

**Title:** **Debating Tall: Should Tall Buildings be Demolished For Non-Safety Reasons?**

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# Should Tall Buildings be Demolished For Non-Safety Reasons?

In several developing nations recently, skyscrapers were found to have been constructed in violation of local laws, and have been ordered demolished. In some cases, these are safety-related violations; in others not. Considering the expense, safety implications, and environmental waste associated with demolition, we ask the question, "Should tall buildings be demolished purely for legal violations, even if there is no safety risk?"

### YES

**Arthur Wellington**

*Counsel, Thornton Tomasetti, Chicago*

As a preliminary matter, every such situation must be evaluated on its own facts, so I'll simply present some considerations weighing in favor of answering "Yes" to this question. Each may be more or less applicable to any specific, real-world example.

First: The legal regulation that the building violates is presumably there for a reason – that is, when the relevant legal regulation was passed, it was intended to benefit the public in some manner. Perhaps this benefit was in the form of open space, or improved light and air circulation, or to prevent overcrowding of the streets or local transit stations. Therefore, with the building in place, the public is worse off. To leave the building standing would imply that the benefits it provides outweigh the deterrent it imposes, and the regulation it violates should be repealed. In short – if it was a good idea to make the rule, it's a good idea to enforce it!

Second: The miscreant builder who ignored the rules should not benefit. That sounds like an easy bar to meet, but in practice it may not be. If the builder got away with breaking the rules once, it may be trivial for them to do it again and dodge the sanctions imposed. For example, if the penalty is dispossession of their building, it is easy to imagine a corrupt builder arranging for a sham transfer to a related party. In other cases, the builder may derive

totally intangible benefits from its construction – for example pride, personal preservation for posterity, or more immediate notoriety. In these cases, it would be impossible to truly take away the benefits to the builder while the building still stands.

To conclude: The demolition of rule breaking buildings may be necessary for a greater good. And any city plan would be in serious jeopardy if the precedent is set that "It is better to ask forgiveness than permission."

### NO

**Girish Dravid**

*Director, Sterling Engineering, Mumbai*

Tremendous energy and efforts go into planning, designing and constructing tall buildings, which are efficient engineering solutions to the increasing demand for usable space on ever-diminishing land. The resources used are precious. We cannot ignore the immediate and sustained benefits of high-rise buildings.

Though errant developers should be held accountable, it's worth noting that the development rules for tall buildings in emerging economies are not fully evolved. Often, the existing rules for squat, low-density, and mid-rise development are imposed on tall buildings. Occasionally developers, in their enthusiasm for creating an outstanding towering monument, hope to convince the authorities of their sophistication while construction is already underway, and go on incorporating the resulting afterthoughts as the construction progresses – not an ideal scenario, but not one that justifies demolition, either.

Inexperienced authorities tend to look with distrust upon unique tall-building provisions such as interspersed public and green spaces at height, fire refuge areas, public retail spaces within a residential building, outrigger and service floors, viewing galleries, spaces for devices such as dampers, solar, and wind energy collectors, etc. Developers should not be punished for pushing innovation in tall building construction – and certainly not confronted with the demolition of their projects.

Of course, there are unscrupulous builders who seek undue gains, usually by constructing more space than is allowed on the given plot, at the expense of competing developers who follow the rules. Such opportunists should be punished, by way of denying them the benefits of their purposeful deviations. Punishment can be achieved by the government taking over the disputed areas and using them for public amenities, without compensating the developer for the cost of construction and the revenue that would have been generated, or by forcing developers to maintain the space and transfer revenue to the local authority.

But demolition should be avoided as a form of legal sanction. Instead, preserving and appropriating the offending construction for the public benefit respects the human intelligence, technological achievement, and investment of precious natural resources and invaluable creative human effort that goes into our tall buildings.

