

# ***Converging interests to protect urban greenery case study of Tehran's privately owned gardens***



Source: <https://www.isna.ir/news/>

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# Introduction

- This study is part of a larger research project, Symbiotic Planning, in which we are exploring the changing relationship between the planning and the market.
- We are looking at different policies and practices to better understand this changing relationship.
- Policy on protection of urban greenery and gardens is one of the examples which could help us to trace this changing relationship.
- Tehran's inner cities gardens are under a lot of pressure to be developed to residential high rise buildings and the planning system is attempting to find a way to balance the need to protect urban greenery and the need for housing construction to address housing needs.

# Theoretical background

## Relationship between planning and market - both influencing each other

- **Healy (1992)**

*'Instead of simplistic oppositions between planning and the market [...], it is now more productive to explore the interactions between planning regulation and market conditions.'*  
*Healey, 1992, p. 420)*

- **Adams & Tiesdell (2010):** Planners as Market Actors: Rethinking State-Market Relations in Land and Property.

*'Once markets are seen as socially constructed, not given, it becomes fallacious to place planning and the market in a dichotomous relationship.'* (Adams & Tiesdell, 2010, p. 194)

*'.... call on planners to see themselves essentially as "market actors" intricately involved in framing and re-framing local land and property markets and hence operating as a significant constitutive element of such markets.'* (Adams & Tiesdell, 2010, p. 188)

*'The activities of planners help construct the market, making the relationship between planning and the market symbiotic rather than dichotomous.'* (Adams & Tiesdell, 2010, p. 190)

# Theoretical background

- **Tiesdell & Allmendinger (2005)**

Three types of policy instrument through which planning intends to affect market: policy instrument that intends to shape, regulate and stimulate markets. These are the means by which planners help to construct markets.

- **Adams & Tiesdell (2010)**

Planners' capacity should be built in three crucial areas to be able to effectively construct markets:

- market-rich information and knowledge;
- market-relevant skills; and
- market-rooted networks.

*'As effective market actors, planners need to be able to negotiate financially on level terms with developers, and this requires substantial knowledge not shallow awareness of development economics.'* (Adams & Tiesdell, 2010, pp. 200-201)

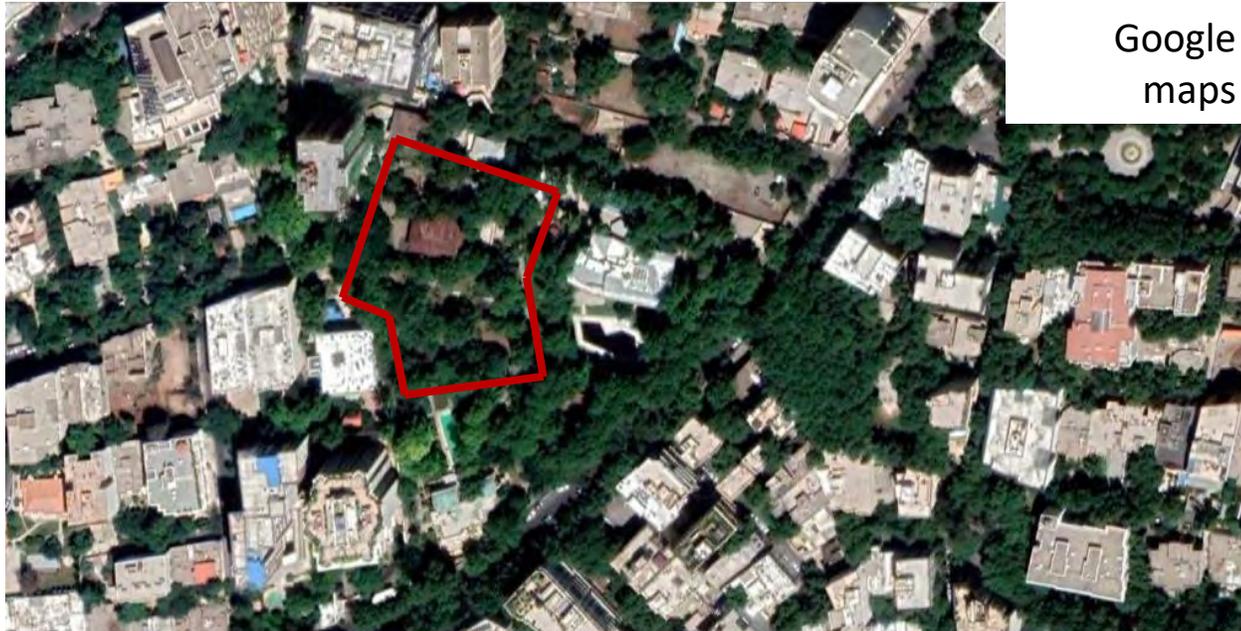
*'The challenge for planners is thus to develop more richly grounded market networks that facilitate mutual learning and sharing of experience in a manner that breaks down hostility between the private and public sectors.'* (Adams & Tiesdell, 2010, p. 202)

