



This chapter deals with heritage theory and good practise principles.

CHAPTER

Burra charter

9.

The following section aims to engage with the Pretoria Magistrate's Court and the dissertation design approach through the lenses of the Burra Charter (ICOMOS 1979).

The Burra Charter, building upon the Venice Charter that preceded it, was first published in 1979. Its main focus was to expand the definitions of cultural significance, recognising the association between places and people and the importance of community participation in heritage conservation. Since then it has been revised several times with the most significant revision done in 1999.

The scope of the charter as stated by Marquis-Kyle & Walker (2004:7) is:

'the basic principles and procedures to be observed in the conservation of important places.'

The Burra Charter (1999) is discussed over a series of 34 articles, dealing with principles, processes and practice. For the purpose of this dissertation the predominant focus will be on conservation principles and the application of appropriate conservation practice. The principle articles will be dealt with individually, while the process articles may be added in as appropriate to the principles discussed.

ARTICLE 1: DEFINITIONS

This section provides definitions which should be used to describe the heritage approach adequately. The most important of these are the definitions that describe the approaches themselves.



Figure 9_1 North-west corner

- Conservation** - is the act of retaining the contribution that a setting is making to the sense of place.
- Preservation** - is the attempt to slow down the rate of change.
- Restoration** - aims to restore existing fabric to its original state, without adding new material.
- Reconstruction** - has the same focus as restoration, but allows the use of new materials.
- Adaptation** - is the modification of a place to suit existing or proposed new use.

The following articles all fall under the broad term conservation principles. At this stage it is imperative that a value judgement be made on the contribution of the Pretoria Magistrate's Court to the larger urban environment.

ARTICLE 2: CONSERVATION AND MANAGEMENT

As supported by Le Roux & Botes (1993) and Engelbrecht et al (1955) it becomes clear that the predominant heritage value of the building lies in its status as court building and its historic position within the city. It is the opinion of this dissertation that the value in representation of historical style, building practice and building fabric are not enough to warrant restoration or reconstruction.

Adaption is therefore is justified in order for the building to serve the needs of current and future legal and judicial developments. As discussed in articles 15 and 21 it is recognised that :

'Change may be necessary to retain cultural significance'
(Marquis-Kyle & Walker 2004:54)

'there are times when a small loss in one part brings a larger benefit overall. However, the best outcome is no loss of significance at all'
(Marquis-Kyle & Walker 2004:64).

Despite the adaptation approach, preservation (Article 17) of elements like the portico, sections of the façades and the reconstruction (Article 18) of the inner courtyards will be selectively applied in order to conserve heritage layers representing past discourses in legal practice and national development. As per Article 18 reconstruction serves an interpretive purpose and should be retained selectively as informants for the new design intervention (Marquis-Kyle & Walker 2004:60).

Through this engagement it is the aim of this dissertation to create a legal facility that is adequately equipped to meet the needs of future legal practice, while celebrating the heritage and origin of those practices.

The practice of new work captured in Article 22 should be considered. Proposed principles:

- Clear recognition of old and new
 - Significant elements should retain distinctive structure without being imitated or mimicked by the new edition.
 - Scale should be considered as not to overwhelm the significant existing.
 - New work is appropriate when allowing existing rituals to continue and aid interpretation of the heritage.
 - New work should allow for the continuation of the narrative of place and become part of it
- (Marquis-Kyle & Walker 2004:66).

ARTICLE 3: CAUTIOUS APPROACH

Cautious approach in the context of this engagement must take on a different meaning. Caution will be applied in the way the past discourses are contrasted to the new intervention. Instead of diminishing the presence and influences of past discourses, it should be celebrated and accentuated, continuing and adding to the narrative as was discussed in Article 22 (Burra Charter 1999; Marquis-Kyle & Walker 2004:66).

ARTICLE 5: VALUES

The heritage values of the Pretoria Magistrate's Court lies in the realms of the aesthetic and historic. Aesthetically the building communicates the principles

of revivalist architecture and the extensive use of marble in construction, a rarity in contemporary architecture. Its historic value is in its position within the city, which has been the site of the magistrate's court function since the founding of the city. Its representation of a period in court design and neo-classical architecture is its main features.

ARTICLE 7: USE

As previously stated the site of the current Magistrate's Court has always been the site of the court and its function within the city. Therefore it is deemed appropriate to retain and enforce the civic position and nature of the court. It is further supported to create a network of judicial spaces on an urban level, connecting the Palace of Justice, Pretoria High Court and the Magistrate's Court into a cohesive framework.

This relates strongly to the points discussed above, relating to the conservation of use as described in Article 23 becomes important, continuing to state that

'significant use may require changes to significant fabric'

(Marquis-Kyle & Walker 2004:68)

ARTICLE 8: SETTING

The setting concerns views and vistas in the historic urban environment creating relationships far beyond the boundaries of the site. As has been stated the Magistrate's Court is placed within a historic setting and has been a constant presence throughout the area's development.



