THE EFFECTS OF LAND POLICY ON URBAN REDEVELOPMENT: TRACING CHANGING PROPERTY RIGHTS IN YENİMAHALLE

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ABSTRACT

THE EFFECTS OF LAND POLICY ON URBAN REDEVELOPMENT: TRACING CHANGING PROPERTY RIGHTS IN YENİMAHALLE

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Redevelopment of urban areas means reorganization of property rights through land policies and policy tools. This study is built on the argument that the earliest property pattern established in an area by land policies has a significant effect on the initial urban form, future transformation, future urban form and property pattern in that area. The theoretical framework is built on the causal two-way relationship between land policies and property rights. Land policies reorganize property rights through various policy instruments. Also, the prevailing property rights influence the development and implementation of future land policies. This study examines this relationship in Continental Europe and Turkey's urbanization history and in the redevelopment history of Yenimahalle.

Yenimahalle was established by public and private landowners, which created differing property patterns in terms of plot size and land use. In seventy-year time, these two areas have been transformed with the same plans and policies. The production of sequential maps for each planning period allows tracing changing property rights on vertical and horizontal dimensions and whether different property

patterns result in different transformation processes. A strong two-way causal relationship between land policies and property rights is revealed.

The earliest property pattern of an area influences policy implementation, and consequently, future urban form and property pattern. Producing livable urban spaces with successful transformation processes and the formation of planned property patterns requires that the most recent land policies and policy instruments be well-developed and well-implemented and that the earliest property pattern and land policies be well-developed as well.

Keywords: Land Policy, Property Rights, Urban Redevelopment

ÖZ

ARSA POLİTİKALARININ KENTSEL DÖNÜŞÜME ETKİSİ: YENİMAHALLE'DE DEĞİŞEN TAŞINMAZ HAKLARININ İZİNİ SÜRMEK

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Kentsel alanların yeniden geliştirilmesi, arsa politikaları ve politika araçları aracılığıyla mülkiyet haklarının yeniden düzenlenmesi anlamına gelir. Bu çalışma, arsa politikalarıyla bir alanda kurulan en eski mülkiyet örüntüsünün, o alandaki ilk kentsel biçim, gelecekteki dönüşüm, gelecekteki kentsel biçim ve mülkiyet örüntüsü üzerinde önemli bir etkiye sahip olduğu argümanı üzerine inşa edilmiştir. Teorik çerçeve, arsa politikaları ve mülkiyet hakları arasındaki nedensel çift yönlü ilişki üzerine kurulmuştur. Arsa politikaları, çeşitli politika araçları aracılığıyla mülkiyet haklarını yeniden düzenler. Ayrıca, hâkim mülkiyet hakları gelecekteki arsa politikalarının geliştirilmesini ve uygulanmasını etkiler. Bu çalışma, bu ilişkiyi Kıta Avrupası ve Türkiye'nin kentleşme tarihi ile Yenimahalle'nin yeniden gelişim tarihinde incelemektedir.

Yenimahalle, arsa büyüklüğü ve arazi kullanımı açısından farklı mülkiyet örüntüleri yaratan kamu ve özel arsa sahipleri tarafından kurulmuştur. Yetmiş yıllık süreçte bu iki alan aynı plan ve politikalarla dönüştürülmüştür. Her bir planlama dönemi için ardışık haritaların üretilmesi, dikey ve yatay boyutlarda değişen mülkiyet haklarının ve farklı mülkiyet örüntülerinin farklı dönüşüm süreçleriyle sonuçlanıp

sonuçlanmadığının izlenmesine olanak tanımaktadır. Arsa politikaları ve mülkiyet hakları arasında güçlü bir iki yönlü nedensellik ilişkisi ortaya çıkmaktadır.

Bir alanın en eski mülkiyet örüntüsü, politika uygulamasını ve sonuç olarak gelecekteki kentsel biçimi ve mülkiyet dokusunu etkiler. Başarılı dönüşüm süreçleri ve planlı mülkiyet örüntülerinin oluşumu ile yaşanabilir kentsel alanların üretilmesi, güncel arsa politikalarının ve politika araçlarının iyi geliştirilmesi ve iyi bir şekilde uygulanması kadar en eski mülkiyet dokusunun ve arsa politikalarının da iyi geliştirilmiş olmasını gerektirir.

Anahtar Kelimeler: Arsa Politikası, Mülkiyet Hakları, Kentsel Dönüşüm

To my beloved family and to the one,

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CHAPTER 1

INTRODUCTION

"Land belongs to a vast family of which many are dead, few are living, and countless numbers are still unborn."

(an unnamed American Indian quoted in C.K. Meek, 1947)

1.1 Scope of the Study

Land is a limited resource. With each passing day, this limited resource is encompassing a higher number of property rights, interests, and diversified land uses. Under the influence of urban dynamics (Ratcliffe & Stubbs, 1996), the planning institution determines the (re)development processes of urban land in a way that reduces conflicts between these different interests, realizes planning objectives, and protects the land. In the redevelopment process, planning transforms not only the spatial structure but also the property rights in an area.

In this process, the land policy establishes the relationship between city planning and property rights (Davy, 2016). Public authorities formulate land policies and policy measures to implement plan decisions at the planned time, planned cost, and in the planned location (Bracken, 2014; Lichfield, 1980). Land policies reallocate property rights and reestablish private and public property relationships on land while carrying out planning decisions (Davy, 2016; Deininger, 2003). "Efficiency and equity in the allocation of land resources" (Hartmann & Gerber, 2018; Tongroj, 1990) and the improvement of property rights are significant objectives of this process (Lichfield, 1980). To accomplish these objectives, public authorities intervene in property rights and the property market to varying degrees by using three

different policy measures: land acquisition, legal measures, and tax measures (Shoup & Mack, 1968). Creating property patterns with these qualities positively affects urban forms, land use patterns, and socioeconomic patterns.

This context represents a one-way causal relationship between land policy (*cause*) and property rights (*effect*). However, there is actually a two-way causal relationship between those two factors. This is because while land policies intervene in property rights through various policy instruments, the prevailing property rights significantly influence both the development and implementation processes of future land policies and plan decisions.

Property rights influence the implementation of land policies for three main reasons. First, property holders have many rights on their properties - such as use, transfer, income, and development - which give them the freedom to carry out plan decisions whenever they want, not only at a specified time (Darin-Drabkin, 1977). The second reason is that if plan implementation requires a consensus of many property owners in a high-density settlement area, then conflicting interests of owners may prolong this process (Balamir, 1975). The third reason for the delay of plan application is the high property price limiting new developments (Tekeli, 1985). These three causes - private property holders' freedom to decide for their own properties, joint decision-making which is complicated by high-density property patterns, and high property price as a development constraint - affect the time and manner of implementation, and whether decisions will be implemented (C. D. Adams et al., 1988; I. R. Couch & Kivell, 1995).

In addition to implementation, property rights in an area affect the development of future policy decisions due to the power that property ownership provides in social, economic, and political environments (Becker, 1977). Some property owners take advantage of this power and put pressure on public institutions to make new plan decisions that can provide the property owners with spatial and economic benefits. Public authorities sometimes revise policy decisions to answer those requests of property owners with political and economic concerns. As a result, the property

pattern of an area influences the preparation and implementation processes of plans and policies and consequently the urban (re)development processes. As can be seen, there is a strong, dynamic, and two-way relationship between land policies and property rights, and this study is based on that relationship (Figure 1.1).

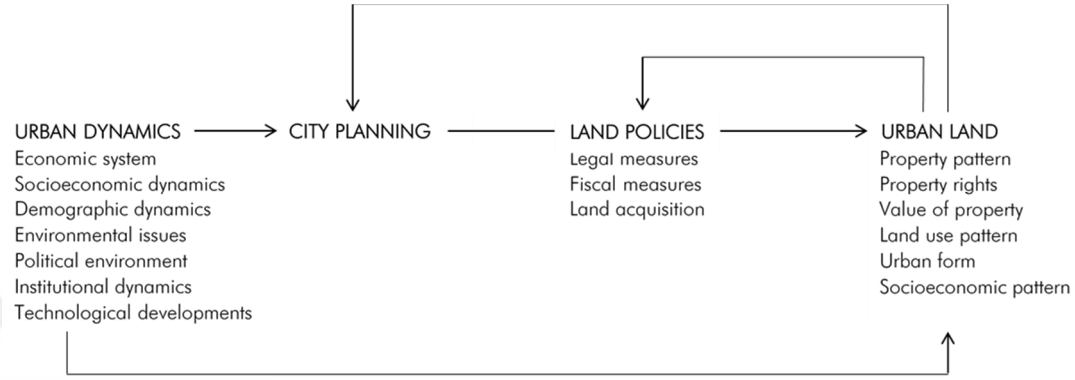


Figure 1.1 The Scope of the Study

The study is built on the argument that the earliest property pattern and ownership established in an area by land policies has a significant effect not only on the urban form at that time but also on future transformation, urban form, and property pattern in that area. Thus, different property ownership causes the transformation processes to differ.

For this reason, producing livable urban spaces with successful transformation processes not only requires that the most recent land policies and policy instruments be well-developed and well-implemented but also that the earliest property pattern and land policies be well-developed.

The long lifespan of property rights makes the formation of property patterns more critical. Legal protection and the scope of property rights, such as use, transfer, and inheritance rights, ensure that property patterns remain for a long time after their establishment (Darin-Drabkin, 1977; Goethert, 1985). Since the vast majority of urban lands are privately owned, these permanent property rights are managed by a large number of private individuals and institutions with many different aims.

(Re)development of property patterns according to planning objectives requires a policy approach in which property rights are treated not only as a numerical value, but also as a determining factor in shaping the urban form. In addition, the policy approach should also involve site-specific land policies and policy tools developed and implemented under public control. In this policy approach, the planning institution is aware that created property patterns will affect the future transformation processes and future urban form. Unfortunately, Turkey's urban (re)development processes have been carried out with a land policy approach that has not included this understanding. The absence of this policy approach has led to the formation of higher density property rights than planned and the rise of spatial and socio-economic problems.

Property rights are the basis for production of three-dimensional urban space. Land policies result in reorganizing real property, which involves the land and buildings attached to it, in vertical and horizontal dimensions. Plot boundaries, plot size, and setback distances are the values redefined on the horizontal dimension, while the number of floors, building heights, number of units, and land uses are the values redefined on the vertical dimension. Depending on these, it can be said that land policies are form policies. Each decision made regarding the abovementioned values changes the urban morphology. This phenomenon should be considered in the formulation of policies and policy tools. This study draws attention to the fact that a change in property rights is actually a change in urban form, but this does not constitute the main scope of this study. The study focuses mainly on the change in property rights resulting from land policies made in the (re)development process.

Developing land policies and policy tools according to the unique characteristics of the planning area, especially topographical features, is the second consideration in creating a planned property pattern. Today’s policy approach is based solely on quickly solving the major problems of urban areas, with little concern for spatial or topographic features or future property patterns of project areas. When general policy decisions are implemented with a lack of public control, and without considering the characteristics of the planning area, property owners can implement policies in a way

that forms a denser property pattern than allowed, in order to generate greater economic returns. In addition to the unplanned increase in property rights practiced by property owners, the number of property rights is increased in some projects which are self-financing due to the unavailability of funding resources.

As a result of planned and unplanned practices, the property density of certain parts of today's cities is constantly increasing. The density increase has negative consequences both in the present situation and in the future. In the present, it makes the prevailing social and technical infrastructure insufficient, and transforms the morphology of urban space. In the future, an increase in property rights complicates the redevelopment processes and obligates states to intervene in property rights through radical policy instruments or create even denser urban areas.

In addition to monitoring policy implementation, time constraints also contribute to the formation of the planned property pattern. When the plan implementation is left to the initiative of the property owners without time limitation, urban spaces with the same development rights have a fragmented and heterogeneous spatial pattern in terms of ownership rights and zoning order. Especially in policies requiring the joint decision of many property owners, such as transformation of areas under disaster risk, the policy decisions cannot be carried out for many years due to conflicting interests.

Within this framework, understanding the reciprocal relationship between land policies and property rights and correspondingly the significance of property ownership for future transformation allows recognizing the problems of the current policy approach of Turkey.

1.2 Aim of the Study and Research Questions

Understanding the relationship between land policies and property rights forms the basis for solving the problems in urban (re)development processes in Turkey. In line with this assumption, the study centers on this causal two-way relationship, and aims to show: **"The earliest property pattern and ownership established in an area**

by land policies has a significant effect not only on the urban form at that time but also on future transformation, urban form, and property pattern in that area."

The study intends to achieve this aim by demonstrating the following:

- The property rights are not only the effects or results of land policies but also the causes that establish those policies, the factors that affect policy implementation, and therefore future urban forms and property patterns.
- Accordingly, land policies, which reorganize property rights, have a significant effect not only on the prevailing urban pattern but also on the future urban pattern of an area.

To that end, the research is carried out by the following main question: **"How does the earliest property pattern established in an area by land policies affect not only the urban form at that time but also the future urban form, property pattern, and transformation in that area?"**

Answering this question requires understanding the causal two-way relationship between land policies and property rights; therefore, the following sub-research questions are formed to investigate both directions of this relationship:

- How do property rights in urban space influence the decision-making and implementation processes of subsequent land policies?
- How do land policies and policy instruments affect the (re)development of property rights on urban land?

1.3 Relevance of Yenimahalle Case for the Study

The answers to the research questions investigating the effects of transforming property rights on future policy processes, and the effects of each land policy on the transformation of property rights on urban space, are observed in the Yenimahalle settlement area in Figure 1.2.

Two main reasons make the Yenimahalle settlement relevant as the case study area. The first reason is that the study requires more than one cyclical relationship between land policies and property rights. Examining more than one policy implementation in an area allows us to see how the intervention in property rights has changed in terms of the form, instruments, and level of intervention, with different policies and policy tools throughout the historical process. This brings about the need for the research area to be one of the earliest-planned parts of the city. Yenimahalle is one of the earliest planned residential areas of Ankara, like Bahçelievler, Etlik and Çankaya. In those residential areas, land policies and policy instruments differ in establishment and transformation periods. While central authorities developed site-specific policies and directly intervened in urban space during the establishment period, they developed more general policies that increased existing urban density during the transformation periods. So, studying an old residential area is necessary for this study, but insufficient.

The study aims to understand the effects of property patterns established by land policies on future transformation processes. This requires comparing transformation processes of more than one area with similar spatial, socio-economic dynamics, and different property patterns which are developed by different policies and transformed by the same policies. This is the character that distinguishes the Yenimahalle settlement from the other old settlements and makes it especially relevant to this study.

In the establishment of the Yenimahalle settlement, two different land policies were implemented, two different policy tools were used, and two different property patterns were created. These different policy approaches and property patterns in the development process caused the emergence of different implementation processes and spatial patterns in those areas, although entirely the same plan decisions were applied in the following periods.

The area where the Yenimahalle settlement was developed belonged to private individuals. As a significant part of the land policy, Ankara Municipality acquired

106 ha area before opening it to development (Tokman, 1985, p. 30). Private property holders kept the other part (Figure 1.2). Those two areas under public and private ownership were developed within the framework of different planning objectives and priorities. As a result of variations in land policies, and legal and fiscal policy instruments, spatial structure and property patterns became different in those areas.

In the planning of the Yenimahalle settlement area, the main objective of the municipality was to create a self-sufficient settlement and produce the maximum number of housing plots to answer the high housing demand in the city. On the other hand, Başvekalet Construction Cooperative attempted to make a profitable development while creating a healthy living environment. Therefore, the municipality divided publicly owned land into small plots ranging in size from 175 to 300 square meters, while the cooperative divided private lands into 123 large plots (approximately 500 m^2) and the rest into smaller plots (175 to 300 m^2). In addition to different plot sizes, land use distribution differed in those two areas. While the ratio of public uses such as education and cultural facilities and open spaces was higher in the municipality area, the ratio of commercial uses was higher in cooperative area formed as the commercial center of the settlement.

Differentiation of property patterns in terms of size, use, and ownership status of plots caused varying implementation of the same plans and policies in those two planning areas. This repeated in each policy implementation in the historical process, and by extension, the spatial differentiation between the two areas has accumulated and continued until today. For those reasons, Yenimahalle constitutes a great sample area for the comparison of the future spatial impact of different policy implementations in areas with similar characteristics. As a result, the study traces the dynamics of property rights in Yenimahalle in different historical layers defined by land policy decisions.

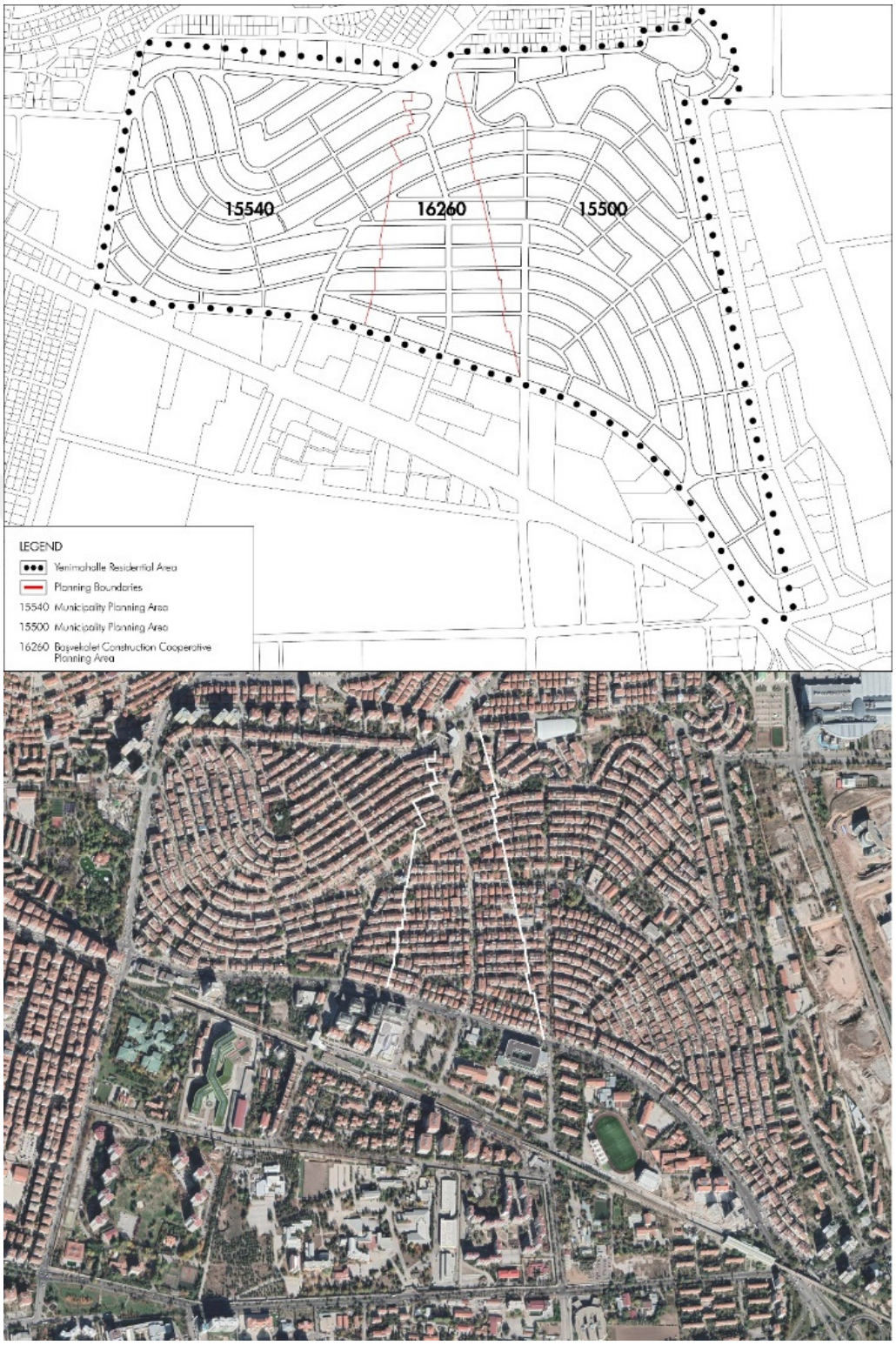


Figure 1.2 Case Study Area: Yenimahalle

Source: 1. Produced by the Author, 2. Google Earth, 2021

1.4 Method of the Study

This study was established on the causal two-way relationship between land policies and property rights. Based on this relationship and the long-life span of property rights, it was aimed to investigate how prevailing land policies affect not only current urban patterns but also future urban patterns. It was expected to reach the outcome that producing livable urban spaces with successful transformation processes not only requires that the most recent land policies and policy instruments be well-developed and well-implemented but also that the earliest property pattern and land policies be well-developed.

To achieve this aim, the study examined the redevelopment process of the case study area - Yenimahalle settlement - within the described framework. The redevelopment process was examined using two main data sets: policy decisions and property patterns. The first data set covered all policy decisions during the development and redevelopment processes of the settlement, because the study requires understanding the spatial effects of each land policy, from earliest to latest. The second data set – the property pattern - included number, density, and boundaries of property rights, and it formed the basis of the study. The study examined the property pattern and its components because they are both the reason for and the result of land policies. Therefore, the transformation of property rights was examined in detail on vertical and horizontal dimensions. The change of property rights in the vertical dimension was examined through '*the number of individual units per plot*' and the change of property rights in the horizontal dimension on '*plot boundaries*.' Analysis of the change of these values, with the factors affecting this change, became possible by integrating a large volume of quantitative and qualitative data demonstrated in Table 1.1. These data were obtained from primary and secondary data sources. Integration of the large volume of data into the mapping process and production of visual data formed the analysis method of the study. Spatial representation of required data for each period of the transformation process of the study area enabled following the relationships and causality between different factors.

Table 1.1 Methods and Objectives of Data Collection

DATA	OBJECTIVES OF DATA COLLECTION
SECONDARY DATA	
2020 The number of independent units per plot, 2020	PROPERTY RIGHTS ON THE VERTICAL DIMENSION Ownership fragmentation on the vertical dimension Density of property rights on building blocks Population density on building blocks Property patterns Land slope utilization Plot size - number of units Building typologies The economic and spatial reasons of transformation
Satellite images, 2020 Vectoral map, 2020 Urban development plan, 1965	PROPERTY RIGHTS ON THE HORIZONTAL DIMENSION Subdivision plan Plot boundaries Plot sizes Unification and subdivision Intervention areas on property boundaries
1948 to 1996 Past student works, 1966 to 1996	PROPERTY RIGHTS ON THE VERTICAL DIMENSION Density of property rights on building blocks, 1966 Population density on building blocks, 1966 Land use, 1966, 1979, 1996 Urban transformation areas, 1979, 1993, 1996
Urban development plans, 1948, 1965 Amendments in city plans and zoning regulations, 1968, 1993, 1996	PROPERTY RIGHTS ON THE HORIZONTAL DIMENSION Subdivision plans, 1948, 1965 Plan boundaries Plot sizes
Interview records	Everyday life in the area, 1950s - 1980s The ways of using property rights The number of property holders per plot Private – public property relationship Policy implementation approaches of property owners in development and redevelopment processes Spatial needs of residents at plot and neighborhood levels
Photographs	Building typologies The number of floors Morphological characteristics of the residential area The houses that were built between 1965 and 1996 and could not reach the present day. The approximate number of independent units per plot The number of property holders per plot Additions to buildings (use of basements and roofs) Use of front yards

PRIMARY DATA	
Building numbers	Production of present-day subdivision plan Unification and subdivision Plot boundaries Plot sizes
Building typologies	Morphological characteristics of the residential area Land slope utilization The economic and spatial reasons of transformation Policy implementation approaches of property owners in development and redevelopment processes
The number of floors	Age of housing stock Implementation of past plans and policies The economic and spatial reasons of transformation
Building uses	The ways of using property rights Property patterns Policy implementation approaches of property owners in development and redevelopment processes
Use of front and back gardens	Everyday life in the area, 2020 The ways of using property rights Spatial needs of residents at plot levels

1.4.1 Data Collection

Since the study aimed to prove the hypothesis that policies carried out during development influence policy implementation during transformation, these two processes were examined in Yenimahalle under separate headings with different sources. The development process focused on how two different policy implementations caused the formation of two property patterns. The transformation process searched how the areas with two different property patterns differed in time despite implementing the same policies.

The development process examined the relationship between the policy approaches of the period and property rights by using secondary data sources. The study of Yıldız Arıbaş Tokman on the housing policies carried out in Yenimahalle formed a base for this research. Her study provided detailed information on the earliest policies and property patterns in Yenimahalle. Interview recordings and photographs of private archives were used to understand the approaches of property owners on

policy implementation. City plans and maps were used to analyze the created property pattern and revealed the differences between cooperative and municipal planning areas regarding policy production, implementation, and end product – property rights.

The transformation process examined the reciprocal relationship between land policies and property rights in sub-periods created according to policy decisions. In the comparison of property patterns in each sub-period with the earlier property patterns:

- ***land policies*** were analyzed in detail regarding the location of decisions, development rights, zoning regulations, and design codes;
- ***the effects of each land policy on property rights*** were examined in detail on vertical and horizontal dimensions - the change of property rights in the vertical dimension was analyzed through 'the number of individual units per plot,' and the change of property rights in the horizontal dimension on 'plot boundaries';
- ***the effects of the policy implementation approach of property owners*** were searched in terms of whether the property patterns had facilitating or limiting effects on new policy implementation;
- ***the effects of spatial and socioeconomic dynamics of each sub-period on transformation processes*** were examined.

These four research topics were examined using a wide variety of quantitative and qualitative data from primary and secondary sources. The classification of this data according to collection methods, objectives, and time intervals can be found in Table 1.1. and explained below.

The data indicating **'property rights on the vertical dimension'** is the number of individual units, or the number of property rights, in each plot. This data for the year 2020 was obtained from Ankara Metropolitan Municipality. Integrating with other data, the number of individual units enabled calculating the density of property rights and population of building blocks, and understanding existing property patterns of the area. At the same time, combining this data with the number of floors and plot

size enabled us to see whether property owners utilized land slope to create an additional unit or not. In addition, it provided information on the economic and spatial reasons for transformation.

Since the accurate number of independent units in the past could not be obtained, the vertical fragmentation of property rights was analyzed using student works produced between 1966 and 1996. Based on the visual and written data in these works, the author produced maps of density of property rights and density of population on building blocks and defined urban transformation areas.

The data indicating **'property rights on the horizontal dimension'** is the subdivision plan. The study used various secondary data sources to define the most accurate current and past property boundaries. The current subdivision plan was created using satellite images, the 2020 vector map, and the 1965 urban development plan. The early subdivision plans were created through the 1948 Yenimahalle master plan, the 1965 urban development plan, amendments to city plans, and zoning regulations in 1968, 1993, 1996. Comparison of subdivision plans of different years provided the determination of intervention types and intervention areas to property rights. In addition, it enabled the calculation of plot sizes which was one of the determining factors in the transformation.

While changing property rights on vertical and horizontal dimensions were examined through the number of individual units and property boundaries, **'the approaches of property owners in policy implementation'** were examined through interview records and photographs. Interview records allowed us to understand the everyday life and spatial needs of residents at plot and neighborhood levels between the 1950s and the 1980s. By extension, they enabled us to understand the ways of using property rights, the number of property holders per plot, and the policy implementation approaches of property owners in the (re)development processes.

Aerial photographs and individual photographs supported and detailed the information produced in this study by allowing us to see the urban space on a specific

date. Above all, they showed the houses built between 1965 and 1996 that had been demolished and did not survive to the present time. In addition, the photographs enabled us to understand building typologies, the number of floors, the morphological characteristics, the approximate number of property holders per plot.

All these secondary data are of great importance for this study. Without public data and the theses having detailed information on the spatial effects of policies in specific historical processes, this study would not have been possible. In addition to secondary data, the primary data was collected by conducting fieldwork from September 2019 to March 2020. The objective of the primary data was in-depth understanding of the implementation approaches of property owners in the transformation process. The primary data assisted the production of subdivision plans and provided information on how property owners gave policy decisions and used property rights.

One type of data - building numbers - eased the production of the 2020 subdivision plan. In this way, it facilitated defining subdivided and unified areas, plot boundaries, and plot sizes. Two other types - the number of floors and building typologies - clearly showed the age of housing stock, and which part of the settlement was developed within the framework of which policies. In addition, integrating plot sizes and the number of individual units to this data enabled us to understand the economic and spatial reasons for transformation and land slope utilization. Also, the use of buildings and front gardens gave information on the ways of using property rights and the spatial needs of residents at the plot level.

1.4.2 Data Analysis

The previous part explained how the collected data were organized according to the purpose of use, date, spatial location, and type. In the analysis, these data were integrated into the mapping process. Separate maps showing the horizontal and vertical fragmentation of property rights were produced for each time interval. Maps

were produced using similar graphic language for each time period to allow the complex data to be well-organized and summarized, to generate knowledge, and to present them in easily understandable forms. Complex relationships in urban space and the fact that many data were linked made mapping the most accurate analysis method to achieve the objective of the study.

The stages of the mapping process were as follows:

I - Production of Basemaps

Since the 1948 Yenimahalle Master Plan does not show the property boundaries, the earliest subdivision plan of the area was created using the 1965 urban development plan. This plan (raster data) was converted to vector data in the software programs. The 2020 subdivision plan of Yenimahalle was created combining the satellite images of 2020 and the data obtained from the Yenimahalle Municipality.

All the data collected in the study were processed on these two basemaps, and the subdivision plans for other planning periods were also reproduced on these two basemaps. In creating the variations of basemaps, past student works, including data on the old number of floors and transformation areas and the existing number of floors, were used. A separate subdivision plan was produced for each planning period.

II – Organization and Grouping of Data

As mentioned above, different areas of the settlement obtained different development rights in different planning periods. For this reason, primary and secondary data were grouped first according to time intervals, then according to the location of the decision.

III – Processing and Superimposing of Data

After the data were grouped, they were processed on the corresponding basemaps. Then, primary and secondary data, combined according to the purpose of use, were integrated into the mapping process. During the process, necessary calculations and

analyses were made both in the software programs and with the conditional formatting feature in Excel. In the end, the mapping process produced visual data for each time interval. Visual representation of complex data enabled the spatial transformation process of Yenimahalle to be followed in chronological time intervals, providing answers to questions such as:

- To what extent have the policy decisions been implemented and why?
- How have the implementation processes of policy decisions been carried out?
- Which land policy tools have been used to intervene in property rights?
- How have land policies transformed the property pattern in the horizontal and vertical dimensions?
- What has been the effect of the property rights created by the previous policies on the policy implementation processes?
- What are the characteristics of the spatial structure formed at the end of the policy implementation?

1.5 Structure of the Study

The study is composed of six main chapters. **Chapter I** introduces the scope, the argument of the study, and research questions briefly. Then, it describes the reasons which make the Yenimahalle settlement relevant as the case study area. This is followed by methods and objectives of data collection and the stages of the data analysis process.

Chapter II provides a theoretical framework for investigating the two-way relationship between land policies and property rights. The first direction of the relationship is examined with defining the objectives of developing land policies, describing different types of policy instruments and reorganizing property rights through these instruments. Then, the other direction of the relationship is investigated with tracing the effects of property rights on policy implementation.

Chapter III focuses on the urbanization process of cities in Continental Europe and searches for the two-way relationship between land policies and urban redevelopment. The central focus of this chapter is the change of planning and policy approaches, the reflection of this change to property rights, and the effects of property patterns on future land policies and redevelopment processes.

Chapter IV examines the urbanization process of cities in Turkey and searches for the two-way relationship between land policies and urban redevelopment. This chapter focuses on changing policy approaches, the reflection of this change to legal framework and property rights, and consequently future redevelopment processes.

Chapter V finds the answers to research questions in Yenimahalle. By tracing the changing property rights, it establishes the relationship between the earliest property rights in an area, land policies and urban redevelopment. **Chapter VI** briefly explains the main finding of the research.