## What is considered as an inner city garden?

- Located within the formal boundary of the city
- An area of at least 500 square metres
- Registered as a garden or garden house (Bagh Emarat)
- Mostly located in northern regions with high property market value

Historic Garden house of Rahnama – District 1

Source: <https://www.isna.ir/news/>



Google  
maps



# Legal framework for redevelopment of inner city gardens in Tehran

1980

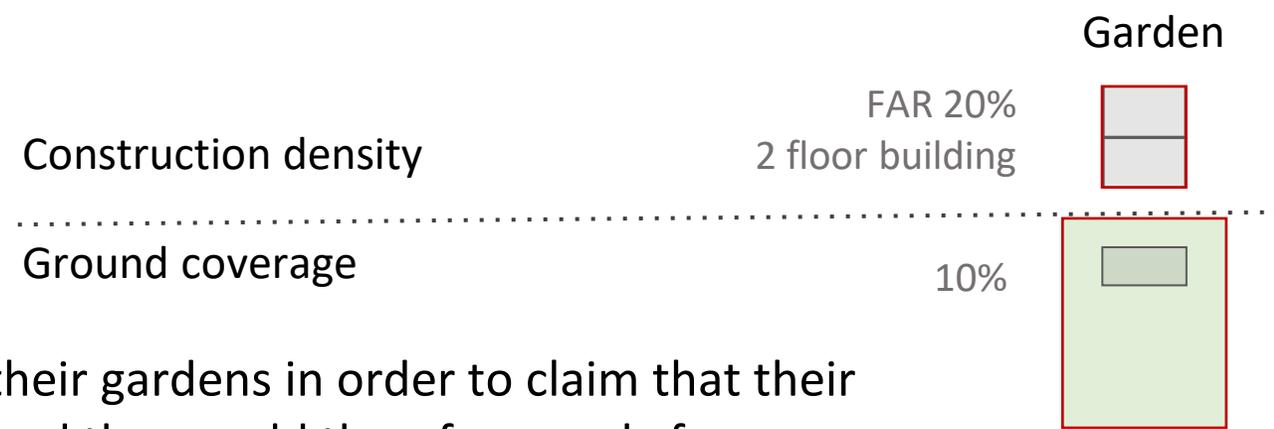
## 1980 Act - Protection of Cities Green Spaces Bill - *characterised as restrictive*

- Restrictive
- All the trees should be protected or, if cut with permission, double the amount should be planted
- FAR limits: a maximum of 10% ground coverage with the construction density (FAR) of maximum 20% (i.e., max two floors)
- Penalty for breaking the law
- One-sided, top down law, without any regard for the financial consequences for the owners but protective of gardens

2004

2019

**Result** Landowners attempt to dry out their gardens in order to claim that their land was not a garden anymore and they could therefore apply for a normal construction permit



Landowners' attempts to dry out the garden to claim that their land was not a garden anymore and they could therefore apply for a normal construction permit

