the boundaries of the municipality. In addition, many rules including building height, total floors, depth, and overhang, using materials compatible with the environment, parcel façade, parcel size, and maximum construction area within the parcel are defined in the regulations [37].

B. An Overview of the Regulations Regarding Public Aesthetics in Turkish Positive Law

There is no tidy regulation on public aesthetics in Turkish law. It is necessary to mention the disorganized arrangements of public aesthetics.

1. Zoning Law and Related Regulations

In the 1st article of the Zoning Law No. 3194, the purpose of the law is determined to ensure that the settlements and the construction in these places are formed in accordance with the plan, science, health, and environmental conditions. Although the concept of public aesthetics is not included in the Law, the provisions on building aesthetics are mandatory in this Law and the regulatory proceedings based on it. For example, in paragraph 3 of Article 21 of the Law, it is stated that municipalities and governorships are authorized to determine the material and color of the exterior paint and coatings and the roof to ensure harmony between the buildings and to obtain a beautiful appearance according to the characteristics of the locality and the environment. The administration often uses this authority through zoning regulations.

In the 40th article of the Law, it is stated that "The disadvantages of debris or accumulations that violate the health and safety of the public in lands, houses and other places, that are deemed objectionable in terms of urbanism, aesthetics or traffic, and facilities that cause noise and smoke, as well as private channels, sewers, pits,

wells, caves, etc., the elimination and prevention of their occurrence shall be notified to the concerned parties. If the communiqué is not complied with within the time specified in the communicate, the municipality or the governorship will rectify the objection, the cost of which will be taken from the land owner with an excess of 20%, or the activities of those who have conferred a disadvantage will be suspended." It is envisaged that the administration will take action ex officio if the related parties do not eliminate these negativities.

With the amendment made by Law No. 6495, Article 8 of the Zoning Law states, "Relevant administrations establish architectural aesthetic commissions in accordance with the principles determined by the Ministry. The commission is authorized to decide whether the buildings and approved architectural projects express original ideas. The opinion of the first author is not sought for changes to be made for those who do not express original ideas. In the architectural works and projects that express an original idea, the ones allowed to be processed in the work contract and the changes that are decided not to disturb the integrity of the work, do not change the aesthetic appearance, and are determined to be necessary due to technical, managerial purposes and intended use can be made without the permission of the author. The fee cannot exceed twenty percent of the architectural project minimum service fee determined by the relevant professional chamber for completed buildings and fifteen percent for buildings under construction. In addition, according to the regulation in the 40th article of the Planned Areas Development Regulation, "Municipalities are authorized to determine the material and color of the exterior paints and coatings, as well as the roof, to achieve harmony between the buildings and to obtain a beautiful appearance, according to the characteristics of the location and the environment, by the decision of the council."

2. Municipal Law

Some provisions of the Municipal Law No. 5393 are related to public aesthetics. In Article 15 of the Law, the authorities of the municipality include "to bring standards on billboards and promotional signs", "to collect non-sanitary workplaces, entertainment venues, other workplaces that have an impact on public health and the environment in certain parts of the city, excavated soil and rubble dumping areas, liquefied petroleum gas (LPG) storage areas, construction materials, wood, coal and scrap storage areas, and sales places, taking necessary measures to prevent environmental pollution in these areas and places and transportation", "to issue a site selection certificate for a fee, taking into account the aesthetics and requirements of electronic communication service".

3. Metropolitan Municipality Law

According to Article 7 of the Metropolitan Municipality Law No. 5216, "to construct squares, boulevards, avenues and main roads within the jurisdiction of the metropolitan municipality, to have them built, to ensure their maintenance and repair, to impose obligations on buildings with facades in accordance with urban design projects, advertisements, determining the places and their shape and size" is an authority given to the metropolitan municipalities.

According to the regulation in the same article, "to ensure the protection of cultural and natural assets, historical texture and places and functions that are important in terms of urban history, to carry out maintenance and repair for this purpose, to rebuild those that cannot be preserved in accordance with their original form" are within the scope of the authority of metropolitan municipalities.

