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Your Ref
Our Ref COI 71/07 UID 164613

13th May 2009



Dear Mr Sager

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST
ROBIN HOOD GARDENS, WOOLMORE STREET, LONDON E14**

I refer to your letter dated 30 July 2007 and your application for a Certificate of Immunity from Listing in respect of the above buildings.

The merits of the buildings have been considered and the Secretary of State has consulted with English Heritage, his statutory adviser on the historic environment. He has considered all the representations made and has concluded that the buildings are not of special architectural or historic interest and so should not be included in the list of buildings of special architectural or historic interest compiled under section 1 of the above Act. Accordingly, the Secretary of State hereby certifies that he does not intend to list Robin Hood Gardens, Woolmore Street, London E14.

Under section 6(2) of the Act, the effect of this notification is to preclude the Secretary of State from listing the buildings for a period of five years from the date of issue of this certificate and to preclude the local planning authority from serving a Building Preservation Notice on the buildings during that period.

Yours sincerely

Diane Macfarlane
Heritage Protection Branch



improving
the quality
of life for all

Aman Dalvi
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Your Ref
Our Ref

13 May 2009



department for
**culture, media
and sport**

Dear Mr Dalvi

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST
Robin Hood Gardens, Poplar, Tower Hamlets, Greater London**

I refer to the Twentieth Century Society's submission of 25 July 2009, in which the Society requested a review of the Secretary of State's decision not to list Robin Hood Gardens. I am writing as the Review Officer for this case and confirm that I had no involvement in the previous decision.

In light of the review request the Secretary of State sought further advice from English Heritage, his statutory adviser on the historic environment, on particular points raised.

English Heritage reiterated their earlier recommendation that Robin Hood Gardens does not merit listing. Copies of English Heritage's advice have already been sent to you.

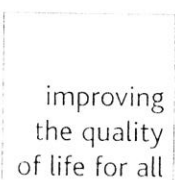
The Secretary of State has carefully considered all the evidence before him, including your own representations and English Heritage's advice, and has decided not to change the earlier decision not to list Robin Hood Gardens.

It should be noted that the Secretary of State has reviewed the decision not to list Robin Hood Gardens based on the grounds for review, and has not conducted a full reappraisal of the estate. He considers that the decision was properly made for the following reasons:

Procedural errors

The Twentieth Century Society has alleged that a number of procedural errors took place during the listing assessment. After careful consideration of their claims, the Secretary of State has decided that the process was correctly followed by English Heritage and the Department for Culture, Media and Sport.

The Society also argues that it was at a disadvantage when preparing representations on the listing application because it had not seen certificate of immunity (COI) application. It is not standard



procedure to release COI applications to listing applicants where two such applications run concurrently concerning the same building. The Society has had the benefit of seeing the COI application during the listing review, and has had sufficient opportunity to consider its content and to provide representations to the Secretary of State.

The role of English Heritage's Advisory Committee (EHAC) has also been questioned. EHAC provides advice as part of English Heritage's internal assessment of buildings considered for listing only. English Heritage's formal listing advice represents English Heritage's recommendation to the Secretary of State in accordance with their statutory advisory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990. EHAC's advice is never submitted separately to the Secretary of State as English Heritage's advice comprises the product of their internal procedures on the formulation of such advice, including the consideration of EHAC views where relevant.

The Society suggests that English Heritage did not consult an internal colleague known to have expertise on post-war listing when compiling their listing advice. Whilst English Heritage did in fact consult this person, the Secretary of State does not consider that this is a valid ground for review. English Heritage's Heritage Protection Department possesses sufficient expertise to conduct the role and process of English Heritage as statutory advisor on listing applications, including judging when consultation of internal colleagues and external experts is required. The statutory advice given is submitted and received as the collective view of English Heritage as an organisation fulfilling its role as the statutory advisor in listing matters.

The Society argues that the listing decision took into account irrelevant views from current residents on the retention of Robin Hood Gardens. It is established in case law that the functional performance of a building and whether it worked as was intended should be considered as part of a listing assessment. The Secretary of State maintains that it was appropriate to take the overwhelming support of residents for replacement of the estate into account when considering whether Robin Hood Gardens fulfilled its brief and worked as it was intended to. This was not the only factor considered as part of this assessment.