Source: <https://www.eghtesadonline.com/>



Source: <https://newspaper.hamshahrionline.ir>

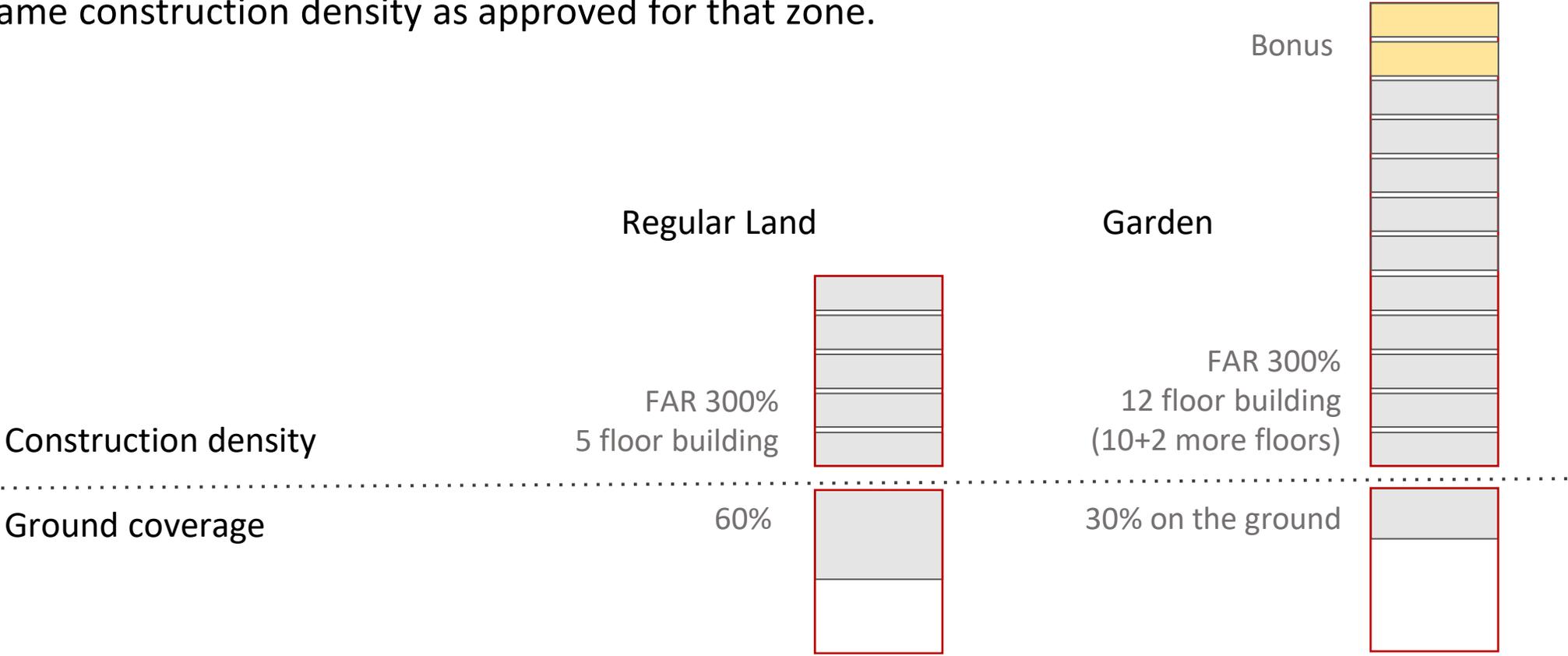


1980

**2004 Act - known as the Garden-Tower Directive - characterised as pro market**

- The context for approving this directive was to ‘protect’ the gardens of the city as landowners were attempting to change their status from a garden to normal land.
- Gardens can be built with maximum ground coverage of 30% instead of the normal 60% but in the same construction density as approved for that zone.

2004



2019



1980

### ***2004 Act- known as the Garden-Tower Directive - characterised as pro market***

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- Gardens can be built with maximum ground coverage of 30% instead of the normal 60% but in the same construction density as approved for that zone.
- At the beginning developers and landowners were concerned about their profit margins but later they found ways to maximise their profits such as constructing underground, density bonus.

2004

**Result** ● This law is sympathetic and flexible towards the market (market-led). As a result, more than 4,000 hectares of the inner-city gardens have been destroyed to construct high-rise buildings.

2019

- The Garden-Tower Directive has facilitated the conversion of these gardens.
- With up to 100% coverage under the ground, many gardens lost their trees.

