

Oral Submission Opposing Oxford Street (East) and Marshall Street HHA

Jean Dorrell and David Whyte

November 2023

Note: Text in italics and Appendices are taken as read.

Note: There may be minor additional content introduced after Monday's hearing.



Image: Existing street trees in Oxford Street which the October Area Statement state “should be retained/maintained as existing”.

Abbreviations Used in This Document

September Report: Statement of Evidence of Mr Knott 22 September 2023

October Area Statements: Statement of Evidence of Mr Knott 27 October 2023

Introduction

1. It has been acknowledged by the Council¹, and also supported in full or part in the work of Mr Miller², WSP³ and Ms Caddigan⁴ that, other than land title transfers, there is no documentation prior to 1949 recording the history for any of the houses in Marshall or Oxford Street. This should have been the end of considering the validity of the “Oxford Street (East) and Marshall Street ~~Railway Cottage~~ HHA.”
2. The Council and Mr Knott first produced a written version of why Oxford (East) should be an HHA in June 2022 and then a completely new version in April 2023, and then a **third** version in the Mr Knott’s oral rebuttal in May 2023. Mr Knott’s September Report was a **fourth** version. The October Area Statements are the **fifth** version and are a mix of versions two and four with a dash of the first version to add flavour.
3. The Council and its expert’s repeated attempts at inventing the history for these twelve houses is bordering on professional negligence.
4. We initially prepared our submission based on the September Report assuming that the October Areas Statements would reflect the same information, just in a more succinct and legal manner. However, **there are many contradictions between the two**.
5. Neither the October Area Statements nor the supposedly supporting (*although frequently contradictory*) September Report **clearly state what the heritage values actually are**. As such, we will rebut any possible interpretations from both documents that we have not covered in our previous submissions.

¹ Response to LGOIMA request dated 7 December 2022 (included in earlier submission).

² Footnote 79, page 30, Peer Review, Robin Miller dated 6 March 2023

³ WSP Built Heritage review of 3 Oxford, 9 Oxford and 17 Oxford Street

⁴ Ms Caddigan’s review of 3 Oxford Street

6. The September Report made much of us having **significant Ellis and Burnand** joinery, claimed to have documentary evidence of links to Ellis and Burnand and also referred to our houses as being “**typical of early state housing**”. These assertions have disappeared from the October Area Statements. However, we will rebut them anyway as they will probably come up in Mr Knott’s verbal rebuttal and we were advised in May that we are not permitted an opportunity to rebut that.
7. Mr Knott’s latest two versions also contradict some of the significant comments he made in his rebuttal to our May 2023 submissions where he stated we were the “other” Ellis & Burnand houses, rather than prefabricated houses. But now he still records us as **probably** being Ellis and Burnand prefabricated houses.
8. In May and in the September Report, Mr Knott appeared to acknowledge that the supposed central front doors, symmetrical windows and gables parallel to the street are no longer present. However, in the October Area Statements, they are back, but the significant joinery from the September Report has gone.
9. The addition of completely new supposed heritage values, such as containing “significant Ellis and Burnand joinery” and the changes back and forward as to what our heritage values actually are, raise further concerns about the credibility of the HHA process as a whole. The history of all the HHAs should have been **documented and proven in full prior to public notification**.
10. We have written a line-by-line comparison of the two reports with our comments on both versions. This is Appendix A and is taken as read.
11. Our request is that you, the Panel, record that **there are no proven heritage values for the Oxford Street (East) and Marshall Street HHA**. We understand that you may decide that all HHAs ranked “moderate” (as we are) may be deemed to not be important enough to protect, but we are not moderate. We have no heritage values. We do not want this fabricated HHA to ever come back and cause us or any future owners further issues when this process is undertaken again in ten years’ time.
12. *The questions that we will address are:*
 - a. *Is there documentary evidence of a link to Ellis and Burnand for the Oxford (East) HHA?*
 - b. *What is an Ellis and Burnand prefabricated house?*

- c. *What is distinctive about Ellis & Burnand joinery?*
- d. *Is there any evidence that the Oxford Street houses have Ellis & Burnand joinery?*
- e. *If houses have Ellis & Burnand joinery, is it a heritage value?*
- f. *Can past (removed) features of houses be heritage values?*
- g. *Is there evidence the houses “originally” had central front doors, symmetrical windows and a gable parallel to the street?*
- h. *Is it a moderate heritage value if houses **used to have** Ellis and Burnand joinery or **possibly has** Ellis & Burnard joinery?*
- i. *Is it **significant** that the houses were developed speculatively before Fairfield and Enderley joined Hamilton?*
- j. *What are the supposed values of the five Marshall Street houses (since Mr Knott does not say if they have or ever had Ellis & Burnand joinery)?*
- k. *Are the houses typical early state housing?*
- l. *Is there **any evidence whatsoever** of any heritage values for the Oxford (East) HHA?*

13. *The questions we have already answered are:*

- a. *Are the Oxford Street houses Ellis and Burnand prefabricated houses manufactured in the housing factory? No*
- b. *Do the houses look like either Ellis & Burnand prefabricated houses or Railway houses? No*
- c. *Do the houses all have central front doors, symmetrical windows and gables parallel to the street? No. Two have central front doors and windows. None have the gable parallel to the street.*
- d. *Is a house looking like something a heritage value? No*
- e. *Is there evidence that all the houses were built in the 1920s? No*

Is there documentary evidence of a link to Ellis and Burnand for the Oxford (East) HHA?