The decision letter makes it clear that the performance of Robin Hood Gardens soon after completion was also considered. The Secretary of State notes that a quote by Margaret Hodge does refer to whether Robin Hood Gardens currently functions as intended, but considers that the decision letter, which sets out the reasons for the Secretary of State's decision, makes it clear that the evidence as to how well the buildings currently function was only taken into account to the extent that it is relevant to whether the Estate was successful as housing.

Application of the listing criteria has also been disputed. Innovation is not a mandatory criterion for listing, but paragraph 6.9 of PPG 15 states that special architectural interest may apply to buildings displaying technological innovation and therefore it is relevant to consider whether a building is innovative where claims have been made that it is.

The decision letter presented the Secretary of State's conclusions on the arguments and evidence put forward, including that the innovation demonstrated by Robin Hood Gardens was insufficient to raise the interest of the estate over the threshold for listing. The conclusion that Robin Hood Gardens may have been innovative in only limited aspects of its design was not the sole justification for the decision not to list; it was one of several factors clearly set out in the decision letter.

Reference has been made to paragraph 3.5 of PPG 15, which refers to the criteria for assessing listed building consent applications. These are criteria separate from those used to assess buildings for

listing and therefore cannot be taken into account by the Secretary of State in his decision on the review.

The Secretary of State accepts that the landscaping of a low rise post-war housing estate is relevant to a listing assessment, as explained in English Heritage's Selection Guide for Modern Housing. The Selection Guide, however, also emphasises for post-war housing: "Key considerations will be architectural interest; intactness of design; whether the design was influential; or a particularly good example of a development in housing. Standards are set high, and remember that the important factor for any post-war building is whether it fulfilled its original brief."

There was also concern that English Heritage have applied a too high a standard to the review assessment. Paragraph 6.12 of PPG 15 advises that "after 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary".

A separate principle of selection is applied to buildings under 30 years old, therefore RHG sits at the end of the age scale for buildings built between 1840 and 1978. In accordance with the principles set out in PPG 15, it is appropriate to apply a high, although not the very highest, selection threshold to Robin Hood Gardens. This is reflected in the Selection Guide which notes that "standards are set high" for post-war housing.

Association with the Smithsons

The listing decision acknowledged the reputation of Alison and Peter Smithson. No new evidence has been provided to persuade the Secretary of State to depart from the view set out in the listing decision that the reputation of the Smithsons is not sufficient to warrant listing. The Secretary of State also takes the view that, irrespective of the reputation of the Smithsons, Robin Hood Gardens is not of special interest merely as a result of it being an integral part of the working and thinking of the pair, due to other relevant factors in this instance which indicate that the quality of Robin Hood Gardens does not match the quality of the Smithsons' thinking. The Secretary of State therefore does not accept that Robin Hood Gardens is of equal significance to the other listed buildings designed by them and confirms that buildings should always be individually assessed for listing based on their own architectural and historic interest rather than purely on associative terms.

The Secretary of State accepts that Alison Smithson both as a female built environment architect, and as part of a functioning husband and wife team are of some interest, but he concludes that these two factors are not sufficient to raise the level of Robin Hood Gardens such that it merits listing.

Innovation

It has been argued that it is a narrow view to say that the street decks were out of date by the time Robin Hood Gardens was completed, and that instead the street decks should be considered within the context of the Smithsons' long term thinking on pedestrian circulation.

The role of Robin Hood Gardens as the manifestation of the Smithsons' thinking was acknowledged in English Heritage's listing advice and taken into account by the Secretary of State in making the decision not to list. In the context of the high standards expected for listed 1970s housing estates, the Secretary of State considers that the use of street decks at Robin Hood Gardens is not of special interest, given that the evidence for the success of the decks in this instance is mixed. Further, no evidence has been provided to suggest that in making the decision not to list the Secretary of State was wrong to conclude that street decks were not new in the wider context of 20th century housing.

Interested parties have pointed out that the design of the flats was intended to encourage residents to personalise their own spaces, which reflected developing ideas on the personalisation of social housing in the early 1970s. However, the Secretary of State notes that no new evidence has been provided to suggest that this has been a particularly innovative or influential example of this aspect of socio-architectural development.