4. Law on Conservation of Cultural and Natural Assets

Law No. 2863 on the Protection of Cultural and Natural Assets is another regulation that forms the basis of law enforcement activities for aesthetic purposes.

The Law orders the establishment of "Cultural and Natural Assets Conservation Regional Boards" in regions to be determined by the Ministry, and the "High Council for the Protection of Cultural Heritage" affiliated with the Ministry, to ensure that services related to cultural and natural assets within the scope of the law are carried out according to scientific principles.

The High Council for the Conservation of Cultural and Natural Assets, in its principle decision, stated that it is essential to eliminate the interventions that cause visual pollution in the immovable cultural and natural assets to be protected, conservation areas and all kinds of sites and taking this matter into account, Conservation Boards decided to take initiatives before the relevant institutions and organizations [38].

One of the regulations enacted based on the Law on the Protection of Cultural and Natural Assets is the Regulation on the Identification and Registration of Immovable Cultural Heritage and Sites to be Protected. While the concepts of "urban site" and "immovable cultural assets" are recognized in Article 4 of the regulation, it is stated that one of the elements is aesthetics. In addition to the values of art; architecture, history, aesthetics, local, decorative, symbolic, documentary, functional, material, souvenir, impression, originality, uniqueness, rarity, homogeneity, repairability, structural condition, material, construction technique, showing characteristics in terms of form, contributing to the identity and texture of the city and the environment, reflecting the local lifestyle" are counted among the criteria.

5. Regulation on Visual Pollution Control Draft

Another regulation that should be mentioned when considering the legislation aimed at protecting urban aesthetics is the "Regulation on Visual Pollution Control Draft". In the 1st article of the aforementioned draft, the purpose of the regulation is stated as "to determine the legal and technical principles necessary to prevent the practices that cause visual pollution in the buildings and other structures in the

residential areas to create an orderly urban environment by considering the objectives of urbanization and urban aesthetics". It is thought that law enforcement activities related to urban aesthetics will gain a new dimension if the Regulation on Visual Pollution Control Draft comes into force.

6. Some Other Arrangements

In the definition of 'national park' in Article 1 of the National Parks Law No. 2873, an "aesthetic" value is attributed to natural parts.

Article 9/2 of the Bosphorus Law No. 2960 stipulates the appointment of the Bosphorus Zoning Manager, who is primarily responsible for the preservation of the general appearance and aesthetics of the Bosphorus area and its historical and natural architectural features.

In the general rationale of Law No. 6306 on the Transformation of Areas Under Disaster Risk, it is stated that buildings that are already far from habitable, outdated, risky in terms of life and property safety, and ugly can be removed, and aesthetic structures will be built [39]. At this point, in Article 1 of Law No. 6306, the purpose of the law is regulated not only as practicality but also to comply with artistic norms and standards.

In Article 5/d of the Regulation on Voluntary Participation in Special Provincial Administration and Municipal Services, in the areas of jurisdiction depending on the duties and responsibilities of the special provincial administration or municipalities, it has been regulated that volunteers can be employed in the fulfillment of services aimed at preventing environmental pollution such as parks, gardens, urban aesthetics, landscaping, and solid waste.

In Article 10 of the Regulation on the Procedures and Principles Regarding the Determination, Registration, and Approval of Protected Areas, the criterion of

"having an aesthetic value" is determined as one of the principles used in the determination of natural assets.

Apart from these, there are other regulatory procedures related to aesthetics by local administrations and institutions, and organizations [40].

CONCLUSION

It is important in terms of environmental law to build a modern city by preserving the natural beauties, and historical and cultural texture of public spaces. Administrative authorities, especially the legislative committee, also play a role in this regard. Even the judiciary has a say on the issue in case of legal dispute.

In particular, the concept of public aesthetics, which is one of the modern elements of public order, has recently turned into a legal concept that has come to the fore in this regard. The administration, which is obliged to fulfill the requirements of the legal legislation made to produce aesthetic cities, has various savings (such as administrative fines, permits, and prohibitions), and can also make regulations regarding public aesthetics.