## Luxurious life on the cemetery of old gardens

### Zaferaniye Garden Residential Complex

Garden area before construction: 6,500m<sup>2</sup>

Building area: 38,000m<sup>2</sup>

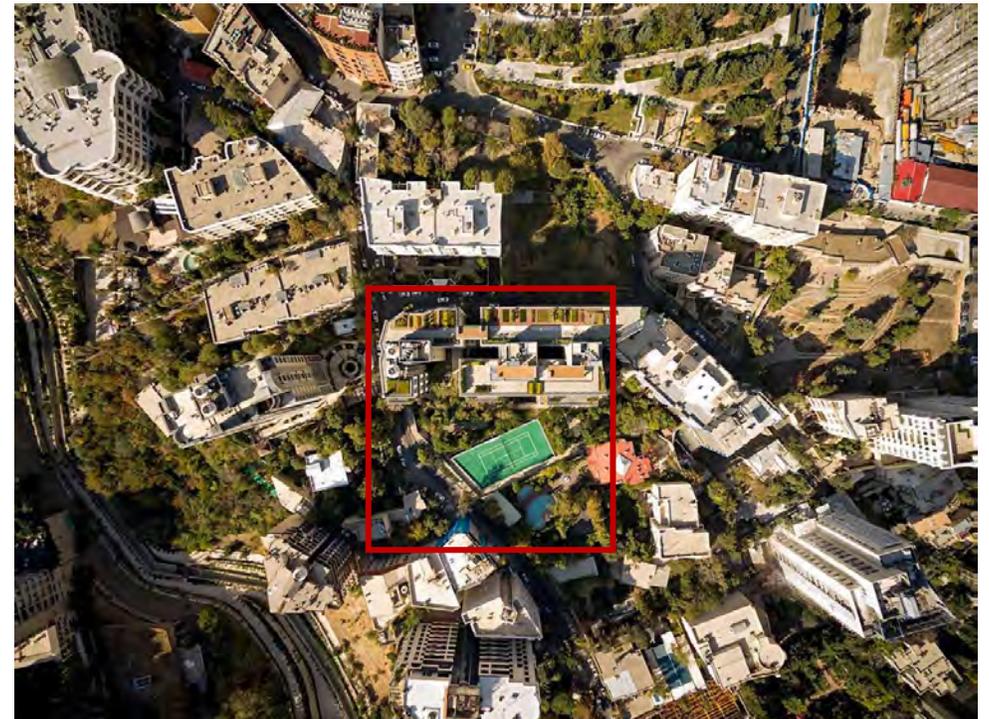
12-floor high-rise building

3 floors underground

Source:

<https://www.arel.ir/fa/News-View-6720.html>

<https://www.archdaily.com>



## Luxurious life on the cemetery of old gardens

### Niatous Paradise Residential Complex

Garden area: 6,000m<sup>2</sup> with 157 old trees

Building area: 70,000m<sup>2</sup>

26-floor high-rise building

5 floors underground

Source:

<https://www.nasim.news>

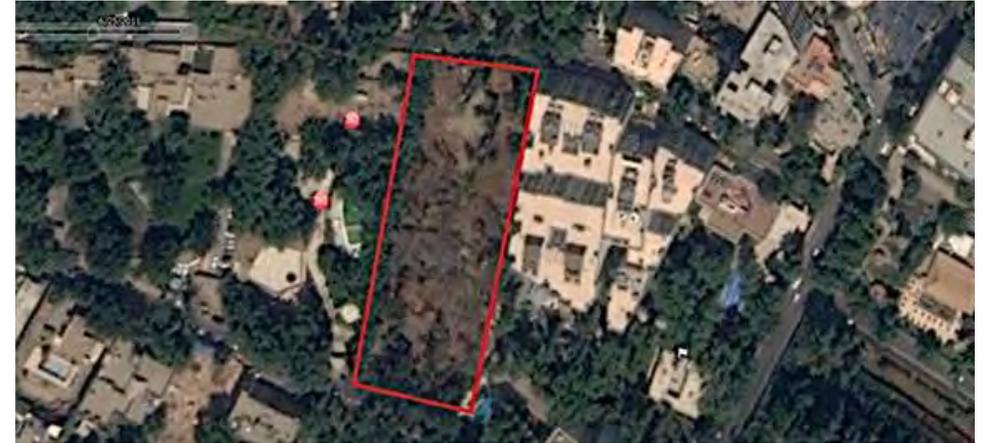
<http://luxuryproperties.ir/properties/item/143>