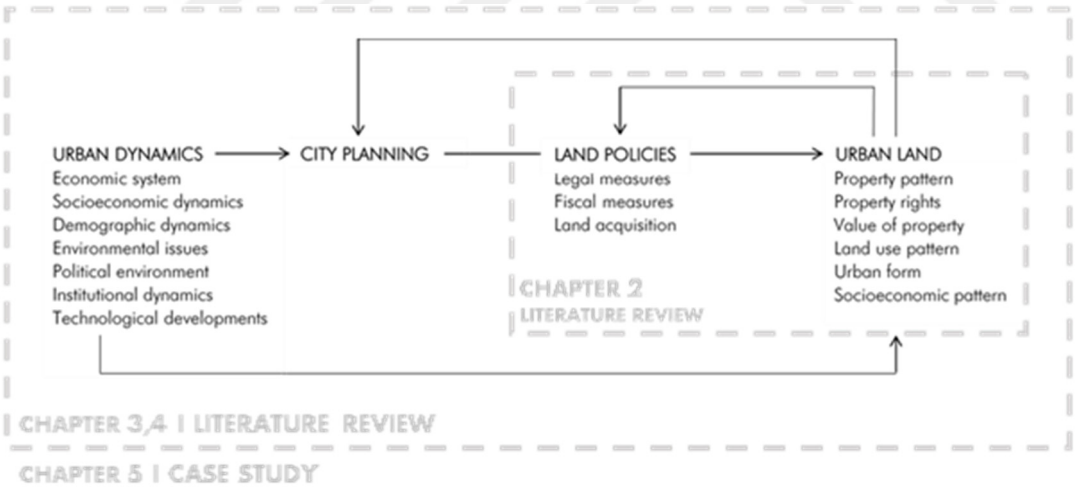


Figure 1.3 Structure of the Study

CHAPTER 2

THE TWO-WAY RELATIONSHIP BETWEEN LAND POLICY AND URBAN (RE)DEVELOPMENT

Since the 1950s, the urban population of the world has grown rapidly, and the world continues to urbanize. According to the United Nations Report, by 2018, 55% of the world's population lived in urban areas, while the remaining 45% of the world resided in areas with rural character. The world's urban population is estimated to increase to 6.2 billion in 2050, and almost all the population growth is expected to take place in undeveloped countries (United Nations, 2017).

Together with the continuing high urbanization rate, massive expansion of urban areas worldwide is another fact to be considered. An empirical study analyzed the development of the spatial structure of the 200 cities in the world from 1990 to 2013 according to the four main spatial attributes: urban land cover, population density, fragmentation, and compactness (Angel et al., 2016). According to the study, the development level causes significant differences in the growth patterns of cities and countries. Developed, developing, and underdeveloped cities show an entirely different characterization of urban expansion worldwide. In developing and underdeveloped countries, with the effect of population growth, cities expand on rural land rapidly while urban population density reduces.

Although they have diversifying urban expansion models, it is the common planning objective of all cities to develop urban land to be in a more efficient, sustainable, and equitable way. It is the main reason necessitating this objective is that the land is a scarce resource the reproduction and expansion of which is not possible without minor exceptions such as land reclamation whose use is limited.

Together with its' limited nature, the main characteristics of urban land are heterogeneity, dense, and highly populated areas (Wirth, 1938) which brings a variety of public and private interests, land rights, and land uses contradicting on the urban land. As a usual situation, depending on the ever-changing political, economic, social, and environmental conditions, these various land uses relocate on urban land and continually compete to get a site in the limited urban area. At this point, the role of spatial planning is to ensure efficient use of land through land use plans and land policies and assign property rights to land resources so as to lessen the conflicts of beneficiaries (Hartmann & Gerber, 2018).

2.1 Land Policy

Land policy is an inevitable part of urban planning. This is not just because of land's unique characteristics such as being a scarce resource which accommodates all types of activities and land-uses but also due to the fact that planning objectives (i.e. protection of environment, provision of adequate and equal public facilities) could only be realized when public authorities regulate and manage land resources. In this context, it must be noted that intervention of urban planning does not solely transform spatial and socioeconomic patterns but also reorganize property structure and redistribute property rights.

"Land, because of its unique nature and the crucial role it plays in human settlements, cannot be treated as an ordinary asset controlled by individuals and subject to the pressures and inefficiencies of the market… Governments must have the political will to evolve and implement innovative and adequate urban and rural land policies, as a cornerstone of their efforts to improve the quality of life in human settlements."

This statement constitutes the beginning of the preamble to the Recommendations for National Action on Land made in the U.N Conference on Human Settlements arranged in Vancouver in 1976. These words underline the unique features of land and support public intervention on the land market to some degree. Regulation,

management, and control of growth patterns by public authorities is essential for the protection of this scarce resource and realizing diversified planning objectives in terms of spatial, economic, social, and political in the long run (UN General Assembly, 1976). Some of the planning objectives which necessitate public intervention to the development process of urban land are the protection of environmental entities such as agricultural and natural land, provision of adequate and equal public facilities, determination of location and timing of further development patterns, prevention of urban sprawl and so on (Johnston, 1980).

The intervention of urban planners on the development of land, whether built-up or vacant, does transform not only spatial and socioeconomic patterns but also reorganize complex property structure and redistribute property rights in that area (Hartmann & Gerber, 2018). For instance, the redevelopment process of the depressed housing area means reorganization of prevalent property patterns and necessitates the development of policies to protect the rights of property holders, which are landowners and leaseholders. Thus, spatial planning and property structure have a strong and interactive relationship, and the development of cities requires an understanding of this relation.

At this point, the land policy is what connect spatial planning and property system (Davy, 2016). Spatial planning interested in the determination and realization of development objectives of land (Gerber et al., 2018), and land policies and policy measures are formulated in a way to realize land use plans in terms of timing and location of development (Bracken, 2014). In this manner, land policy is 'a part of development policy directly related to land' used in the implementation process of spatial plans (Lichfield, 1980). While carrying out planning decisions, land policies and policy measures controls the definition and allocation of land rights and establish private and public property relations on land (Davy, 2016). The planning institution manages all these processes in cities that are continually exposed to change by urban dynamics and develops plans, reformulates land policies, and policy measures to realize planning objectives (Darin-Drabkin, 1977; Ratcliffe & Stubbs, 1996).

Because the land policy is an intersection field of planning and property, several objectives can be defined and associated with it. The efficient development of land resources in compliance with spatial plans is one of the primary objectives of land policies. In detail, allocation of needed land, appropriate to spatial plans, in terms of location and quantity, development time, and price, having regard to 'efficiency and equity in the allocation of land resources' is the primary policy objective (Lichfield, 1980). Together with the efficient development of land resources, the improvement of property rights on land is the other significant objective of land policy (Tongroj, 1990). European Commission also specifies the efficient distribution of the ownership and use rights on land, and security of these property rights for all forms of property holders as the policy aim (2004, p. 3). To conclude, if appropriately planned, land policies contribute to the achievement of spatial, environmental, sociocultural, and economic planning objectives and they ensure efficient development of land while protecting rights on it.

The land policy is a broad term that comprises the integrated relations of different fields some of which are the management of land resources, allocation of land uses and land rights, preservation of land as a natural resource, economic use of land resources, land taxation, land reform, and so on. The integrated relation of all these fields creates a distinct meaning: land policy (Davy, 2016). Because it comprises of a variety of fields, a small change in the scope of land management with regard to the legal framework, distribution system of property rights, and administrative structure result in major changes in both abovementioned fields as well as spatial and socioeconomic structure of cities in the long term (EU Task Force on Land Tenure, 2004). Land and building regulations are examples of this with the definition of regulations influence not only the spatial pattern of an area but also the social and economic structure. For example, specification of a housing zone with a large plot and minimum floor area creates a low-density area that is appropriate, especially for high-income groups rather than low and middle-income families. Given these reasons, specification of land policies in accordance with the desired objectives and

analysis of probable multi-faced consequences of policies to be implemented in an area related to generated property pattern has vital importance.

2.2 Land Policy Instruments

Land policies intervene in the land, the property rights on land, its economic value, natural value, and shape the everyday life of the communities and investment decisions of different actors regarding the land. The form, level of this intervention, and the instruments used in this process differ according to the planning and policy objectives (Shoup & Mack, 1968). Since this study examines the effects of land policies on the transformation of urban land through changing property rights, this section is assigned to examine how policy instruments are used in this context.

There are a diversity of land policy instruments and different approaches to the classification of those instruments. Gentler classifies policy instruments into three main groups: scope, form, and value orientation (1978). The scope of the instruments is related to the inclusiveness degree, which might be comprehensive, strategic, or limited. The comprehensive tools might have a country-wide impact, while the limited ones might be valid for a narrow area. The second group- the form is about the type of government tools to intervene in urban space. Regulations, fiscal policies, and direct action of governments are examples of different forms of policy tools (Gentler, 1978). As the second approach to the classification of policy instruments, Litchfield defines three main groups: direct intervention, legal control, and fiscal control (1980). Direct governmental action is a group of measures such as the acquisition of privately owned lands, the development of these lands either with or without the cooperation with private corporations. The second group- legal control includes zoning controls, subdivision regulations, and construction permits on urban lands, while the last group is the fiscal instruments used to control urban growth. Taxation, mobilization of public savings, and development impact bonds are examples of these financial instruments (Darin-Drabkin & Litchfield, 1980).

The approaches of Litchfield and Gentler show that there is a definite number of intervention methods to the property rights, but it is possible to classify them differently according to the type, scale, and level of the intervention. Because it creates a more coherent framework for the case study, this study adopts the suggestion of Darin-Drabkin on the classification of policy instruments:

1. the direct action of public authorities or land acquisition,
2. legal measures affecting land-use decisions of the private persons,
3. taxation measures affecting land-use decisions of the private persons (Darin-Drabkin, 1977, pp. 186–188).

In the continuation of this section, the policy instruments used in implementing land policies and their effects on the property rights and urban space will be described briefly.

2.2.1 Land Acquisition

As abovementioned, to ensure public interest and accomplish planning objectives on various scales, public authorities intervene in the land market to varying degrees using different instruments (Shoup & Mack, 1968). Acquisition of privately owned lands into public ownership is one of the most effective land policy instruments for controlling the land development processes (I. R. Couch & Kivell, 1995). It is effective because it provides more direct intervention to property rights compared to legal and taxation measures. It also restrains the speculative rise in land prices that can serve for public use (Neutze, 1989). With these benefits, local, regional, and even national authorities use land acquisition to carry out planned development schemes.

The land acquisition framework is shaped and diversified depending on multiple factors: planning objectives, socioeconomic structure, historical background, urbanization rate, institutional system, roles of central and local administration in the development process, and administration of publicly-owned land (Darin-Drabkin,

1977). Depending on all specified determinants, the degree of intervention of land acquisition practices in the land market varies.

In all countries in the world, the public authorities intervene in property rights at a minimum level in order to provide public facilities, such as the circulation system, parks, schools, and so on (Deininger, 2003). Beyond providing basic public services, land acquisition is also carried out on a larger scale to create or protect some specific land uses. Protection of environmentally sensitive areas located in and around urban areas, and creation of open spaces such as parks, recreation areas, and forests are some examples of these (Bengston et al., 2004). In addition to open spaces, privately owned lands are acquired to carry out short-term projects such as social housing, transformation projects in the obsolescent districts, and long-term projects like industrial areas. Finally, advance land acquisition is generally carried out for creating land reserves and controlling urban growth patterns. Public authorities purchase extensive lands either for planned development or probable future developments. The establishment of New Towns is an example of a wider extent of land acquisition, and Germany was one of the countries which used land acquisition instruments for this purpose. The most extensive control on urban space and the land market is taking all lands in the country under public ownership, which is called the nationalization of lands (Deininger, 2003). At this point, it should be stated that even though land acquisition is used for public interest in different ways, there are controversial views about holding lands under public ownership based on the socio-economic effects (Deininger, 2003).

Like the scope and scale of land acquisition, the administration of newly acquired lands influenced the organization of property rights. Public authorities develop the acquired lands first and then sell or lease them to private individuals. The decision of whether to lease or sell those lands influences the future transformation of those lands. In detail, holding the ownership rights of the acquired lands gives direct control over the (re)development process of those lands to public authorities. According to changing needs, intended lands can be (re)developed at the desired time. In addition, public authorities might get income temporarily by leasing those

lands to private individuals (Shoup & Mack, 1968). Compared to holding them, transferring ownership rights to individuals gives public institutions less control over the transformation process of those lands. In this alternative, governments obtain lands, then provide public infrastructure, ensure the planned development, and transfer property rights. Through the privatization of lands, the public authorities earn income to use for future land acquisition; however, they lose the freedom of developing land uses in the desired time and location and increase the power of individual property holders in this sense. This is the case observed in the transformation process of the Yenimahalle settlement area.

2.2.2 Legal Measures

The legal measures used to implement land policies are "land use planning, zoning, subdivision, forbidding development in some areas and the right of expropriation and priority purchase rights" (Darin-Drabkin, 1977, pp. 186, 187).

Land use planning is a series of intentionally coherent decisions or activities carried out by planning administrations and authorities at different levels, whose resources and interests vary with the view of resolving problems (Gerber et al., 2018).

2.2.3 Fiscal Measures

Fiscal policies are an essential part of land policies developed to achieve planning objectives (UN General Assembly, 1976), and taxation is one of the most effective measures of fiscal policies. It is usually used to manage the land market, property rights, and land uses. While some types of taxes stimulate certain land uses precisely, the others affect the use of land without directly aiming it (OECD, 2017). Transfer of development rights and historic rehabilitation taxes are examples of land use-related taxes, while property and land value taxes do not aim to influence land use directly.

Land and property taxes are the oldest types of taxes across the world. Property taxes arose in the city of Lagash in 6000 BC, then collected in ancient cities including Babylonia, Egypt, China to finance the construction of palaces and temples and maintain armies. Since this time, property tax has been used without interruption until modern-day for similar purposes (Kincle et al. 1995 cited in Macgregor). In most countries, municipalities use land and property taxes as a source of revenue to improve the quality of the living environment, provide public facilities, infrastructure, and so on (Bird & Slack, 2004). Otherwise, only private property owners would get income from the rise in land values, which planning decisions, growth of cities, change in land uses, and public investments gave rise to (UN General Assembly, 1976).

The rehabilitation tax is used by governments to trigger new investments in rehabilitation projects of old buildings stocks. The tax is used to encourage private developers to rehabilitate declining historic properties, which are specified by preservation offices and the National Register of Historical Places. This fiscal policy is entitled to the most effective federal program for rehabilitating old districts of the city.

2.3 Redefining Property Rights Through Policy Instruments

As described above, public authorities develop land policies and intervene in the urban land by using land acquisition, legal, and fiscal measures for the implementation of plan decisions. It is essentially property rights that are intervened and transformed by these measures regardless of whether the land is vacant or settled.

The efficient reorganization of property rights through public interventions and efficient property system necessitates states to establish a fundamental set of principles and standards through laws and regulations (Malloy & Smith, 2016). Constrained by these legal rules and standards, the state holds legislative power and authority for the justification, legitimization, and protection of property rights

(Malloy & Smith, 2016). Likewise, the public bodies have the authority to organize and identify property boundaries and allocate property resources to the beneficiaries (Waldron, 1990).

The main aim of public bodies in the reorganization of property patterns is the efficient and equitable distribution of property rights (Hartmann & Gerber, 2018). Since urban lands are mostly under private ownership, each private property owner has their own rights, duties, liberty, and power associated with their property. Correspondingly, each property influences the spatial and socioeconomic structure of urban space deep within the framework of property rights. Thus, the formation process of property patterns has vital importance for the development of a healthy urban environment. At this point, examining the scope of property rights may help to understand these rights affecting the spatial structure of cities.

Even though different countries have varied rights and restrictions on properties depending on their sociopolitical systems (Günay, 1999) (Becker, 1977), describing a common property concept is still possible. In this regard, Radcliffe and Stubbes focus on the rights associated with the property and identify four concepts: "(I) right to use, (II) right to enjoy, (II) right to transfer, and (IV) right to exclude others from using the property (1996).

Honoré has a different approach- he sets down eleven standard incidences that include not only the rights but also the restrictions necessary to have ownership of property. Those incidences can be examined under specific groupings. First, 'the possession and use rights' on property represent personal enjoyment rights on holdings within the framework of certain rules and restrictions. Next, the economic right of property owners on their holdings are 'right to manage, income and capital.' They can get economic benefits from foregoing personal use of their properties or allowing others to use them. In addition to rights of use and income, property owners have 'the rights of transmissibility and bequeath.' Other rights are the 'right to the security of their properties' and 'the absence of the term.' Properties have immunity from expropriation, except the conditions of debt and bankruptcy. This brings the

other right, ‘liability to execution,’ which is, the owners’ property rights might be taken away from him for the redemption of the debt. Together with all these rights, some restrictions are also defined on the property to protect the social order and property rights of society members. Property owners are ‘prohibited of the harmful use of their holdings.’ They cannot use their rights to damage others’ properties (Honoré, 1961, p. 165).

Consequently, being a property holder has many rights and privileges. Some of these privileges are more questioned by others due to the advantages they provide to property owners in socio-economic and political arenas. The right of property holders to gain income from their properties and exclude others from their properties are examples of those. The right of property owners to make a gain from their property enables them to consume or destroy their property and, in this way, empower them in the social, economic, and political environment (Becker, 1977). This power enables property owners to have a say on the development and redevelopment processes of urban space. The right to exclude others from properties provides similar benefits to property holders; therefore, some advocate that excluding others should be a purely optional right, not necessary. There are, however, opposing opinions that identify this right as a requirement of the property institution. Merrill clarifies this view as follows:

> "Right to exclude others is more than just ‘one of the most essential’ constituents of property- it is sine qua non. Give someone the right to exclude others from a valued resource, i.e., a resource that is scarce relative to the human demand for it, and you give them property. Deny someone the exclusion right, and they do not have property." (2014).

In brief, the property boundary defined by the plan decision includes many property rights. With these rights, property owners have a say in the future of their properties. Considering that most urban lands are under private ownership and are composed of a vast number of properties, it can be seen how crucial individual property rights are

for urban form and its future transformation. The following section will elaborate on this issue.

2.4 Effects of Property Rights on Land Policies

The Vancouver Declaration on Human Settlements draws attention to the redefinition of property patterns through planning: “Past patterns of ownership rights should be transformed to match the changing needs of society and be collectively beneficial.” (1976, p. 1). In other words, the property rights are not constant, to the contrary, public authorities reorganize the rights according to spatial and socio-economic requirements in cities (Deininger, 2003).

However, even though public bodies revise city plans and amend regulations according to emerging needs, they cannot have complete control over the timing of the development due to the existence of private property ownership (Darin-Drabkin, 1977). In the privately-owned lands, if land policies do not put a time limitation on the implementation of the plan decisions, property owners implement the plan decision whenever they want- not at the specified time.

There are various reasons for the delay of the plan implementation process in private lands. First, the rights to use, transfer, transform, and earn income from their properties provide private property owners freedom in the decision-making process (Balamir, 1996). With this freedom, sometimes they want to sustain the spatial layout created by the previous plan decision, and sometimes they wait for a certain time to make more profits and so on. The second reason for the delay of implementation or non-execution of plan decisions is the high-density or complex ownership pattern. Especially if the application of a new plan decision requires the joint decision of property owners, it becomes difficult and time-consuming for multiple owners to reach consensus (Balamir, 1975). The third reason is that land prices which increased due to economic conditions and land policies limit the development or redevelopment processes (Tekeli, 1985). As a result, while some areas implement

recent plan decisions, which can be on development or redevelopment, some others do not. Some vacant lands in the inner-city and urban periphery remain undeveloped (I. R. Couch & Kivell, 1995) or are developed only after long and difficult processes (C. D. Adams et al., 1988). Likewise, some urban areas are transformed while others are not.

The specified three causes, which are private property holders' high freedom of decision making, high private property density complicating joint decision-making, and high land prices, are created by land policies at a particular time. They all influence the implementation process of plan decisions, the timing of implementation, and whether they will be implemented. Hooper has similar thoughts about this issue and expresses the limiting effects of private property right and land price on the implementation of plan decisions as follows: "Where development constraints, which are ownership and price constraints, do exist, particularly in combination, they can make the crucial difference between land allocated for development in planning terms and land available for development in market terms". Therefore, the property pattern has vital importance for implementing plan decisions and the urban form created at the end of plan implementation processes.

In addition to the implementation of plan decisions, prevailing property patterns influence the process of developing new plan decisions, as well as land policies and policy measures. The main reason for this is that property rights give power to the property owners in political and socio-economic arenas (Becker, 1977). Property owners then benefit from these rights, by being able to pressure public authorities to take new planning decisions that are advantageous to them. In this way, property ownership influences the preparation and implementation of plans and policies, and consequently the urban (re)development processes (I. R. Couch & Kivell, 1995).

In light of this information, property rights have two main effects on land policies:

- The prevailing property patterns have significant effects on the implementation of plan decisions and land policies. The time and manner of the implementation, and whether decisions will be implemented, depend on the preferences of private

property owners. Hence, the urban form is created by both through planning authorities' decisions and property owners' decisions. Above all, the earliest land policies implemented in the development of an area influence the transformation in the future.

- The prevailing property patterns influence the decision-making of public authorities. Sometimes, public authorities make revisions to land policies and plan decisions to answer the needs of property owners with political and economic concerns. Therefore, (re)definition of property rights of an area affects not only the spatial development of that period but also the urban re-development of future periods, by affecting land policies.

These two inferences show that the formation property pattern has vital importance, including the number of property rights, plot sizes, property density per plot and the distribution of property rights to the holders. To have integrity and spatial unity in urban areas, as well as healthy development and redevelopment processes, land policies and policy instruments should be specified by being conscious of the possible effects of property rights. Regarding this issue, Goethert states that defining the land subdivision pattern of settlements is one of the most important decisions in the urban planning process (1985). As he remarks, "Once established, the pattern essentially remains forever, and can only be changed at a great cost, effort, and political will." (Goethert, quoted in Günay, p.3). Darin-Drabkin also highlights the permanent character of property pattern with these words: "Land is the basis for structures which, once erected, have a long life, and fix the reality of urban life for a long time" (1977, p. 1). Like the subdivision of land, the division of property rights within a plot by increasing density also has a significant effect on the urban space. At this point, Balamir states that ownership fragmentation on plots leads to unalterable processes in the property market (1975, p. 313).

CHAPTER 3

LAND POLICY AND URBAN (RE)DEVELOPMENT RELATIONSHIP IN THE HISTORICAL PERSPECTIVE, EUROPE

This chapter examines the two-way causal relationship between land policies and urban redevelopment in the cities of continental Europe from the 19th century to the present day. The urban redevelopment processes are analyzed through the change in land policy approaches and accordingly the change in property systems and property relations. Understanding these relationships starts with searching the economic, political, and technological developments, and problems of urban areas in the historical process, and investigating policies of public authorities to solve these problems. These policies are changing property systems, establishing new land policy approaches, determining instruments and degree of intervention to existing property rights. Examining land policies and policy tools are followed by examining the transformation of property patterns and urban forms. Above all, the effects of changing property rights on future redevelopment processes and policy implementation are traced both within and between time periods.

3.1 Institutionalization of Private Property and The Emergence of Industrial City - 19th Century Onwards

The Industrial Revolution is one of the most significant turning points of human history (Hobsbawm & Wrigley, 1999, p. 11). It marks the transition from the feudal system based on agricultural production to modern production system. This transition and the formation of industrial cities are associated with the institutionalization of the property systems, technological improvements, changes in production systems, and social change.

In the feudal system, the society was stratified based on landholding. Lands were under the ownership of a few who exploited agricultural labor through taxes and rent

(Ogilvie & Carus, 2014, p. 460). This socio-economically unequal property system caused natural resources to be underutilized and used only for private interests, which resulted in unproductive agricultural production and economic underdevelopment (Acemoglu et al. 2005, p. 393) cited in (Ogilvie & Carus, 2014, p. 453).

After feudalism, the exploitation of the labor class continued in the proto industrialization[1] period. This time, not the agricultural landowners but industrialists took advantage of propertyless labor. Industrialists made domestic industry investments mostly in regions with large populations of the propertyless proletariat, who would be more flexible about migrating to benefit from industrial job opportunities (Fischer, 1973, p. 160,161). In time, the number of proletariats employed in industries gradually increased, and they contributed to the sectoral expansion and capital aggregation. As can be seen, both agricultural and industrial production processes exploited the propertyless labor for decades, and the only solution to the exploitation and inequalities arising from property ownership was to make reform in the property system.

During the half of the 19th Century, European countries established the modern legal and institutional systems, and the institutionalization of property systems was a substantial constituent of them. In this process, the feudal property system was abolished, and property rights were secured by laws and regulations, and in this way, modern property rights were established (Berend, 2012, pp. 124, 354).

Those reform movements - the right to private property and the institutionalization of property rights- were significant advancements, and they created appropriate conditions for modern industrial production (Berend, 2012). In this regard, Moore states that the efficient property system with well-defined, transferrable, and equitably distributed property rights constitutes the prerequisite for the development

[1] The protoindustrial period refers to the growing number of domestic industries which are mechanized in time (Fischer, 1973, p. 158).

of modern industries (1965, pp. 29, 30). The absolute property rights assured individuals to make innovation and produce, and prevent them from underutilizing their lands (Barbot, 2015). In this respect, Barca states that "…the foundational moment of a development process is the individual appropriation of land, and other natural resources, their 'liberation' from a previous state of uncertainty of property rights, implying their over-or under-exploitation, and their 'improvement' by technical innovation." (2011, p. 1220). Consequently, states which aware of the strong relationship between the institution of property and the modern mode of production, created the favorable conditions for modern industrial production.

In addition to the institutionalization of property systems, there were other factors that paved the way for the modernization of industrial production. First, proto industries provided the accumulation of the capital needed for new investments, established sectoral relations, the management experience of entrepreneurs (Mendels, 1972). The other factors were technological improvements allowing the use of the steam engine, mechanization of production, availability of labor, and rationalization of the financial organization, and so on (Walton, 1987, pp. 89–99). As a result of all the specified factors, modern industrialization emerged as the continuation of the economic development process- protoindustrialization (Komlos, 1989, p. 191).

3.1.1 Spatial Structure of the Modern Industrial City

Modern industries and modern production systems transformed the social and economic structure of city regions and formed a new spatial organization that supported the new production system (Cheshire & Hay, 2017, p. 2). The primary determinants reshaping the spatial organization were rapid urbanization and the establishment of industries in the urban core, to benefit from expanding transportation and communication networks. The establishment of modern industries in the urban core created a strong centralization, and the use and ownership rights on urban land were reorganized as a result (C. Couch, 1990, pp. 6–8). In addition to site selection by industries and increasing urban population, the economic system and

the planning approach of the period influenced the spatial organization of industrial cities.

The 19th Century economic system was based on the policy of laissez-faire, and this classical economic understanding influenced the planning approach until The Second World War. In this system, responsibilities of governments were to secure individual property rights and provide necessary individual liberty conditions in the market. Government was separated from the economic sector except for "the maintenance of law and order, national security, governance and provision of limited public services" (Tanzi & Schuknecht, 2000, pp. 3–22). Public policy was based on the provision of basic services, and correspondingly, a big part of public spending was made for modern transportation facilities and factories. On the other side, the state left housing production to individuals and the market.

The lack of public policy on housing created the negatives of industrial cities. This is because, even though job opportunities attracted a large number of people, the spatial structure and technical infrastructure of those cities were inadequate to provide a healthy living environment to migrant workers by the 1800s. The fact that migrant workers have a low budget for shelter needs made the situation worse. Because public authorities did not fulfill housing needs, private individuals and institutions came to the forefront. Factory owners, companies, private foundations funded by the aristocracy and the bourgeoisie, property investors, and speculators built a limited number of high-density housing areas around industries (Wassenberg, 2013, p. 41) (Lévy-Vroelant et al., 2014, pp. 279–280). Due to the unsanitary conditions they had, these overcrowded housing estates became the center of poverty and diseases over time.

While industrial workers resided in these overpopulated houses in the urban core, *absentee landowners*[2] who could afford transportation costs chose to live in the

[2] Marschall describes the term "absentee landlord" as a landowner who resides abroad or at a distance from his or her estate or property or place of employment. They expected max. rental income and rise

suburbs (Marshall, 1934) away from urban problems. Like the absentee landowners, newly emerged middle-income groups with comparatively good income also preferred residential areas outside the city. Thus, landholding and income level created spatial segregation in urban space and formed the basis of modern cities. At that point, the fact that society's most disadvantaged people resided in the most valuable urban lands created a contrast (Hall, 1993, p. 892).

3.1.2 Gradual Increase in Public Intervention to Urban Land

From the 1850s onwards, central governments who were concerned about unsanitary housing areas slowly got involved in the development and redevelopment processes of residential areas. The motives of public policy change were establishing a welfare state, providing sanitary living conditions to the labor class to ensure political stability, and protecting the profitability of industries (Wassenberg, 2013, p. 42).

With these intentions, the state took full responsibility for planned development and housing production, which the private sector had sustained over the past decades. For effective public intervention in the property market and restraining private interests in property investments (Lévy-Vroelant et al., 2014, p. 280), all European countries developed regulations, changed land policies and policy tools, and enacted housing acts in the late 1800s. Lévy-Vroelanta et al. (2014) describes the framework of these land policies as follows:

On fiscal policies:

- Tax policies need revision at a substantial level.
- The finance of housing projects depends on the creation of new public funds. Depending on public policies, states or local authorities can create these funds

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of property value in the long run but they did not make investment to improve their property (Marshall, 1934, p. 171).

by collecting taxes, and use these funds to manage the construction of social houses (Scanlon et al., 2014, p. 1).
- Municipalities, cooperatives, and housing associations should be promoted for taking charge of housing production, including social houses.

On land acquisition:

- For easing public acquisition of privately owned lands, the required policies and policy tools such as expropriation should be developed.

On property ownership and property rights:

- New land policies should be developed to enable industrial labor to own properties.
- The relationship between tenants and landlords should be reorganized in such a way as to protect the property rights of tenants.
- Society should be informed about the responsibilities of holding property to create and maintain healthy living environments.

On the improvement of living environment:

- Public institutions should make legal arrangements to ensure minimum housing and street standards (Lévy-Vroelant et al., 2014).

As can be seen, states made complex arrangements in the land policy framework to intervene in the property market and support social housing production. States implemented new land policies and policy tools both in new development and transformation areas. Because public intervention in property rights in the transformation areas was more extreme than in the new development areas, the following part discusses transformation projects.

Urban areas were transformed to either create healthy living environments or to make large-scale infrastructure investments. The transformation projects were generally carried out in central locations with high land prices. The projects were generally based on the destruction of low-rise slum houses and the construction of high-rise structures on large plots. What was transformed was not only the property pattern

and property density but also the property holders in the area - the owners of slums were forced to move housing areas to the urban fringe. Similarly, transformation projects were carried out for infrastructure investments, such as motorways, railways, and stations, and forced slum residents to relocate. Houses on project areas were demolished, and new land uses that could manage increasing land prices, such as hotels, and small-scale manufacturing, replaced housing.

Therefore, with the initiative and management of public authorities, redevelopment projects were implemented, and with their direct intervention policies and measures, property patterns, property rights, and property values were transformed substantially. In addition to the direct involvement of public authorities in production, many private developers were encouraged to produce housing by the initiatives of state and local governments. The involvement of states and local authorities in housing production continued for some time, and then it was interrupted by the economic crisis in Europe, resulting in the private sector taking over housing investments once again. To conclude, In the second half of the 19th century, states increased their control over urban (re)development processes through land policies and policy tools they developed. The main motivations behind this tendency were to solve industrial city problems and create healthy living environments that private developers did not achieve up to that period.