14. In his September Report, Mr Knott states⁵ that “Limited documentary evidence is available to confirm the likely links to Ellis and Burnand”. We were rather surprised at this and requested this evidence. We were advised that there is **no written or documented evidence**. When Mr Knott says “documentary evidence”, he is referring to **verbal conversations with other experts**, and **Mr Knott’s online research**. This is a rather different definition of “documentary evidence” to the dictionary. **The fact that this false statement claiming there is documentary evidence is recorded in Mr Knott’s “evidence” is a significant red flag.**

15. (Taken as read) Email 27/9/23 from HCC:

Richard’s statements are based upon conversations with other experts in the field with significant knowledge of this company along with his own online research.

16. (Taken as read) Email 28/9/23 from HCC (after Jean repeated her request for the “documentary evidence” Mr Knott claimed to have.):

There is no specific written/ documented evidence available to share.
“Limited documentary evidence is available to confirm the likely links to Ellis and Burnand.” - this evidence as mentioned in my previous email is based off Richards personal knowledge and conversations with other experts in the field, not documented evidence.

17. In my professional role as a hydrogeologist, I often appear in the Environment Court as an expert witness. I can assure you that no Environment Court judge will accept “I had a conversation with an expert” or “I googled it” as evidence.

18. In terms of conversations with other experts, Mr Knott may be referring to Mr Miller’s peer review where Mr Miller **also** incorrectly identified **early** 1920s houses as being Ellis and Burnand prefabricated houses, even though these were not first created until the **late** 1920s, and, as per our previous submission, our houses do not contain any of the features. **This is not evidence. This is two experts perpetuating a mistake.**

⁵ Page 208 22 September 2023 Supplementary evidence

19. In terms of online research, if Mr Knott had googled “Ellis and Burnand prefabricated” as we did and followed up with a land title search and a quick look on Google Earth, he would know all about the post-war Ellis and Burnand show homes in the Hamilton East HHA. These include two Ellis & Burnand prefabricated houses but are not mentioned by Mr Knott. (Appendix D contains details of the houses and how we identified them.)

What is an Ellis and Burnand prefabricated house?

20. In Mr Knott’s September evidence, it appears he now defines an “Ellis & Burnand prefabricated house” as one which contains Ellis & Burnand prefabricated joinery, rather than a house which was manufactured in the Ellis and Burnand House Factory.
21. All joinery is prefabricated and so, if you follow Mr Knott’s definition, every house is a “prefabricated house”.
22. The Ellis and Burnand joinery factory operated for 70 years until 1972. By 1906, there were over 50 employees. Until the late 1920s, it appears to have been the only joinery factory in the Waikato⁶. This means there will be thousands and thousands of houses in Hamilton which meet Mr Knott’s rather odd definition of an Ellis and Burnand prefabricated house.
23. If the District Plan is referring to houses containing prefabricated joinery as being “prefabricated houses”, the definition will need to be added to the District Plan as it is not the Oxford Dictionary meaning of the phrase “prefabricated house” nor what is commonly understood.

⁶ Research and references in Appendix C



24. This is very different to actual Ellis and Burnand prefabricated houses manufactured in the house factory, which do meet the dictionary definition of a prefabricated house. There are a small number of these in Hamilton East⁷ and possibly Pukete⁸, but they are not mentioned by Mr Knott.

What is distinctive about Ellis and Burnand joinery?

25. Ellis and Burnand made custom joinery and what they referred to as “ordinary joinery”. They were advertising both types from 1907. The custom joinery appears to refer to the fancy windows and doors, many with lead lights, such as is common in Hamilton East and Claudelands. The advertising refers only to sash windows, with no mention of casement windows such as those found in all the Oxford Street (East) houses, although they may have manufactured casement windows at some later time. Background on the Ellis and Burnand Joinery Factory is contained in Appendix C⁹ and taken as read.
26. The main unique attribute of Ellis and Burnand joinery is the use of native timber. Mr Ellis had strong connections with the South Waikato iwi and effectively deforested the area with the iwi permission¹⁰. Ellis and Burnand Limited later planted radiata pine and this was milled from around the 1950s onwards. But until from the early 1900s until the

⁷ Appendix D

⁸ Appendix E

⁹ Along with references to statements in this section of our submission.

