

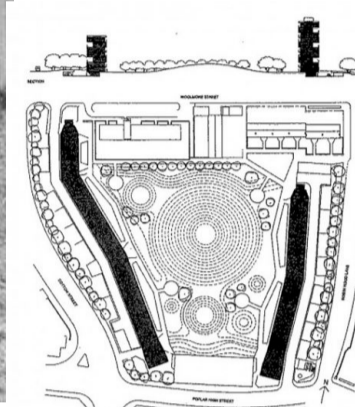
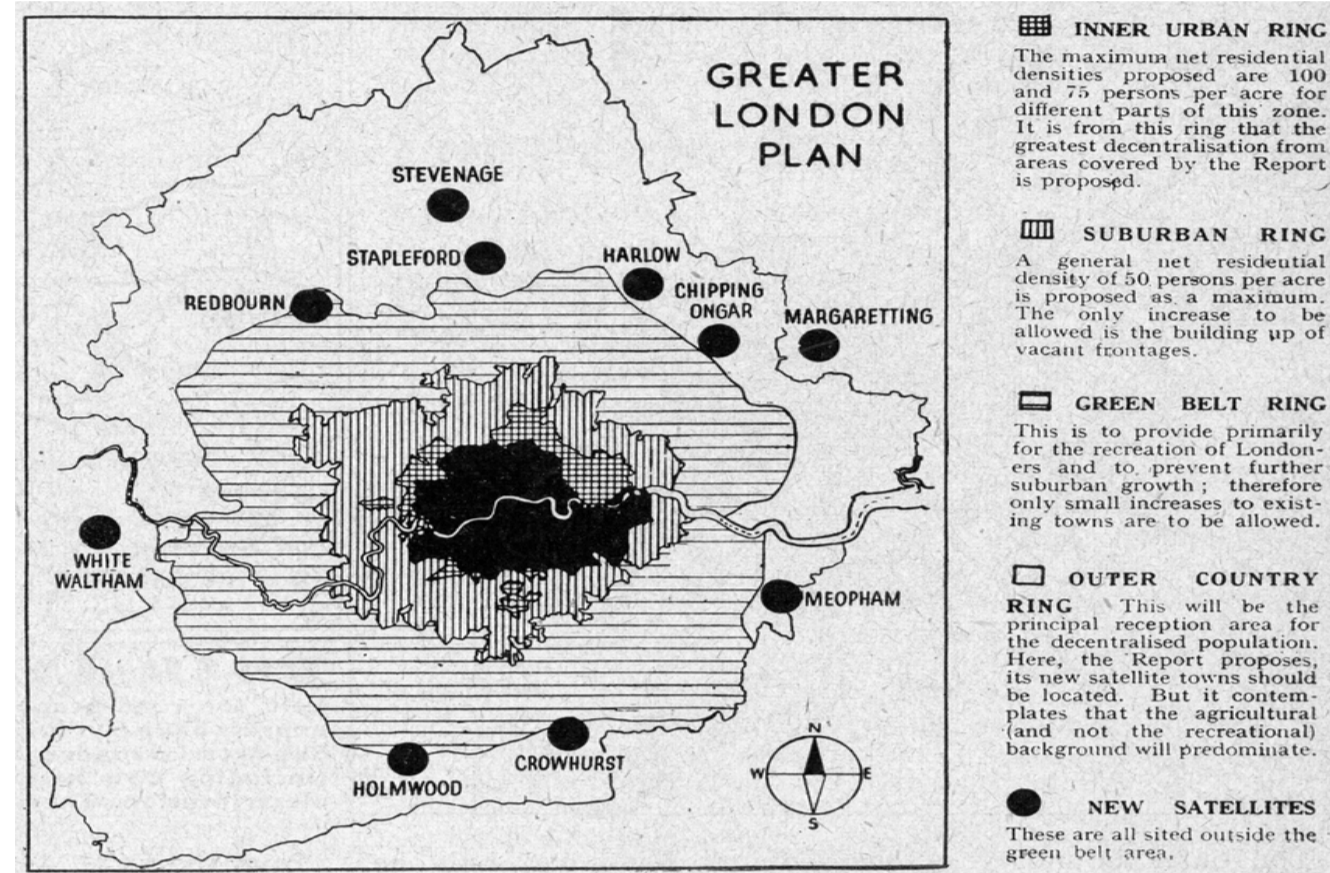
The Spatial Development Strategies for the City of London and the Fundamental Right to Habitation: An Inquiry into Law and Architecture

