Utopias, dystopias and the changing lawscape of social housing

A case study of the Spa Green estate London UK
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Outline

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Andrew Philippopoulos-Mihalopoulos

Inextricable interweaving of

law and the city and
City and utopia

In utopia law works towards its own demise

Law recognizes dystopias and clears the ground

What does this reveal about who or what is to be reformed and by whom and for what purpose

The impossible dream of elimination of squalor

Lawscapes and Utopias
Urban space follows ‘patriarchal values and architecture as a discourse has a clear influence on constructing gendered and sexualised selves (Chaterjee)

‘urban life, however fraught with difficulty, has emancipated women more than rural life or suburban domesticity (Wilson)

Contemporary dismantling of social housing will erode an important site for a feminist re-imagining of how we might live

Feminism and the city
Philanthropic origins
Housing of the Working Classes Act 1890 initiated local authority house building particularly in London
WW II – collective energy invested in social housing as part of broader programme of social reform

Social housing in the UK
Russian liberal educated in Moscow, Paris and Berlin
Set up Tecton – commissions included London Zoo’s Penguin Pool, and Highpoint flats
Commissioned by radical Finsbury Council to design and build Spa Green estate

Lubetkin and the Spa Green Estate
War propaganda
Spa Green Estate plan
Spa Green innovations

- Architecturally innovative
- Designed to improve domestic life
- Technical innovations included central heating, provision for fridges, and use of concrete
Bureaucracy and authoritarianism
Limits on resources
Quantity rather than quality
feminism
technology

Social housing as dystopia
Liverpool v Irwin 1977 AC 239
- council escaped legal liability but dystopia became spectacle
R v Secretary of state for the Environment ex parte Norwich City Council 1976 QB 319
- Enforcement of the Right to Buy and the exacerbation of the dystopia of social housing

Law and dystopia
Landlord and Tenant Act 1985
Decent Homes programme
Listing by English Heritage

The Lawscape of Spa Green
Service charge demands for renovations totaling £5m
Individual bills of between £28,000 and £40,000
Historic neglect and repairs/improvements arguments

Challenging service charges
‘This observation carries the regrettable implication that tenants who exercised the statutory ‘right to buy’ conferred on them by Parliament in pursuance of a governmental policy of encouraging and facilitating home ownership deserve no sympathy if their acquisition proves financially ill-advised. … The reality is that these properties do not leave the public sector: physically the flats remain within blocks of council flats and legally they are still subject to the policies and decisions of the public sector. It is all very well for the Respondents to comply with their own Tall Buildings Programme, not to mention the Government’s Decent Homes Initiative and the perfectionist requirements of English Heritage, funding expenditure out of public resources allocated in respect of tenanted stock, but leaseholders like the Applicants may be neither able nor willing to spend their own money for such purposes. Yet they are forced to pay their share of the Respondent’s expenditure.

From the Tribunal
Entrenchment of the utopia of the market
Lubetkin’s egalitarian genius commodified
The elimination of the social tenant
Lawscape must remember the history of its alternatives and the possibilities they offer

Conclusions