¹⁰ https://en.wikipedia.org/wiki/Ellis_and_Burnand.

late 1930s (at least), all the joinery was advertised as being made from native timber (Kauri, Kahikitea¹¹ Rimu and Totara).

27. Ellis & Burnand branded all their joinery so that people could differentiate between Ellis & Burnand joinery and others¹². From their advertising, it appears the branding likely took the form of a metal oval disk with “E & B” engraved on it.¹³

Is there evidence that the Oxford (East) HHA houses have Ellis and Burnand joinery?

28. If the houses contained Ellis and Burnand joinery, the following evidence could be seen:

- a. The joinery would be made from native timber. None of the home-owners are aware of joinery made from anything other than Radiata Pine¹⁴.
- b. The joinery would be branded. None of the E & B branding has been located in the Oxford Street houses, nor is there any evidence of such disks having been removed. Since Mr Knott did not have access to the inside of the houses, he would be unable to verify if this branding is present.
- c. If the joinery was custom-made, it would be very distinctive. None of the joinery has the features of the custom-made Ellis & Burnand joinery. Eg coloured glass. All the joinery in the Oxford (East) HHA that is visible from the road is plain.
- d. The only other possible evidence would be financial records of purchases by the Patersons (builders) or homeowners from 27-35 Oxford Street from Ellis and Burnand. None exist.

29. So, there is no evidence of Ellis and Burnand joinery being present.

30. In May 2023, Mr Knott acknowledged these houses have had alterations to the front of the houses since 1948. It is actually possible they **had** some Ellis and Burnand “ordinary” joinery when they were built as that would probably be the cheapest and

¹¹ Also called “white pine”

¹² Waikato Times, Volume LVII, Issue 8169, 5 April 1907, Page 3 (Copy in Appendix A)

¹³ <https://heritage.hamiltonlibraries.co.nz/objects/5952/ellis-burnand-step-ladders> (Copy in Appendix A)

¹⁴ If the timber was native timber, it would be varnished to show it off, rather than painted. If it were painted over, it would have been noticed when window frames were sanded and re-painted.

most common option at the time. This could also be said for every house in Hamilton built from 1902 until the factory closed in 1972.¹⁵

Is Ellis & Burnand joinery a heritage value?

31. In his September Report, Mr Knott stated that “the potential incorporation of joinery from Ellis & Burnand adds a layer of significance”. The September statements in the HHAs for both Oxford Street and Frankton East seem to be based on the ideas that Oxford Street and the Frankton East HHA could be the **only** two places in Hamilton with joinery from a **very** large Waikato joinery factory which opened two decades before the houses were built and operated for seventy years. This is one of the more bizarre assertions we have had for our invented HHA.
32. The value for construction qualities requires unique or uncommon building materials or an early example of a technique. Given that the earliest Oxford Street house was built 22 years **after** the factory started making joinery, **if** the Oxford Street houses in fact had this joinery, it would not score highly for this criteria.
33. The economics of speculative housing means that if building in a budget area like Oxford Street was (and still is), houses will be built on a low budget and if building in a nicer area (like Claudelands), build nicer houses. As such, **if** there **was** any Ellis & Burnand joinery at any time in the Oxford Street houses, it would likely have been the “ordinary” type. Does the Council really wish to protect and preserve all Waikato houses built from 1902 onwards because they have plain wooden doors and windows?

Can past features of houses be heritage values?

34. Mr Knott’s September Report largely appeared to be based on what Mr Knott claims to have interpreted in an aerial photo from the 1940s, rather than anything to do with the current “**as found**” state of the houses. It is not possible to protect something that has already gone (or may never have existed).
35. When we gave evidence in May that only two of the twelve houses had central front doors and symmetrical windows and none had the gable parallel to the street (as described by both Mr Knott and Mr Miller in their March and April 2023 work), Mr Knott

¹⁵ Appendix C

said¹⁶ that he meant that they **used to have** these features and he could read this from a 1940s aerial photograph.

36. In Mr Knott's October Area Statements, he once again claims the houses all **currently have** central front doors, symmetrical windows and gables parallel to the street. They still do not.

Is there evidence the houses "originally" had central front doors, symmetrical windows and a gable parallel to the street?

37. While it is possible the houses used to have central front doors and windows, it is not credible to believe the roofs of all seven Oxford Street houses have been turned 90 degrees. Mr Knott's May rebuttal and September Report interpretation of a 1940s aerial photo indicate that he believes it shows the gables used to be parallel to the street¹⁷.

38. In a simple cottage, the roof ridgeline is perpendicular to the gable as the ridgeline joins the high point of each gable.