3.2 The Role of Property Rights on The Reformation of Industrial City– After the World War II

The Second World War marks the emergence of new issues in urban and rural lands, the birth of new roles for states, and new approaches in planning and policy frameworks for solving these problems. The main issues in industrial cities were that the spatial structure, involving property and land-use patterns, did not fulfill the spatial needs of the increasing population, and it was inappropriate to the Fordist economic system (Murray, 1988, p. 9). To solve these problems, and reorganize the land use and property patterns of cities in a way that answered emerging needs (C.

Couch, 1990, p. 29), central authorities redefined land policies and developed fiscal and legal policy instruments for implementing policies.

In (re)development processes of urban space, the central administration strengthened its regulatory role, which it had obtained in the prewar period. The central administration was the main decision-maker, policymaker, and financier in urban development processes, particularly from the 1950s (Bernstein, 2002). In parallel to its role, the central authority made substantial investments in working and living areas in the cities from the 1930s to 1970s (Turok, 1992, p. 363) which multiplied public expenditures (Stoker, 1991, p. 2). The planning approach in this period was parallel to the top-down decision-making process of central authorities. The planning system was based on the idea that city planners had sufficient technical and professional knowledge for solving urban problems (C. Couch, 1990, p. 28). Urban planning focused on the physical structure of cities and did not concern social and economic problems.

Within the specified frame, the following part of this section examines first, how the characteristic property pattern of the industrial city affected the growth patterns of cities, which faced the changing needs, problems, opportunities, and dynamics of the post-war era. Second, it analyzes how the land policy approaches of central authorities changed in this period and how the authorities reshaped urban areas by redefining policies and policy instruments.

3.2.1 From Urbanization to Suburbanization

The post-World War II period was an era of rapid urbanization and subsequent suburbanization in the modern industrial cities of continental Europe (Fielding, 1989, pp. 63–65). The factors causing the transition to suburbanization in industrial cities were: property pattern, land use pattern, land market dynamics, increased demand for urban land, service sector growth, and improvements in transportation infrastructure. These factors not only generated the suburbanization process, but the factors themselves were also transformed and affected by the process.

The first factor, property pattern, was one of the most significant factors initiating the suburbanization process in the industrial city. In a typical industrial city, property rights were fragmented, small, and highly dense in the urban core. Hence, land prices were very high, and there were limited vacant areas for new investments (Cheshire & Hay, 2017, pp. 1–8). For this reason, many people who could not find a suitable property in the urban core turned to the fringe areas of cities, where affordable, more extensive lands were available (Kunzmann & Wegener, 1991, pp. 286, 287).

In addition to lower land rent, property investors supplied a larger amount of owner-occupied housing in suburban areas than in the inner-city (Cheshire & Hay, 2017, pp. 1–8), which encouraged people to live in the suburbs. Consequently, specific features of the property pattern in the urban core became more significant as a result of high population growth, and led vacant lands outside the city to be opened for development. Working areas, industries, and commercial uses created small towns located around metropolitan cities, and close to main transport networks, creating the first forms of suburbs in Europe (Stanganelli, 2009). In the advancing years of the 1960s, the suburbanization process continued, cities kept growing beyond their administrative boundaries such that a clear borderline between urban and rural areas could no longer be defined (Kunzmann & Wegener, 1991, p. 284).

The second factor that triggered suburbanization was land-use dynamics in industrial cities. In particular, the rapid growth of the service sector especially boosted land demand (Cheshire & Hay, 2017, p. 4). While the dynamics in property and land-use patterns of cities led to the formation of suburbs, improvements in transportation systems facilitated this process. Technological improvements enabled transport networks to reach wider areas and made the flow of passengers and goods easier and cheaper. The opportunity to cover longer distances in a shorter time with lower cost influenced the distribution of different land uses in the urban areas (C. Couch, 1990). New job and housing opportunities developed beyond the outer edges of major cities, and mostly middle- and upper-income groups who owned a car or used public transportation settled in these new residential areas outside the city. Especially from the 1960s onwards, the advancements in transportation systems and public

transportation investments became important mechanisms reshaping urban land. Public transportation networks strengthened the radial concentric pattern by connecting the urban core and suburbs (Hall, 1993, p. 888). Besides the above-mentioned three substantial factors, the new production system - Fordism - played an important role in urban growth. In this regard, Fielding states that Fordism, a system depending on mass production and consumption, required urbanization and "mass suburbanization" (1989, pp. 63–65).

As a result, property patterns, land use patterns, and land prices, which were supported by transportation investments, led to the opening of vacant outer parts of cities to development and forming low-density suburbs. On the other hand, suburbanization transformed both outer- and inner-city areas regarding property rights, land price, and urban uses. The newly created property pattern in the suburbs consisted of larger, less- dense, and more affordable plots than those in the inner city. Even though the land price in the suburbs was still lower than in the city, suburbanization caused the land price to increase in these previously vacant areas (Simon, 2008, p. 172). In addition to property rights and property price, suburbanization led to the reorganization of different land uses, which were interrelated to industries (Carmon, 1999). By moving industries in inner-city areas to urban peripheries, offices and commercial uses chose places in the areas that had been left by industries. Likewise, the creation of new residential areas in the suburbs caused a decrease in demand for residential areas in the urban core, and this accelerated the economic and physical obsolescence of housing stock as well as the formation of depressed areas in the inner-city (Mullins & Murie, 1992).

Even though all modern industrial cities grew in postwar Europe, the urban growth patterns varied according to the land policy framework of each country (Healey & Williams, 1993, p. 712). Countries aiming to control urban development processes had strict land policy frameworks and policy instruments. Using legal and fiscal policy instruments, they specified the property investment processes and property prices clearly; and defined monofunctional zones and building codes (Healey & Williams, 1993, pp. 703–715). On the other hand, the countries with more flexible

policy frameworks, like Italy, provided flexible investment opportunities and developed extensive technical infrastructure networks in cities. This resulted in fragmented ownership patterns and a dispersed urbanization process (Healey & Williams, 1993, p. 712). Consequently, property patterns of modern industrial cities started suburbanization processes which reshaped the urban form, reorganized property rights, land uses, property price as well as urban density.

3.2.2 From Social Housing to Owner Occupied Housing

Central authorities had a great impact on the (re)development of cities through land policies and policy tools in the post-war era. During various time periods, land policy approaches differed in terms of tools and the degree of intervention in property rights. In the first years of the post-war period, central authorities had direct intervention in property rights, while in the following years, the public approach transformed to less intervention in property rights and increased the role of private individuals in (re)development. The following part of the study examines the changing policy approaches on intervention in property rights by focusing on housing policies. The reason for focusing on housing policies is that in the postwar period, European cities faced many housing problems, and with various policy implementations to solve these problems, large areas in cities transformed. Analysis of these policies which caused such great changes in the cities is important to understand the land policy approach of this period.

In the post-war period, European cities faced problems of excessive housing demand which increased development pressure on vacant lands, and physically obsolescent or war-damaged housing stock in the inner-city areas. Central authorities became involved in housing production to provide housing for the growing population, to revive war-damaged areas, as well as to create employment opportunities (Scanlon et al., 2014, p. 1). Especially in the first decades of the postwar period, the state produced a huge amount of social housing through a high level of intervention in property relations and the property market (Boelhouwer & Van Der Heijden, 1992, p. 54).

Social housing projects were built either on public lands or vacant and inexpensive lands away from the cities. This enabled the construction of houses on large lands owned by a single person or institution rather than small, fragmented, and privately owned plots in the urban core (Günay, 1999). Because the primary objective of social housing projects was to produce the highest possible number of social housing on these large lands, the size of housing units was kept small and poor-quality building materials were used (Harloe, 1995). In many projects, the state provided a large subsidy for construction materials (Wassenberg, 2013, pp. 29–39). For years, middle- and low-income groups resided in these houses.

The design of social housing projects was influenced by the garden city concept of Ebenezer Howard, which evolve into the concept of new towns, CIAM and the modern architectural approach of Le Corbusier and the neighborhood concept of Clarence Perry (Wassenberg, 2013, pp. 13–40). Based on these concepts, social housing typologies were generated as (I) long rows of single-family houses, (II) long blocks of 3-4 floor apartments, and (III) high-rise buildings (Wassenberg, 2013, p. 22).

High-rise buildings were constructed extensively by the 1960s as a symbol of modernism, and examples of these buildings are shown in Figure 3.1. However, since most of the population dissatisfied was with them, the construction of high-rise buildings was stopped in the early years of the 1970s. The main factors for high-rise buildings not to be preferred were the use of public policy instruments to promote property ownership, unaffordable housing prices for low-income groups, and the design problems of social housing.



Figure 3.1 Examples of High-rise Social Housing Estates

1.Le Chêne Pointu, Paris, 2.Hannibal,Dortmund – 3.Red Road Flats,Glasgow

Sources: 1.https://www.leparisien.fr/seine-saint-denis-93/clichy-sous-bois-93390/clichy-sous-bois-petition-au-chene-pointu-dans-l-immeuble-sans-tele-28-09-2016-6157983.php, 2.https://www.sueddeutsche.de/image/sz.1.3679598/1408x792?v=1506091845&format=webp, 3.https://municipaldreams.wordpress.com/2015/10/27/the-rise-and-fall-of-the-red-road-flats-part-2-failed-postwar-visions/

The first factor moving people away from residing in social houses was that while the public policy of the early years of the postwar period was to produce social housing on publicly owned land, it transformed to encourage owner-occupied housing in the following decades. With this objective, the state developed policies to establish a dynamic mortgage market (Harloe, 1995). With increasing income levels, middle-income families obtained mortgages to purchase properties in lower-density residential areas in cities. This gave rise to only low-income groups residing in social housing estates and made the spatial segregation more visible. The second reason decreasing demand for social houses was that even states provided subsidies, social housing rents were still relatively high for the most disfavored groups of the society, particularly during the 1970s financial crisis (Harloe, 1995).

In addition to the promotion of property ownership and unaffordability of property prices, the design problems in houses also influenced society's thought on social houses. First, the single size of social housing units did not answer the demands for varying housing size which were created with the emergence of different household types. Second, high-rise houses include some blind spots. Especially in the privately owned social housing buildings, which were poorly managed, these blind spots turned into unsecure spaces with a high crime rate. Another problem related to design of the houses is that almost all social housing areas were isolated from the city but at the same time, because there was a lack of commercial and cultural uses and open spaces, these social housing areas were dependent on the city.

As a result, public policy on housing in the early years of the postwar period was based on a great intervention in property rights and the property market through fiscal and legal instruments. Through the intervention in property rights, central authorities played a major role in housing production to answer the high housing demands of society and renew physically old housing.

During the 1960s, with decreasing housing shortage and emerging issues in the economy as well as problems in social housing areas, the land policy approach, which greatly interfered with property rights, started to be abandoned. The new policy approach was established with less interference in property rights in built-up

areas, improvement of existing properties, promotion of homeownership, and transfer of housing production to private developers.

The first change in land policies was on the level of public intervention in property rights. In the early years of the postwar period, public authorities established high-density housing areas on vacant lands and carried out an extensive clearance in slum areas. This policy approach, which greatly interfered with property rights, began to be abandoned gradually in the 1960s. Rather than direct physical intervention in properties, the new policy approach was based on the rehabilitation of existing building stock (Harloe, 1995), and improving the spatial quality of the fragmented property, which Günay defined as 'a new production mode' (1999). While the urban renewal projects of previous periods transformed the property pattern by increasing the density of property rights in an area, rehabilitation policy kept the property pattern as it was and improved it. New urban transformation projects had a purpose of improving not only the quality of urban space but also the social and economic welfare of residents. Public institutions supported these projects with fiscal instruments such as subsidies for rehabilitation and reducing the subsidies for new construction (Boelhouwer & Van Der Heijden, 1992). Subsidies were frequently used by private developers who aimed to generate significant profit in this way (Harloe, 1995).

The second land policy change on property rights was the promotion of property ownership by fiscal and legal instruments. The fiscal instruments which central authorities provided were direct and indirect subsidies, tax incentives and housing mortgages (Lévy-Vroelant et al., 2014, p. 285), and privatization of some social rented housing areas under public ownership (Martens et al., 1988). With using these instruments, property patterns of social housing areas were changed, and public expenditures were minimized (Balchin, 1996). In addition to fiscal instruments, central authorities used legal instruments to promote property ownership. For instance, in some revitalization projects in industrial areas, certain old working areas were transformed into privately-owned residential areas (Cheshire & Hay, 2017, p. 8). In this way, new privately-owned residential areas were created within the inner-

city. Apart from this privatization, another policy on social housing was changing the criteria of tenants who could reside in these houses. While middle-income groups could reside in the houses afore time, in the 1970s, the criteria of tenants were changed to disadvantaged groups of the society only- elders, one-parent families, migrants, and large families (Harloe, 1995).

Another change in land policies was the increase in the power of private institutions in property investments. Traditionally, privately-owned vacant lands, which consisted of fragmented and small size plots (Turok, 1992, p. 362). In the postwar period, private companies specialized in property investment and as a result, in the postwar period, “property emerged as a distinct sector” (Turok, 1992).



Figure 3.2 Summary of Land Policy- Urban Redevelopment Relationship in the Post-War Period

3.3 Property-Led Urban (Re)development

The changes in planning approaches and land policies of the states regarding the (re)development patterns of urban space, which started in the 1970s, became more visible with the 1980s. These changes involved the transformation of property investment processes and property ownership patterns. The primary reasons for these changes were the reconstruction of economic and institutional systems, globalization, technological developments, and new issues in the urban area.

The first reason, the economic system and institutional structure of European countries underwent a radical change from the 1970s onward. Decreasing economic productivity and profit, financial crises, and rising oil prices caused questioning the Fordist production system and its stable growth promises (Murray, 1988, p. 9). Therefore, the hierarchically organized economic model of the post-war period, Fordism, was left, and a horizontally organized economic model aimed to be established. Restructuring of the economic model and the shift from the centrally planned economy to the market economy transformed the role of the state in planning and in the economy (Kok, 2007, pp. 107–114).

The second reason that led to the transformation of land policies was that globalization became the main factor that directed property investments in cities, especially in the 1990s. The removal of barriers for the free flow of people, goods, and information as well as liberalization of the financial market led to the globalization of property investments (Berry & McGreal, 2003, p. 7). Many European cities competed to be capitals of the investments on an international scale, which in the end, transformed the urban space.

In addition to economic restructuring and the globalization, new issues in urban areas led to the transformation of planning and policy approaches. Deindustrialization, suburbanization, physically old housing stock and gradually growing service sector are some issues in this period. Deindustrialization and continuing suburbanization caused decline of inner-city areas. Especially, the old industrial areas which could

not adapt new information technologies for increasing productivity deteriorated (Stoker, 1991, pp. 2, 3). Those declined areas with high land price created a perfect problem. Like working areas, old housing stock in urban areas constituted one of the problems areas of cities. Since the states faced negative social consequences of the slum clearance projects in the previous periods, they aware of the necessity to find different solutions for aging problem. While inner city areas experienced rapid decline, the outer areas of cities continued to open development rapidly. Structural changes in the economic system contributed to the suburbanization. The new economic system benefited most high-skilled professionals and managers and low to manufacturing industries, which in the end, resulted in growing social inequality.

Therefore, the planning objectives of governments changed significantly in this period. While the main planning objectives of the postwar period were the provision of affordable housing, the transformation of old city parts, reorganization of cities in a way to answer the needs of Fordism; the primary planning objectives of this period were restructuring the economic system, achieving economic growth, the revival of inner-city areas and controlling urban growth patterns.

However, in solving these problems, the public authorities were confronted with two main problems: the inflexible spatial planning process to uncertainties and the limited public sector budget (Stoker, 1991, p. 3). Public authorities made substantial changes in the planning and policy frameworks to solve these problems.

In this period, the comprehensive planning approach, which was inflexible to uncertainties, lost its validity. Rather than the comprehensive plans developing policies and decisions for the whole city, a more flexible planning system based on projects - structure planning - focusing on critical problem areas in the city developed. Therefore, the urban planning approach in Europe transformed in terms of the development process, concerns, objectives, scale, and so on.

The common tendency of central authorities for the second problem - limited public sector budget - was basically cutting the public expenditures and supporting the private sector to take more part in new investments. To reduce public expenditures,

central authorities cut public subsidies and expenditures and promoted the privatization of some publicly owned properties. To facilitate private investments, public authorities transformed the land policy framework and developed fiscal and legal policy instruments. The limited funds were not the only reason to facilitate private sector investments. From the 1980s, public authorities found out the influence of urban planning on promoting or restraining land supply can be developed and the importance of local-property development on the national economy (1993). With these ideas, the state left being the main decision-maker of economic activities and property investments and assigned those missions to the market. Economic dynamics reshaped the relationship between local and central governments regarding the distribution of responsibilities and power. While the control of central authorities decreased, the financial and administrative autonomy of local authorities strengthened across Continental Europe. Financial and administrative autonomy of local authorities increased. They could get rights to collect particular taxes, more general grants, and conduct statutory obligations (Blair, 1991, p. 56). Therefore, the involvement of state in (re)development processes decreased.

In this process, the main public policy was to respond to the new investment demands of the property market and develop fiscal and legal policy instruments (Berry & McGreal, 2003, pp. 2–7). The development of more flexible zoning ordinances rather than strict zoning regulations, which defined property rights and property values on land, was an example of those legal instruments (Healey & Williams, 1993). In addition to legal instruments, public authorities provided subsidies for revitalizing inner-city areas, especially in the 1990s. Therefore, the institutional and economic changes transformed the relationship between urban planning and the property market (Berry & McGreal, 2003, pp. 2–7). The change in land policy framework to facilitate private investments resulted in spatial and socioeconomic transformation of both inner and outer parts of cities (Simon, 2008, p. 169).

Suburbanization processes and the move of heavy industries to urban peripheries resulted in the physical and economic obsolescence of the inner-city (Healey &

Williams, 1993, p. 713). These abandoned old industrial areas with valuable locations and high land prices became subject to regeneration projects. With the projects, cultural facilities such as museums, galleries, theatres, educational and recreational uses which were frequently used by the growing middle-class selected location in those spaces (Stoker, 1991, pp. 2, 3). Central and local authorities supported these regeneration projects, with economic and spatial benefits, through subsidies (Hall, 1993, p. 886). In addition to the regeneration projects, central areas became subject to rehabilitation and pedestrianization projects to revitalize economic activities and create a return to the city center. The fact that land projects led to a rise in property prices encouraged private investors to make speculative investments in central areas(Kunzmann & Wegener, 1991, pp. 287–290).

While inner urban areas were revitalized through private initiatives and facilitating policies of the public, the vacant fringe areas were opened to development through private initiatives. Thus, the suburbanization which started in previous decades continued. Suburbs provided low-density housing areas with socio-cultural facilities, shopping malls, and leisure activities (Simon, 2008, p. 172). Also, large business areas, retail companies, and large private development schemes selected sites around the transport nodes in peripheral areas. All these uses attracted middle-income families who could afford to live in the suburbs. As a result, spatial segregation of different income groups continued.

While both inner and outer parts of cities experienced extensive property investments, international property developers and retailers started to be interested in the cities from the mid-1990s. The metropolitan cities became the subjects of rapidly increasing numbers of shopping malls, hypermarkets, and international retailers (Kok, 2007, pp. 107–114). The oversupply of these unplanned investments had significant impacts on urban space. Retail investments were generally made in locations close to public transport networks and pedestrian ways and became the new consumption centers of cities (Kok, 2007, pp. 107–114).

Each country had a different policy approach on suburban development and controlling urban growth. However, it can be said that compared to many American cities with *'donut shape',* Europe could control the dispersed urban form and keep the suburban development to a certain extent through land policies. As an example, creating inner-city nodes in obsolescent industrial areas through revitalization projects and creating outer nodes in peripheral areas enabled polynuclear urban form (Healey & Williams, 1993). The main concerns of European cities with these policies were the efficient use of land resources, environmental pollution, energy consumption, congestion, as well as being conscious about the effects of urban sprawl on inner-city deprivation.

By the 2000s, the European countries had varying policies on property ownership and property investments. But in general, during recent years, large-scale social infrastructure investments like hospitals and schools have been made not only by the public bodies as in the postwar period but also by the collaboration of public and private sectors (D. Adams & Tiesdell, 2010, p. 201). In parallel with that, the planners' collaborative, negotiation, and management skills as well as knowledge about the market have become important in the planning process in recent years.

CHAPTER 4

LAND POLICY AND URBAN (RE)DEVELOPMENT RELATIONSHIP IN THE HISTORICAL PERSPECTIVE, TURKEY

This chapter examines the two-way causal relationship between land policies and urban redevelopment in the cities of Turkey. The urban redevelopment processes are analyzed through the change in land policy approaches and accordingly the change in property systems and property relations. The involvement of private and public property owners in policy processes, the use of policy tools and change in legal framework as well as their effects on urban redevelopment processes are in the scope of this chapter.

4.1 Radical Change in Property Patterns Through Newly Established Land Policy Framework: 1923- 1950

The underdeveloped, stagnant, and long-neglected cities in poverty are what was left to the new government, after long years of war. The economy had a weak industrial sector, mostly based on agriculture, and the population was concentrated in villages. Between the years of 1923 and 1950, the urbanization level was quite low. In the early years of the Republic, the government made economic, social, and land management reforms at urban and regional levels to establish a nation-state. The development of a new land policy framework for the management of urban and rural land was an essential part of these reforms.

In the 1930s, the state developed strategies for integrated regional and urban development. The primary regional development strategy was creating a railway network that took Ankara to the center and connected new industrial centers located uniformly across Anatolia (Keskinok, 2010). Public expenditures between the years 1923 and 1938 show that the biggest share of those expenditures was the construction

and nationalization of railways and development of Ankara (Kazgan, 1977 in Tankut). Making Ankara the capital, and the industrialization of all of Anatolia instead of a single city – İstanbul – was a radical policy decision of the new state (Keskinok, 2010). With this move, the government aimed to achieve interregional economic development (Tekeli, 2005). The realization of the regional development model developed by creating agricultural-based industrial centers required new land policies for urban and rural lands.

The new government introduced the right to private ownership and guaranteed protection of these rights by law. Along with this land reform, rural lands required additional legal arrangements for specific reasons:

- The country's population lived mostly in rural areas.
- The country's economy was based largely on agriculture.
- Land rights on agricultural land were in the hands of a small number of landlords.
- Because of the tithe, farmers were under an economic burden.

To solve these problems, the government made a series of radical acts shortly after the proclamation of the Republic. With the decision taken in 1925, the demolishment of the tithe reduced the economic burden of the farmer and enabled adjustment of agricultural taxes. Freeing farmers from their socio-economic dependence on feudal lords was one of the main objectives of the government. Providing a part of the land to each farmer for cultivation would ensure their economic independence and liberate them from feudal lords. Within this scope, one of the government's first steps was reforming the distribution system of land ownership. Law No. 3115 enabled banning dervish lodges and expropriating their properties to provide them to landless farmers. In the following years, the government continued to work on this issue, but the amount of land distributed was not what had been planned, due to the opposition of big landowners in the parliament. The enactment of the Law of Providing Land to Farmers in 1945 brought the issue forward again. In this way, large farms would be subdivided, and ownership rights would be transferred to landless farmers in poverty. Although the articles of the law were well designed to serve that purpose, it could

not be fully implemented, again due to the political power of landowners. Only a part of large public lands could be distributed to farmers by expropriation.

Therefore, in the early years of the republic, the government made a series of revolutionary acts to rearrange ownership and use rights on rural land. Efficient and continuous agricultural production in those lands, resulting from distribution of agricultural lands to the rural population, and served the objective of economically-balanced development of Anatolia.

From the first years of the Republic, the government made institutional and legal arrangements for the planned development of cities, since building modern cities could not be achieved through free-market conditions. The establishment of The Bank of Real Estate in 1926 and Ankara Development Directorate *(Ankara İmar Müdürlüğü)* within the scope of Law No. 1351 in 1928, were examples of legal arrangements.

The planning practices of the Republic that aimed to create modern Turkish cities were implemented for the first time in Ankara. Correspondingly, a new land policy framework was developed and implemented for the first time in Ankara. Thus, for understanding the planning approaches and prevailing land policies of the period, planning practices in Ankara will be examined.

Like other Anatolian cities, Ankara had not been developed according to any specific urban development plans. Making Ankara the capital and creating a modern urban space with planned development made (Fehmi, 1950) the city a research area where diverse land and housing policies were developed, and policy tools were applied for the first time (Geray, 2008). Thus, the planning of Ankara would lead the urbanization of the whole country, and the successes of the Republic would be symbolized here (Geray, 2008). Indeed, planning practices in Ankara led to the planning of other cities till the Second World War. Given these reasons, examining the new legal and land policy frameworks in the development of Ankara is beneficial both for understanding the reasons behind the spatial transformation of Ankara and the planning history of Turkey.

4.1.1 Role of Public Land Acquisition on Urban Development: The Example of Ankara

In the first ten years of Republic, necessary legal and institutional arrangements were made for planned development of the city of Ankara (Geray, 2008). The first institutional arrangement was removing the Ankara Municipality from the province and charging the new municipality with the same authorities, duties, and responsibilities as İstanbul, within the scope of Law 417 enacted in 1924.

The urban infrastructure, which could not provide residential areas, cultural and administrative uses, was the main problem of Ankara in the early republican era. The traditional building stock was deteriorated, obsolescent, and unusable. After long debates in the parliament, it was decided to develop the city and provide new land uses on a vacant area rather than rehabilitating old urban patterns at a high cost.

Unfortunately, there were two major obstacles to new development: the lands where the new development would take place were under private ownership, and land prices were continually increasing after declaring the city as the capital. The most efficient solution to ownership and price constraints was the expropriation of privately owned lands. Since the legal framework precluded expropriation for housing construction at that time, a special law No. 583 was enacted in 1924, and the area of 400 hectares was expropriated equal to the tax value. The fact that the city was developed entirely on the expropriated lands is the uniqueness of land policy in Ankara (Tekeli, 1985). Besides, the acquisition of privately owned lands with expropriation was a radical land policy in transition from the common law system where private property was not allowed to the civil law system where private property rights are protected by laws (Keskinok, 2010).

In addition to the expropriation, two factors about transferring ownership rights shaped the future urban form of the city. The first factor was the acquisition of the lands of Ataturk Forest Farm by Ataturk to create recreational space for the public. The production of public land by acquisition limited the development of the city

towards the west. The second factor that directed and limited the urban form was Ataturk's choice to live in Yenişehir. Hence, based on public and private ownership decisions, the city developed in the north-south direction (Tekeli, 1985). Therefore, ownership patterns and rising prices were two constraints directed to the development of land policies and affect the urban form.

Later on, land prices continued to complicate the urban development process. Public institutions used the tool of expropriation when lands were needed to provide public facilities such as Etimesgut Airport, hippodrome, and Gençlik Park. Also, the legal framework at that time allowed one house on each plot and restrained the construction of apartments. These reasons led to housing demand becoming a major problem, especially for civil servants with a limited budget (Tankut, 1981).

During the 1930s, the development pressure on lands outside urban development boundaries increased due to high land prices within the city. Middle and high-income groups who did not want to pay high rents and prices became cooperatives, bought vacant land, and developed housing projects outside the development boundary. Bahçelievler and Saraçoğlu housing projects were the first examples of these projects (Geray, 2008).

In 1938, the municipal boundary and urban development boundary were equalized. No precaution was taken against speculative rise of land prices. During the Second World War years, housing construction on planned lands nearly stopped. In contrast with that, the squatter areas expanded. During the postwar years, housing projects out of urban plans continued through cooperatives. Consequently, in the initial years of the republic, spatial role of property rights on directing the development seen clearly in the development process of Ankara.

4.2 Spontaneous Solutions to Insufficient Land Supply: Densification of Ownership Rights on Urban Land and Formation of Squatters on Peripheral Land: 1950- 1980

As mentioned above, land policies have a significant effect on land prices. Spatial planning decisions defining the location of new investments, providing public facilities and restricting land uses and ownership rights cause land prices to rise or decrease. In contrast with the direct intervention in property rights in early republican era, market-oriented urban redevelopment without legal restrictions dominate the years from 1950s to 1980s. Lack of planning regulations caused the continuous rise of land prices, and short-term beneficiaries from high land prices which maintained spatial irregularities, especially in metropolitan cities (Öncü, 1988). The following part of the study examines the underlying reasons for uncontrolled urban development and the development process itself regarding applied land policies, socio-economic and political aspects, interests of actors involved in the development process, and reflections on urban space.

In the early republican period, with the declaration of capital, Ankara had experienced a radical spatial transformation. With the rapid growth of the urban population through migration and the development of new urban uses, the city underwent a rapid urbanization process. Rising land values and the use of land policy tools both to overcome high prices and to direct new development are the main characteristics of the first period. Following the second world war, other cities had also experienced the rapid urbanization process. However, under the distinct circumstances of the period, governments developed different approaches and policies to similar problems in the land market.

In this period, the centralized administration system was dominant (Öncü, 1988). It led to the extensive state intervention in the economic development model that focuses on economic growth and industrialization policies. The policies between 1950 and 1980 can be examined in ten year-periods. The first decade began with a multiparty system, and the liberal economic development model and Keynesian

policies were dominant (Şenyapılı, 2004). There were inflation problems, and the state intervened in the market and use stabilization measures for stability (Öncü, 1988). The main focus of public policies is to ensure rapid industrialization and urbanization and modernization in agriculture (Şenyapılı, 2004). The criticisms on slow industrialization, high unemployment rate, and the liberal economic system led to the economic system's transition from export-oriented economies to import substitution models in industrialization in the second decade. The government developed policies to protect and expand the internal market (Şenyapılı, 2004). The last ten years of this period involved economic problems due to the oil crisis, the increasing unemployment rate, and poverty (Ataöv & Osmay, 2007). Since the import substitution model was seen as the source of all issues, a more flexible production system was organized (Şenyapılı, 2004).

Economic growth and industrialization policies created industrial cities and developed the service sector as the basic employment source. The creation of new employment opportunities, mechanization of agricultural production and rapid urbanization brought a rapid increase in the urban population. Rapid urbanization increased housing demand in urban areas. However, the capital accumulation, private and public funding was inadequate and technical staff was limited to produce needed land and housing (Tekeli, 1985). The limited financial opportunities were used for the industry as a priority (Tekeli, 1998).

The centralized economic system affected the financing of housing construction. The state controlled commercial and governmentally owned banks' credit policies on the home mortgage. In this period, two primary institutions extended housing credit in limited funds. While EKB, as a publicly owned institution supported civil servants, Workers Social Security Fund (*SSK*) gave credits to workers with social security. These two public institutions could support housing development with small amounts. According to numeric values, public institutions provided approximately 9% of housing credit, which means housing production financed by private savings of individuals or short-term credits with difficult repayment conditions taken from commercial banks (Öncü, 1988).

Due to the weak financial system and limited capital accumulation, local authorities could provide technical and social infrastructure to a limited amount of land. For that reason, land prices raised to the extent that the middle class could not afford it. For instance, 75 percent of urban land in Ankara was vacant and could not be developed by middle-income groups in the postwar period (Geray, 2008).

Under the limited circumstances of the period, two primary housing construction methods developed spontaneously in market conditions and reproduced the cities: the densification of built-up areas through demolish-build and squatter neighborhoods surrounding urban areas (Balamir, 1975). Houses both developed with the demolish-built process, and the squatters caused unique and exceptional transformation on prevailing property patterns and redistributed property rights on urban and rural land and, consequently, transformed the spatial pattern of cities. In the following part, first, the densification process of built-up areas, then the emergence and transformation of the context of squatters will be examined.

4.2.1 Densification of Ownership Rights on Urban Land Through Built-Sell Processes

Use of existing public infrastructure for more population through demolishing and rebuilding was the main solution for creating living and working space for newcomers. The densification choice emerged due to the limited financial resources of public institutions that did not enable developing land with infrastructure and transportation network in new areas (Tekeli, 1998). Although central planning approach prevailed, public authorities did not develop legal and policy framework, which determine a roadmap for the transformation process of existing settled lands into denser space, hence transformation process was left to hands of the market mechanism (Öncü, 1988).