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INTRODUCTION

- In the field of **legal philosophy and general jurisprudence** the **conceptual relations between law and the architecture of urban spaces** remain largely unexplored;
- This work contributes to fill the gap, exploring the connections between **architectural theory and law-making**, with an eye to London's spatial development strategies;
- The focus is set on the **Right to Habitation**;
- The research suggests that **the UK rule of recognition incorporates a right to habitation (general claim)**;
- The architects and urban planners in charge of London's urban development *qua* legal officials recognized this right (*particular claim*);
- My approach is philosophical and I will focus on the 1945-2010 period.

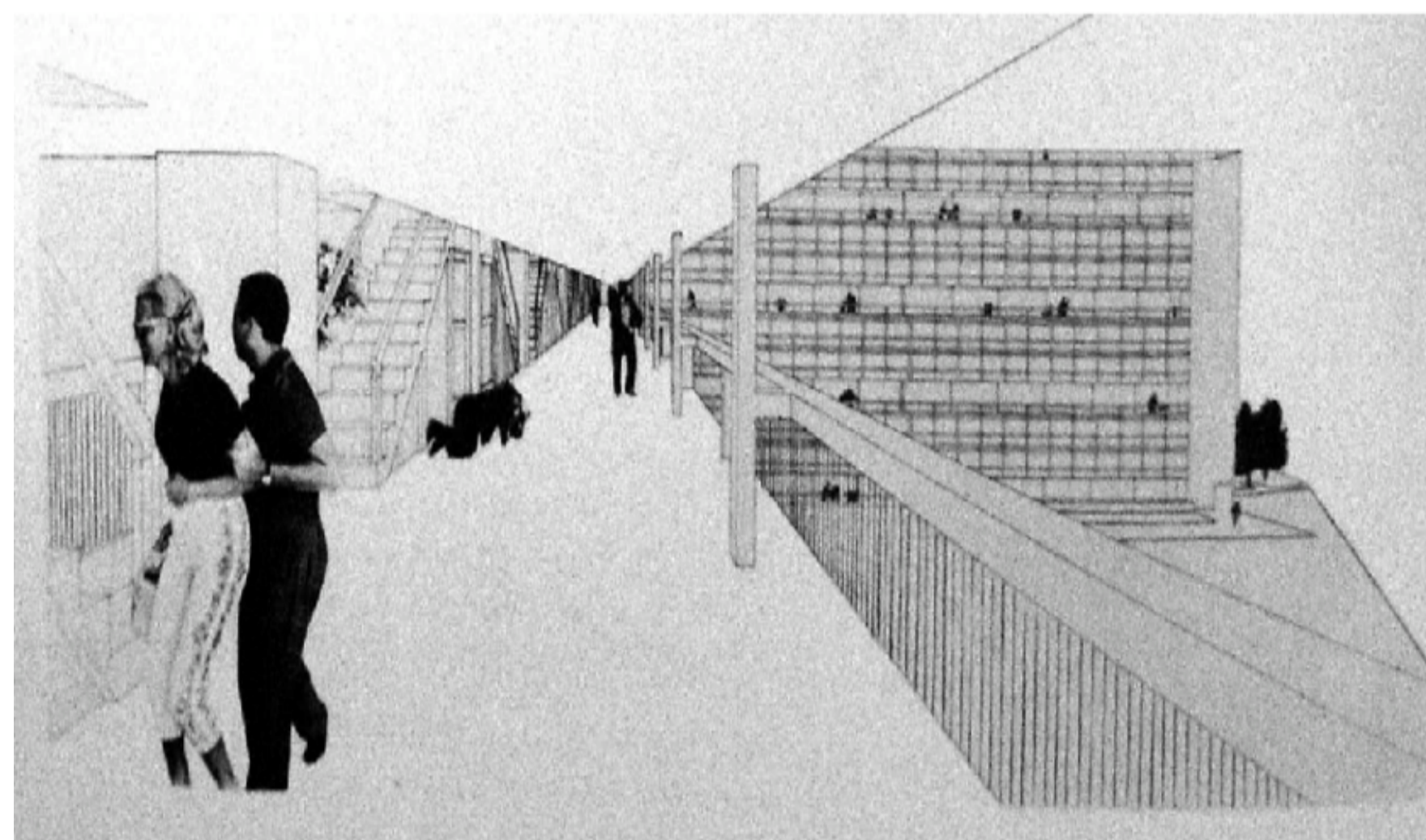


BECONTREE

METHOD

PHILOSOPHICAL/HISTORICAL APPROACH:

- Conceptual analysis:** my goal is to identify deeply rooted connections between law and architectural/urban planning theories;
- Meta-jurisprudential analysis:** spelling out the underlying normative theories that ground regulations and judicial decisions;
- Sociological Approach:** focusing on law as a vehicle for the social change;
- Periodization:** to split the historical trajectory in several periods or stages, based on radical changes of socio-cultural and intellectual paradigms.



GOLDEN LANE

THE STAGES OF LONDON'S DEVELOPMENT AND THE UNDELYING VALUES

1. THE AFTERMATH OF WWII: SIR PATRICK ABERCROMBIE & THE GREATER LONDON PLAN

The need for a new plan for the metropolis became highly urgent in the Post-War period, for a significant number of different, although interrelated, reasons: **the haphazard extension of the city**, the construction of **new factories in problematic areas**, the **increasing density of the population in the city center**, and "the dumping of vast numbers of **bewildered citizens in misconceived housing estates at Becontree, Watling and elsewhere**." (W.A. Robson 1945). This scenario changed radically with the presentation of **Sir Patrick Abercrombie's Plan for Outer London**. The Plan for Outer London was commissioned by the Minister of Town and Country Planning. In the aftermath of WWII, architectural fabrication in London responded to a complex interplay of technological, scientific, cultural, and legal concepts. **The Greater London Plan pursues several aims: stop the haphazard growth of London; decentralization; controlled development of housing, industry, and communication. The 1959 Housing Purchase and Housing Act**, investing £100 million to rehabilitating old properties and infrastructure, gave impulse to the urban change. At that time, **William Robson and Ivor Jennings**, former students of Harold Laski, members of the **Greater London Group**, harshly criticized Abercrombie's plan. These prominent figures in legal philosophy were incredibly active in conducting research on housing, planning control, and the legal foundation of the public state, with an eye to the relations between central and local government.

