

law of the land.

L. Carr

It is a well-known curiosity that all the land in England actually belongs to the Crown; a particularly English quirk rooted in 1066, when William the Conqueror seized the throne, annexed all territory, and then selectively redistributed tenure rights to loyalists (mostly as a reward for their military service).

Since this form of property was contingent on the terms of tenure, when ownership came to be transferred it was the rights to the land, rather than the land itself, that held worth. In order to process the intricacies of such a system (in an act described by one historian of English law as “one of the most brilliant feats of the English mind”) English lawyers uncoupled ownership from land, and attached it instead to an imaginary construct called an “estate”.

This entity was divisible, in terms of spatiotemporal rights, and also able to be freely traded. What resulted was a legal system of complex precedent, one that can only be described as the subjective manipulation of the manifold vagaries of the English language. Case by case decisions became fixed as the basis for future judgements, such that an ever increasing appendix of conditions and interests grew up around estates (and the particular plots of land to which they pertained). The ownership of land no longer implied control of its volumetric extrusion. As rights and restrictions were added on an individual basis, each could be independently owned and eventually commodified. Furthermore, since the real power over territory lay within the intricacies of lengthy statutes, it was the legal profession itself that ultimately determined the conditions of land ownership: occupation, use, and (most significantly) development.

As a consequence, we must ask: what are the implications for a city in which all development potential is determined exclusively by a process that is for the most part understood only by a select profession and those with the extensive means to pay for their services?

In 1947 Parliament passed the Town and Country Planning Act, a radical piece of legislation intended to facilitate the reconstruction of a war-ravaged nation. Its key dictum was to establish a system of planning permission codes, at various territorial scales. In essence, it said that ownership alone no longer equated with the right to develop a piece of land. Decisions concerning what could be built and where – the programme and scale of construction works – were instead situated with local authorities. This concentration of power, it was hoped, would allow England’s cities to be restored rapidly, effectively, with functional coherence and modern infrastructure to promote an equitable society. Subsequently, the value of land ownership could be nullified if it wasn’t accompanied by control of an estate’s future potential.

What are the implications for a city in which development is determined by political bureaucrats devising rules for the most part understood only by a select class, and those with the means to manipulate their decisions?

London is a city whose recent past can be read in terms of housing crises, land banking scandals, botched developments and the contentious occupation of public space.

In order to build, land must be purchased, legal fees paid to determine the conditions of ownership and administrations fees paid for the privilege of permission. Each stage is tied up in a culture of concession, where compromise often falls in favour of profit. It is said that 97% of all development in the UK occurs without any involvement from an architect at any stage. Major developers and foreign investors endorse and drive a culture of building increasingly estranged from architecture. But could malleable details within the legal system become the sites for a new project of design? Could this be the strategy to implement a renewed culture of architecture without concession?

Lili Carr is a writer and student of the AA currently based in New York. In 2012 she cofounded Anthropophagic Architecture with Albane Duvillier.

a process of erasure.

a. duvillier

The Heygate estate embodies a process of erasure typical of present-day London: erasure of a Modernist utopian discourse; erasure of social housing; erasure of the experience of its inhabitants. How is it that a once-valued utopian building became a kind of dystopian architecture, so branded by fear that its only possible future is demolition and regeneration?

In 1968 Southwark Borough Council launched a competition to redevelop the Elephant & Castle, with the aim of replacing “slum-like” Victorian terraces with a vast volume of modern stock capable of answering the acute housing shortage. The total reconstruction of whole parts of the city was in line with a political approach that emerged in the 1950’s, in which the welfare state attempted to redress social inequalities through promoting better housing standards: the scheme was to be built, owned, maintained and rented by the council at an affordable price for the working class.

The architect Tim Tinker’s proposal was selected in 1969, and completed by 1973. A sprawling, monumental design, the Heygate covered over 10 hectares and housed 3,000 residents. The impressive scale was closely linked to the history of the Modernist utopia, as an all-encompassing autonomous urban island dominated by “walkways in the sky.” At first, the estate was a resounding success, lauded for its well-lit flats and modern amenities. However, by the 1980s a powerful critic had emerged in the form of Alice Coleman, the head of the Land Use Research Unit at London’s King’s College. Her 1985 publication *Utopia on Trial* portrayed the Heygate as belonging to an architecture of crime, one that promoted anti-social behaviour and delinquency. Coleman, supported by people like the Conservative leader of the GLC Horace Cutler, had a great influence on Margaret Thatcher’s housing policy. Indeed, Thatcher’s controversial Right to Buy scheme (which allowed the council to sell its properties) was merely a nationalised version of the local privatisation process begun in London.

Thatcher’s housing policies created a new culture of ownership, replacing faith in the welfare state with faith in the free markets.

Thatcher subsequently removed all council subsidies, which were used to keep down rents on council-owned properties. This meant councils could no longer conduct basic maintenance on certain estates, which in just a few years produced the image of a derelict and dangerous architecture. This image, while certainly connected to the realities of weak juridico-fiscal governance, was nonetheless exaggerated by the media. Since the 1990’s the Heygate estate has been the preferred location for film and television whose scenarios call for a dangerous environment. In the 2011 alien flick *Attack the Block*, the Heygate was proclaimed “London’s toughest neighbourhood,” a message reinforced by a zombie film later that same year. Zombie inhabitants are a fitting metaphor for the fate of the Heygate – a population, perpetually wandering without aim, hungry for ideas that could help them make sense of their non-lives. The categorisation of the Heygate as a zombie zone negates the history of its inhabitants – and their views have not been taken into account as Southwark council pushes forward a regeneration scheme that requires the demolition of the Heygate. Motivated by the potential short-term profits of a future land sale, the council has failed to learn lessons from the financial model based on debt that collapsed in 2008.

This desire to erase the past also fails to acknowledge the financial loss that such a demolition will have for the council – let alone any social loss for the residents. Alongside these and other absurdities, there is the very language of “sustainable regeneration” deployed by power – how can the scheme be considered sustainable when it takes more than 16 years to be completed and requires the displacement of 3,000 inhabitants from their original borough? The language of bureaucracy disguises all.

Albane Duvillier completed her RIBA Part 1 at the AA in 2012, and currently works for muf architecture. www.anthropophagicarchitecture.com