As a spontaneous solution, citizens without the adequate economic capacity to purchase or invest alone (Tekeli, 1985) collaborated to rebuilt structures on existing

plots and combined investment opportunities before construction begins (Balamir, 1996). Thus, the production method brings several property holders together on a small number of lands, which raised general building typology in Turkey: apartments.

This widely applied production method did not have a legal basis, thereof the prevailing legal framework, Turkish Civil Code 1926, allow only one structure on each plot, and the entire structure had to be subject to a single ownership right. Thus, individual ownership rights on floors or flats were not authorized ("Turkish Civil Code," 1926, secs. 619, 644, 652). Increasing the number of apartments with several right-holders made the public authorities recognize that the prevailing property laws not meeting the needs of the day. There was a need for legal arrangements regarding multiple possession rights in buildings. To this end, in 1954, the 26th article of Land Registry Law was amended in the way to give possession rights *(irtifa hakkı)* on different stories, individual units, or parts suitable to residential use of existing or new buildings ("Land Registry Law," 1934, sec. 26). Besides, the Land Registry Office was authorized to approve and record possession rights by drawing property deeds in accordance with Turkish Civil Code No. 753. Depend on Turkish Civil Law enabling joint ownership and the Land Registry Law allowing rights of possession on individual units; citizens continued to combine their economic power for constructing multi-story buildings used either for commercial or residential purposes (T.C. Başbakanlık Kanunlar ve Kararlar Tetkik Dairesi, 1963, p. 1).

In time, the developments on legal framework could not answer emerging problems on the property. Indicated the preamble of the law draft, there were three primary facts necessitating ownership rights on flats. First, high land prices precluded individual persons from buying land and constructing multi-story buildings alone, especially in central places. The second fact opening the way for the law was that people had already cooperated and construct buildings with multiple flats subject to joint ownership (T.C. Başbakanlık Kanunlar ve Kararlar Tetkik Dairesi, 1963, p. 1). The third reason is that low-income inhabitants constituting the majority of the urban population could not afford high land rents thereof build squatters, which form

squatter neighborhoods both within and surrounding municipal borders of large cities (T.C. Başbakanlık Kanunlar ve Kararlar Tetkik Dairesi, 1963, p. 2).

Because of the aforementioned reasons, Flat Ownership Law No.634 was enacted in 1965. The law legitimizes the ownership of individual units of collectively owned buildings and defines the terms of 'individual units, common areas, and extensions' in buildings. Besides, use and ownership rights on individual and common areas, owners' responsibilities both to each other and the building regarding maintenance and repairs are detailly described. The law also defines the required conditions for establishing and terminating flat ownership ("Flat Ownership Law," 1965). Therefore, flat ownership brought several property owners together on the same plot within strict use and administrative rules.

The division of ownership rights on land increased ownership density per land plot, which consequently transformed the spatial and economic structure of cities completely. Public authorities benefitted from increasing ownership density to answer rising land demands of the growing service sector and housing (Tekeli, 2005) rather than opening new lands to development. The collaboration of individuals with limited investment capacity, which is insufficient to invest alone, enabled them to create the construction cost of highly profitable property together (Balamir, 1996). This collaboration led to an unprecedented rise in housing construction in a short span of time on a global scale (Balamir, 2005). The figure given below demonstrates the rapid increase in legal housing construction of Turkey and housing construction numbers of developed countries, including rehabilitation and reinvestment projects, unlike Turkey.

When only one ownership right was attended to a building, the highest market value was land plots. With the emergence of flat ownership, the highest value formed on individual units rather than buildings (Balamir, 1975). As a result, the number of individuals expecting economic benefit from their ownership rights increased in the same areas.

Approvement of flat ownership right reformed the spatial structure of our cities through extremely stimulating both development of vacant lands and redevelopment of existing spatial pattern which mostly comprised of single-family houses (Balamir, 1975). The enactment of law accelerated and extended the transformation process, which began much earlier. Both traditional houses and apartments were rebuilt before physical obsolescence for the same purpose: higher buildings with more individual units.



Figure 4.1 Spatial distribution of buildings registered to flat ownership in Ankara, 1970

With each regulation enabling higher building heights, existing housing stocks were continually demolished and rebuilt on the same plots. The unification of plots was generally not preferred as a convenient option because the consensus of all property owners would take time (Balamir, 1975). The plan given below shows the distribution of building stock in black registered to flat ownership in Ankara in 1970.

The photograph demonstrates examples of the apartments produced by the build-and-sell method in the center and residential areas in this period.

Consequently, the urban form in this period can be characterized as the compact and dense center formed with rebuilding practices and low-density squatter neighborhoods surrounding central areas. That is why the next section describes the informal land acquisition process of low-income groups for the formation of squatters and the changing policies of public institutions to this process.

4.2.2 Formation of Squatters on Peripheral Land

The first solution to the problem of scarce land and housing supply was uniting investment capacities of the middle-income groups for construction. The second solution emerging in the market mechanism was squatters built by lower-income groups migrating from rural. Both production methods arose and expanded at similar periods. On the other hand, maybe the most distinctive feature of the two was that while apartments were built in planned areas, squatters were constructed outside the development boundaries owned by either other private individuals or public institutions.

With the 1940s, squatters entered the planning agenda of metropolitan cities as a problem. In 1950s, the squatters increased in number, and squatter neighborhoods formed around cities. The new economic system and Marshall Aid had huge impact on these changes.

Marshall Aid changed the balances in agricultural property patterns and production relations. The financial help enabled the improvement of agricultural production methods and, in this way, the need for rural labor force reduced. The use of tractors needed extensive areas for cultivation, which led large landowners to acquire the small farms. Another critical point is that the Agricultural Bank provide credits to small farmers provided that farmers gave security, which farmers could not provide.

These changes in agricultural property and production relations compounded rural migration in the 1950s (Şenyapılı, 2004).

Şenyapılı emphasizes the relationship between migrants' changing roles in the labor market and their permanency in urban space. Those who migrated to metropolitan cities in the early years of the 1950s did not have the adequate qualifications needed in the limited labor market. Hence, they could not get a “permanent place” both in the economic and urban life of the city. The new economic model, growth of the commercial markets, development of construction and service sectors enabled labors without qualification to become parts of labor market and “permanent place” in cities with squatters.

With the expansion of squatter areas, the central government made legal arrangements to prevent construction of squatters through provision of land with infrastructure. Laws No. 5218 and 5228 are the first laws enacted for this purpose. Law No.5218 can be regarded as the first precaution against the construction of squatter houses.

In the 1960s, the public developed policies to improve the living standards of existing squatter areas. The mapping of existing squatter areas and the property pattern of land, the provision of infrastructure by the government, credit support for the improvement of squatters were examples of these policies (Aslan, 2008, p.160).

In 1966, the state accepted the existence of squatters through enacting the Gecekondu Law No. 775. The law legalized and commercialized squatters through improvement (Tekeli, 2003, 5). The aim of the law was organizing squatter areas and the solutions were to authorize squatters, upgrade them through services brought and new additions to buildings (Şenyapılı, 2004). The law aimed to prevent construction of squatters and production of serviced lands for meeting housing need. The law also covers decided to launch a fund for giving credit to the ones to build houses in gecekondu improvement areas or improve existing squatters.

While existing legal building stock continued to transform into denser urban areas, small-scaled contractors were encouraged from amnesty laws and started to produce unauthorized apartments on lands lacking public facilities and infrastructure (Balamir, 2005).With the legal arrangements, the spatial pattern of metropolitan cities changed, vacant lands developed, and big urban blocks added to the city (Tekeli, 1999, 17). In this period, the main authority on planning decision was the central government and its agencies. The local authorities have limited autonomy and limited resources.

Consequently, from the beginning of the 1950s, land policies have changed substantially depend on economic developments such as the growing service sector, rising land prices, and demographic changes. Rather than developing vacant lands with providing financial support, public institutions preferred the densification of built-up areas by increasing buildings' height. This redevelopment process was realized in the market mechanism without public subsidies. In this period, the role of the state to control the number of floors, set back distances, and so forth (Balamir, 2005). Therefore, the development and redevelopment of cities and housing production were realized through the formation of flat ownership and common property relations in the market mechanism.

CHAPTER 5

LAND POLICY AND URBAN (RE)DEVELOPMENT RELATIONSHIP IN YENİMAHALLE: TRACING THE CHANGING PROPERTY RIGHTS

This chapter examines the effects of the earliest property pattern of Yenimahalle on the implementation of future land policies, that is, on the future urban transformation processes and property patterns.

5.1 LAND POLICIES IN THE PLANNING PROCESS OF THE YENİMAHALLE SETTLEMENT

Urban infrastructure insufficient to meet the high housing demand was the major problem of 1940's Ankara with an ever-increasing rate of urbanization. Urban lands left vacant for purposes of speculation, as well as high land prices and limited public resources were the factors that made housing production difficult. In addition, the new development areas of the city were determined with a non-holistic approach of adding various plans to the Jansen plan which was already in effect at that time. To overcome these problems and produce low-cost housing, Ankara Municipality developed a new planning and policy approach and established a new legal framework which reflected the main land policies and various policy instruments. Yenimahalle residential area was established on the basis of these new legal and policy frameworks. While land policies formed the morphological structure and property pattern of the new settlement, prevailing property rights played a significant role in the designation of Yenimahalle as a new settlement area and the implementation of policy decisions. This section of the study examines the two-way causal relationship between land policies and property rights in these processes with reference to the legal framework.

5.1.1 Land Acquisition

The main instrument of land use management in the early republican era was to acquire privately owned lands through purchase and/or expropriation and distribute them to private individuals after developing some infrastructure. This policy approach was continued in the planning process of Yenimahalle, and the process started with the preparation of Law No. 5218 dated 14.06.1948 by the Ankara Municipality. The municipality calculated the slum areas and state and municipality-owned lands (Tokman, 1985, p. 17). This law had two main purposes: producing low-cost land and legalizing slums in the municipal boundary (Tokman, 1985, pp. 17, 20). Law No. 5218 defined land acquisition as a policy tool to fulfill these purposes and offered six alternative areas for new development, shown in Figure 5.1.

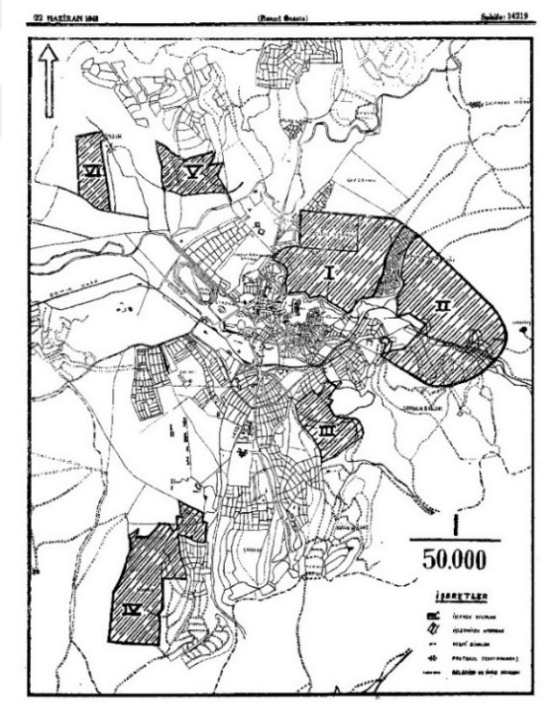


Figure 5.1 Areas specified in Law No. 5218 (I-Altındağ and Yenidoğan, II-Mamak,Balkiraz, III-Seyran,Topraklık, IV-Dikmen, V-Etlik, VI-Çerçi Stream-İvedik Road

Source: (T.C. Legal Gazette, 22/06/1948, 6938).

On 2.8.1948, the Municipal Assembly decided to select Area VI Çerçi Stream-İvedik Road - which was later called Yenimahalle - as the new settlement among the areas specified in the law (Tokman, 1985, pp. 24, 25). The primary reason for choosing Yenimahalle was the property. Large parts of Areas I, II and III consisted of slums. The reason for including those areas in the scope of the law was to legalize them (Tokman, 1985, p. 28). Areas IV, V and VI did not include slum houses and they were suitable for development. However, the 85 hectares of Area V held by the military prevented its selection (Tokman, 1985, p. 30). Of Areas IV and VI, the reason Area VI stood out was that the Başvekalet Construction Cooperative and private landowners, whose lands were adjacent to the area, applied to the municipality and informed that they were ready to sell some of their lands to the municipality at a low price (Tokman, 1985, p. 25). Then, the municipality would be able to build up to 3000 houses in the whole area, while private landowners would be able to benefit from the increase in land value and new infrastructure (Tokman, 1985, p. 30). With this intention, Ankara Municipality purchased Area VI (46 ha), a part of the cooperative area to the west (15 ha), and an area disconnected from the first part to the west of the cooperative area (45 ha) and implemented the new settlement project on the 106-ha area (Tokman, 1985, p. 30). The planning process of the cooperative area, adjacent to municipality areas, was conducted by the cooperative. Municipal and cooperative planning areas are presented in Figure 5.2.

As can be seen, both the prevailing property pattern of the city and the initiatives of the landowners in Area VI became factors in choosing this area as the new development area of the city. As a result of the acquisition of private lands by the public, the area was developed by two different property owners - the municipality and the cooperative - and this led to the formation of two different property patterns.

5.1.2 Fiscal Measures: Loan Facilities

Law No. 5228, which was adopted on 28.06.1948, and the policy decisions of the municipality defined the fiscal instruments used in the Yenimahalle project. Law No.

5228 provided loan facilities to encourage housing construction. Some of these facilities were paying for the land in interest-free ten-year installments; reducing transportation and customs taxes in order to provide cheap access to construction materials; and increasing the loans to 75% of the construction cost, with interest below 5% (Tokman, 1985, p. 22). Under these conditions, Yenimahalle residents got loans from Emlak Kredi Bank, T.C. Government Retirement Fund, and other banks (Tokman, 1985, p. 38). In addition to the loan facilities provided by Law No. 5228, Ankara Municipality developed policies to produce low-cost housing in Yenimahalle. Some examples of these policies were cheap procurement of construction materials such as bricks and cement by the landowners, and informing landowners about loans and companies (Tokman, 1985, pp. 27, 28).

In addition to easy payment terms, some articles in both Law No. 5218 and 5228 were about preventing land speculation. The obligation to build on the given lands within one year was a significant part of these articles (Tokman, 1985, p. 23). Otherwise, the municipality could take back the given land from the residents. Another article preventing speculation was removing the lien after the land was paid for and the construction was completed. After that, the property owner would be free to use and sell their property. These law articles ensured the completion of the construction in the municipal planning areas in a short time, such that approximately 96% of plots were developed in three years (Tokman, 1985, pp. 37, 38). As a result, fiscal instruments were used effectively in the establishment of Yenimahalle, and the two-dimensional property pattern and physical structure of the municipal planning area were created in a short time.

5.1.3 Legal Measures: Subdivision Plan and Housing Projects

As a result of the acquisition of private lands, Yenimahalle was developed by two property owners: Ankara Municipality and Başvekalet Construction Cooperative. The planning goals of these two property owners were different. While the municipality aimed to produce the maximum number of housing plots and develop

a self-sufficient settlement, the cooperative aimed to make a profitable investment. Different planning goals led to the formation of two different property patterns, land use patterns, and housing typologies in the residential area (Table 5.1). This section of the study examines different policy processes in municipal and cooperative planning areas and different spatial patterns created as a result of these processes.

The subdivision plan and housing projects implemented in the municipal planning areas were determined by competitions. The Development Directorate employees worked on the plans that won the second and third places in the competition and created the final version of the development plan in Figure 5.2 (Tokman, 1985, p. 26). After the development plans of municipal planning areas were approved with the decision of the Council of Ministers dated 22.07.1949 and numbered 3/9632 (Tokman, 1985, p. 31), the cooperative had the development plan made for its 17 hectares of land. This plan was approved by with the decision dated 11.02.1950 and numbered 3/10622 (Tokman, 1985, p. 36). As mentioned above, although the cooperative area was located between the municipal areas, its plan was produced later. This did not cause any problem in the spatial structure of the settlement since the continuity of the transportation system and building blocks was established parallel to the contour lines (see Appendix A, B and C for the first development plans of the Yenimahalle settlement area).

In accordance with the municipality's aim of maximum housing plot production, all 2916 plots in the municipal planning area were kept 175 to 300-meter square. Five different housing typologies were proposed: One story attached single-family houses with two room or three rooms, and two-story attached single-family houses with three to five rooms (Figure 5.3). In accordance with the municipality's aim of a self-sufficient residential area, the plan proposed the administrative, commercial, and cultural center in the geometric center of the area, and schools, parks, and religious facilities spread throughout the area (Figure 5.4).

On the other hand, in line with the profitable investment aim, the cooperative proposed 123 plots with a minimum size of 500 m^2 and a width of 16 meters, and

292 plots with 175 to 300 square meters, the same as municipal plots. Two different housing typologies were proposed: two-story detached single-family houses in the large plots and two-story attached houses in small-narrow plots. Land use patterns were created quite differently from the municipal planning area. The cooperative area involved the commercial center, and thus, predominantly commercial, and residential uses were located in this area. The cooperative area was used much less for green spaces, educational and cultural uses (Tokman, 1985, p. 31).

The development process of the municipality and cooperative areas differed depending on public land policies. Since construction within one year was not obligated in the cooperative area, only 23 of 415 plots in Figure 5.5 were developed during the first three years (Tokman, 1985, p. 38). Even though the municipal area was developed rapidly, many property owners made some changes in their houses to be able to pay their loan debts more easily. Those property owners benefitted from the land slope and turned their basements into separate units for rent by applying the first-floor plan to the basement floors. Thus, one-story houses turned into two-story houses where two families lived, and two-story houses turned into three-story houses (Tokman, 1985, p. 38). Some examples in Figure 5.3 illustrates single-family houses which used basements as separate units. Since the property laws at that period allowed a single property right in a single plot, the property pattern of the area did not change on the vertical dimension. On the other hand, the population density in the area increased with increasing use rights per plots.

As a result, different property ownership caused the formation of different property patterns. Property patterns of the municipality and cooperative planning areas differed regarding plot size, land use, and housing typology. The established property patterns were changed by some earliest landowners who benefitted from the power of property rights and increased the number and density of use rights in their plots. These differences and changes in the earliest property patterns caused transformation processes to differ in these areas even though the same development rights were given in the following years. The effects of the earliest property ownership on the transformation process will be examined in Section 5.2.

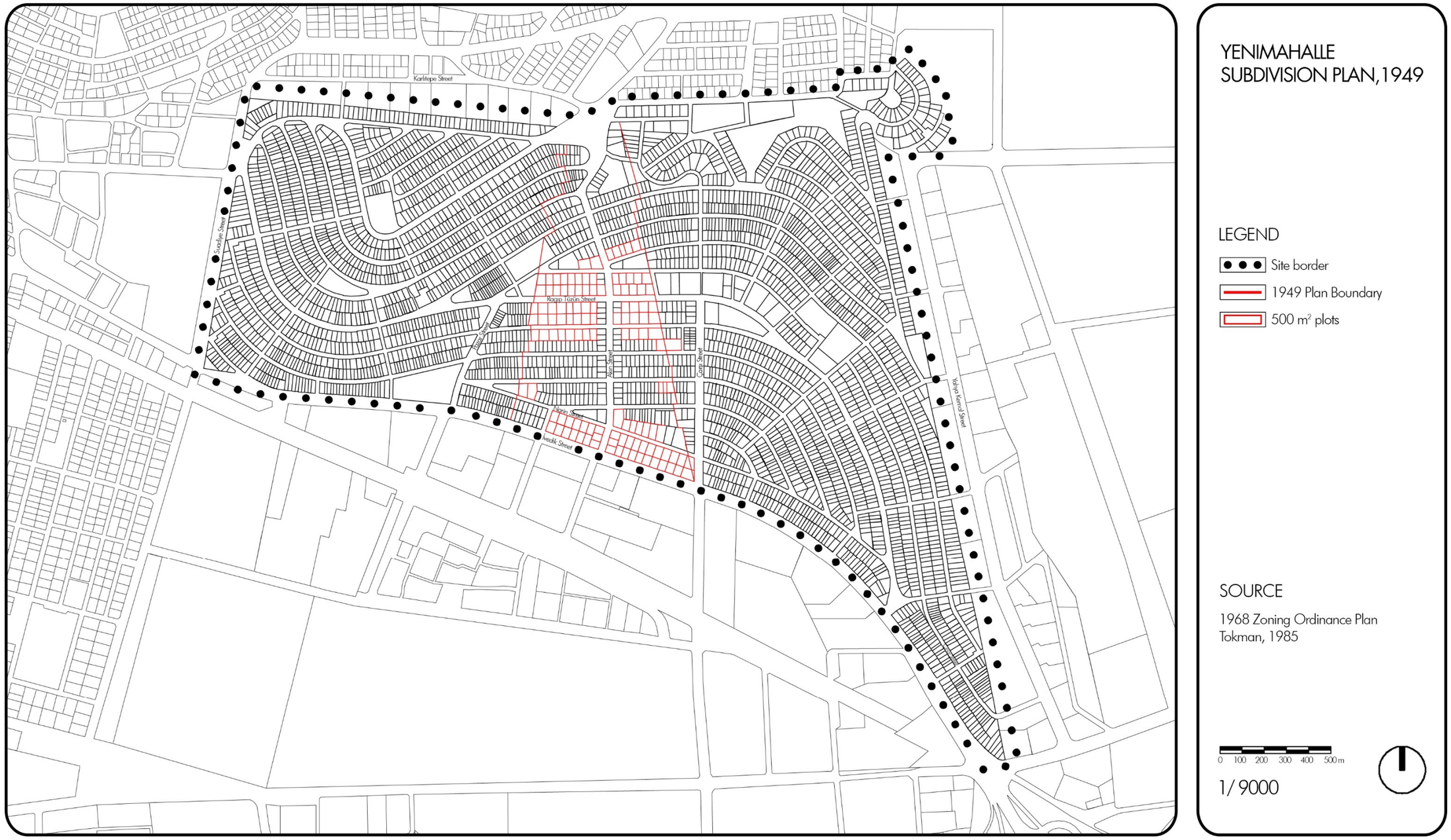


Figure 5.2 Yenimahalle Subdivision Plan, 1949

Table 5.1 Comparison of the spatial patterns in the municipal and cooperative planning areas

	Municipal Planning Areas	**Cooperative Planning Area**
Planning Goal	Max. number of housing plots Self-sufficient settlement area	Profitable investment
Property Pattern	Small plots (175 to 300 m^2)	Large plots (500 m^2) Small plots (175 to 300 m^2)
Land Use Pattern	Residential, commercial, and administrative uses, cultural facilities, green areas	Residential and commercial uses, green areas
Housing Typology	One- and two-story attached single-family houses	Two-story detached single-family houses in the large plots Two-story attached houses in small-narrow plots.



Figure 5.3 Single-family Houses in Yenimahalle

Source: Günay personal archive, 1982



Figure 5.4 Yenimahalle Settlement Area, 1950s

Source: Hatipoğlu personal archive



Figure 5.5 Yenimahalle Settlement Area, 1953

Source: VEKAM, 2020

5.1.3.1 General Structure of The Subdivision Plan

Building Blocks

The subdivision plan of Yenimahalle constitutes the two-dimensional system of the area consisting of building blocks and a circulation system. While three-dimensional components, such as the number of floors and height of buildings, have been changed through subsequent changes in land policies and regulations, the two-dimensional components of the plan have been conserved until today.

One of the most substantial factors considered in the design of the two-dimensional system is the topography of the area. In the planning area, the elevation of land increases from south to north, and both the elevation and the slope reach their highest value on the northwestern hill. The spatial system and the form of the settlement were designed considering those topographical features of the land. Ragıp Tüzün Street, which forms the spine of the settlement, starts from the lowest elevation in the area on İvedik Street, forms the geometric center and turns to the northwest, parallel to contour lines, wraps the hill and connects to the residential area in the north. As a continuation of this planning approach, building blocks are also designed parallel to Ragıp Tüzün Street and the contour lines (Figure 5.7). As a result of this approach:

- While the width of the building blocks is similar across the area, their lengths vary. To provide pedestrian access to both sides of the rectangular building blocks, which can be up to 300 meters long in some places, pedestrian paths were proposed after every four or five attached housing groups. In the beginning, those paths were under the ownership of the Municipality; but over time, private owners of the neighboring plots joined them to their lands (VEKAM, 2013).
- Building blocks were designed in different shapes compatible with the topography. Different forms of blocks have provided diversity in the shape and size of the plots and architecture. This variation in the forms of blocks has also

provided variety in the use and ownership of land. The inner parts of large building blocks throughout the area have been allocated for semi-public uses such as schools, bazaars, and sports areas.

- In areas where building blocks parallel İvedik Street, Yahya Kemal Street, Suadiye Street, and Karlıtepe Streets, which form the boundary of the Yenimahalle settlement area, and the blocks parallel to the contour lines come together, the ends of the inner blocks were in the shape of a triangle. These areas are defined as open and green spaces with public ownership.

Plots

The laws on urban development from the 1950s enabled a single property right in each plot. For this reason, the earliest property pattern of the area was established in the horizontal dimension without ownership fragmentation in the vertical dimension. Consequently, the subdivision plan was identical to the pattern of land ownership.

Subdivision of building blocks, and plot sizes vary according to whether the plots are subject to public or private use and ownership. The plots assigned for semi-public uses such as bazaars, parks and schools are larger and some of such plots in the settlement are also building blocks.

The building blocks under private ownership were divided in grid order, and at least one side of the plots face the street. Only the building blocks which form the settlement boundary and are narrower in width are divided in a way that allows the two opposite sides of the plots to face the street. The plot size, the number of individual units they have, and the density of property rights are the same as the rest of the area. The only differences with the narrower plots are the solutions for parking areas and the use of front and back yards.

In privately-owned commercial areas, the main objectives of the subdivision were to produce a high number of commercial plots. As the first implementation for this end, the short sides of the building blocks facing Akın and Çarşı Streets which are the

vertical extensions of the center, were divided into more than two plots. This practice ensured the continuity of the facades and the commercial uses despite the detached housing typology. In addition to the multiple subdivision of short edges of the blocks, keeping the plot size from 65 to 90 m^2 to produce the high number of commercial plots was another subdivision pattern used in central areas.

During the implementation process of the subdivision plan in the commercial areas, a different ownership pattern was created in building block No. 8060. In this block, the property pattern was changed by keeping the total number of plots on the street side constant. The narrow and long plots in the first plan were reduced, and a new plot was created in the remaining area. Thus, the block facade of the plot with low density was prevented from covering a large part facing the street. Consequently, the land plots' future ownership status and use rights had been the factors affecting the size and clustering form of plots.

In addition to the future property rights in the area, the property owners of the undeveloped vacant land and their planning purposes had been another factor affecting the plot size and property patterns.

As stated in the previous section, Yenimahalle was held and developed by Ankara Municipality and Başvekalet Construction Company. Land ownership caused the fundamental difference between municipal and cooperative planning areas: the size of plots. Lands under public ownership were divided into 2916 plots ranging in size from 175 to 300 square meters. On the other hand, lands under private ownership were divided into both large plots with a minimum 500 square meter area and small plots ranging from 175 to 300 square meters.

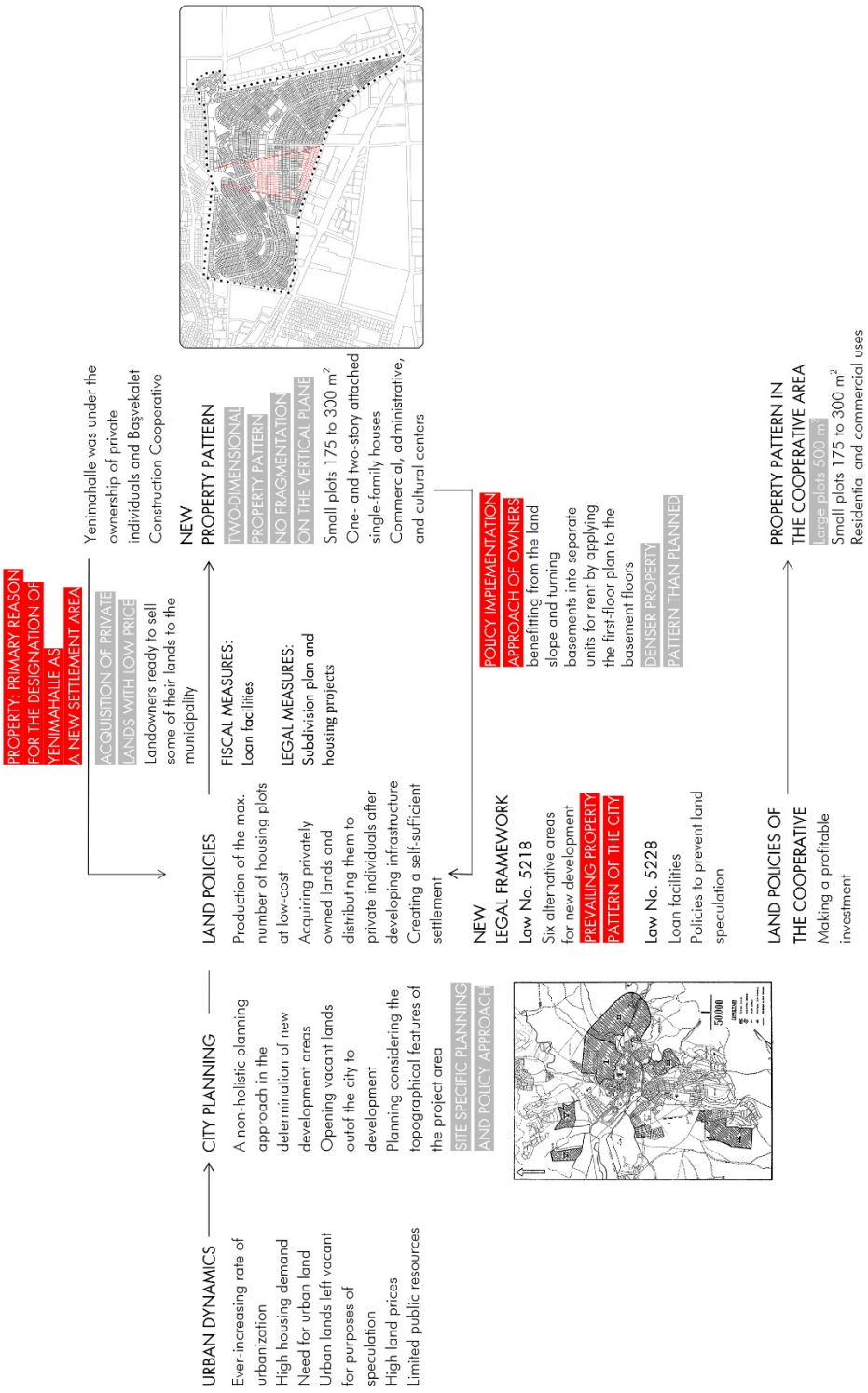


Figure 5.6 Land Policy- Property Rights Relation in Planning and Development Processes of Yenimahalle

Source: Produced by the Author

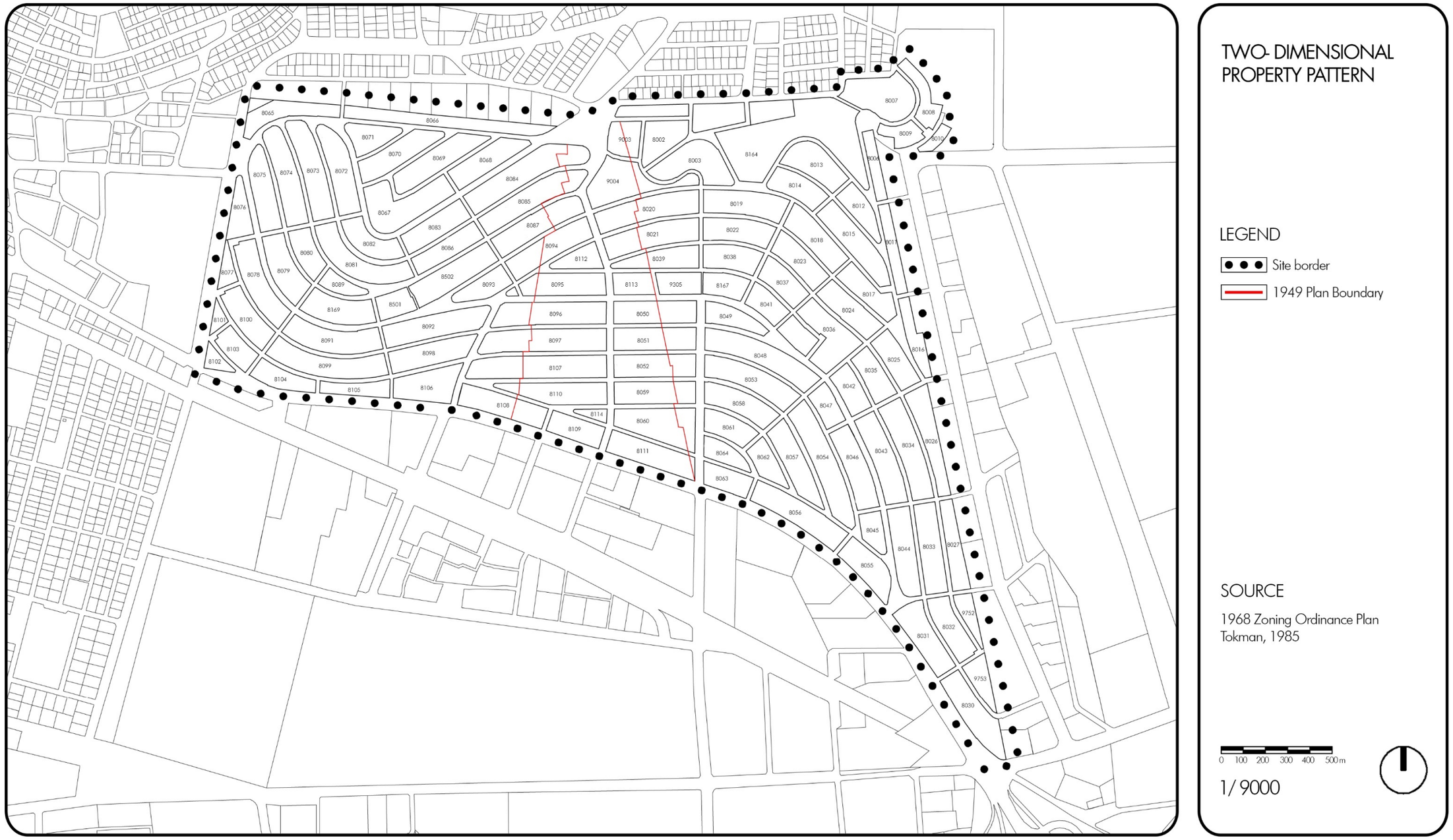


Figure 5.7 Two-dimensional Property Pattern of Yenimahalle

5.2 LAND POLICIES IN THE REDEVELOPMENT PROCESS OF THE YENIMAHALLE SETTLEMENT

As stated in Chapter IV, the planning approach of public institutions to solve housing problems significantly changed in the second half of the twentieth century with a continuous and high urbanization rate in metropolitan cities. Correspondingly, land policies and policy tools used in the implementation of planning decisions have also changed.