Further opinions have been provided on the car parking arrangement at Robin Hood Gardens. The merit of the car parking at Robin Hood Gardens was, however, already considered during the listing assessment and no significantly new views or evidence have been put forward. The Secretary of State therefore remains of the view that the interest of the car parking arrangement at Robin Hood Gardens is limited.

The Secretary of State notes arguments that the dual aspect and cross ventilation at Robin Hood Gardens is rare in modern housing. However, he also notes that such features were not uncommon in early 1970s housing and therefore considers that, unless the Robin Hood Gardens example is a particularly special example of such features (which has not been submitted in any way), this is of limited interest.

The Secretary of State also notes that the relationship between landscaping and buildings at Robin Hood Gardens is the most integrated of any British post-war housing estate. However, the landscaping has been altered, which English Heritage previously considered "erodes the communal aspect of the original landscape". Although the Secretary of State agrees that the relationship between buildings and landscaping is of interest, he also considers that this interest has been limited by the alterations. Given the primary focus of listing on buildings, the Secretary of State concludes that the landscaping does not significantly enough raise the interest of Robin Hood Gardens.

The acoustics of Robin Hood Gardens were noted in English Heritage's listing advice as a factor in favour of listing, and therefore the Secretary of State considers that their recent admission that the noise reduction was "an achievement of some order" does not reflect a significant change in opinion. However it remains relevant that the elements of the estate designed to reduce noise, whilst an achievement, also remain part of the overall architectural design which is discussed further below. Further opinions have been offered during the review, but the Secretary of State considers that no significant evidence has been provided to demonstrate that the noise reduction is of more interest than previously thought.

Influence and critical evaluation

The Secretary of State notes the statements by several notable architects that Robin Hood Gardens has influenced their work. Some have commented on the influence of the Smithsons' thinking and teaching. Little detail has been provided of exactly how Robin Hood Gardens has influenced architectural designs. The Secretary of State accepts that Robin Hood Gardens probably influenced the design of the Byker Estate, and that the estate has influenced the work of notable architects, who have in particular emphasised its importance as a teaching aid. However, he considers that the interest of this influence is outweighed by other factors on which evidence has been considered, such as the flaws in the design and the fact that the estate did not fulfil its brief, which have compromised Robin Hood Garden's overall architectural interest.

Interested parties have provided an alternative interpretation of the relative silence of the architectural press at the time of completion of construction, although this has been challenged by

others. Given that there is no evidence to support this alternative interpretation, the Secretary of State is not persuaded to depart from his conclusion on the listing application. The Smithsons' writing about Robin Hood Gardens has also been pointed out. However, the Secretary of State considers that it would be expected for well-published architects such as the Smithsons to write about the significance of their own buildings and so concludes that this point does not add significantly to our understanding of the actual influence of Robin Hood Gardens.

Architectural design

The listing assessment had the benefit of varying opinions on the aesthetics of Robin Hood Gardens. In light of the limited substantive evidence as to the way in which the design of Robin Hood Gardens influenced later architecture, the Secretary of State is not persuaded by the new opinions provided to depart from his decision that the design of Robin Hood Gardens is bleak and unsuccessful in many ways (see below), and therefore of limited architectural interest. The Secretary of State considers that the original colour scheme can be taken into account when assessing the design of the buildings. However, now that the original colours have been lost, the scheme's contribution to both the design and aesthetic interest of Robin Hood Garden's is difficult to assess conclusively.

The Secretary of State considers that the statement of intentions adds little to the existing understanding of Robin Hood Gardens. He notes Peter Smithson's comment that the written statement of intentions "seems so banal that one wonders quite why it is worth saying", which suggests he may not have put great interpretive value on it.

Success as housing

The Secretary of State accepts that Robin Hood Gardens met the specification in the brief for housing density, types and standards; noise reduction; open space; car parking; and ancillary facilities. This was known during the listing assessment. The Secretary of State notes that views differ regarding whether the brief had an implicit qualitative element. He considers that it would be contradictory to provide social housing that was not a good place to live. He also notes that the Smithsons' intended to foster a sense of community, particularly with their use of street decks, which further persuades him to conclude that the overarching aim of Robin Hood Gardens as a social housing project was to provide a decent place to live. Whether Robin Hood Gardens was a decent place to live is consequently relevant to this review.