It is not possible to define the elements of the concept of public aesthetics, which includes some ambiguities and deficiencies, by formulating it within certain patterns. Aesthetics, that is, what arouses a sense of beauty in people, is relative. However, the concept of aesthetics has a social and even a universal character as well as a personal appearance. Of course, the perception of beauty varies from society to society, from region to region, and from time to time.

While it may be possible to use public aesthetics as a means of pressure for a certain part of society by hiding behind the law, it can also be aimed to distance society from its cultural and historical ties by imposing certain ideological ideas. For this reason, the public aesthetic must be determined through a platform where the

active participation of the public is ensured, rather than the will of the elected or appointed administrators.

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- [22] People v. Stover, 191 N.E.2d 272, 273 (N.Y. 1963), The Stovers challenged the new law up to New York's highest court, which was unimpressed by the public safety rationales the city offered. It held instead that, "*the statute, though based on what may be termed aesthetic considerations, proscribes conduct which offends sensibilities and tends to debase the community and reduce real estate values.*" This, it said, was a proper use of police power; just as the state can regulate loud sounds or bad odors, so too can it "*proscribe[] conduct which is unnecessarily offensive to the visual sensibilities of the average person*". For a detailed review of the case, see RUBIN, Bruce A. Zoning, "Aesthetics and the First Amendment Source", Columbia Law Review, Vol. 64, No. 1 (Jan., 1964), pp. 81-108.
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- [24] Listing, inter alia, that the purpose of the sign ordinance is: "(2) To regulate the erection and placement of signs within the City of Atlanta in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians; (3) To preserve the value of property on which signs are located and from which signs may be viewed", Atlanta, Ga., Code Of Ordinances, Vol II § 16-28A.003 (1995), www.atlantaga.gov/home/showdocument?id=20253, accessed 28.10.2022.
- [25] "*Purpose, The purpose of this chapter is to eliminate mobile billboard advertising within the city in order to promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the city*", West Hollywood, Cal., Mun. Code § 11.44.010 (2003); For a case related to the article, see. Showing Animals Respect & Kindness v. City of West Hollywood, 166 Cal. App. 4th 815 (2008), <https://cite.case.law/cal-app-4th/166/815/>, accessed 28.10.2022; The city of West Hollywood in America, for example, permits wall signs along Sunset Boulevard only if they occupy a minimum of 5000 square feet, because it wants the famous "Sunset Strip" to resemble Times Square, [https://library.qcode.us/lib/west_hollywood_ca/pub/municipal_code/item/title_19-article_19_3-chapter_19_34-19_34_080\(F-1\)](https://library.qcode.us/lib/west_hollywood_ca/pub/municipal_code/item/title_19-article_19_3-chapter_19_34-19_34_080(F-1)), accessed 30.10.2022
- [26] During the Great Depression, unemployed people tried to sleep in the Like Bryant Park and during World War II, soldiers and visitors to the city used the park for illicit trysts and meetings. It is stated that thanks to the aesthetic program, the park has been made more civilized, ZUKIN Sharon, "Politics and Aesthetics of Public Space: The "American" Model",

<https://www.publicspace.org/multimedia/-/post/politics-and-aesthetics-of-public-space-the-american-model>, accessed 30.10.2022.