The transformation of the planning and policy approach reflected Yenimahalle urban space by initiating the redevelopment process fifteen years after its development. In time, several revisions to approved plans have triggered redevelopment of different parts of the settlement repeatedly and reproduced the spatial pattern and property pattern of the area completely.

Basic characteristics of planning decisions and land policies transforming Yenimahalle can be well understood by comparing with the previous periods:

- Yenimahalle residential area was planned after the public acquisition of privately owned lands outside the city cheaply to answer the housing demands of about one-tenth of the city population. The use of land acquisition as a policy instrument and the distribution of planned plots to citizens was abandoned after implementing the Yenimahalle project. The land policies to housing production have been in the direction of increasing the number of floors allowed in built-up areas instead of opening vacant lands to development. Re-densification of existing urban areas has been the primary approach to the transformation of the Yenimahalle settlement.
- While public officials monitored every stage of the housing construction process in the establishment of Yenimahalle, the implementation of new planning decisions was left to landowners without public control. Thus, the transformation process was carried out by private landowners.

- The spatial structure of Yenimahalle settlement was formed in the scales of plot-block-neighborhood by prioritizing topography characteristics of the area and social and spatial needs of future residents. This site-specific planning and policy approach has been replaced by general planning decisions independent of the unique characteristics of an urban area.

The current spatial pattern of Yenimahalle has been shaped by first the subdivision plan approved in 1949 and then the planning decisions and land policies, which have the abovementioned characteristics from 1965. In addition to plans and policies, property owners have had a significant effect on the transformation of the spatial structure. The following part of the chapter examines the settlement's transformation process by tracing property rights and considering the land policies, planning decisions, regulations, and the actors of the transformation.

5.2.1 Turning Point I: 1965 Change in Zoning Ordinance Plan

Approximately fifteen years after its development, Yenimahalle was a self-sufficient settlement with its own administrative, commercial, and cultural center and a low-density residential area. In this period, the settlement still appeared as a satellite town separate from the city, as Figure 5.8 demonstrates. Even though it was distant from the city, Yenimahalle had been an attraction point for new housing developments which can be seen from the aerial photo below. In the surrounding area, Emlak Kredi Bank Cooperative selected a site in the military-owned area on the east side, while Güzelevler Building Cooperative chose a place in the north under private ownership, and cooperatives developed the public lands in the south (Tokman, 1985). In this period, the west side of the area was not opened to development yet.

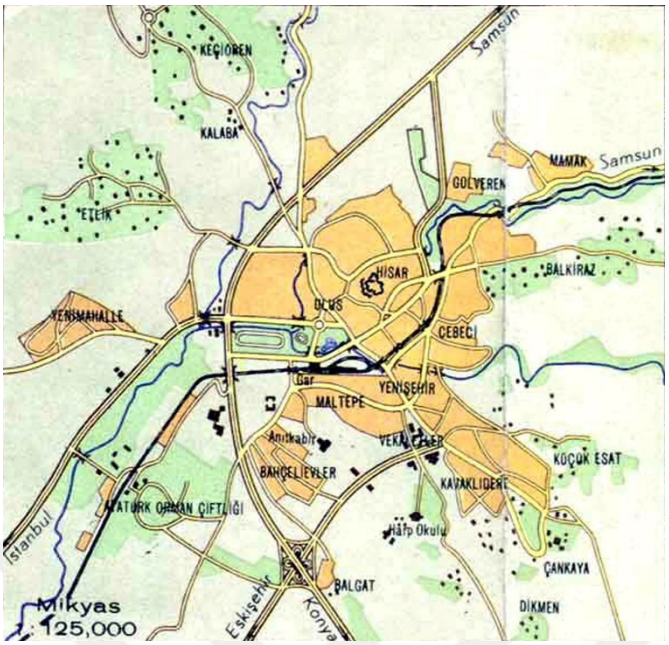


Figure 5.8 Yenimahalle Settlement Area, 1960s

1-Yenimahalle Settlement Area and the City, Source: Günay personal archive

2-Yenimahalle Settlement Area and its Surrounding, 1960,

Source: Şinasi Yüksel personal archive, retrieved from

http://www.sinasiyuksel.com/blog/?p=17727

In the 1960s, the Yenimahalle settlement area still preserved the very first two-dimensional property pattern. The property rights remained unchanged on both vertical and horizontal dimensions. The first reason for the stability of property rights is that more than one ownership right on a plot had no grounds within the scope of the laws in force. Indeed, since many landowners rented out their basements, more than one family lived on the same plots. Because the laws granted only one property right to a single plot, tenants could only have use rights - not ownership rights - and the sole ownership right of each plot belonged to the landowner. As the second reason, because houses were only fifteen years old, shared ownership of land due to inheritance was not yet widespread. The other reason the original ownership pattern was preserved is that landowners did not demand changes to the property boundaries by using unification or subdivision. They did not need that because the size of houses

was suitable for the household size of 4.2 people, and landowners earned regular income by renting their ground floors.

In this low-density settlement, landowners protected and actively used front and backyards in daily life. Due to the low car ownership, there was no need for car parking and consequently transformation of front yards into parking lots had not been done yet (Figure 5.9). During this period, Yenimahalle was a residential area with outdoor cinemas, cinema halls, restaurants, artisans and a unique neighborhood culture.

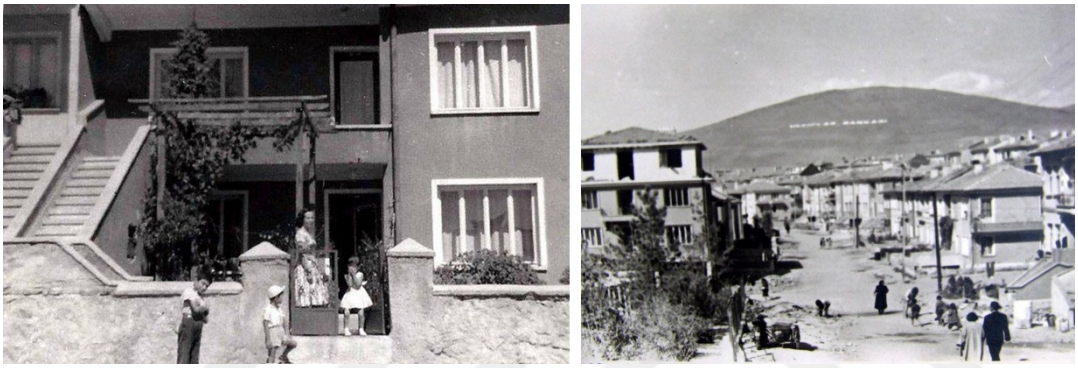


Figure 5.9 Use of Front Yards in Daily Life, 1960s

Source: 1- Hatipoğlu personal archive, 2- Yüksel personal archive, retrieved from http://www.sinasiyuksel.com/blog/?p=17727

The first greatest change in the property pattern and the spatial structure of the area took place in consequence of a revision of the Zoning Ordinance Plan. With the plan revision, the maximum number of floors in the central district of Yenimahalle was defined as three floors. The proposed plan change was approved with Decision Number 347 of the Development Administration Committee (İmar İdare Heyeti) on 4.6.1965, and then approved by the Ministry of Development and Settlement (İmar İskân Bakanlığı) on 30.07.1965 (Tokman, 1985, p. 50). The justification of the decision was that despite the allowed floor number being two, 3-story buildings had already been built in some places in Yenimahalle, and different building heights created a chaotic urban form (Tokman, 1985, p. 50). With these justifications, public

authorities admitted that they were incapable of controlling the implementation of the planning decisions, and the activities of the public on urban land.

The district that obtained the right to build 3-floor apartments was in the heart of the settlement, including all commercial and administrative uses. Commercial uses were mainly located on Ragıp Tüzün, Akın, Pazar and Çarşı Streets. In addition, a few of the commercial functions started to select sites at the beginning of İvedik Street and Ragıp Tüzün Street, especially on the corner plots (Bayaz, 1966). Considering these developments, the new planning decision gave a 3-floor construction permit to almost all the area planned by the Başvekalet Construction Cooperative and the plots with facades facing the named streets in municipal planning areas. On the other hand, the areas designed by the municipality, which were mostly residential, continued to hold two-floor rights. Thus, the demolish-build process was initiated in the central district of the Yenimahalle settlement area. The precise boundaries of the area obtained three- floor development rights can be seen in Figure 5.11.

Another change in the legal framework that accelerated the demolish-build processes in the whole city, including Yenimahalle, was the Flat Ownership Law enacted in 1965. The Flat Ownership Law enabled more than one living unit subject to ownership to exist in one plot. Thus, more than one private ownership right could be established in a single plot. The property pattern of the Yenimahalle residential area transformed by taking strength from this newly established legal ground.

5.2.1.1 The Effects of Plan Change on Urban Space

The primary determinants defining the property pattern and property relations of the Yenimahalle settlement in the transformation process were not only the late plan decisions. The process was also affected by the original subdivision plan, housing typologies, household size, and, in addition to these, prevailing property owners and their rights.

Landowners' expectations of spatial qualities of the new residential buildings and economic return from the transformation projects influenced their implementation of plan decisions and by extension, the spatial structure of the area. In the initial development period of the settlement, many landowners benefited from the power of holding property rights and the lack of public control. By renting out their basements they caused over 25,000 people more than planned to settle in the area. Given the population living in the area and the spatial plan, the net urban population was 170 p/ ha in the municipality areas, and 290 p/ ha in the whole area (Tokman, 1985, p. 41). As in the initial formation process, both the plan decisions and the landowners' approach to implementing the decisions reshaped the property pattern of the area in the subsequent transformation process. This situation can be seen in the practices of each of the planning decisions.

With the new legal framework and planning decisions, two-dimensional property relations in the urban space were redefined in three dimensions. As a result of the vertical fragmentation of property rights on plots, the urban density of the area increased, and new building typologies were formed in relation to this density. In the following part, the change of property relations in the horizontal dimension will be examined in the subdivision plan, and the change in the vertical dimension in the density scheme.

Change of Property Rights on The Vertical Dimension

One year after the approval of the decision allowing 3-storey housing in the central area, the density of building and population and the density of property rights per plot increased at varying rates in different parts of the settlement (Figure 5.12). The population density is on average 500 p/ ha in the central district with 3-storey building rights, 300-400 p/ ha in the east and southeast of the settlement, and 250 p/ ha in the west and northeast parts (Bayaz, 1966).

The examination of the 1965 plan decision, the 1966 urban density scheme, and the original ownership pattern gives clues about the differentiation reasons of the population density in the area in 1966 (Figure 5.12). The first attention grabbing fact in the density distribution is that the high density (500 p/ ha and above) areas in the areas got three floor construction permission are the ones planned by Başvekalet Construction Cooperative. In fact, a part of the building block planned by the cooperative is 500 p/ha, the other part planned by the municipality is medium density (300-400 p/ ha). The main reason for the density difference in areas with the same development right is the differentiation of plot size in municipal and cooperative planning areas.

As stated above, 123 plots in the cooperative planning area have a minimum size of 500 m^2, and the size of the remaining plots varies between 175 and 300 m^2 as in the municipality plots. Depending on the new plan decision, transformation practice mainly concentrated on these large cooperative plots. Large plots, which allowed the construction of a high number of individual units, provided a high- profit rate to the property owner and small contractor in transformation projects. For this reason, the first place where transformation activities started in this period were the building blocks (VEKAM, 2013) with large plots on Narin Street.

On the other hand, as small plots of 175 to 300 m^2 generally enable 3-4 independent units to produce, the amount of profit in transformation projects is much lower, and make the profit-sharing process complicated for the small contractors and landowners (Aysal, 1996). Due to this economic reason, arising from the spatial characteristics of plots, the transformation of houses was preferred less by the owners of small lands throughout the area. As a result of these reasons, the parts of the building blocks in the central district, consisting of 500 m^2 plots, had a high density due to apartments, while the remaining parts had medium-density because only a small part of the property owners chosen to transform their houses on small plots. Figure 5.10 demonstrates the examples of these houses. In the transformation process, the size of plots influenced not only the number of individual units produced but also the building order. Before the transformation, there were single-detached

houses in large (500 m^2) plots and attached ones in small plots (175-300 m^2). The apartments were built in accordance with this building order with the transformation.

In the Yenimahalle residential area, the other areas with medium density are the building blocks on Ragıp Tüzün Street, where have three-floor development right and all the blocks on İvedik Street. During this period, most of the property owners in these areas chose not to transform their houses.

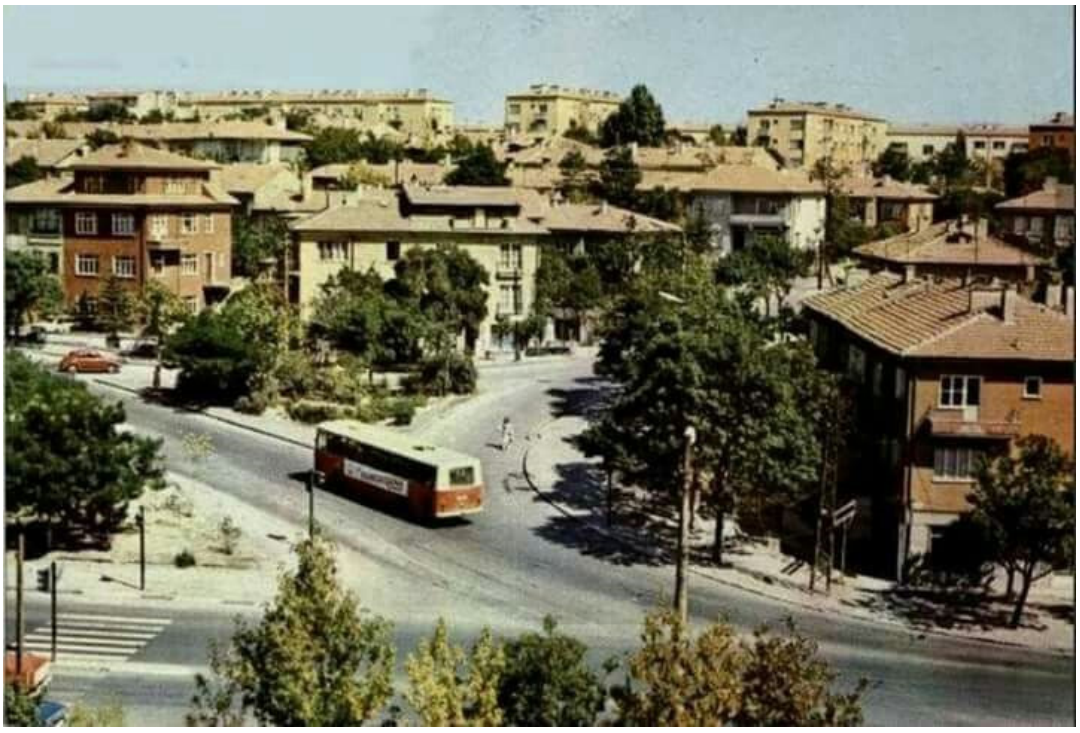


Figure 5.10 Examples to a Small Number of Three-Floor Apartments on Ragıp Tüzün Street, n.d

Source: Hatipoğlu personal archive



Figure 5.11 1965 Change in Zoning Ordinance Plan

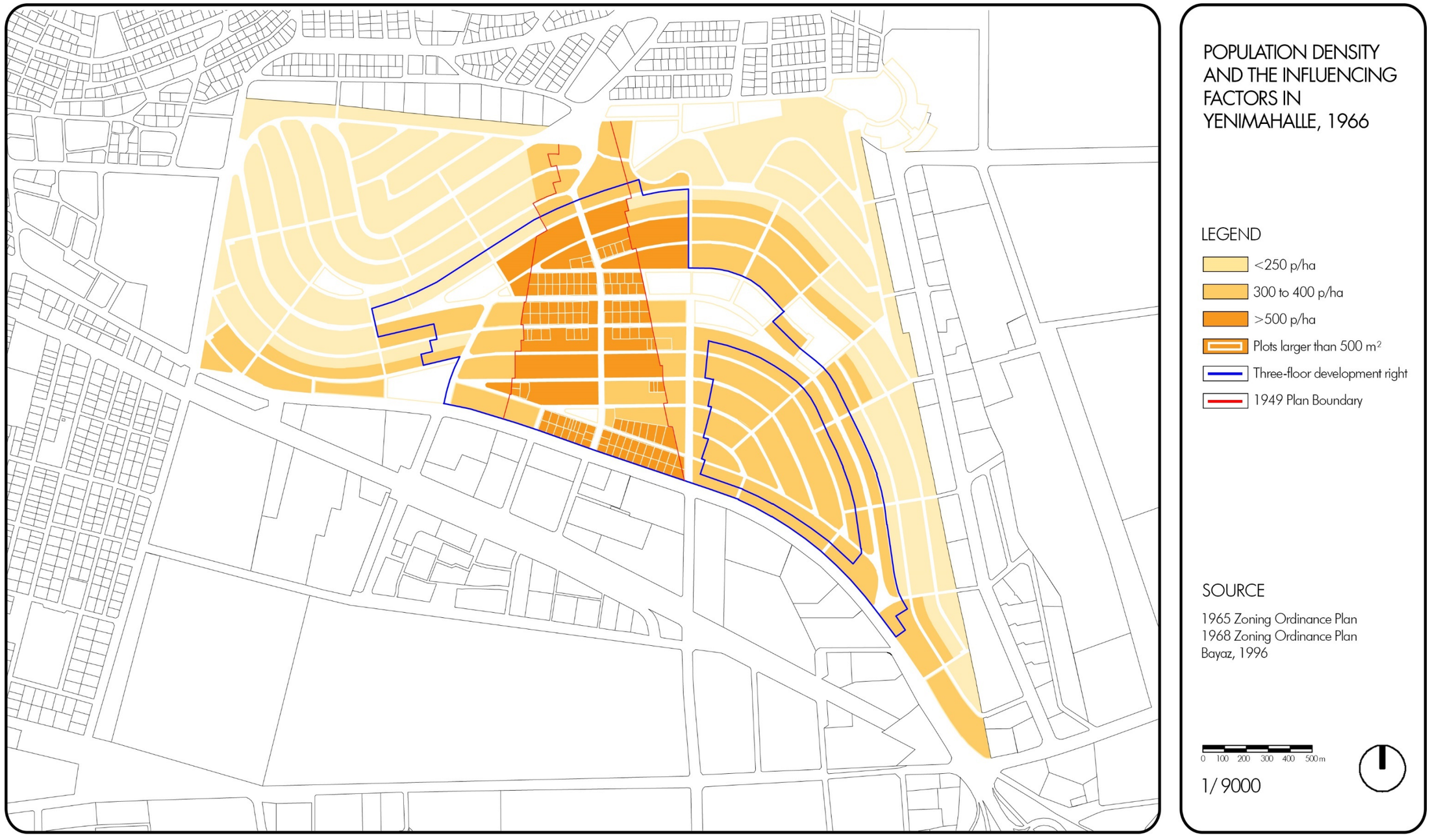


Figure 5.12 Population Density and the Influencing Factors in Yenimahalle, 1966

In this period, because the areas planned by the municipality had the right to build two story houses, the single-family houses and the ownership rights were maintained by the property owners. What is interesting is that the building blocks in the eastern part of the settlement, which are close to the administrative center, commercial, and educational uses, had medium density, while the western part, excluding the ones on İvedik Street, mainly were low-density residential areas. The differentiation of density in two urban areas with the same plot sizes and development rights was related to the production of additional living units by making additions to houses. In the middle-density areas, property owners created new individual units on their plots by applying ground floor plans to street-level basements, sometimes adding a third floor onto their houses as Figure 5.13 shows. On the other hand, most of the property owners in the western part did not prefer to make changes in the buildings' interior and exterior parts; they kept the building and population density in the area at a low level.



Figure 5.13 Additions to houses

1- additional third floor, 2- additional door and stairs

Source: Google Earth, 2020

Consequently, after the 1965 plan decision, the greatest change and concentration in the vertical dimension in property rights occurred in the central area where new development rights were given, and the biggest concentration in the area was observed in the large plots (500 m^2) planned by the cooperative. The urban densification had been much less than planned, as not all of the entitled landowners exercised their new development rights. With the legal definition of flat ownership,

the landowners in the eastern part of the central area increased the number of use rights in their plots by making additions to the buildings. The landowners in the western part of the area had relatively less effect on the original property rights defined by the subdivision plan.

Change of Change of Property Rights on The Horizontal Dimension

In this period, in line with the possibilities and rights provided by the legal framework, property rights changed largely on a vertical dimension, and there was much less effect on the horizontal dimension. The plots where the property boundaries changed on the horizontal dimension were in the cooperative planning area, just as they were in the vertical dimension. The subdivision process was applied to four large plots under private ownership on blocks No. 8050, 8051, and 8105. The subdivision process can be followed in Figure 5.14. The apartment buildings which were built on the resulting plots after the subdivision have survived to the present day, except for two of them. Given the number of individual units produced in the new plots, using this policy instrument did not result in any increase in units produced. This would indicate that the earliest landowners aimed at the social or spatial benefit of the subdivision rather than maximum economic return.

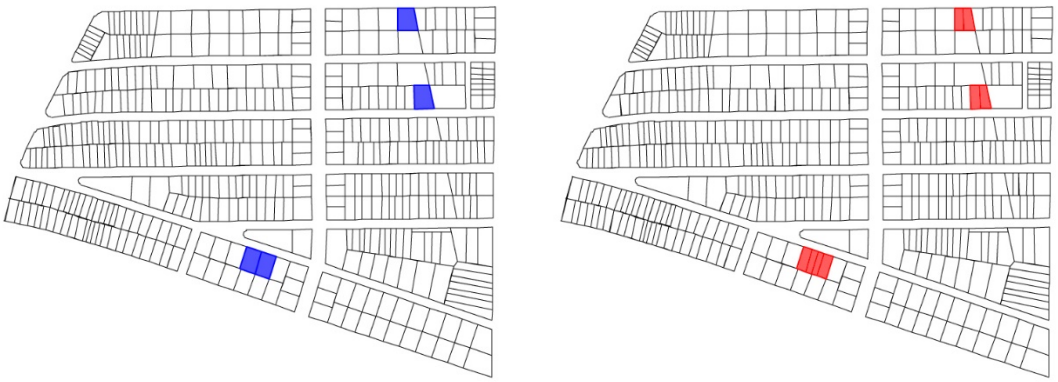


Figure 5.14 Subdivision Process in the Central District, 1965-1968

Although a small number of plots were subdivided in the area, no unification process was requested by landowners. The reasons for this situation are varied for plots in different sizes. Plots bigger than 500 m^2 already allow the production of a large number of living units without the need for unification. On the other hand, even though the owners of small plots could unify their lands, because of the complex and long agreement process, they stayed away from the process and transformed their houses in a single plot. Figure 5.15 shows those different examples of three-story apartments.

The locations of three-floor apartments in the central district in 2020 are demonstrated in Figure 5.16, while the number of individual units in these apartments can be seen in Figure 5.17. As can be seen, although the number of floors of the buildings is the same, the size of the plot has led to the formation of a heterogeneous property pattern.



Figure 5.15 Three-floor Apartments in the Central District

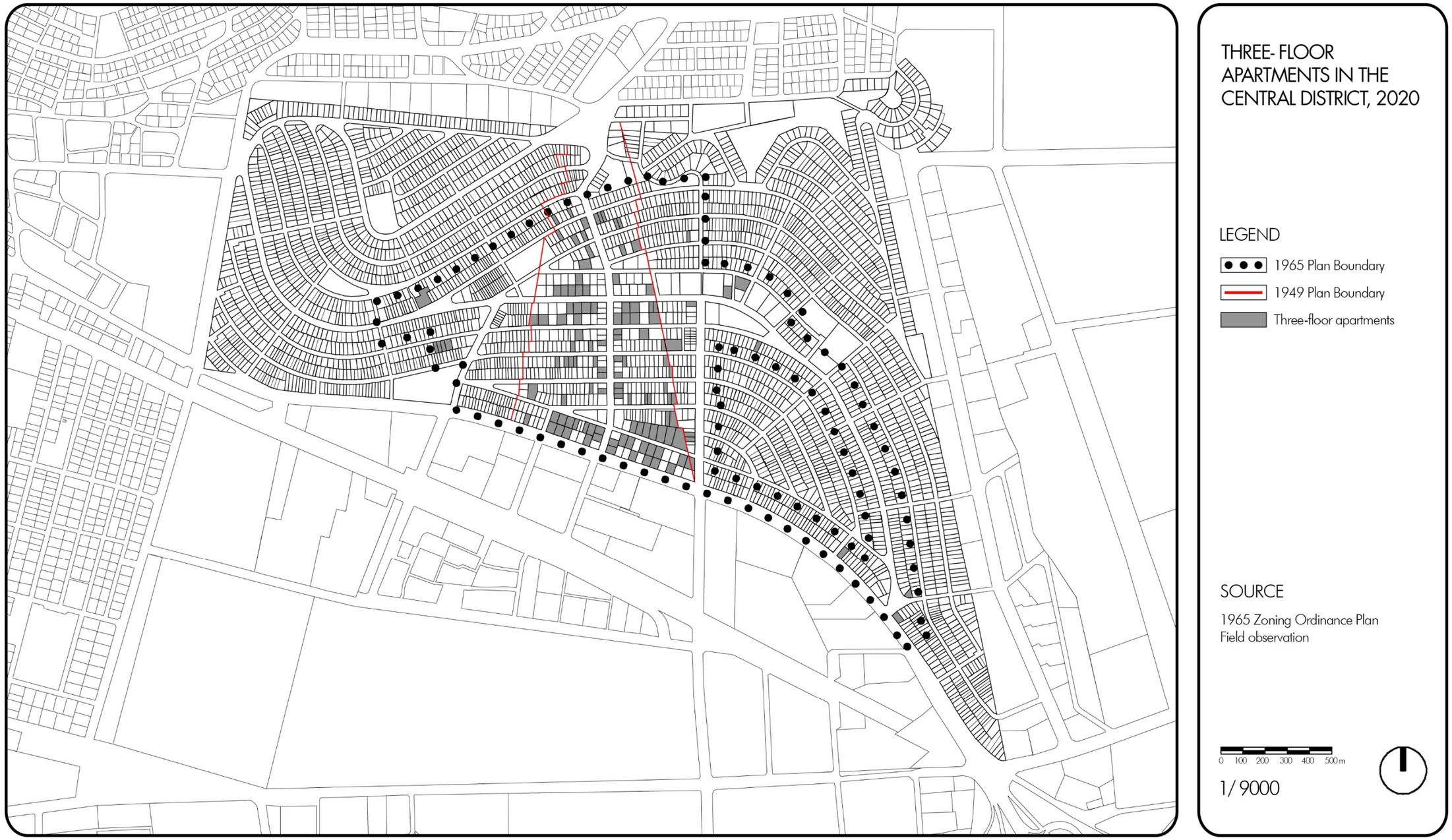


Figure 5.16 Three-floor Apartments in the Central District, 2020

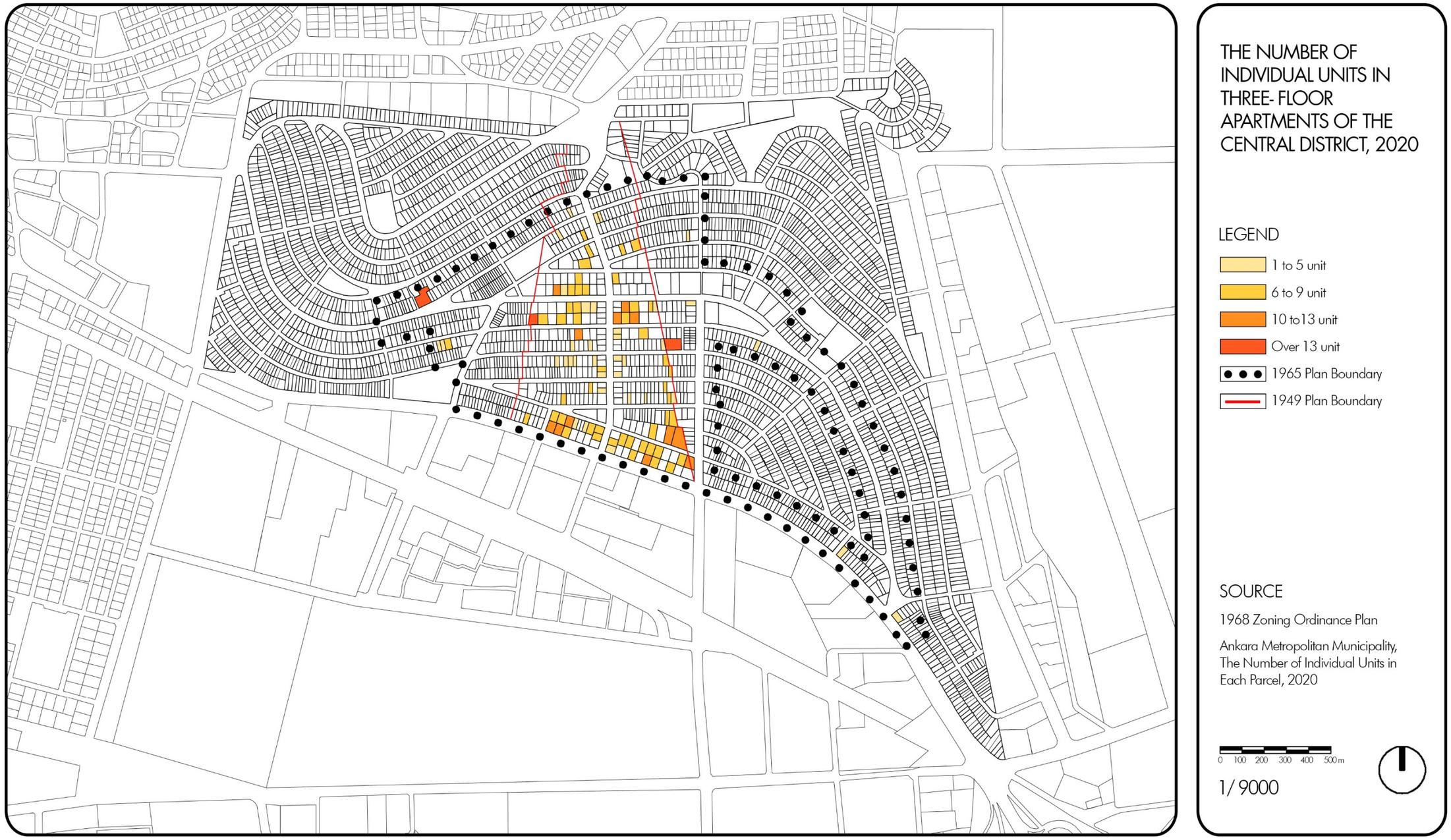


Figure 5.17 The Number of Individual Units in the Three-Floor Apartments in the Central District, 2020