There are conflicting views on whether Robin Hood Gardens was a decent place to live and therefore successful as a housing design. One of the factors against listing was vandalism and the Secretary of State remains of the view that vandalism was present soon after the completion of Robin Hood Gardens. He notes research from 1973 that claimed vandalism was not related to built form, but further notes that the credibility of this evidence over 30 years later has been challenged. With this in mind, he is not persuaded to depart from his view that the presence of vandalism early on in the life of Robin Hood Gardens was in part as a result of the architectural design and planning of the estate. The Secretary of State does not agree that undue emphasis has been placed on vandalism, and notes that the listing decision was clear that vandalism was one of several factors considered in the assessment of whether Robin Hood Gardens was a success as housing.

In considering the success of Robin Hood Gardens, the Secretary of State considers that the views of residents should, amongst others, be taken into account. The listing decision recognised that some early residents were content with Robin Hood Gardens thus demonstrating that a range of residents' views have been used fully considered. The Secretary of State acknowledges that English

Heritage's listing advice selectively quoted a reference to Robin Hood Gardens as 'Alcatraz', but given the references in publications to Robin Hood Gardens as a 'ghetto' and 'inhumane', the Secretary of State does not consider that he has been significantly misled in this respect.

Interested parties argue that English Heritage have misunderstood the purpose of the stairwells, although some still accept that the stairwells are a grim element of the design. This point was made by the Twentieth Century Society during the listing assessment and taken into account when the decision not to list, and so the Secretary of State does not consider it to be a ground for review.

Interested parties have argued that the Smithsons' theory on social housing was not supported by the reality of their built work. Even parties in favour of listing admit that the design of Robin Hood Gardens is flawed and that the use of street decks has been widely discredited. Others have made the suggestion that the influence of Le Corbusier on the Smithsons led them to ignore the real needs of social housing residents. In accordance with PPG 15 and the selection guide, the Secretary of State would expect high standards for listed 1970s social housing estates and in this context he considers that evidence of a flawed and unsuccessful housing design is a weighty argument against listing.

Group value

It has been reiterated during the review that Robin Hood Gardens is one of a unique group of historic housing designs in Tower Hamlets. This relationship was noted in the listing assessment and no new evidence has been provided during the review to suggest that the group value is stronger than previously considered.

Conclusion

Whilst new expert opinions have been submitted during the review, very little new factual information that was not previously considered during the listing assessment has been supplied. It should also be noted that the expert opinions are still strongly divergent on the merits of Robin Hood Gardens.

It is important to keep the issue of listing separate from the question of whether Robin Hood Gardens should be demolished or refurbished, as this is not relevant to whether the estate is of special architectural or historic interest. The assessment of the grounds for review has been conducted against the statutory and non-statutory selection criteria for listing 1970s housing estates.

The Secretary of State concludes that, on balance, Robin Hood Gardens as a whole was not successful housing and consequently not a particularly good example of housing design. He further concludes that, in respect of a number of individual elements, its design is flawed resulting in limited architectural quality, and he notes that his previous conclusion that the buildings and landscaping have been altered remains unchallenged. Furthermore, there is insufficient evidence to demonstrate that the listing decision underestimated the innovation of the estate.

For the above reasons, the Secretary of State considers that the negative factors outweigh the interest of the landscaping of the estate, the significance of the Smithsons and their thinking, and the influence of the estate on the work of notable architects. The Secretary of State therefore maintains that Robin Hood Gardens does not have the special architectural and historic interest required to merit listing.

The Secretary of State has accordingly decided to uphold his decision not to list Robin Hood Gardens and has issued a certificate to certify that he will not consider Robin Hood Gardens for addition to the statutory list for a period of five years. My colleague Diane Macfarlane has sent this certificate of immunity to Robin Sager within your Directorate.

Yours sincerely



Laura Warren
Heritage Protection Policy Adviser, Heritage Protection Branch

cc Robin Sager, Regenerations Schemes Coordinator, LBTH