2. THE SMITHSONS & URBAN ECOLOGY

In the period comprised between the 1960s and the 1970s, the most innovative projects were developed by **Alison and Peter Smithson**, together with other architects that were active within the **Modern Architectural Research Studio (MARS)**, the most famous British architectural think-tank. The Smithsons' projects were aimed at promoting **human flourishing** through architecture and city planning. The primary goal of the Smithsons was to promote a specific form of **ecology** that was captured by **the concept of habitat**, first introduced by Le Corbusier in 1949, at the CIAM conference. In the Sixties and Seventies, the Smithsons and other British architects – such as **Cedric Price** and **John McHale** – operating in the **Team Ten** developed an analytical definition of the **concept of habitat**, which gradually transformed into an underlying reason for urban planning policies, zoning orders, and city planning. One can legitimately consider that, already at that point, **habitat** was perceived by the British urban planners not only as a societal value but as a constitutional right. In a word, **the right to habitation was part of the British rule of recognition**. A large part of the theoretical work of the Smithsons consisted in subverting the industrialized housing prototypes and the models for functionally zoned urbanism elaborated by the modernist architects and urban planners, which they perceived as obsolete. According to the Smithsons, city planning and zoning regulations must be based on the new concept of habitat and dwelling. The concept of **habitat** was primarily a moral concept, inspired by an evolutionary and ecological theory: on the one hand, the evolutionary and technological element pushed the architects to use **nontraditional materials for construction**, such as raw concrete (what Le Corbusier called *art brut*); on the other hand, the moral element imposed the quest for an architecture that fosters the well-being of the society by removing social inequalities. The notion of **habitat** also became a **legal concept** when the Smithsons were both offered a position at the **London City Council (LCC)**. The LCC was the authority responsible for the urban planning of London. The LCC comprised commissions for housing estates and school buildings. The Smithsons' theories were applied to a many projects realized in Greater London during the 1950s and 1960s: see e.g., the **Hunstanton Secondary Modern School (1949-54)** and **The Golden Lane (1952)**. One of the most outstanding contributions of the Smithsons to urban planning theory is the substitution of the functional category for the division of space with a new grid that respond to innovative criteria: instead of dividing the urban space into domestic areas, working areas, circulatory areas, and recreational areas, the Smithsons proposed a framework of **five ascending scales of community for conceiving the urban space**: the neighborhood, the street, the district, the city, and the metropolis (R. Landau 1968; A. & P. Smithson 1970).

3. THE 1990s: URBAN REINASSANCE OR GENTRIFICATION?

In the 1990s, the so-called "**urban renaissance**" of London begins. One of the leading figures of this movement was **Lord (Architect) Richard Rogers**, head of the Urban Task Force, nominated by PM John Prescott. (See Department of the Environment, Transport and Regions (1999), final report: *Towards an Urban Renaissance* (DETR 1999). Urban White Paper (2000), *Our Towns and Cities – The Future: Delivering an Urban Renaissance* (DETR 2000a). **The stated aims of the urban renaissance went beyond the development of physical structures: concerns for social inclusion, sustainable development, freedom of goods, environmental quality, attractive design, and so forth. Nevertheless, these values have not been thoughtfully implemented.** Today, London can be legitimately described as "an incubator for gentrification and is possibly one of the least regulated private rented sectors in Europe. In the 1990s, we witnessed a process of super gentrification, driven by international developers and finance operators, which involved several districts of the city. Recall the **London Borough of Islington conversions, Barnsbury, and London's Canary Wharf**. This process led to several grassroots movements that culminated in the 26th September 2015 **Central Killer Cafe Protest**. Dench, Gavron, and Young (2006) claim that the shortage of affordable housing has gradually eroded kinship networks and affective distress on children (Butcher & Dickens 2016). Housing in the so-called Golden Square Mile is virtually inaccessible. According to the Land Registry, the average property value in London is £ 474,704; the average rent price in Bexley, Redbridge, and Sutton is higher than £ 1200. What is more, 41% of the Londoners have an income below that needed for a minimum socially acceptable standard of living, and both transportation and children care costs have increased. Finally, the most frequent contractual renting scheme is the **Assured Shorthold Tenancy**, which allows tenant's eviction at the end of six months or one year. These factors tend to produce displacement and a **rapid transformation of London into a consumer's city** (E. Gleser & alii 2000). **Is this the end of the right to habitation?**

- Architects and Urban planners have developed normative theories that determine the spatial validity of the law (e.g. shaping the notion of adequate housing);
- City planners and architects *qua* empowered legal officials endorse a set of social values that the physical space shall promote or protect;
- Architectural and planning theories encourage particular forms of life, operating the Quadi justice, and promoting human flourishing in several ways;
- The right to habitation is a majestic generality, a cluster that comprises several atomic rights: the right to a decent dwelling, the right to access to basic facilities, the right to green areas, and so forth;
- The Neo-liberal process of gentrification and the free-market approach eventually led to a compression of the right to habitation.



ISLINGTON LOFT CONVERSION



SOUTH QUAY PLAZA

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