- [27] LARREMORE, p. 35
- [28] *"Aesthetic control, however, is an inadequate or misleading description of what motivates this aspect of planning control in these cities. Their concern, and the main purport of their Design Guidelines, is not so much with detailed architectural design (although this is important in San Diego and San Francisco) as with the general character and quality of new development, and (especially in Portland) with "design" in the larger sense of layout, facilities, public amenities, and other features that the city would like to see incorporated in new development projects, particularly in the city center or "downtown." This is "design" just as much as the detailed design of individual buildings. Indeed, it may be thought that it is a more valid area for public intervention than the latter. It is redolent of an older tradition of "civic design" that can be traced back to the early days of town planning in Britain and to the "City Beautiful" era in America, and which has survived better in the US than in the UK"*, DELAFONS, John, *Aesthetic Control: A Report on Methods Used in the USA to Control the Design of Buildings*, University of California at Berkeley Institute of Urban and Regional Development, December 1990, p. 5, 38.
- [29] <https://www.legislation.gov.uk/ukpga/1990/8/part/VIII/chapter/II>, accessed 30.10.2022
- [30] BIRD, Susan, "Aesthetics, Authority and The Outlaw of the Street, Public Space: The Journal of Law and Social Justice (2009) Vol 3, Art 3, p. 1.
- [31] LEFEBVRE, Henri, *The Production of Space*, Blackwell Oxford, 1991, p. 373.
- [32] HALSEY, Mark-YOUNG, Alison, "Our Desires are Ungovernable", *Theoretical Criminology*, 10(3), 2006, p. 295.
- [33] CAUTER, Liven de, "The Capsular Civilization: On The City in the Age of Fear", NAI Publishers, New York, 2004, quoted from p. 11 BIRD, p. 3.
- [34] *"Kaogongji means "The records of handcrafts," which is the earliest historical literature on handcrafts in ancient China. Its author and date can not be exactly identified. Historically, it was contained in one of the traditional Chinese classics, The Rites of Zhou Dynasty, and was viewed as one part of the whole book"; "The artificers, as they built the capital, demarcated it as a square with sides of nine li, each side having three gateways. Within the capital, there were nine north-south streets and nine east-west avenues, each of the former being nine chariot tracks wide"*, CHENG, Xiangzhan, "Urban Image and Urban Aesthetics: Urban Aesthetics in Cross-Cultural Perspective", *Journal of Faculty of Letters*, Vol.25/2, 2008, p. 64.

- [35] TEKELİ, İlhan, "Türkiye'nin Kentleşme Deneyiminden Öğrenebileceklerimiz", 4. Merih Celasun'a Saygı Günü, Tepav, 2014, p. 5-6, https://www.tepav.org.tr/upload/files/1456398873-1.Turkiye_nin_Kentlesme_Deneyiminden_Ogrenebileceklerimiz.pdf, accessed 31.10.2022.
- [36] ÇEVRE VE ŞEHİRCİLİK BAKANLIĞI, Türk Mimarisinde İz Bırakanlar, Ankara, 2015, in ALTINIŞIK, Burak, "Henri Prost", p. 469 et al.
- [37] REZAFAR, Azadeh-SENCE TURK, Sevkiye, "History of Aesthetic Control and Management in the Planning System, The Case of Turkey", History Urbanism Resilience Scales and Systems, 2016, p. 168-169.
- [38] The principle decision of the High Council for the Protection of Cultural and Natural Heritage on the Grouping, Maintenance, and Repair of Immovable Cultural Heritage, dated 05.11.1999; "*The buildings are divided into two groups as they carry a historical and aesthetic value on their own or as the elements of urban sites, streets, and silhouettes that form the historical identity of cities: 2nd Group Buildings: They are the structures that reflect the local lifestyle as cultural assets that contribute to the urban and environmental identity*", <https://kvmgm.ktb.gov.tr/TR-44311/ilke-karari--karar-no-660--karar-tarihi-05111999.html>, accessed 31.10.2022.
- [39] TURKISH GRAND NATIONAL ASSEMBLY, Legislative Year 24, Legislative Year 2, Number of Rows: 180, Draft Law on Transformation of Areas Under Disaster Risk and Public Works, Zoning, Transport, and Tourism Commission Report (1/569), p. 5
- [40] For example, Recreational Areas Regulation (Number of Official Gazette: 28578, Date of Official Gazette: 05.03.2013), Istanbul Zoning Regulation (Number of Official Gazette: 30426, Date of Official Gazette: 20.05.2018), Ankara Metropolitan Municipality Zoning Regulation (Number of Official Gazette: 30445, Date of Official Gazette: 08.06.2018), Bursa Metropolitan Municipality Such as the Zoning Regulation Number of Official Gazette: 30433, Date of Official Gazette: 27.05.2018), Gaziantep Metropolitan Municipality Zoning Regulation (Number of Official Gazette: 30582, Date of Official Gazette: 01.11.2018).