Figure 9_2 New Pretoria Magistrates Court, Google Earth, 2016

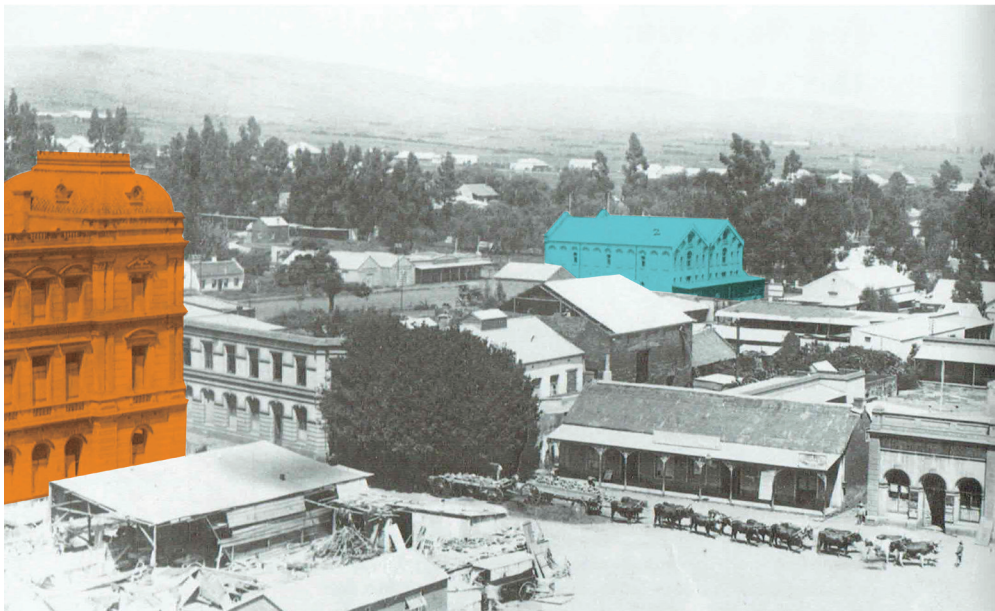


Figure 9_3 Old Pretoria Magistrates Court, image based on: (Allen 2007:62)