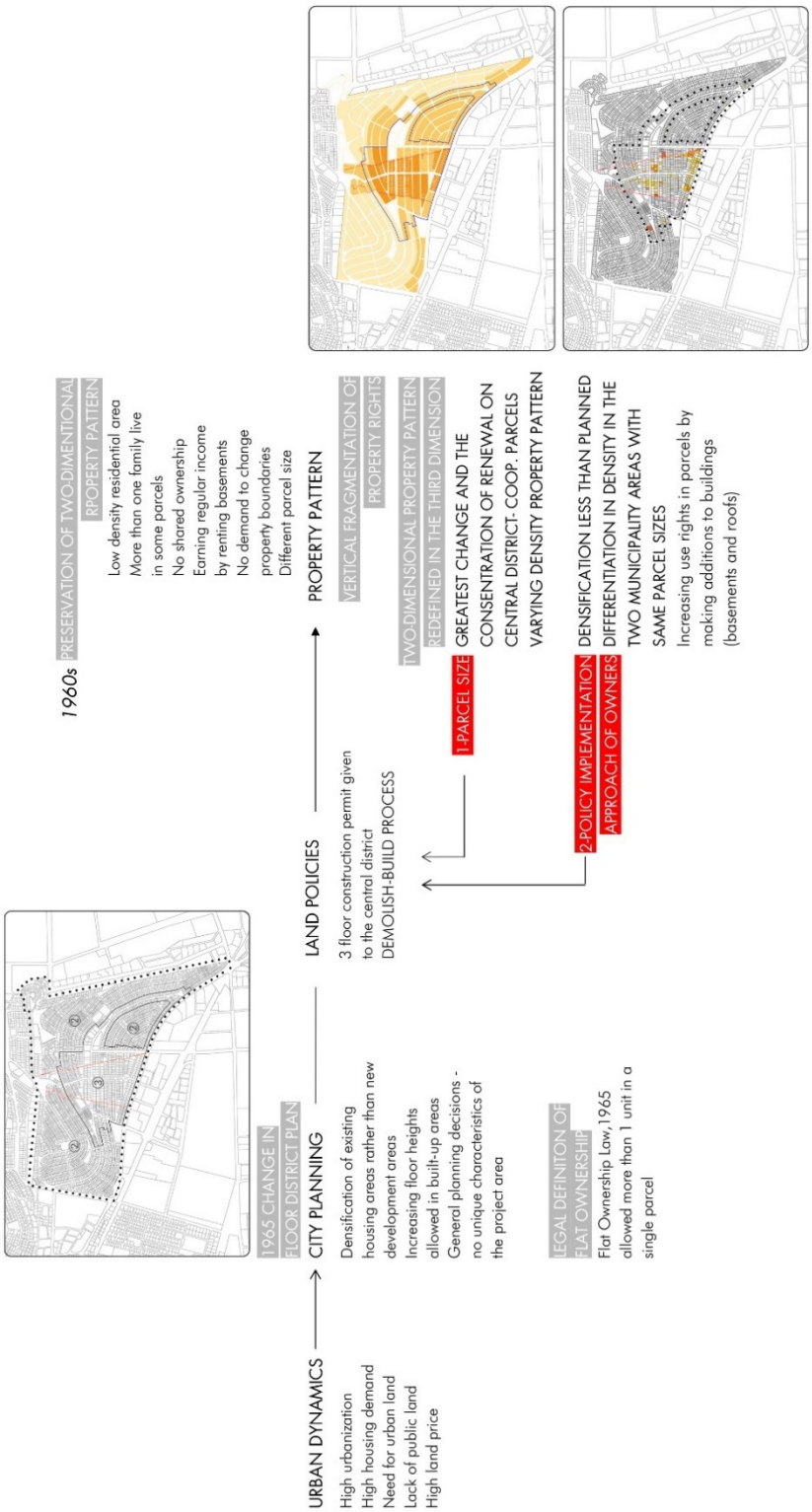


Figure 5.18 Turning Point I: Land Policy- Property Rights Relation on the Vertical Dimension, Central District

Figure 5.19 Turning Point I: Land Policy- Property Rights Relation on the Horizontal Dimension, Central District

5.2.2 Turning Point II: 1968 Change in Zoning Ordinance Plan and Zoning Regulation

The second milestone in the property pattern and the spatial structure of the Yenimahalle settlement area after the changes in the Zoning Ordinance Plan in 1965 was the changes made by Ankara Municipality Development Directorate (*İmar Müdürlüğü)* in the Zoning Regulation and Zoning Ordinance Plan note in 1968 (Tokman, 1985, p. 50).

In the Official Gazette dated 22.8.1968 and numbered 12939, a new plan practice note was added to the Ankara Zoning Ordinance Plan, and the number of floors, which is currently valid in the Zoning Ordinance Plan, was increased by one floor in the whole city provided that the landowners do not also make a roof or half floor. The decision did not cover buildings with more than allowed stories and buildings with ten or more floors (Ankara Bölge Kat Nizamı Planı Notu, 1968). Also, with the decision published in the Official Gazette dated 17.08.1968 and numbered 12979, with the change in the Articles 62 and 74 of the Zoning Regulation; the technical requirements regarding roofs such as setback distances in the buildings that are not prohibited from building them, and the technical conditions of converting the loft spaces to top floor flats were determined (İmar Yönetmeliği Değişikliği, 1968).

With the new planning decision, building four-story housing was permitted in the central district of Yenimahalle less than three years after the 1965 plan increased floor number in the area. The residential areas, which were not affected by the previous plan change, were got right to build three floors (Figure 5.20). With the land policy increasing the number of floors in the entire city by one, possible land price and rent raised, and the whole housing stock, including the newly built three-story apartments, became economically obsolescent suddenly. As a consequence of the new land policy, demolish-build processes, which are now much more economically advantageous, spread to the whole settlement.

5.2.2.1 The Effects of Plan Change on Urban Space

At the beginning of 1968, different parts of the Yenimahalle settlement area had different ownership patterns. The central district had a fragmented property pattern in the vertical dimension with the effect of the previous plan decision, while the surrounding neighborhoods preserved the earliest property rights, both vertical and horizontal dimensions.

In the transformation process initiated by the new plan decision, the ownership pattern underwent a great change with the effects of the plans, policies, and social and economic dynamics. The fragmentation of property rights in the central area became denser in transformation processes. In the neighboring areas, two-dimensional property rights were redefined in the third dimension.

During this period, it was not only the amendment in the city plan and change in zoning regulation dated 1968 that reshaped the property pattern but also the plan decisions and practices in previous periods. The factors affecting the plan implementation process and accordingly the property rights were the implementation process of the previous plan decisions, whether the plan decisions were implemented or not, landowners' approach in implementing regulations and planning decisions, the number of independent units, the number of floors of the structures and plot sizes. At that time, there were three different zoning order reflecting three different planning periods in the area. Even within a single building block, the distribution of property rights and building heights varied.

The property pattern formed with the effect of all the specified factors will be examined by comparing the subdivision plans on the horizontal dimension, the number of floors, the number of independent units, and the density data on the vertical dimension. As stated, since the settlement's central and surrounding areas obtained different development rights with the new plan decisions, the transformation process in these areas was shaped within the framework of different

spatial, social, and economic dynamics. For this reason, the transformation of two areas will be examined under separate headings.

5.2.2.1.1 Central District

The central district of the Yenimahalle settlement area obtained its last development right with the plan revision dated 1968. After that, the transformation practices in the area have been carried out in accordance with the four-floor zoning order defined by the plan. Nowadays, two- and three-story single-family houses and the few 3-story apartments have continued to be renewed rapidly. Accordingly, influences of the 1968 plan decision on property rights have continued.

In the following part of this chapter, the implementation process of the city plan in the central area until today and the change of the property pattern and rights in the horizontal and vertical axes will be examined within the framework of the social, economic, legal, and spatial dynamics affecting the process.

Change of Property Rights on The Vertical Dimension

At the beginning of 1968, the buildings differed within the building blocks in the central area in terms of the number of floors, the number of individual units, the population, and building density. Most of the plots planned by the cooperative used the right to build three-floor apartments and had a high density of ownership rights. On the other hand, most of the plots designed by the municipality did not prefer to use new development rights and had middle density residential area composed of single-family houses.

The transformation process beginning with the plan decision dated 22.8.1968 was much slower than the implementation process of the previous planning decision. Even ten years after the plan was approved, the ownership pattern and the existing housing stock were still preserved in almost the entire area. The owners of both single-family houses and three-floor apartments did not enjoy the right to increase

the number of floors. A few places that transformation took place were some corner plots on Ragıp Tüzün Street, where commercial activities congregated, and on its extensions Çarşı and Akın Streets (Tokman, 1985, p. 51). The main reason for the transformation process to start in these plots is that the plots' minimum size is 500 square meters, and it enabled property owners to get high economic gain from the transformation by using Articles 114 and 115 of Zoning Regulation (Tokman, 1985, p. 52).

The redevelopment process, which was quite slow in the early 1980s, gained momentum in the second half of the 1980s and continued rapidly for a decade. This ten-year acceleration period can be examined in two intervals according to the speed of redevelopment and the areas where it takes place: 1986-1993 and 1993-1996.

In the first period between 1986-1993, transformation activities concentrated on (1) the plots facing Ragıp Tüzün Street, (2) Building blocks located to the north of the administrative center, (3) The plots on Gürler Street, as one of the extensions of the commercial center. Apart from the areas where transformation activities clustered, there were singular transformation projects carried out throughout the area. Beginning of the 1990s, the transformation of the unique Yenimahalle houses accelerated. Transformation activities, which had recently focused on particular areas, have spread throughout the settlement area in the four-year period that started in 1993 (Figure 5.21).



Figure 5.20 1968 Change in Zoning Ordinance Plan

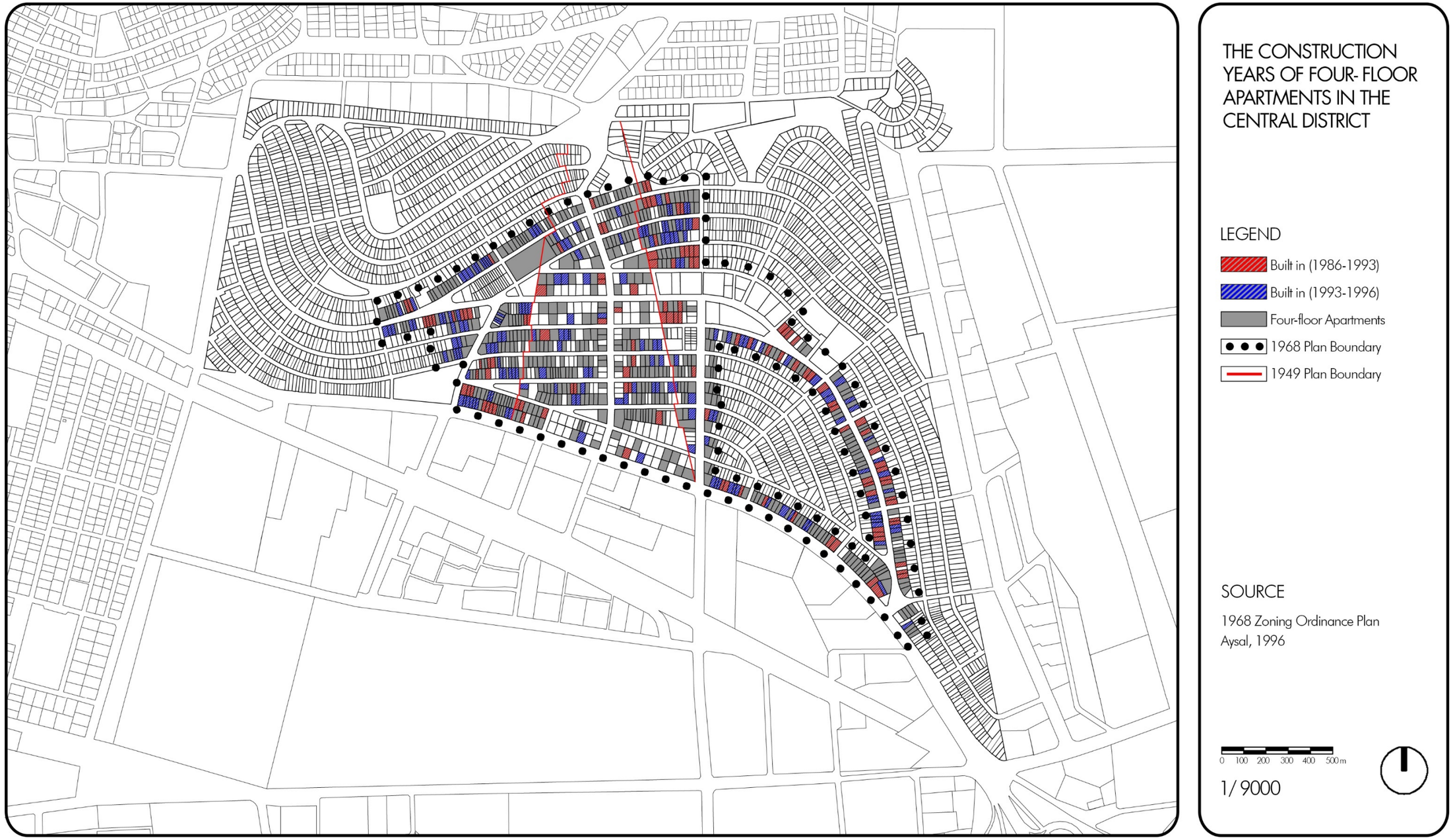


Figure 5.21 The Construction Years of Four-Floor Apartments in the Central District

İvedik and Ragıp Tüzün Streets, where redevelopment started in the first eight years, completed half of its redevelopment process, except for the dense cooperative plots with three-story apartments, at the end of the second period. Some of the neighboring plots on these streets were joined through the use of unification tools. By adding the side setback areas between two detached buildings to the buildable areas, property owners obtained large construction areas that allowed producing a higher number of individual units with larger areas. Also, both small contractors and landowners benefited from the high land prices related to plots' central location. In 1996, the other areas that completed half of its renewal process were the building blocks located to the north of the administrative center. As Figure 5.21 demonstrates, the boundary between the municipality and cooperative planning areas defines the transformation area within these building blocks. The reason for initial property rights, defined by the first subdivision plan, to create both an invisible and a distinguishable boundary is different plot sizes in two areas.

Given the parts of the blocks located in the municipal planning area, it is seen that approximately half of the small plot owners merged their lands for economically more feasible transformation projects, and this approach repeated in the surrounding area for a short span of time. On the part of the building blocks that remained unchanged in the cooperative area, there were three-story apartments built on some plots during the previous planning period. Considering the plots with apartments, smaller plots were held by three to four property owners, and the large ones were owned by seven to nine owners. The reasons for apartments not to be rebuilt by using new four-floors development rights can be defined as the difficulty of making agreements on profit sharing by contractors and landowners and taking the transformation decision commonly by property owners. On the other hand, the transformation of single-family houses was not preferred by these houses' single property owners.

Both the first and second parts of the redevelopment process between 1986 and 1996 took place in the municipal planning areas in general, not the cooperative areas. The first reason for this situation is the implementation of the 1965 plan decision on the

large plots in the cooperative planning area and production of large masses with a high number of individual units. Those three-story buildings with a high number of property owners were not transformed in the new planning period started in 1968 due to the socioeconomic reasons mentioned above. On the other hand, the fact that some of the two-story houses on large plots were not transformed shows the second reason.

The reason for large plots with two-story houses on Ragıp Tüzün and İvedik Streets, which were suitable for building such a large and a high number of individual units, not to be transformed is that these buildings were used both for commercial and residential uses and property owners got permanent income by renting ground floors to the small retailers. After 1996, demolish-build activities also started in the specified large plots in the cooperative area, but the process was much slower compared to the other areas. It can be interpreted that the small plots, which are also in the cooperative area and used only for housing, were not transformed by property owners due to individual reasons. As a result, in the ten-year period between 1986 and 1996, property fragmentation spread throughout the area, especially on the main streets, the density of property rights increased with the unification process, and a heterogeneous spatial pattern was created in the area.

The transformation process of the central area after 1996 can be traced through today's spatial pattern. Today, 79% of the housing stock in the central district consists of four-story apartment buildings. In the remaining plots, the buildings have the zoning order and the number of floors of different planning periods, and they do not use the right to build four-floor apartments.

A small number of 1-2 and 3-story traditional houses, which have the spatial characteristics of 1948 zoning order, are scattered throughout the area as a single or double. Only the commercial building blocks No. 8093 and 8050 consist of all low-rise buildings. Those buildings are under cooperative ownership, and all are worn out and in poor condition. Although the land price is very high, buildings are demolished or empty in some plots. Each of the single-story buildings located in the

other blocks is commercial property. Likewise, most of the two-story houses are used entirely for commercial or mixed-use. One of the reasons low-rise commercial buildings have not been transformed is that commercial uses provide regular income to their owners, and secondly, some of the landowner's working and living units are in the same structure. While commercial buildings have economic reasons, it can be said for the low-rise residential properties is that property owners preferred to live in these houses with large gardens to apartments. This way of life provides them a sense of privacy that apartments cannot give. With privacy concerns, many residences isolate private spaces by using landscape elements. Also, the memory value, document value, and historical values of these houses are valuable for the residents (Annak, 2007). There is a similar situation in 3-story single-family houses. Most of these structures are in single or double attached order scattered throughout the area. Most of these houses transformed their basements that are located at the ground level and produced separate living units. Hence, two families live in most of these buildings.

The three-story apartment buildings which have the zoning order of the 1965 plan are clustered in certain areas. Those located in 500 square meter plots involve detached houses, while those in small plots have attached housing typology. Some of the three-story apartments produced with the plan decision of 1965 have reached today and those apartments inform about the number of individual units the buildings have. 51% of the apartments in 500 square meters plots have 6 to 9 independent units, 29% have 9 to 12 units, 8% have 12 to 15 units, and the remaining ones have 3 to 6 units. In smaller plots, 68% of apartment buildings have 3 to 6 units, 21% have over six units, and 11% of buildings' unit numbers are unknown. Considering that two families live in each building in the first twenty years of the Yenimahalle settlement area, it is evident that the plan decisions have given rise to the formation of high- density residential area.

Recently, three-story apartments on the commercial routes have started to involve in the transformation process. The legal ground for urban transformation includes articles that both facilitating and slowing down the transformation. One of the

examples of articles complicating and slowing down the redevelopment process is related to ownership rights. The Flaw Ownership Law No. 634 necessitates the consensus of all owners in the decision for the transformation of the buildings under flat ownership. Because property owners' expectations on the economic benefit and the spatial attributes of new housing units differ, reaching a consensus can be complex and challenging.

One of the articles of law easing the redevelopment process is for risky structures. Law No. 6306 on Transformation of Areas under Disaster Risk provides fiscal tools such as tax incentives to owners of properties determined to be risky structures. These tools help property owners to finance the project and make an agreement with contractors. So, how much of the transformation projects in the Yenimahalle residential area are carried out using these financial instruments? The analysis of the projects transformed within the scope of Law No. 6306 in 2019 and 2020 shows that property owners in Yenimahalle benefitted from the fiscal incentives less than the ones in Şentepe. At the same time, the number of projects benefitting has been increasing in recent years. During the meeting with the municipality, it was shared that the risky building decisions taken by private companies are found sufficient by the public institutions considering next possible earthquakes and they have an approach speeding up the transformation process.

As stated above, the existing building stock of the area consists mostly of four-story apartments, which present an urban form having homogeneous morphological characteristics. On the other hand, the examination of the number of property rights in each plot demonstrates that the central district of the Yenimahalle settlement has a heterogeneous property pattern as Figure 5.22 demonstrates.

The contributing factors that led to the number of property rights having different value ranges are original plot sizes, the slope of the land, the use of unification to merge plots, and to turn the penthouses into flats.

The first factor - the size of the plots - in the central district varies between 175 and 500 square meters; accordingly, they provide the production of individual units and

property rights in varying numbers. Second, the slope of the land is one of the most substantial factors affecting the number of individual units in a plot. In the early development phase of the area, landowners took the advantage of the slope of the land and transformed their basements, which are above or below street level, into flats. As in the development process, the redevelopment phase of the settlement also became subject to the use of slope as a density-increasing determinant. Small plots enable the production of floor-through apartments contains mostly four living units. By taking the advantage of the downward slope, one or two floors are gained below the street level, hence property density in each plot can be increased by using elevation difference between two sides of plots. This approach has been widely applied in building both three and four-story apartments throughout the area.

Third factor - the unification of plots - is an instrument that enlarges building area and enables producing a higher number of individual units. With this aim, many landowners in the central district have used this instrument while transforming their houses into three or four-floor apartments. The last factor increasing the units is converting penthouses into flats for rental purposes. This is a newer practice that has been applied in recent years. The problem is that some of these new flats do not have a title deed or occupancy permit. With a decision published in The Official Gazette dated 06.06.2018, legalization of these penthouses without a license or occupancy permit and turning their use rights into flat ownership rights was made possible. This change in the legal framework may pave the way for more flexible house additions in the future, which could be problematic for protecting the order.

With the effect of the specified factors, not in the whole central area but some part of the building blocks, there are clusters with the same property rights in relation to the plot size and the number of floors (Figure 5.22). In one part of the central district planned by the cooperative, the large plots (500 m^2) consisting of three-story apartments are the places where property fragmentation is medium-high. The other areas with a high and medium number property rights are the large plots created through the unification or the subdivision, and they generally have four floor apartments. While large plots have medium to high property rights, the small plots

preserving the original boundaries, whether involving three or four-floor apartments, generally allow the production of have small or medium number of independent units. The examples of these plots can be found in the beginning parts of Ragıp Tüzün and İvedik Streets, and the small plots on the south of the central district.

Consequently, the four-floor development right, landowners' approach of benefitting from the slope of the land, and the use of policy instruments which are defined by regulations have increased the density of property rights in the entire area. In detail, the property rights in the area increased by the rate of 95% from 1965 to nowadays due to the specified factors. If all the landowners would have used the maximum development rights, the total property rights would be approximately 10% more than the current situation. Accordingly, the technical and social infrastructure, which is currently inadequate, would become much more inadequate.

Depend on the heterogeneous building heights and property rights; population densities vary in the scale of the building blocks. While the building blocks with large plots which have not used the development rights entirely have a population density of 500-600 person per hectare, the density of building blocks with small plots using the highest development rights is above 600 p/ha. The comparison of the density schemes of 1965 and 2020 shows how much property rights and the population density have increased in time. Considering that the household size has decreased over the years, the considerable transformation of the spatial structure and property pattern becomes more evident.

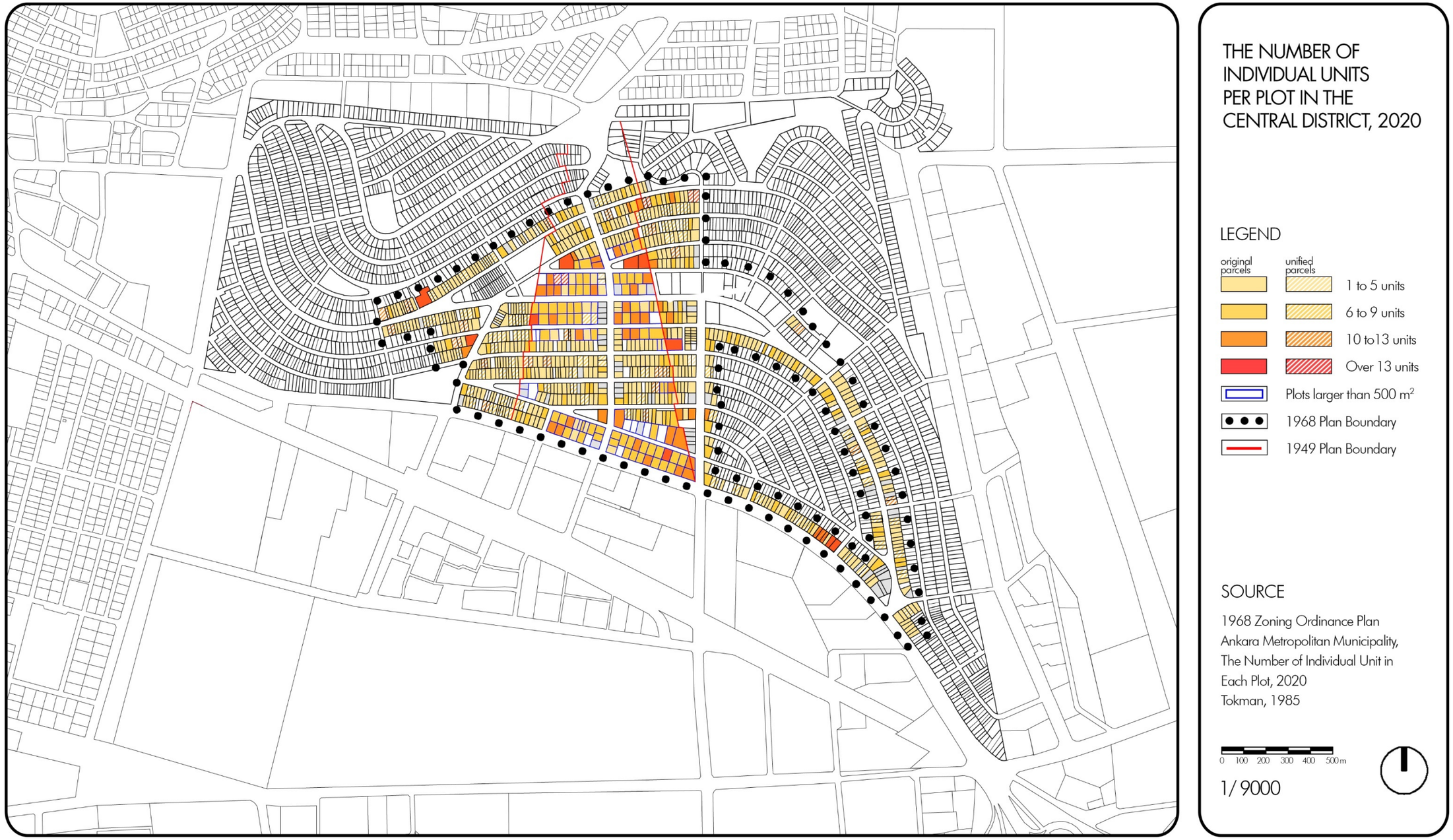


Figure 5.22 The Number of Individual Units Per Plot in the Central District, 2020

Change of Property Rights on The Horizontal Dimension

Under the previous heading, it is mentioned that there has been a substantial rise in the property rights per plot in the implementation process of floor increase rights, and the landowners have come together and used instruments, such as subdivision and unification, to produce the maximum number of individual units in their plots. These instruments, which change the property boundaries on the horizontal dimension, have been used to increase fragmentation of property rights on the vertical dimension in this planning period. While only the subdivision tool was applied to certain sized plots and it had no further effect on the fragmentation of property rights in the former planning period, both tools have been used in this planning period extensively and influenced the ownership pattern in the area in a great extent.

Plot Subdivision

The subdivision tool has been practiced in the large plots in the cooperative planning area in the planning period beginning with 1968, as in the previous period. What is different from the former period is that not only private but also publicly owned plots were included in the subdivision process. Hence, at the end of the subdivision, in addition to the number of property owners, the types of property subjects and use and ownership rights on properties have changed.

Half of the ten plots subject to the subdivision in this period were allocated for public use such as parks, cultural uses, and so on in the earliest subdivision plan of the settlement area. Some of these plots were held by public bodies. The other half of the subdivided plots were privately owned residential plots. One of the reasons that led plots with semi-public uses to enter the subdivision process can be defined as the rise in land prices and rents after plan revisions. Since these plots with semi-public use are located in the commercial center and its' extensions, they were directly

affected by the increase in economic value and attracted the attention of property investors.

Depending on the form of land ownership, plots which have semi-public uses had different implementations in terms of urban uses on the created plots. While publicly owned plots with semi-public uses preserved the existing functions by minimizing their areas, semi-public uses on privately owned plots were completely lost. For example, buildings blocks involving parks and open spaces were divided and while one of the created lands was allocated to housing, the other areas remained as open spaces. On the other hand, the plots with cultural and public uses were transformed completely into residential areas after subdivision process. These uses served the whole residents in the settlement since its first development. Thus, the cooperative planning area which had less open space and public use per capita rate than municipal planning areas, lost significant part of its limited public use at the end of these processes.

In the previous planning period, the subdivision of privately owned plots did not have an additional influence of increasing ownership fragmentation on the vertical dimension and thus increasing urban density. In the planning period from 1968 to 2020, an opposite situation was observed in the central district of the settlement due to plot sizes. Because divided plots were larger than the previous ones, (between 1200- and 1300-meter square), the minimum number of units produced was equal to the maximum property right in the area, mostly twice that.

As can be seen, interventions in property rights on horizontal dimension increased the density of property rights and property fragmentation almost twice. The high-density property pattern created by the subdivision increased the density of the cooperative planning area, which was already more intense than the areas planned by the municipality in the previous periods.

The subdivided plots under the private ownership are the ones planned by Başvekalet Construction Cooperative and they are clustered into two building blocks. The subdivision of these plots enabled to produce up to twice number of individual units

of the plots with the same size and number of floors in the same building blocks. The produced units under the private ownership have been used mostly for housing and small numbers of commerce. The effect of the subdivision process taking place in the privately owned plots has been to increase property rights' density as in the public plots.

Plot Amalgamation

In parallel with the construction process of four-story apartment buildings, plot amalgamation process accelerated between 1986-1996. The number of subdivisions implemented from 1996 until today, reached the half of the number in the specified ten-year period. Analysis of the specified ten-year period within itself show that the number of subdivisions accelerated in the 1990s and increased three times compared to the previous period.