2010

2011

changing status from garden  
status to normal land

2021



1980

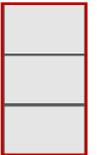
**2019 Act - known as the House Garden Directive - characterised as symbiotic, converging interests of private stakeholders, the general public and the city**

- Tehran gardens are recognised as the city's natural heritage and should be protected
- Limits the construction to 15% of land and in 2 to 3 floors
- Flexible in terms of function for both the site and the proposed building

2004

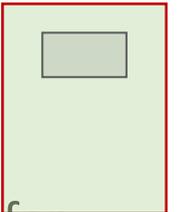
Construction density

FAR 30-45%  
2-3 floor building



Ground coverage

15%



**Result**

- Since the approval of the 2019 Act, the tendency to put forward an application for a garden plot has been very limited, if not non-existent (interview, 2021).
- Investors and developers have been waiting for the election of a new City Council in 2021 (with the appointment of a new mayor), hoping that the law will be relaxed

2019

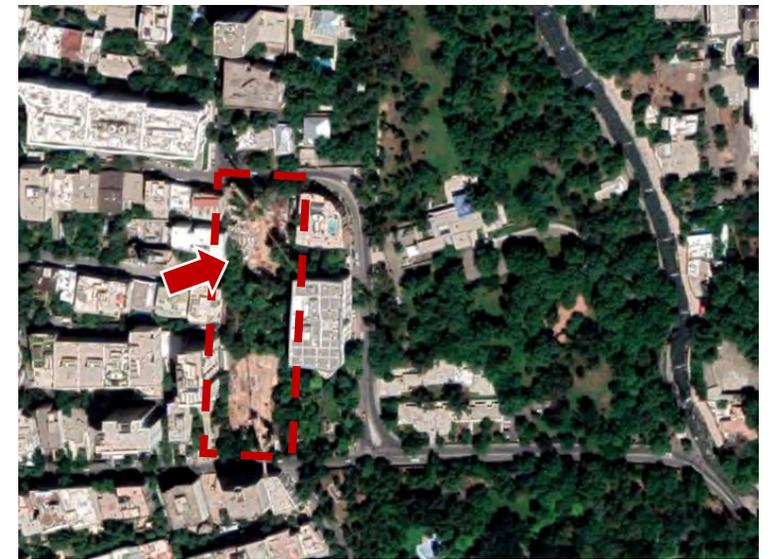
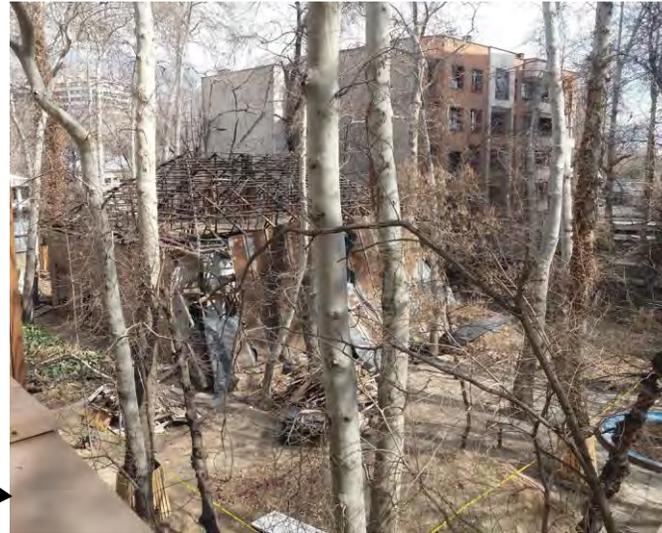
**At the time of the approval of this Act, approximately 500 applications for development of gardens were under process in Tehran Municipality. The challenge? What to do with them.**