39. The 1940s image is not clear enough to see the position of roofline/gables. However, Mr Miller's peer review includes an image of the 1940s' aerial photo overlaid with the current outline of an aerial view. Mr Miller's image indicates the houses have not changed much since then.

40. So who do you believe?

- a. Mr Miller who claims the gables are parallel to street but provides an image to show the outline of the current houses is largely unchanged from the 1940s aerial photo?, or
- b. Mr Knott who alternates between the gables not currently being parallel to the street but claims the 1940s photo shows they used to be (meaning all seven houses have been turned 90 degrees) and that the gables are currently parallel to the street? or
- c. Common sense and a view of the houses (which do not have gables parallel to the street) which suggests that Mr Knott and Mr Miller are both wrong and the houses

¹⁶ Oral rebuttal by Mr Knott 29 May 2023

¹⁷ and also since Mr Knott recorded the houses (correctly) in his June 2021 report as having the ridgeline parallel to the street

never did and still do not have gables parallel to the street, and Mr Knott and Mr Miller are probably describing the houses at the other end of Oxford Street which do match this description of the gables, along with mostly having a central front door and symmetrical windows?

41. And **if** the houses have spun around so much, as Mr Knott states, this is such a major change that the houses could not be considered to have **any** historic integrity.

Is it a heritage value if houses *possibly used to have* Ellis and Burnand joinery or *possibly has* Ellis & Burnard joinery?

42. This is not the same as researching family history where guesses are made and no harm done if you get it wrong and, actually, your great, great aunt Agatha owned a brothel, not a dressmaking business as you guessed.
43. This is a major legal restriction on people's main asset. And, to repeat, there is no evidence.

Is it significant that the houses were developed speculatively before Fairfield and Enderley joined Hamilton?

44. The twelve houses in the HHA are no different to any other non-state houses in Fairfield or Enderley built prior to the suburbs joining Hamilton City. The land was bought by someone. Houses were built on them and sold or rented. This is not historically significant for the development period. Sections were still being subdivided in Hamilton East and Claudelands as speculative developments at this time.

Are the houses typical of early state houses?

45. When I read that we were "typical of early state houses" in Mr Knott's September evidence, my initial thought was that this was a cut and paste error and I was going to ignore it. However, given that Mr Knott **keeps making up our supposed heritage values, we cannot assume this** and need to rebut it. The Oxford Street (East) and Marshall Street houses have all been privately owned at all times and were never state houses. We proved this when we provided evidence to rebut Mr Knott's original claim that we were Railway cottages, as we were never owned by Railways. The "early state housing" claim is yet **another** example of a typology that would require time travel as

most of the Oxford Street houses were built before state housing. Is there any housing typology that Mr Knott does not think our seven or twelve little houses are?

What about the other supposed heritage values?

46. Mr Knott states in his September Report that “**they potentially have a degree of prefabrication**”. What is a potential degree of fabrication? Is this like slightly pregnant? Given that **all** windows and doors are prefabricated (ie not built on site by builders), every house has a degree of prefabrication.
47. The Marshall Street houses now have **no** heritage values attributed to them, just an incorrect description of what they look like. And yet Mr Bakshi at #36 still can’t build a secure fence so his young children can ride their bikes safely in the front yard.
48. It is of note that the Oxford Street land title is **still** incorrectly described as supposedly showing all the houses were sold in the 1920s and an incorrect land title reference cited. It should not be difficult for Mr Knott to accurately record this. He managed to create new supposed heritage values but not correct an obvious and proven error when he revised the HHAs again in September 2023 and October 2023.
49. In Mr Knott’s rebuttal in May, he spoke of there being three types of Ellis & Burnand houses: the prefabricated houses (which first appeared in 1928), the “other” Ellis and Burnand houses (which appears to refer to plan book houses which appeared from the 1930s onwards) and houses which had components manufactured by Ellis & Burnand. Note that the first two types occurred **after** the earliest three Oxford Street houses were built. If houses containing windows and doors from a large joinery factory can be considered **a type of house**, this supposed typology began two decades **prior** to the houses being built.
50. There seems to be an issue with the timeline. I would expect any heritage values to relate to the actual time the houses were built not ten years later or twenty years earlier.
51. *Mr Knott stated in May that the evidence of these “other Ellis and Burnand houses” was shown in the Hamilton Library Heritage photos. We believe we have located these. There are a number which refer to “Ellis and Burnand buildings” but are not prefabricated houses. These are either custom-made joinery in Hamilton East or Claudelands or they are post-war houses, possibly the 1970s Ellis and*

Burnand/Builders Land Services development in Pukete. None of these have anything to do with Oxford Street.

52. The supposed history and typology of the Oxford (East) houses has now been changed several times to match the supposed history and typology of the Frankton East HHA, including the September Report claim that we are typical early state houses. None of the claims make any sense as the houses in the two HHAs are very different.