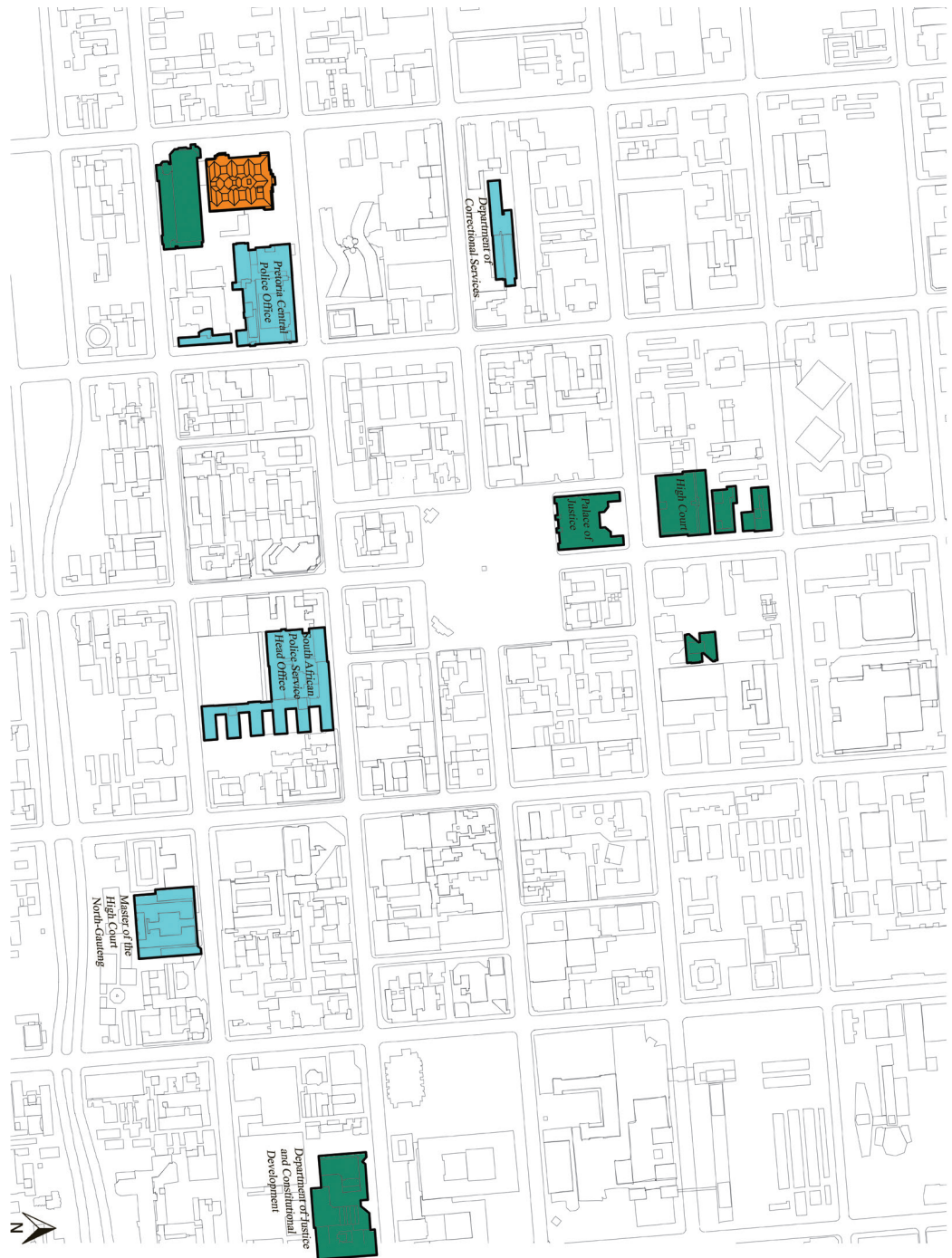


Figure 9_4 Judicial and legal networks of the Pretoria inner-city

The one way streets Pretorius and Schubart create defined routes of viewing the court from an urban perspective.

The aim of this dissertation is to highlight significant features of the original design through new intervention. Framing views as it is experienced in the daily movement through the city. The attempt will be to aid in the architectural interpretation as stated in Article 25.

Another intervention will be the development of the car park across from Pretorius Street into a public facility and park in order to enforce the position of the Magistrate's Court and its civic setting. This ties closely into the arguments captured in Article 9 which is about location.

ARTICLE 10: CONTENT

The roof of the Pretoria Magistrate's Court burned down in 2010. Since then the building has been exposed to the elements and flooded due to a burst water main. Current reconstruction efforts warranted a full biohazard operation in order to remove asbestos and lead-filled paint used in original construction, as well as black mould that formed on account of the flooding. Original construction that no longer adheres to our contemporary standards needs to be strengthened or replaced. This includes floor slabs which have been constructed with only an 80 mm thickness, according to contractors.

As a result the content of the building is severely compromised and restoration or reconstruction deemed inappropriate. Yet it is the aim of this dissertation to retain as much of the current building fabric in order to represent and enforce the heritage on site. This includes, but is not limited to, the reuse of brick, marble cladding and usable timber frames.

ARTICLE 12: PARTICIPATION

In the case of the Magistrate's Court the community network is on the macro scale. This includes the citizens of Pretoria, the judicial and legal communities, as well as local and national government and civil society. Their input and participation will be required in order to ensure that past problems and future requirements are met.

ARTICLE 13: CO-EXISTENCE OF CULTURAL VALUES

This article refers to the common occurrence where cultural value may not be universal to all communities involved around a single site. This is definitely the case with the Magistrate's Court in Pretoria. Constructed by European descendants for a western system and reflecting western discourse, constructed in an African context to be used by a majority African population.

The building in its very nature instigates conflict around its heritage value and appropriate use. Therefore it is the aim of this dissertation to appropriate the site

through adaptation in order to reimagine it for a different context than in which it was constructed while still maintaining and celebrating the historical discourse that lead to its construction.

Article 13 of the Burra Charter relates closely to the concept of Dissonant Heritage as discussed by Tunbridge & Ashworth (1997) and forms an integral consideration and informant for the engagement of this dissertation.

As this dissertation will engage with the heritage fabric in an adaptive way, it is important to discuss the definition of adaption and the strategies it proposes. Machado (1976) in his article Old buildings as palimpsest, starts engaging with the theory of remodelling. He metaphorically discusses various engagements, relating it back to the tradition of manuscript writing and rewriting. These engagements are to write over, to underline, to partially erase or to interstitially writing between the lines.

Since Machado (1976) deliberately leaves these concepts open for interpretation, this dissertation will define them in the following manner:

Writing over: Regarding existing built fabric as intangible informant, demolishing in order to create a completely new object.

Underlining: Using the new intervention to accentuate significant built fabric and existing conditions.

Partially Erasing: Deconstructing parts of the existing built fabric in order to remodel and reinvent the structure as a whole, facilitating contemporary use.

Interstitial Writing: Insertion of new intervention in between existing built fabric in order to revitalise the use of the old fabric.

Another source to be used in the definition of adaption is Rereadings by Brooker & Stone (2004). In this publication three strategies for engagement is proposed: Intervention, insertion and installation. The following definitions are given for each:

Intervention is a process that transforms building, the new and the old become intertwined and completely dependent upon each other.

The **insertion** a new functioning element not only provides a use for an often redundant or neglected space but also serves to enhance and intensify the building itself.

Installation is a process where the elements of remodelling exist independently from the building; the two simply touch each other (Brooker & Stone 2004).



Figure 9_5 North-east corner