The places where the amalgamation processes were carried out specifically in the ten-year period are the residential areas located to the north of the administrative center, İvedik Street where commercial uses are located, and the blocks on Ragıp Tüzün Street planned by the municipality and the building blocks on Pazar Street. After ten years' time, amalgamation activities were applied extensively throughout the central district including the cooperative planning area (Figure 5.23). The main reason for this situation is that the original pattern of the area, except the large plots in the cooperative area, consists of small narrow plots. This can be seen from the size and locations of the created plots by amalgamation.

In the area, 103 plots were created by unifying two neighboring plots, except two examples. 24% of the amalgamation was implemented in the cooperative planning area No. 16260, 37% in the area numbered 15540, and 42% in the area No. 15500 planned by the municipality. The plot sizes created by amalgamation were varied in four value ranges: (below 200), (200-400), (400-600) and (above 600). According to the calculations, 55% of the new plots whose size is between (200-400) meter square, are located in the area No. 15540, and the remaining 45% part is in the areas No. 15500 and 16260, respectively. More than half of the new plots (52%) whose size is

between (400-600) m^2 are located in the area No. 15500, while the remaining ones are in the areas numbered 15540 and 16260 at a similar rate. Lastly, the half of the plots over 600 m^2 are found in the cooperative planning area, and the other ones in the municipal planning areas.

The fact that the largest plots created through amalgamation are in the cooperative planning area and the smallest ones to be in the municipal planning area is the effects of land policies of municipality in the formation period of the Yenimahalle settlement area, the types of landowners of vacant lands and the subdivision plan developed with the effects of these factors. The small plots planned by the municipality unified their lands because they faced in the transformation process with consequences such as small sized individual units, narrow facades, the loss of front yards due to using street front to entry the parking lots. In addition to this decision to improve the spatial quality of the living unit, the landowners also foresaw the probable higher economic return. Larger and higher number of individual units, being able to preserve front and backyards made the transformation projects more profitable, which in turn made it possible to have the desired agreement with the contractors.



Figure 5.23 Change of Property Rights on the Horizontal Dimension, Central District, 1968- 2020

Figure 5.24 Turning Point II: 1965 Change in Zoning Ordinance Plan

LAND POLICIES

4 floor construction permit was given to the central area

DEMOLISH-BUILD PROCESS FOR THE SECOND TIME

PROPERTY PATTERN

VERTICAL FRAGMENTATION OF PROPERTY RIGHTS BECAME DENSER IN THE CENTRAL AREA

AFTER TEN YEARS

Transformation on the corner parcels on Ragıp Tüzün, Akın, Çarşı Streets

IN TEN YEARS

1986-1993

Transformation on the parcels on Ragıp Tüzün Street and Gürler Streets, north of the administration center

1993-1996

Transformation spread to entire area



IN TEN YEAR PERIOD;

1-PARCEL SIZE BOUNDARY BTW MUNICIPALITY-

2-POLICY IMPLEMENTATION COOPERATIVE PLANNING AREAS CREATES

APPROACH OF OWNERS A DISTINGUISHABLE BOUNDARY

REDEVELOPMENT PROCESS TOOK PLACE IN MUNICIPALITY PLANNING PARCELS NOT IN COOPERATIVE PARCELS

PROPERTY FRAGMENTATION SPREADED THROUGH THE AREA ESP. ON MAIN STREETS

DENSITY OF PROPERTY RIGHTS INCREASED WITH UNIFICATION OF SMALL PARCELS

LARGE COOPERATIVE PARCELS

Reasons of not transforming

1. High individual units
2. Single family houses with regular income by renting ground floors
3. Residential or two story houses
4. Three-story apartments with high number of units
5. Working and living in the same parcels
6. Commercial uses

HETEROGENEOUS PROPERTY PATTERN

"The number of individual units per parcel"

- SLOPE OF LAND
- ORIGINAL PARCEL SIZE (175-500)
- UNIFICATION (USING POLICY INSTRUMENTS)
- 4-FLOOR DEVELOPMENT RIGHT
- TURNING PENTHOUSES INTO FLATS

(Official gazette dated 06.06.18) legalized the ones without license or occupation permit)

PROPERTY RIGHTS IN THE ENTIRE AREA INCREASED BY RATE OF %95 FROM 1965 TO TODAY

POPULATION DENSITY VARY IN SCALE OF BUILDING BLOCKS

Blocks with small parcels, using highest development rights, +600 p/ha

Blocks with large parcels, 500-600 development rights

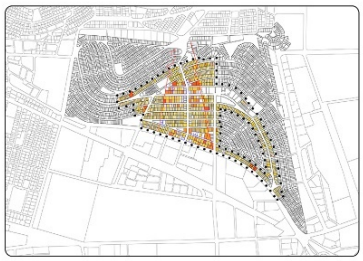




Figure 5.25 Turning Point II: Land Policy- Property Rights Relation on the Vertical Dimension, Central District

Figure 5.26 Turning Point II: Land Policy- Property Rights Relation on the Horizontal Dimension, Central District

5.2.2.1.2 Surrounding Areas

In the second half of the 1960s, municipal planning areas preserved the original property pattern, and the entire area had the same development rights, which is two floors. The first legal amendment that reshaped the original ownership pattern was the right to build three-floor apartments granted in 1968. With this decision, the demolition activities in the area started three years after the central area, and hence two-dimensional property rights were redefined in the third dimension. The transformation process of single-family houses into three-story apartments continued until 1993 when the landowners obtained the right to build four floors after long and persistent efforts. In the following part of this title, the effects of this plan decision on the property pattern and property rights of the municipal planning areas will be examined on today's three-story apartment stock within the scope of social, economic, and spatial dynamics that period.

Change of Property Rights on The Vertical Dimension

At the beginning of 1968, urban density in the municipal planning area varied due to the presence of more than one use right in a single plot on the initiative of some landowners. As examined under the Section 5.2.1, the building blocks on İvedik Street, the blocks to the north of the administrative and commercial center, and the areas between İvedik and Ragıp Tüzün Streets had a medium density, while the majority of the area No. 15540 and the blocks in the north part of Area No. 15500 were less densely populated areas (Figure 5.12). The new plan decision initiated the transformation processes in the entire area including all specified parts. With transformation, population density increased depending on the rise in the number of ownership rights rather than only use rights as in the 1960s.

Following the plan decision dated 22.8.1968, the apartmentization process gained momentum in the second half of the 1980s, as it was experienced in the central district. 64% of today's three-story housing stock was built in the period between

1986-1993. Actually, the number of apartments produced in these eight years was more than 40% of todays' number. However, depending on the accelerating economic aging due to four floors development right, these apartments were demolished for the second time and built as four floors. Based on this data, it can be interpreted that a lot more three-floor apartments were subject to the transformation from 1968 to 1993.

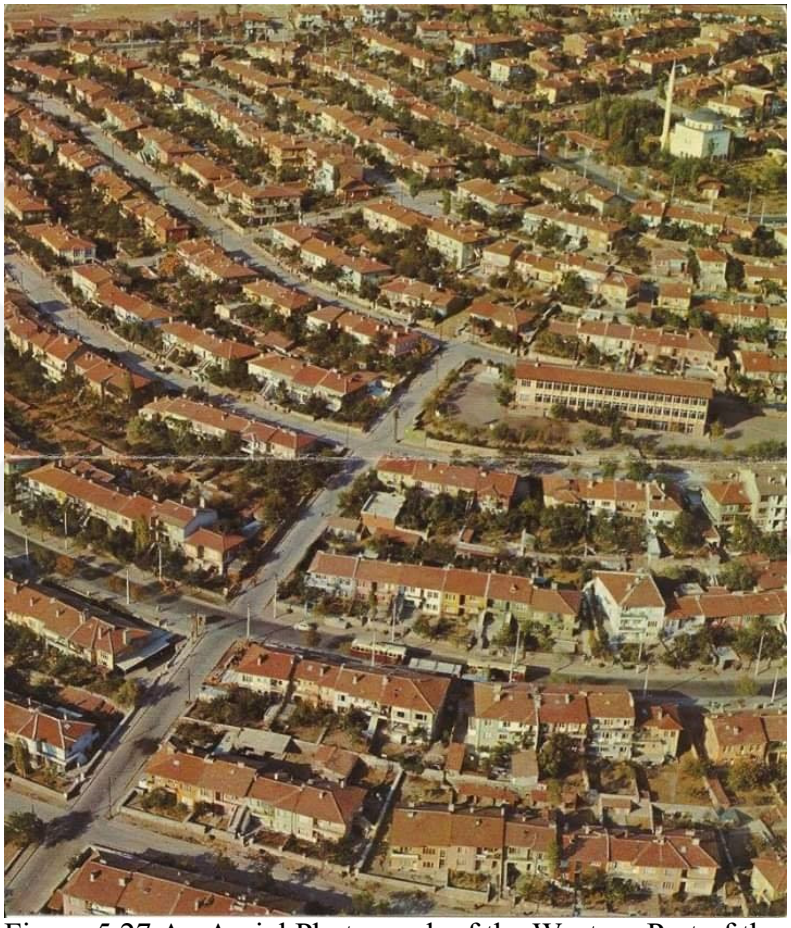


Figure 5.27 An Aerial Photograph of the Western Part of the Yenimahalle Residential Area, 1970s

Source: Hatipoğlu personal archive

In the light of available data, this part focuses on the structures built in 1986-1993. The plots where the two transformation processes took place have some common points. The first common point is that 40% of the plots are corner plots. Corner plots are larger than those on the edges of the blocks, thereby producing more units, having

a more profitable transformation process, and an easy profit-sharing process with contractors. Also, if the corner plot project uses a land slope to produce one more floor, then the building entrance is defined on the short edges of building blocks. Another common point is that all those buildings are used for residences.

Existing three-story building stock in the municipal areas demonstrate that plot sizes, which were almost a criterion for building three-story apartments in the central district, were not prerequisite for their development. Since the areas planned by the municipality consisted of same-sized plots, the criteria determining the areas where new development rights are used and property rights are concentrated were different from plot size. Three-story apartments which have been survived today generally located single or double in attached order in the area. These buildings are generally located not located on commercial streets but in residential areas in the inner parts. In some parts of the settlement, three-story apartments form clusters. The reasons for the grouping of three-floor apartments can be defined as the fact that a small number of contractors built them in the same years and landowners' sense of belonging to the neighborhood.

Although the plot size of the three-story buildings is similar, these lands have a heterogeneous ownership pattern in terms of the number of ownership rights per plot seen in Figure 5.30. Understanding the dynamics that led to the differentiation in the rights can be possible by examining the size and location of plots in detail. Only 15% of three-story buildings contain three units. In some of these buildings, individual units are used either by extended family members or the earliest landowner's children due to inheritance. About half of the buildings (53%) have (3-6) living units because, in the construction process, a minimum of one floor was obtained under the street level by benefitting from the slope. 22% of the three-story apartments have (6-9) units. 5% of these buildings, containing more than six units, are located on the plots created by the unification of two neighboring plots. The remaining ones are in areas of approximately 300-meter squares plots. The buildings with more than nine units constitute about 10% of the buildings, and they are on the plots produced through the amalgamation process. Given the number of property rights, the number of

structures with the maximum number of units located more in Area No. 15540, while the buildings with the minimum number of units are relatively more in Area No.15500. The reason for the higher ownership density in area Area No. 15540, except for using the amalgamation tool, is that the slope of the area is high. The fact that the land has a high slope can be seen from the walls formed at the edges of plot boundaries, the stairs providing access to opposing edges of building blocks, and finally from the floor below the street level. As explained, landowner and contractor's approach to land slope varies. While some of them did not benefit from the slope, the others did. The Figure 5.28 demonstrates the buildings benefited from the land slope to produce additional units.



Figure 5.28 Examples to the buildings benefitted from the land slope to produce additional units

Source: Personal archive

As mentioned above, many landowners exploited some zoning regulation articles and made maximum use of the sloped land. However, at the same time, the majority

of landowners obeyed the condition of ‘not to make a penthouse or half floor’ specified in the regulation. Most of the three-story apartments do not have a penthouse or a half-floor. The few buildings with penthouses turn them into full floors, as seen in the Figure 5.29.



Figure 5.29 Examples to the buildings which turn penthouses into full floors

Source: Google Earth, 2020

As stated, today's three-story apartment buildings in the municipal planning areas were constructed in the period 1968-1993 (Figure 5.31). None of the apartments built in the early years of this period have a parking area in their plots since the zoning regulation did not require creating parking lots in privately owned lands. As car ownership increased over time, each of these buildings turned their front yards into hardgrounds. In the last years of this period, parking areas as the common areas are defined in the plots in accordance with the terms of the parking lot regulation.

As can be seen in Figure 5.29, some buildings with an entrance from the side have parking lots in the rear set-back areas. Because there are six flats in these buildings and the allocated parking area does not have enough capacity, the sidewalks and the side set- backs are also used for car parking. This solution, widely used for parking in the area, is highly problematic, as vehicles prevent property owners from accessing the building entrance and pedestrians from using the sidewalk.



Figure 5.30 The Number of Individual Units of Current Three-Floor Apartments in the Surrounding District



Figure 5.31 Construction Years of the Current Three-Floor Apartments in the Surrounding District

Change of Property Rights on The Horizontal Dimension

In the implementation of the new plan decision, as in the central district, some neighboring plots were unified with the agreement of the plot owners. So, plot boundaries were changed, and the ownership density in these areas was increased. Because of the small size of the plots, the subdivision was not applied in the area.

Amalgamation activities gained speed in the second half of the 1980s when the number of constructions increased, and 72% of the activities were done after this period. Some plots, which were built as three floors, were merged with the neighboring plots in the transformation to four-story apartments after 1993. Following the transformation process, the single-family house owners made a profit for the first time by building three-floor apartments with a minimum of three owners. Later, to benefit from the new floor right, plots were unified with the adjacent one, and new buildings with at least ten flats were built. Thus, both the earliest landowner and the flat owners in the apartment earned economic income from the second transformation in the same plot. These plots are located on the corners of the building block or at the intersection of the blocks with a road. The most significant location selection criterion of the amalgamation is the slope. Amalgamation processes were implemented on the building blocks surrounding the hill in the northwest part of the area and on the plots on the higher edges of the building blocks in the northeast and southeast (Figure 5.33). In this way, it became possible to produce many flats under the street level at the backside of buildings. Due to its high slope, all the buildings with more than 13 units, and most of the structures with more than nine units are located in area No. 15540.

Figure 5.32 Turning Point III: Land Policy- Property Rights Relation, Surrounding Areas

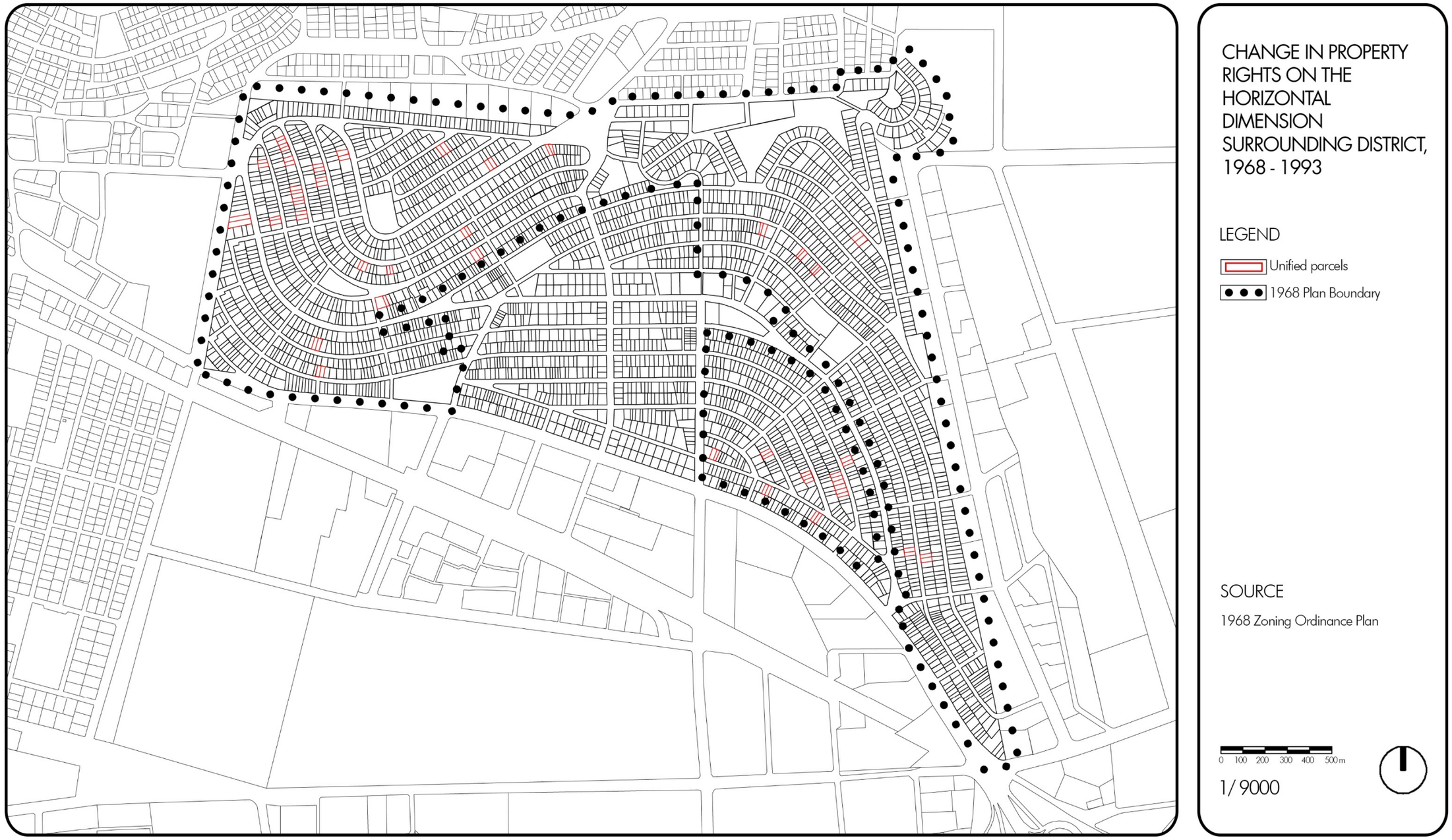


Figure 5.33 Change in Property Rights on the Horizontal Dimension, Surrounding District, 1968-1993

5.2.3 Turning Point III: 1993 and 1996 Plan Revisions

In the early 1990s, the maximum number of floors in the municipal planning areas allowed by the plan was three. Three-floor apartments were scattered throughout the area. In addition, the majority of the area preserved single-family houses on one, two, or three floors. The photograph in the Figure 5.34 shows the heterogeneous building heights in 1982. With plan revisions, four-floor development rights were given to Esentepe, Tepealtı, and Çarşı Neighborhoods, forming the west of the area, in 1993; and Işınlar, Ragıp Tüzün and Yeniçağ Neighborhoods in the east got permission to build four-floors in 1996.

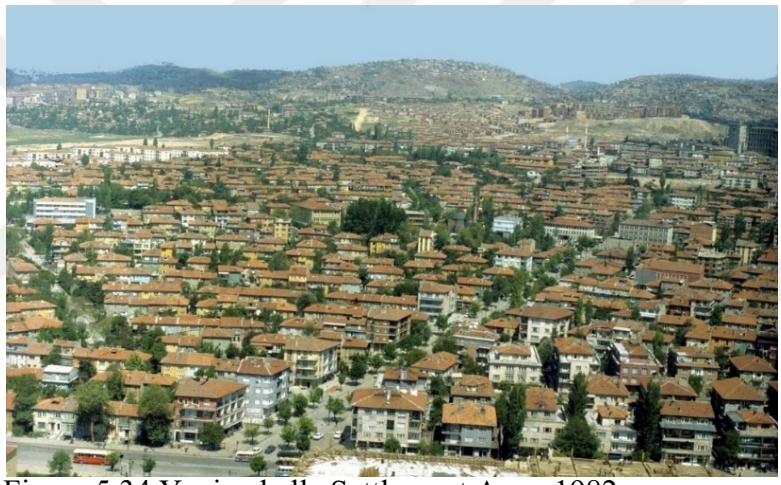


Figure 5.34 Yenimahalle Settlement Area, 1982

Source: Günay personal archive

5.2.3.1 Effects of Plan Change on Urban Space

The influences of the new plan decision on the property pattern and the spatial structure of the area will be examined based on the number of floors and property rights in each plot. Also, the change in the property boundaries associated with the last planning decision will be examined with the comparison of the land division in 1993 and today.

Change of Property Rights on The Vertical Dimension

The new planning decision initiated the redevelopment process of both low-rise single-family houses and three-story apartments. The owners of these houses had different spatial, social, and economic motivations to rebuild their properties:

- Yenimahalle residences, which were about forty-five years old at those dates, were physically worn out and had infrastructural problems;
- the three-story apartment buildings, which were granted the right to build in 1968, and were mostly built since the second half of the 1980s, were relatively new, physically; however, the rise in development rights caused land prices to increase and accelerated the economic aging of these buildings;
  - owners of the single-family houses had difficulties regarding profit-sharing with the small contractors in the transformation to three-story apartments. The right to four-floor apartments provided an easier agreement process between shareholders (Aysal, 1996);
  - in this period, immovable properties started to be subject to inheritance, and the heirs of properties got their shares as newly built units.

Due to these reasons, the demolish-build processes of the housing stock started once again. Even motivations behind transformation resembled, the ongoing transformation processes throughout the area have had different dynamics in areas 15540 and 15500. Once the development rights increased, Area No. 15540 entered a rapid transformation process, and 28% of today's apartment stock was built in three years. Thereafter, the transformation speed decreased to a third of it and continued with this rate in the following twenty-five years. In 1996, when the right to build four floors to Area No. 15500 was given, demolition-build activities started with a speed of one-third of Area No. 15540 and continued at a slow speed until today. Thereby, today, the building stock ratio with the old development rights in the 15500 area is higher than the Area No. 15540.

One of the reasons for the differentiation in dynamics in the two areas is the collaboration of property owners in Area No. 15540 with neighborhood mukhtar and contractors to obtain floor increase right for almost one and a half years. In the previous plan period, it is seen that the landowners in area Area No. 15540 created denser residential areas by unifying their plots, unlike the Area No. 15500. In other words, property owners in Area No. 15540 were willing to transform their houses and lived in apartments in the whole process. On the other hand, the landowners in Area No. 15500 had no request from the Yenimahalle and Ankara municipalities regarding the floor increase.

The property pattern, regarding size, shape, and owners of plots, has not been a determinant that makes the transformation process different in these two areas. In this period, the earliest property boundaries in both areas were preserved at a similar rate; plot sizes were similar and suitable for new development. Besides, the slope of the land has been a precursor factor to redevelopment. The higher slope of Area No. 15540 compared to the Area No. 15500 enabled the production of more flats under the street level and became a determinant affecting the transformation process as in the previous plan period. In the continuation of this title, the change and differentiation of property rights in municipal planning areas will be examined depend on specified factors in detail.

During the intervening twenty-five years, most of the landowners in the area involved in the transformation process and built four-story apartments. Today, buildings with less than four floors are usually found as single or double, and in some areas, clusters. These buildings have residential use, except in grocery stores where daily shopping is done. From this, it can be interpreted those commercial uses have been the driving force in the transformation to four floors in central areas.

In addition to being in the inner residential areas of neighborhoods, the reasons for preserving houses with fewer floors can be explained by the number of units in these buildings. As mentioned in the previous title, 14% of three-story apartments include three units. While financial ground of transformation is possible, landowners do not

prefer or need the transformation. In contrast, 86% of the buildings, which have a high number of units, cannot be transformed because of small-sized plots, the complexity of the amalgamation process, which eliminating small plot problem, and the high number of ownership rights, which were created with the use of set-back distances at minimum. In fact, the number of owners is not that high compared to large plots in the central area, but the plot sizes in this area are half of the large plots. In a probable transformation process, it will not be easy to make a profit-sharing agreement with the contractor with the existing floor rights. The benefit of transformation to landowners would only be having new units with new infrastructure – not getting an additional unit as many landowners prefer- and they probably made a payment to the contractors. As a result, the transformation process in the municipal planning area has been influenced not only by the prevalent plan but also by the earliest subdivision plan and the plan decision dated 1986, which brought three-floor development to the area.

As Figure 5.35 demonstrates, most plots in the area have four-floor apartment buildings; therefore, the number of floors is relatively homogeneous. However, the number of property rights in each plot has heterogeneous distribution throughout the building block, neighborhood, and area. The main factors that contributed to the formation of a heterogeneous ownership pattern are the landowners' preferences to take advantage of the land slope and the tool of amalgamation to produce more living units. Considering these factors, property rights are examined in 4 groups: (0-5), (6-9), (10-13), and 13 and above. In this heterogeneous property pattern, the location selection of some property rights repeats itself in a similar pattern in the field.

First of all, the apartment buildings with (0-5) units are widely seen throughout the area. The transformation process of almost all these buildings took place within the boundaries of the same plot without using policy tools such as subdivision and amalgamation. Again many of the buildings benefitted from a downward slope to have a unit below the street. Apartment buildings with four or five units are found more in number, especially in the southern parts of the building blocks, which have lower elevation, and less, or sometimes equal, in the northern parts.

In the northern parts of the building blocks, buildings with 6 to 9 units are located. Especially, the wider corner plots and the plots benefitting from the slope have 6-9 units within the original boundaries of the plots. Plots with (6-9) units were mostly created with amalgamation in the southern parts of the building blocks. This development pattern was repeated in the northwest, northeast, and east directions, where the two edges of the building blocks have a height difference. Almost all the buildings with more than thirteen property rights were built in the plots created by the merging with neighboring plots and mostly located in Area No. 15540.

Consequently, the independent decision-making power of property owners over their properties within the regulations has led to the formation of a heterogeneous urban space in terms of property density, spatial pattern, and solutions on parking areas and open spaces in plots.

Change of Property Rights on The Vertical Dimension

During the implementation process of the plan decisions, landowners used provisions of the regulations about amalgamation and changed the plot boundaries planned by the municipality.

In the spatial transformation process, beginning with the increase in floor rights in 1968, the unification of plots was practiced mainly on the higher northern parts of the building blocks. With the right to build four floors in the 1990s, the amalgamation practice has spread to the entire area (Figure 5.36). What differed in the building blocks during this period is not the application area of the amalgamation, but the number of living units produced in the unified lands. Mostly more individual units were produced in the northern parts of the blocks, where the slope is high, compared to the south. The second spatial pattern about amalgamation is that while the unified plots create clusters in some areas, by contrast, there are some other areas with no amalgamation. The search for the site selection criteria of amalgamation shows that

the size, location, slope, rent, use and ownership rights on the unified plots are not different from the unprocessed ones.

The number of individual units produced on the unprocessed plots are mostly low in number and medium in some others. Although the number of flats varies between one or two units among the unified units depending on the land slope, they are in similar number ranges.

The instrument of amalgamation has been applied mostly on the two neighboring plots throughout the area. Examples to the merge of three or four plots are few in the area. The reasons for merging more than two plots can be examined in two:

- In half of these examples, unification of plots has ended up with the production of less units. While twelve units could be produced in case of no unification, eight or nine units could be created in the unified large plots. Landowners of these plots made profit again, only the rate of profit was slightly less. Despite the less economic gain, larger construction area has enabled different solutions for parking and open areas and larger living units to be created.

- In the other examples, the use of amalgamation enabled to produce more individual units compared to the transformation within the same plot boundaries. These transformation projects have been economically profitable investments for both the contractor and the landowner.

The economic and spatial expectations of property owners from the amalgamation process on the can be examined on the number of living units produced on new plots. 52% of the plots created by amalgamation have (6-9) living units, 39% has 10 or more unit, and 3% of them has four or five units. The small number of plots that have four or five units were similar in size to other plots in the area. The initial owners of these plots with low number of units did not get extra units in the transformation project with using their property rights. After transformation, they again had one ownership rights in the buildings which built one on the floor. The main aim of these landowners was to get rid of physical and economic aged houses and have larger

houses with new infrastructure. The landowners of the plots, which contain six to nine units after transformation, acquired the same or a smaller number of ownership rights compared to the transformation in the same plot without amalgamation. The aim of landowners with transformation was to have larger apartments to live or sell. The plots with more than 10 units enabled their previous property owners a maximum economic benefit. Ownership density increased in all transformation projects, whether the amalgamation was applied or not. Nevertheless, plot-based ownership fragmentation increased in this range more than the others.

The spatial form of the settlement created in consequence of amalgamation processes can be examined at plot, street, and neighborhood scales. As mentioned many times in the previous titles, the main aim of landowners for amalgamation is producing more units and increasing value of the land plot. In fact, the amalgamation process, especially in cases where more than two plots are merged, enabled the production of rich and diverse building typologies with the same building codes as well as finding alternative solutions for parking.

However, with the aim of the maximum land value increase, new buildings were designed by using setback distances at minimum standards- not more, and without searching for new architectural form in the Yenimahalle settlement area. They are apartment blocks with large volume that are incompatible with forms in the continuation of streets. Using the same building codes as the rest of the street did not create coherence and integrity in urban space, but the opposite. In the area, there were already structures which reflects the development rights of different zoning periods. They were diverse in building heights, number of floors, architectural characteristics, and volumes. The contribution of large-volume apartments produced by the unification process to this dynamic urban land has been negative. The spatial effects of using amalgamation tool at the neighborhood scale can be understood over the great density increase in property rights, built-up area, population as well as inadequate technical and social infrastructure.



Figure 5.35 The Construction Year of the Current Four-Floor Apartments, Surrounding District

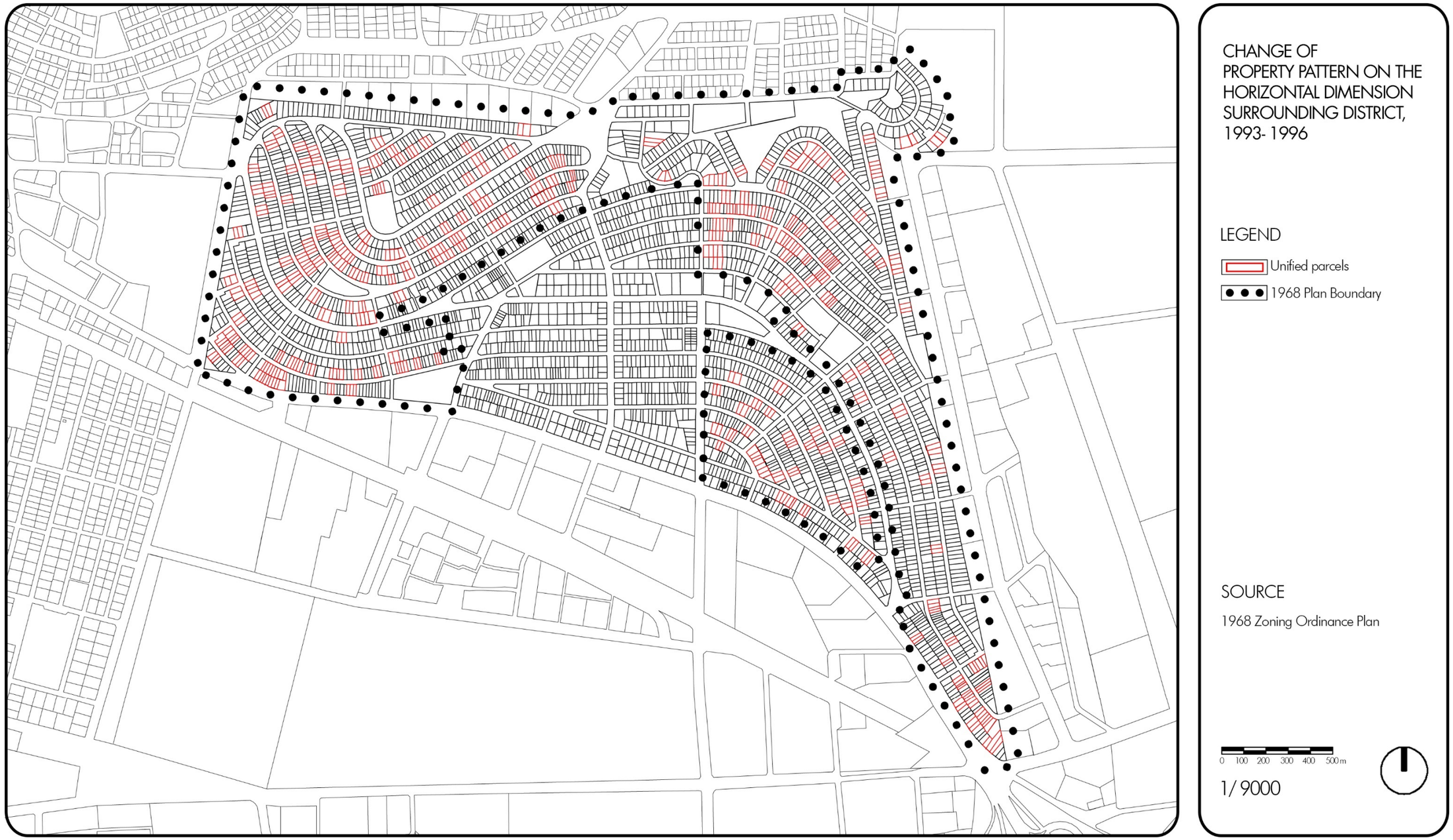


Figure 5.36 Change of Property Pattern on the Horizontal Dimension, Surrounding District, 1993-1996

5.2.4 The Yenimahalle Settlement Area in 2020

The basic mechanisms which shaped the settlement was plans and policies. In the previous parts of the chapter, the spatial effects of each plan and policy decision on the urban space are examined on the effected urban space under separate titles. To remember, there were three planning periods reshaped the Yenimahalle initial settlements after its formation in 1948:

- 1965 Plan decision that gave the right to three-story housing to the central district.