Is there any evidence of any heritage value for the Oxford (East) HHA?

53. If you wish to view documentary evidence for the history of the Oxford (East) HHA, Ellis and Burnand prefabricated housing or the Ellis and Burnand joinery factory, we suggest you read all of our submissions.
54. Our HHA is deemed to have **moderate heritage** value because there are houses that Mr Knott thinks **look like or possibly are** Ellis and Burnand prefabricated houses and yet Mr Knott has not recorded the **actual** Ellis and Burnand prefabricated houses in Hamilton East and possibly Pukete as being of significance. Appendices D and E cover these in detail and are taken as read.
55. If you wish to see an Ellis and Burnand prefabricated house, manufactured in the Ellis and Burnand House Factory, we suggest you visit either Brookfield Street or Fuchsia Avenue.
56. If you wish to see houses containing Ellis and Burnand custom-made joinery, we suggest you visit Hamilton East or Claudelands.
57. One thing that **is** unique about our HHA is that we are the only HHA where our supposed moderate architectural heritage values relate to what Mr Knott believes we **used to** have or what Mr Knott thinks we **may** have. All the other HHAs now have lists of the features that they supposedly **do** have.
58. This will make things very complicated¹⁸:

¹⁸ We acknowledge these examples are ridiculous, but so is this HHA.

- a. If #31 want to make a major change to the front of their house (which was modified significantly in 2002). Given that any supposedly historical “original” central front door or window has already **been replaced, what are the rules here?**
- b. If #23 wish to replace their main entrance door which is not on the front of the house, will they have to replace it with a central front door, because Mr Knott believes that is what they have?
- c. If a Marshall Street homeowner wants to replace one of their three-light windows, will they be advised that it must be replaced with a two-light window as Mr Knott believes their windows are symmetrical and all one or two lights?

59. Appendix A contains a critical line-by-line analysis of Mr Knott’s latest two versions, including the features that we need to preserve to protect our invented historic heritage. We will take this as read.

60. We have documented all the attempts by the Council and Mr Knott to invent the Oxford Street East and Marshall Street HHA so far and fully rebutted them. The previous three versions and our rebuttals are summarised in Appendix B (which is taken as read). Please bear in mind that this is the **fourth** or fifth version of why these 12 houses are supposedly an HHA. I anticipate that Mr Knott will present a sixth version in his opportunity for rebuttal (maybe we have the “other Ellis and Burnand joinery” from the “other Ellis and Burnand joinery factory” or some new housing typology...) I trust...I **hope** that you will realise that **IF there were any historic heritage values in the 12 houses in Oxford and Marshall Street, they would have been clear from the beginning** and not need to be **invented** by Mr Knott to rebut our rebuttal of Mr Knott’s supposed “evidence” several times.

61. Hamilton’s story is not supposed to be fiction!

62. Please remove the Oxford Street (East) and Marshall Street HHA from PC9 in its entirety. There is no evidence of any known heritage values.

Appendix A: Line-By-Line Comment on Oxford Street (East) and Marshall Street HHA on October Area Statements and September Report

October Area Statement	September Report	Dorrell/Whyte Comments
Development dates City extension		These are two of the few statements in the October Area Statement supported by documentary evidence.
Rankings	Rankings	Covered in main submission
The Oxford Street (East) and Marshall Street area contributes to a clear understanding and appreciation of the development expected in the Late Victorian and Edwardian and during and after inter-war growth (1890 to 1949) development period, and has Moderate heritage significance.	Overall, the area contributes to a clear understanding and appreciation of the development expected in the Late Victorian and Edwardian and during and after inter-war growth (1890 to 1949) development period,,and has Moderate heritage significance.	I am fairly sure that no one (other than possibly Mr Knott) has ever walked down Oxford Street or Marshall Street and gained any appreciation of the development period from 1890 to 1949, or any history of any sort. When the HHA has been mentioned to passers-by, they have assumed we are joking.

October Area Statement	September Report	Dorrell/Whyte Comments																				
The area has a high level of integrity from its original subdivision and layout, with few changes to the area.	The area has a high level of integrity from its original subdivision and layout, with few changes to the area.	<p>This is only because the HHA excludes the houses such as 21 Oxford (adjacent to HHA) which have been rebuilt, all the houses opposite in Oxford Street, and also the houses in Marshall Street opposite or adjacent to the HHA to create an "area" which is completely fabricated and contains one subdivided property and two two-storey properties. The layout HHA is shown by the numbers below. The Marshall Street house behind 23 Oxford Street has just been demolished.</p> <div><div>Marshall Oxford</div><table><tr><td></td><td></td><td></td><td></td><td></td><td>28</td><td>30</td><td>32</td><td>34</td><td>36</td></tr><tr><td></td><td>23</td><td>25</td><td>27</td><td>29</td><td>31</td><td>33</td><td>35</td><td></td><td></td></tr></table></div>						28	30	32	34	36		23	25	27	29	31	33	35		
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	23	25	27	29	31	33	35															
It contains a small-scale 1920s dwellings.	It contains a small-scale 1920s dwellings.	<p>It contains (probably) four 1920s houses and several from the 1930s and 1940s.</p> <p>This has been proven in detail in previous submissions.</p>																				
Whilst a number of the dwellings have undergone some change, they all retain their strong relationship with the street.	Whilst a number of the dwellings have undergone some change, they all retain their have a strong relationship with the street.	<p>What exactly is a strong relationship with the street?</p> <p>27, 29, 31 and 35 are barely visible from the street.</p>																				
Some have small porches, and some have verandahs.	Some have small porches and some have verandahs.	As do 95%+ of NZ houses.																				