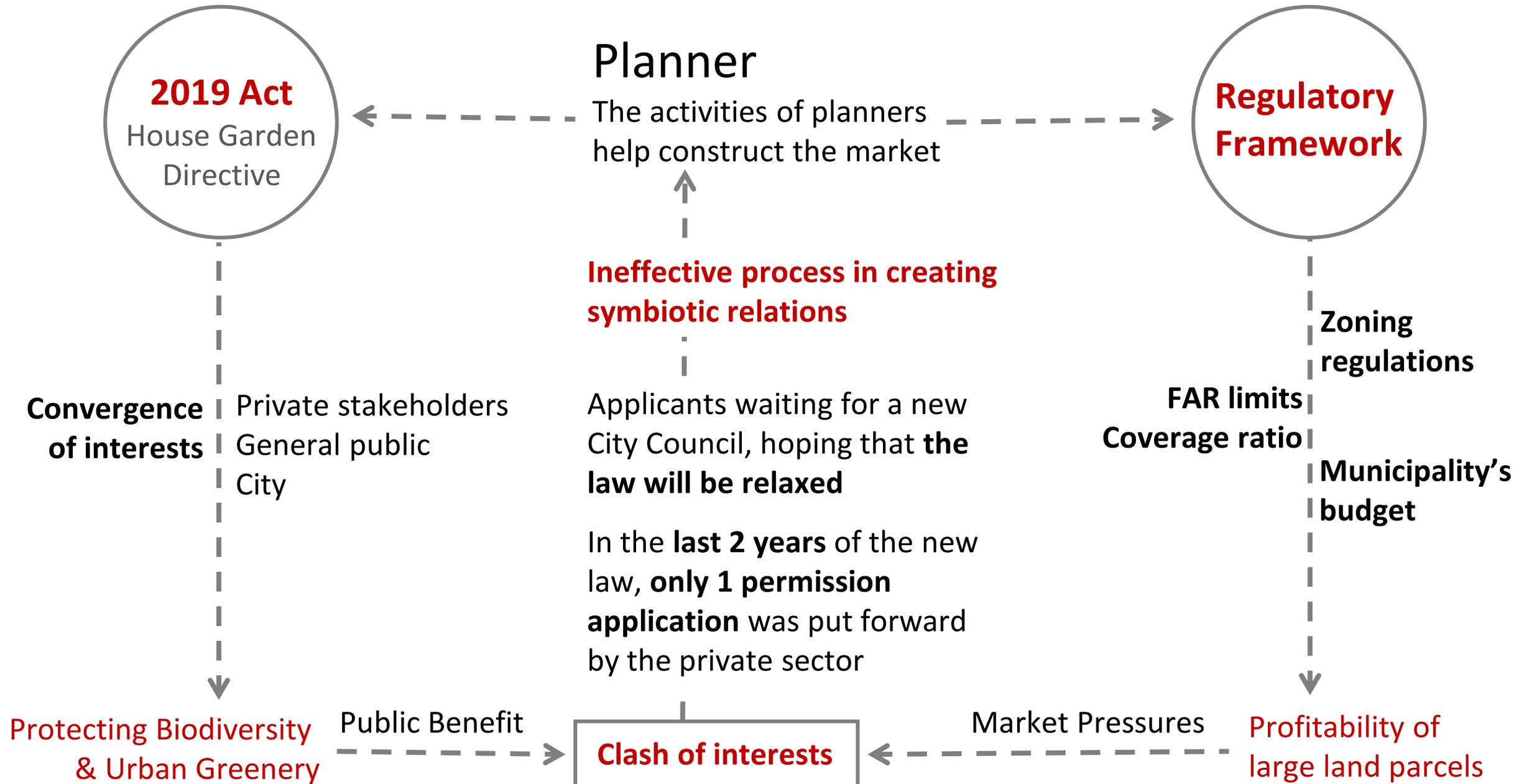
## Jozi Garden – District 1

Source: Authors

At the time of the approval of the 2019 Act, an application for this plot was under process

[2018-2019 changing status from a garden house to normal land]





## Conclusions

**Market-rich information and knowledge**

**Market-relevant skills**

**Market-rooted networks**

**Multiplicity of policy makers** at local and national level - contradictory rights and rules

Existence of legal institutions which could turn around planners' decisions (e.g. Administrating Court of Justice)

Ambiguities around what is **public benefit** for both the law maker and civil society

Overall urban planning framework of the city

Effective process in creating **symbiotic relations**