- 1968 Plan decision giving right to build four floors in the central area and three floors in the surrounding areas. Therefore, the demolish-build activities spread to the whole settlement.

- 1993 and 1996 Plan decision gave the right to build four floors in 1993 and 1996 to surrounding areas. The maximum number of floors allowed with the plans is four in the entire Yenimahalle residential area is four floors.

As much as policies and plans, independent decision-making power of property owners and the unique dynamics of each period influenced the transformation process of the settlement. Including the last one, none of the rights given by plan decision was implemented in all plots. While some plots were undergone a transformation process twice, some others still preserve their original boundaries. Likewise, some property owners created the densest property and population pattern on horizontal and vertical dimensions by taking advantage of the land slope and deficits of regulations, while others preserve original property rights. In this title, the outcome urban space which was created as a result of all specified factors will be examined on property pattern, spatial structure, urban uses, and the number of floors.

Following the transformation process, today there are 3018 plots in total in the Yenimahalle settlement area. 2971 of these plots are built and 47 of them are open and green areas.

Yenimahalle is a residential area where buildings reflecting the zoning order of different planning periods, accordingly with different number of stories, together. 79% of the built plots consist of four-story apartments, 13% of three-story apartments and 7% of single-family houses (Table 5.2).

Table 5.2 Housing Typologies in Three Planning Areas of Yenimahalle, 2020

	15540	**16260**	**15500**	**ALL AREA**
Vacant plots	1%	2%	2%	**1%**
1 Floor single-family houses	2%	-	1%	**1%**
2 Floor single-family houses	4%	1%	3%	**4%**
3 Floor single-family houses	1%	2%	3%	**2%**
3 floor apartments	10%	26%	12%	**13%**
4 floor apartments	82%	69%	79%	**79%**

The building stock in the area can be examined under 3 main headings according to the zoning periods to which it belongs:

1948 zoning order and low-rise single- family houses (1,2,3-story houses)

The single- family houses built in the initial development phase of the Yenimahalle constitute 7% of the existing housing stock (Figure 5.37). The rate of preserving original houses is much lower in the cooperative planning area. One of the main reasons of this situation is that the cooperative planning area obtained the three-story housing right three years earlier and the right to four-story housing 25 years earlier from the municipal planning areas. In other words, the cooperative area has been included in profitable demolish-build-sell activities for a long time. The second reason of having lower number of low- rise houses is that because large plots make more profitable investments possible, they became the center of attention of investors.

Today, single-story houses scattered throughout the area. The plots in which these buildings are located are a few examples of normal ownership, which there is a single ownership right to a single plot. Half of single-story houses are used for residential

uses and the other half are for commercial uses. Property owners using their properties for residential use, have made changes in the original architectural elements of the building in time, besides, they preserve the front and backyards and actively use them in their daily lives. Among the single-story buildings, those with commercial functions, such as daily shopping and auto repair, are clustered in two building blocks 8051 and 8093. Four of these buildings located in these blocks were demolished in 2013, and no new structures were built to replace them. Regardless of whether they are hold for residential or commercial uses, these houses contain single property right. Some examples to single-story houses can be seen in the figures below.

Two-story single-family houses are scattered throughout the area in single, groups of two or three. Most of these houses have normal ownership rights and some of them which converted their basements on the street level into individual units got flat ownership right. Other buildings under flat ownership located in the large plots planned by the cooperative. These buildings include six or seven ownership rights or individual units and most of the units are used for functions such as banks and restaurants. Thus, the plot size determined in the earliest subdivision plan resulted in the formation of plots of different density with the same number of floors. Two-story residential houses are clustered on the building blocks No. 8031 on Çınar Street at the entrance of Yenimahalle. Those with commercial use are grouped in blocks No. 8050, 8051 and 8093.

Three-story single- family house is the housing typology that was formed through implementation of the ground floor plan on the basement floors of the buildings at the street level during or after the construction. There are two entrances to the building, the ground floor and the first floor, which can be accessed by stairs. These houses distributed to the area generally single, in some areas two and three attached order. They are used for mixed use, except some on commercial routes.

Single-family houses form clusters in three area throughout the settlement. Considering that plot sizes in the area is within a certain range, the reason for

clustering can be the neighborhood culture that the property owners have created and tried to protect. These houses are generally used by the first property owners of the plots. In the recent years, these few houses are rapidly transforming due to the portion of the inheritance brought about by the death of the landowners.

Thereby, the city loses some of the structures having an important place in urban memory and are examples of civil architecture. Although studies on strengthening and protecting detached buildings have been produced by both academic circles and local municipalities in the historical process, it has not been possible to realize these projects since the buildings are under private ownership. Owners of immovable properties use their property rights such as sale, earning income, inheritance, development brought by the property right whenever and however they want. Just after one of the owners of these buildings transferred the ownership right to the Yenimahalle municipality, the building was restored and turned into a museum in October 2020. However, a conservation program cannot be realized for the whole of the buildings, and the buildings are rapidly transforming.

(1965- 1968) and (1968-1996) zoning order and 3-storey apartments

The central part of Yenimahalle acquired the right to build 3-storey apartments in 1965, and the rapid transformation process has lasted until 1968, when 4-storey apartments were granted. Municipal areas, on the other hand, acquired the same right of construction in 1968, and it has been implemented up to middle of the 1990s. When the current 3-storey apartment stock ratio is examined, it is seen that the ratio of cooperative planning area is twice that of municipal planning areas. That is, the cooperative area preserves building stocks, while the municipality transforms the areas.

Current buildings, which were built in accordance with the zoning order valid in the 1965-1968 period, are located in the central area that includes the cooperative planning area and the commercial routes in its vicinity. In the Section 5.1 it was stated that one of the main variables in the cooperative and municipal plans is the 500 m^2 large plots in the cooperative area. The areas where the 3-storey apartments

are clustered are the building blocks that face and behind the İvedik Street and Ragıp Tüzün Street, where these plots are located. The main reason why old buildings in large plots have survived to the present day without being transformed is the high density of property rights in the plots. The profit-sharing method between the contractor and the property owners is not possible in the potential transformation process of the structures whose number of ownership varies between 6 and 14, therefore the property owners do not prefer the transformation. Yet, the profit to be obtained by conversion is ignored since 3-4 property rights located in large plots and commercial uses bring continuous income to the owners of the property rights. In this period, some of the 3-storey apartments on the parts of the main streets in the municipal planning area were transformed with an increase in floors, and today only a few examples remain in these areas. The buildings on the street and the extensions of the commercial routes have commercial and mixed use, while the buildings on the plots inside the building blocks are mostly residential. Another area where the buildings of this period are continuous is Akın Street cuts the spine of the area vertically, and the building blocks with small plots on its capillaries.

The 3-storey building typology is generally single in municipal planning areas, and in some areas, it is found in groups of 2 or 3. It is continuous on Çınar and Miralay Nazım Bey Streets in the southeast of the area, on Ragıp Tüzün Street in the southwest, around the last stop, and on some residential islands in the west (Figure 5.38).

No parking area was allocated either in the buildings or their plots of the buildings constructed between 1965 and 1968. The primary reason for this situation is that there was no legal regulation regarding the compulsory allocation of parking spaces in privately owned buildings and plots in this period (Yetişkul, 2018, p. 252). Although the Flat Ownership Law, enacted in 1965, defines parking areas as common areas under private ownership, it does not require a certain percentage of parking spaces to be reserved in private plots (Yetişkul, 2018). Regardless of size, in all plots, if the building accommodates commercial uses, the front gardens are

generally turned into hard floors used for waiting/stopping and parking. If the buildings are for residential use only, the landowners tended to protect the gardens.

1968- 1993- 1995 the last zoning order and 4-floor apartments

Despite different parts of the area were valid in different periods, today the maximum number of floors in the area is 4 and this type of construction is spread throughout the area (Figure 5.39). 4-storey buildings are mostly produced in the plot where detached houses and a small number of 3-storey apartments are located or in the large construction area created resulting from consolidation of neighboring plots.

It can be observed that the cooperative planning area has a lower rate than other areas by comparing the rates of 4-storey apartments in the municipality and cooperative areas. The 3-storey apartments with high property rights on large plots are the main reason of the situation. On the other hand, it is seen that the 4-storey construction rate in Area 15540 is higher than in Area 15500, albeit with a small difference. As stated in the previous titles, the reason underlying the situation is that the landowners in Area 15540 are willing and coordinated for the transformation and more units can be produced since the area is more sloped. Continuity of 4-storey structures can be seen in the plots, especially in the areas remaining in the cooperative planning area on İvedik and Ragıp Tüzün Streets.

Due to the small size of the plots, even in buildings consisting of four to five flats, parking lots cannot be allocated to each flat. Parking lots are planned below the street level, either closed under the building or open at the rear towing distance. Despite there was not enough parking space in the buildings built in the past, back and front gardens can often be abandoned in order to allocate a parking lot for each flat as per the regulations in new buildings. Even if the front gardens were insufficient in the plots that were built in the past, especially unified, they were transformed into car parks.



Figure 5.37 Single-family houses, 2019- 2020

Source: Personal archive



Figure 5.38 Three-floor Apartments, 2019- 2020

Source: Personal archive



Figure 5.39 Four-floor Apartments, 2020

Source: Personal archive



Figure 5.40 Heterogeneous Building Heights, 2019- 2020

Source: Personal archive



Figure 5.41 The Number of Floors of the Buildings in Yenimahalle, 2020

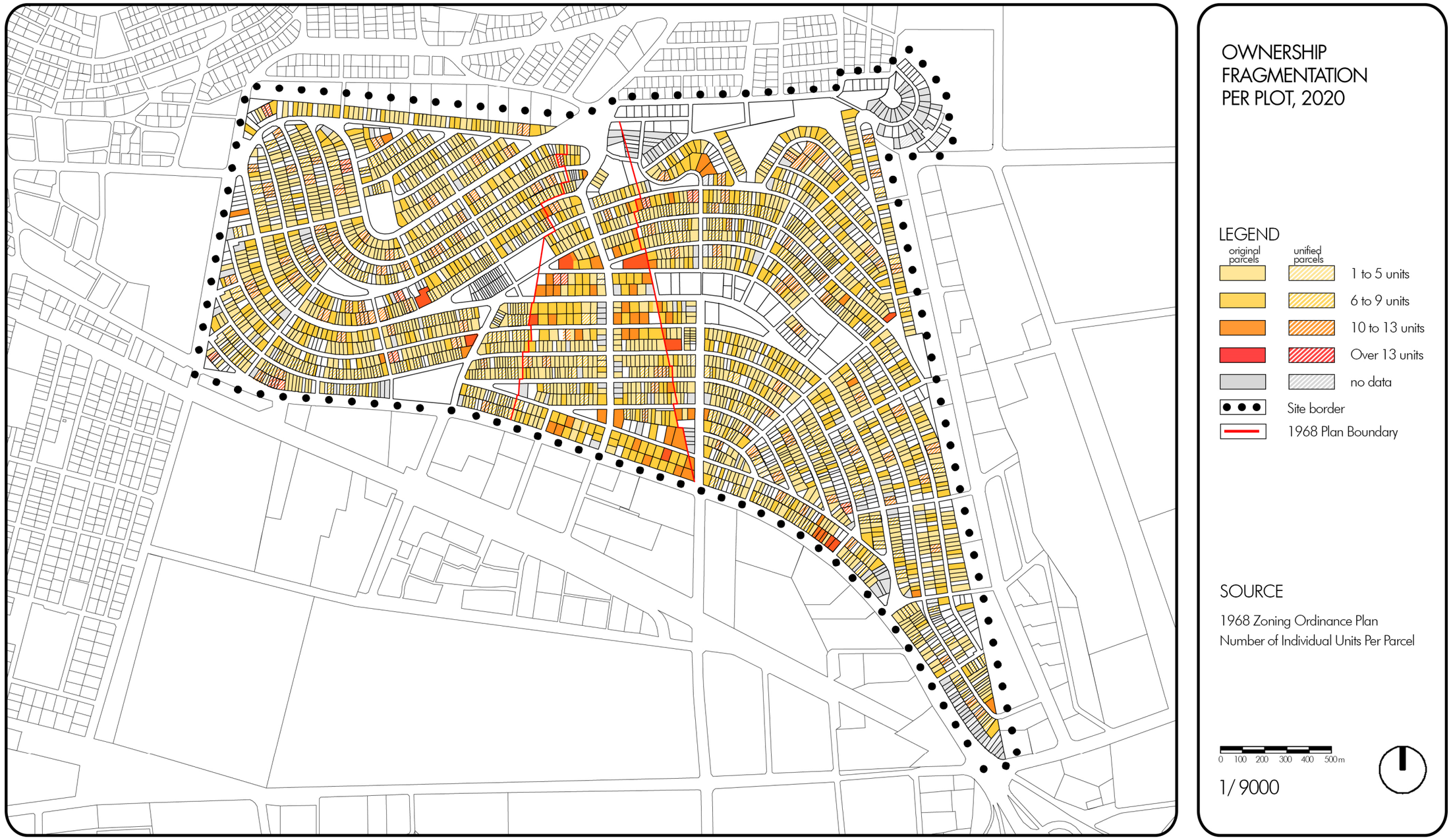


Figure 5.42 Ownership Fragmentation per Plot, 2020

CHAPTER 6

CONCLUSION

The research started when it was noticed that specific housing typologies some presented in Figure 6.1 were clustered in certain areas of the Yenimahalle settlement. While the entire settlement was built in the same years with the same development rights, what factors created typological heterogeneity and spatial differentiation in 2020?



Figure 6.1 Typological Heterogeneity in Yenimahalle, 2020

Source: Personal archive, 2020

While searching for the answer to this question, it was discovered that Yenimahalle was established by two landowners: Ankara Municipality and Başvekalet Construction Cooperative. These public and private property owners created property patterns that differed in terms of plot size, land use, and housing typology. Seventy years after its development, is it possible that the different patterns of certain areas in the settlement in terms of housing typology and density are the result of the earliest property patterns and land policies?

Questioning the effects of the earliest property pattern on future urban forms, the study built the theoretical framework on property rights and land policies defining

them. According to the study, the argument "**the earliest property pattern and ownership established in an area by land policies have a significant effect not only on the urban form at that time but also on future transformation, urban form, and property pattern in that area"** was tested in the Yenimahalle residential area by tracing the changing property rights starting from the development process of the area.

6.1 Main Findings

The main findings of the study can be examined into two groups. The first and the main finding of the study is the two-way causal relationship between land policies and property rights. Analysis and research processes building on this relationship indicated the second conclusion of the study: the earliest property pattern of an area influences future transformation processes.

6.1.1 The Causal Two-way Relationship Between Land Policies and Property Rights

There is a causal two-way relationship between land policy and property rights. This relationship was revealed with the literature review, and common patterns of the relationship on the urban scale were sought in the cities of continental Europe and Turkey. The (re)development processes of both European and Turkish cities demonstrated the reciprocal relationship between land policies and property rights. The land policies of a period of time and the consequent urban form and property pattern affected future policy decisions and policy tools of the next period.

The relationship between land policies and property rights was examined in Yenimahalle by tracing the changing property rights in each plot. Each period of development and transformation processes of the settlement demonstrated this relationship clearly. While land policies reorganized property rights by using policy

instruments, property rights affected the development and implementation of future land policies.

As mentioned in Chapter II, the form, level of intervention to the land and the instruments used in intervention differ according to the planning and policy objectives. Yenimahalle is a perfect example to the relationship between planning objectives and the form of intervention. The main planning objectives in the development process were to produce the maximum number of housing plots, low-cost housing, make middle-income families homeowners, and develop a self-sufficient settlement area to meet the high housing demand quickly. To achieve these objectives, Ankara Municipality developed a new policy approach and established a new legal framework, and Yenimahalle was established on the basis of these new legal and policy frameworks. Within the scope of the new legal framework, Ankara Municipality acquired the privately owned lands at a low price; produced high number of plots with using legal instruments and ensured the rapid construction of houses with using fiscal instruments.

On the other hand, the only planning objective in the transformation process was to meet the housing demand. To achieve this objective, the municipality did not make any changes in the legal framework, only increased the allowed building heights in the already built-up areas with the revisions in Zoning Ordinance Plan. The municipality used neither land acquisition nor fiscal instruments to ease the transformation process. As can be seen, the form, level, and tools of intervention to property rights differ according to the planning and policy objectives of time periods.

With using different tools, policy decisions intervene in the land in terms of rights on it, its economic value, natural value, the daily life of communities on it, and investments. The plan revisions that initiated and continued the transformation process by increasing the allowed building heights in the area affected the Yenimahalle residential area in many respects. The increase in building height was the first and foremost effect of the increase in property rights in each plot. This caused the land prices to increase in the planning area. Increasing land prices and

being able to build more units made urban transformation more profitable. In addition, some landowners took advantage of the sloped topography and/ or unified their lands with neighboring plots and thus, got larger buildable areas. As a result, physically old single-family houses and economically old low-rise apartments turned into profitable investments with each and every planning decision. The other effects of increase in allowed building height were spatial. The building and population density increased with the transformation processes. The morpology of the settlement completely trasnformed. The plots lost their backyards and their frontyards, respectively. Existing open spaces, education and sociocultural uses became insufficient.

The efficient and equitable distribution of property rights necessitates states to establish a fundamental set of principles and standards through laws and regulations. The establishment period of Yenimahalle: Act No. 5218 and Act No. 5228 defines the processes related to the selection of new settlement areas and the acquisition of this areas by public, determination of the characteristics of the local community the plots will be distributed to, definition of the payment process, determination of the financial facilitators and production of the subdivision plan and the legal obligations for development. Within the establishment of this successful legal framework, determined principles and standards, the two-dimensional property pattern has been shaped in an efficient and equitable way.

On the other hand, the transformation process of Yenimahalle has been determined only by the revisions in plan codes that shaped the physical framework at the plot and building scale. Limited number of standards have been determined with the consents for setback distance, number of floors and story height and garret clearance. As in the establishment of the settlement, no time limit was determined for the transformation and the transformation process was left to the local people. The transformation of housing was conducted depending on the profit agreement between the contractor and the landowner. In this process, the governmental authority did not provide any economic facilitators by law. Therefore, two stakeholders took the advantage of the land slope for a more profitable investment

and they increased the construction area by combining their plots with neighboring plots. Thus, buildings and building blocks with higher density were occurred.

While policy decisions intervene in property rights by using varying instruments, property rights influence the policy implementation processes. This relationship is based on three causes: private property holders' high freedom of decision making, high private property density complicating joint decision-making, and high land prices. All these causes are observed in the redevelopment process of Yenimahalle. First, the right to use, manage, transfer and gain income has caused property owners to be the actors who manage the transformation processes of the urban area. This situation was clearly observed in Yenimahalle as well. While some property owners used the new development rights granted to them, some chose not to use. On the other hand, some owners used all development rights at each stage and demolished their property twice, while some still preserve their original residences. While some of them took advantage of the opportunities provided by the law, they made subdivision and amalgamation transactions, while others did not prefer this. While some owners disposed of their original residences after the construction, there are still residences used by the original landowner today. Similarly, while there are landowners who rent their residences for commercial use, there are also those who do not. Second, many three-floor apartments in the area have minimum four property owners. When these apartments are aged, it is nearly impossible to reach a consensus on transformation decision. High land prices complicate these processes too. Beyond managing the processes of shaping the urban space within the framework of the rights and policy decisions granted, the landowners of Yenimahalle started to put the pressure on the district municipality, especially in the 1990s, by taking the advantage of property rights. Thus, the power in the political field was added to the power in the economic and social fields.

6.1.2 The Significant Effect of the Earliest Property Pattern on Future Transformation Processes

The property pattern has vital importance for implementing plan decisions and the urban form created at the end of plan implementation processes. The earliest property pattern of an area in terms of plot size, ownership status, land use, housing typology and the number of individual units influence the policy implementation process. The reason is that pproperty owners consider many issues in the implementation of policy decisions. The policy implementation processes, regarding the time and manner of implementation, use of policy instruments, the result property pattern in terms of density of property rights and whether decisions will be implemented, changed according to:

- economic, social, and spatial expectations of property owners
- policy implementation approach of property owners
- facilitating or limiting effects of the legal framework (incentives, subsidies, the time limit for implementation and so on)
- facilitating or limiting effects of property patterns and property rights.

The significant effects of the earliest property rights on future transformation processes are clearly observed in the development and redevelopment processes of Yenimahalle. In the development process, the prevailing property pattern of the city and the initiatives of the landowners in Yenimahalle played a significant role in the designation of it as a new settlement area. Private property owners informed the municipality that they were willing to sell their lands. The municipality decided to acquire these lands and develop Yenimahalle as a new residential area with this news. After acquiring those private lands by Ankara Municipality, Yenimahalle was planned by private and public property owners. The property patterns produced by these owners differed in plot size, land use, and building typology. While the municipality kept the plot size small, private landowners proposed both small and large plots. Differentiation in the size of plots had tremendous effects on the implementation of future land policies.

The first decision which initiated the transformation in Yenimahalle was the Change in Zoning Ordinance Plan in 1965. With this plan change, the central district of the settlement area obtained right to build three floor apartments. In three-year period, mostly the landowners of large plots transformed their houses. On the other hand, some landowners of the municipality plots transformed their basements into separate individual units and rent them. As can be seen two determinants played an important role in the policy implementation: plot size and policy implementation approaches of property owners. These two continued to be determinants affecting the implementation of future policy decisions. With the change in Zoning Ordinance in 1968, the central district obtained right to build four-floor apartments while the surrounding areas obtained three-floor right. While owners of large plots transformed their houses in the previous planning process, this time mostly the owners of small plots preferred to transform their houses. There were two main reasons of this. First, transformation was more profitable compared to previous period for small plot owners. Second, the newly built three-floor apartments had high density property rights and this complicated the transformation process. Therefore, size of plots worked as a determinant influencing transformation. In addition, some landowners who would like to obtain more economic income from transformation unified their plots with the neighboring plots or subdivided their plots and benefitted from land slope to increase the number of produced individual units. As a result of all these processes, a heterogenous property pattern was created. This pattern in policy implementation was seen in the municipality area too. The property owners who would like to obtain more income used land slope and also unified their plots. Indeed, the most important criterion for amalgamation was high land slope. Approximately the same processes were seen in the implementation of the last planning decision.

Therefore, the size of plots and policy implementation approaches of property owners influence policy implementation processes. Those two factors influence the time of implementation, the use of policy instruments, which are subdivision and amalgamation, and benefitting from the land slope. These finding of the study

necessitates public authorities to understand the reciprocal relationship between land policies and property rights and correspondingly the significance of property ownership for future transformation processes. Property rights should not be treated only as a numerical value. It should be understood that it is a determining factor in shaping the urban form. To create livable urban spaces and a planned urban form, site-specific land policies and policy tools should be developed and implemented under public control. Developing land policies and policy tools according to the unique characteristics of the planning area, especially topographical features is important for creating a planned property pattern. When general policy decisions are implemented with a lack of public control, and without considering the characteristics of the planning area, property owners can implement policies in a way that forms a denser property pattern than allowed, in order to generate greater economic returns. In addition to the creation and monitoring policy implementation, time constraints also contribute to the formation of the planned property pattern. When the plan implementation is left to the initiative of the property owners without time limitation, urban spaces with the same development rights have a fragmented and heterogeneous spatial pattern in terms of ownership rights and zoning order.

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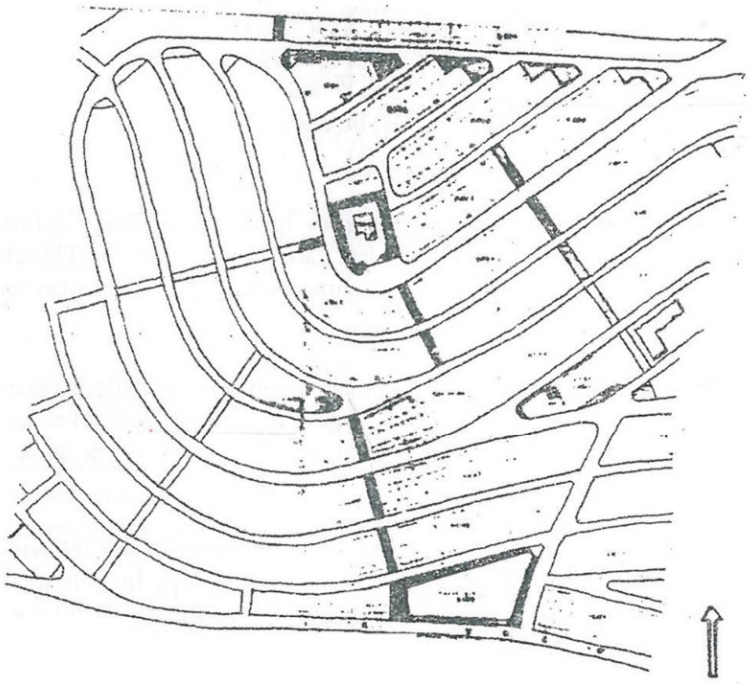
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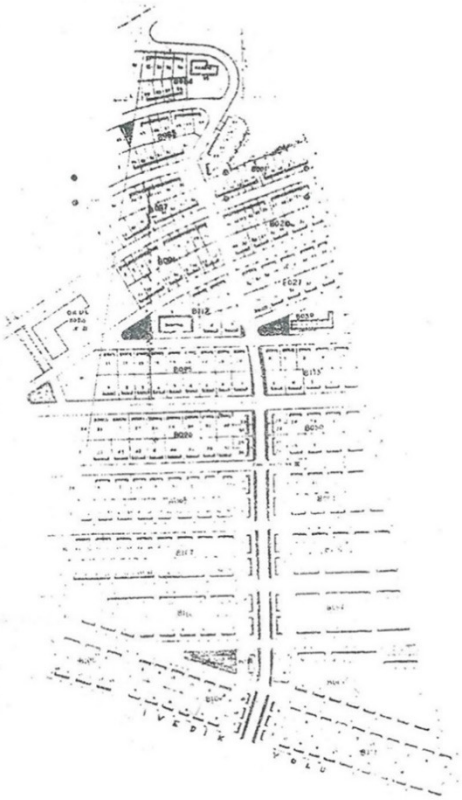
APPENDICES

A. Development Plan No. 15540



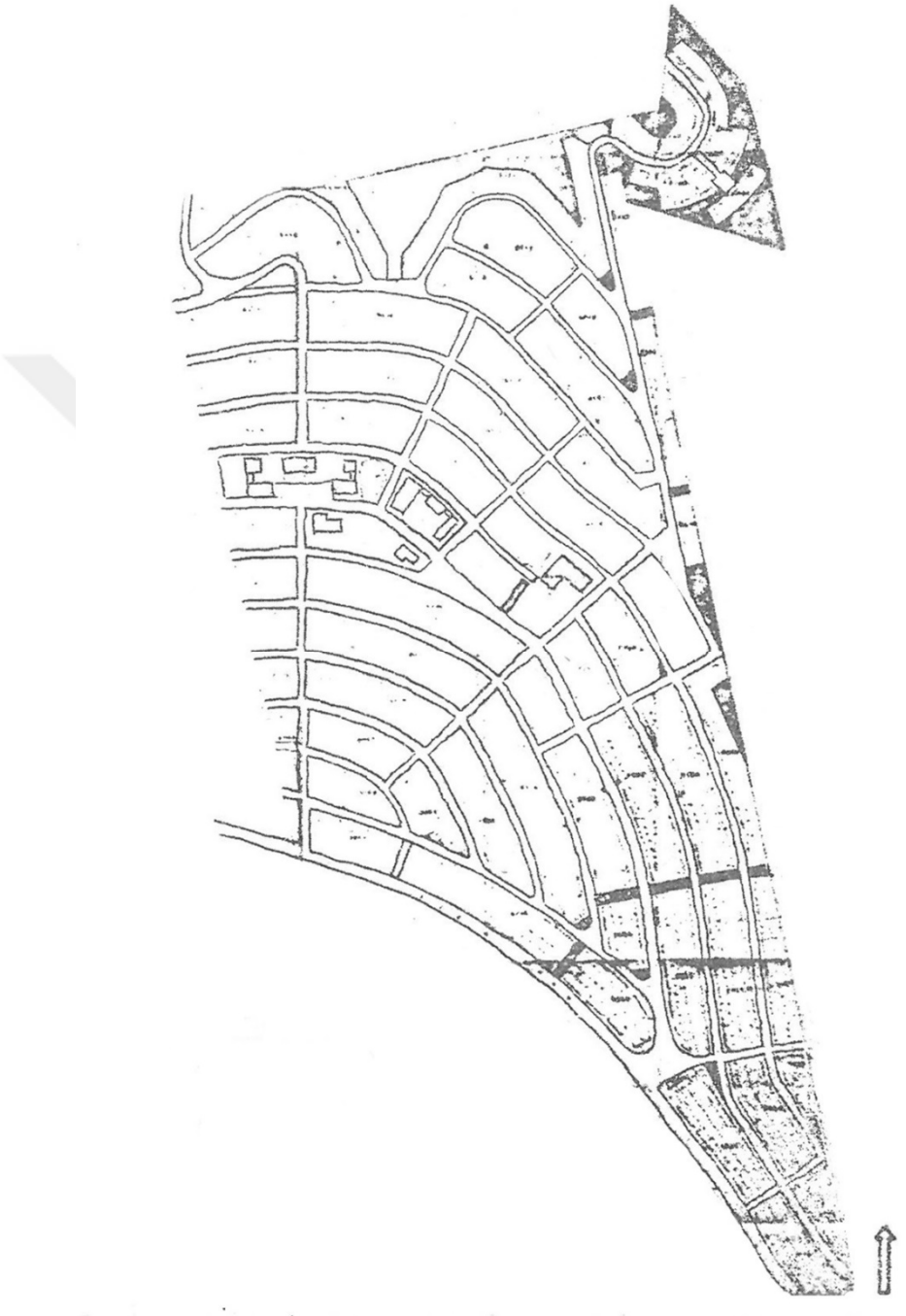
Source: Tokman, 1985

B. Development Plan No. 16260



Source: Tokman, 1985

C. Development Plan No. 15500



Source: Tokman, 1985