October Area Statement	September Report	Dorrell/Whyte Comments
The housing on Oxford Street has strong similarities with the prefabricated Ellis & Burnand and Railway cottages; whilst it cannot be verified it is likely that they are Ellis & Burnand.	The housing on Oxford Street has strong similarities with the prefabricated Ellis & Burnand and Railway cottages; whilst it cannot be verified it is likely that they are Ellis & Burnand.	Already covered off. No known history and do not match prefabricated Ellis & Burnand or Railway cottage typologies as proven in earlier submissions. Paterson and Paterson were builders. Why would they be erecting prefabricated houses to let or sell?
It is of further significance that the area was developed speculatively before the land came into the Borough.	It is of further significance that the area was developed speculatively before the land came into the Borough.	So was every non-State housing street in Fairfield and Enderley. There is no explanation as to why these 12 properties have been selected over other houses.
Future Development Features		
In order for the existing values of the HHA to be maintained, it is important that future development incorporate the following features:		Given that the existing values are incorrect and completely lacking in evidence, it will be very difficult to maintain them.
Discourage subdivision of existing sites, as the HHA currently shows a high degree of integrity of lot size and layout from the time that the subdivision pattern of the area, with little further subdivision and development from its establishment.		If there were any actual historic heritage values in this invented HHA, this would be perfectly reasonable. As there are no heritage values, we object to this.

October Area Statement	September Report	Dorrell/Whyte Comments
Development should respect existing building setbacks. Buildings should be placed parallel to the street.		Parallel as in the ridgeline parallel (as they actually are) or the gables parallel (as Mr Knott believes they are)?
Alterations or new buildings should utilise designs and materials which match the original buildings on the site:		Is this the “original building” that Mr Knott can “read” from the 1940s aerial photograph or what is actually there in 2023, which has already been modified?
Buildings should retain their existing Cottage appearance		Does this mean that if we modify the front of our house, which was significantly modified in 2002, our new modifications should match the 2002 appearance?
Timber horizontal weatherboard elevations.		The HHA includes houses with non-timber features.
Gabled roofs with corrugated steel covering, and exposed rafters under projecting eaves.		The HHA includes houses with a roof other than corrugated steel roof.
Front door facing the street, central to the elevation, with porch roof over supported by timber posts.		This would be a significant change for 10/12 of the houses.

October Area Statement	September Report	Dorrell/Whyte Comments
Existing porches should be maintained and repaired. Porches on existing and new buildings should be authentic to an original design of porch seen in the area.		Other than for 25 and 33 Oxford, we do not know what the “original design” of the porch is.
Windows should be side hung casement windows, one or two lights wide with projecting surrounds and projecting cornices over their heads.		So where windows are currently 3 lights wide, such as several Marshall street houses, is Mr Knott suggesting that (if replaced) they should be replaced with less windows than are currently there?
New fences should be no more than 1.2m high to allow views of the buildings and to maintain the historic heritage values of the area.		At present most of the Oxford Street houses have hedges or other trees in front of the houses. This requirement is a disincentive to trim current trees and hedges.

October Area Statement	September Report	Dorrell/Whyte Comments
<p>Driveways should remain single width. Large areas of parking should be not provided to the front of houses, over and above the driveway which can widen to the front of garages.</p> <p>Garages should generally be detached and to the rear of dwellings, with single doors. They should not be forward of the original building.</p>		<p>If the garage is single, any remaining vehicles will have to be in front of the house as there is nowhere else for them to go. (Oxford Street has limited street parking during the day due to the Croquet Club and Te Whanau Putahi. It is not safe to park on the street in either Oxford or Marshall Street overnight.)</p> <p>Almost all the Oxford Street properties currently have high rear internal¹⁹ fencing for security/pet purposes and so it is not practical to have a garage there.</p>
<p>Other accessory buildings, regardless of size, should not be forward of the original building.</p>		<p>So we cannot build a nice shelter to store/hide bins, but we can leave them on the front lawn in front of the house, which is much less attractive?</p> <p>This requirement also leads to using less attractive temporary items that do not meet the definition of an accessory building. For example, I have a cheap and nasty plastic greenhouse in front of my house. It would be more aesthetic, but not permissible as an HHA, to have an attractive glasshouse.</p>

¹⁹ Fences which separate the front and back yards.

October Area Statement	September Report	Dorrell/Whyte Comments
Planting within front yards is acceptable but care should be taken to ensure that species chosen will not grow so large that all views of the main dwelling on the site are lost; views of the dwellings contribute to the heritage values of the area.		If large plantings in the future lose views of the dwellings, is it not true that existing plantings which obscure the view of the houses detract from the heritage value of the area? For example, 27, 29 and 31 Oxford Street.
Existing street trees, other street planting and front berms (including where located on the carriageway side of the kerb/channel should be retained/maintained as existing.		<p>Given that most of the street planting in Oxford and Marshall Streets occurred in 2022 after we told the Council that Mr Knott's description of "regular street planting" was incorrect²⁰, this seems to have nothing to do with historic heritage.</p> <p>The Council tree contractor recently advised that the trees planted in 2022 were not appropriate for Oxford Street due to the wind. One has died and the rest have mostly fallen over and are held up partially by stakes²¹.</p> <p>The image on the front page shows how much value they add to the HHA.</p>

²⁰ Jean Dorrell emailed HCC Planning in June 2022 and said that she believed that Mr Knott's statement that Oxford (East) HHA had regular street planting (when there were only two spindly trees) indicated that he had never been in the street. A couple of weeks later we came home to find "regular street planting" had now occurred.

²¹ Unfortunately, the trees (some sort of Banksia) do not like wet soil or winds and most fell over after a storm in May 2023, shortly before we made our last oral submissions. Amusingly, the trees were all staked in the 24 hours after our May 2023 submissions. We will wait and see what happens after this submission. (I realise it is nothing to do with this submission, but if HCC are reading this, we would like the dead/broken trees replaced with kowhai or edibles please. Nga mihi.)

October Area Statement	September Report	Dorrell/Whyte Comments
Background (Historic, Cultural and Archaeological Qualities)		
<p>The Oxford Street (East) and Marshall Street HHA fronts two parallel streets – Marshall Street and Oxford Street. Both streets were surveyed to align with the existing streets in the Claudelands area. Marshall Street was surveyed for subdivision in November 1920 by Charles Edward Clarkson (Error! Reference source not found.).</p>	<p>The Oxford Street (East) and Marshall Street HHA fronts two parallel streets. Both streets were surveyed to align with the existing streets in the Claudelands area. Marshall Street was surveyed for subdivision in November 1920 by Charles Edward Clarkson.</p>	<p>As shown above, only three of the houses are back-to-back. There is no historical connection between these two streets.</p> <p>Alfred Street (on the Claudelands side of Oxford Street) was not surveyed until after Oxford and Marshall Street were surveyed so this statement does not make much sense.</p> <p>The two streets were subdivided by two different parties who had purchased two narrow but long lots that ran east from Heaphy Terrace. To maximise the return on their investment, they put a single road down the middle of each of these larger lots. This is simply a practical and cost-effective method to allow as many houses (on smaller lots) to be built and have access to the main road. This has nothing to do with reflecting and aligning with roads in Claudelands.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
<p>The street pattern created by the subdivisions is representative of the Late Victorian and Edwardian and during and after inter-war growth (1890 to 1949) development period:</p> <p>Streets tend to meet at right angle</p> <p>Back to back lot pattern</p> <p>A relatively high-density built environment</p> <p>Retention of green open spaces (in the wider area, including the 'racecourse' and associated forest within Claudelands and Pountney Park at the end of Oxford Street</p> <p>Single-storey detached villas and bungalows in an eclectic architectural style</p> <p>All lots were approximately 750m².</p>	<p>The street pattern created by the subdivisions is representative of the development period:</p> <ul style="list-style-type: none"> - Streets tend to meet at right angle - Back to back lot pattern - A relatively high-density built environment - Retention of green open spaces (in the wider area, including the 'racecourse' and associated forest within Claudelands and Pountney Park at the end of Oxford Street - Single-storey detached villas and bungalows in an eclectic architectural style - All lots were approximately 750m². 	<p>Marshall Street and Oxford Street were subdivided by different people and hence the orientation of lots and arrangement of streets reflects the shape of the original lots sold to each individual developer.</p> <p>The houses are around 90m² and the sections are 738m². This means the houses cover 12% of the property. This is not high or relatively high density.</p> <p>The land which became Pountney Park was acquired by HCC in 1962. This is outside of this development period.</p> <p>Is Mr Knott now suggesting that we might be a villa or a bungalow rather than a cottage?</p>

October Area Statement	September Report	Dorrell/Whyte Comments
<p>Clarkson placed an advert in the Waikato Times in December 1920 advising land agents that his “sections in Marshall Street, Claudelands, are withdrawn from sale till further notice.”⁶⁴ By 1922, there were residents at Marshall Street and lots were sold to private owners with at least one lot sold with an existing dwelling – a three-bedroom bungalow advertised for sale by Clarkson in 1922.⁶⁵</p>	<p>Clarkson placed an advert in the Waikato Times in December 1920 advising land agents that his “sections in Marshall Street, Claudelands, are withdrawn from sale till further notice.” By 1922, there were residents at Marshall Street and lots were sold to private owners with at least one lot sold with an existing dwelling – a three-bedroom bungalow advertised for sale by Clarkson in 1922.</p>	<p>As proven previously, Marshall Street was developed primarily from the Heaphy Terrace end. There is no evidence that this advert relates to the five houses at the furthest end (at the time) being 28-36 Marshall Street.</p>
<p>Oxford Street was subdivided by John Paterson (Patterson) Snr and John Paterson Jnr in 1921⁶⁶ The Paterson’s were builders and appear to have constructed new houses on the Lots and then sold or rented these. There are a series of advertisements in the early 1920s where ‘Paterson Builders’ or ‘J Patterson’ have advertised bungalows on Oxford Street for sale and for let (Figure).</p>	<p>Oxford Street was subdivided by John Paterson (Patterson) Snr and John Paterson Jnr in 1921. The Paterson’s were builders and appear to have constructed new houses on the Lots and then sold or rented these. There are a series of advertisements in the early 1920s where ‘Paterson Builders’ or ‘J Patterson’ have advertised bungalows on Oxford Street for sale and for let).</p>	<p>The Oxford (West) HHA was also being developed from the 1920s, along with a few houses (21 & 22) which were replaced after the 1940s aerial image and #40. There is no evidence the adverts relate to the Oxford (East) HHA houses.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
Other advertisements offered “one of our [Paterson and Paterson Builders] five-roomed bungalows,” which had been recently completed, for sale at £1,150. ⁶⁷	Other advertisements offered “one of our [Paterson and Paterson Builders] five-roomed bungalows,” which had been recently completed, for sale at £1,150.	This advert was placed just 85 days after Oxford Street was subdivided. There is no evidence that it relates to Oxford Street, let alone any houses in the HHA. There is no evidence whatsoever that Oxford Street was the only street developed by the Patersons.
It is unclear exactly which sections these advertisements relate to.	It is unclear exactly which sections these advertisements relate to.	To be clear, it is unknown whether they relate to properties in the HHA at all (not just which one within the HHA).
Historic titles show the lots were sold to private owners throughout the 1920s.	Historic titles show the lots were sold to private owners throughout the 1920s.	No, they do not. This has been proven in previous submissions. It is also of note that the title reference is still incorrectly recorded, suggesting Mr Knott has not yet looked at it. The title clearly shows that only three properties were sold before the title was cancelled in 1926.
The southern side of Oxford Street remained undeveloped in the 1940s. ⁶⁹	The southern side of Oxford Street remained undeveloped in the 1940s.	Apart from number 22 and 40.

October Area Statement	September Report	Dorrell/Whyte Comments
<p>Connection to the Claudelands area improved from the late 1800s when the train was extended to Claudelands and rail traffic increased through the region, including at Claudelands station.⁷⁰ A footbridge was constructed over the Waikato River, adjacent to the railway bridge approximately 2km from Oxford Street, in 1908.⁷¹</p>	<p>Connection to the Claudelands area improved from the late 1800s when the train was extended to Claudelands and rail traffic increased through the region, including at Claudelands station. A footbridge was constructed over the Waikato River, adjacent to the railway bridge approximately 2km from Oxford Street, in 1908.</p>	<p>This is information which has no relevance to Oxford St heritage values.</p> <p>Oxford and Marshall Streets are part of Fairfield, not Claudelands.</p>
<p>A commercial centre was established along Heaphy Terrace, between Marshall and Oxford Street, in the 1920s.⁷²</p>	<p>A commercial centre was established along Heaphy Terrace, between Marshall and Oxford Street, in the 1920s.</p>	<p>The “commercial centre” consisted of one or two buildings.</p>
<p>By at least 1948, the HHA sections have been developed with dwellings constructed on the lots.</p>	<p>By at least 1943, the HHA sections have been developed with dwellings constructed on the lots.</p>	<p>There is five years difference between Mr Knott’s two statements. These statements refer to the dates of the image used “prove” that the current houses were built by this time.</p> <p>This image supposedly from the 1940s is the only record prior to 1949 of what the houses were or that they existed.</p> <p>This is the only evidence and Mr Knott is unsure as to what year it was from.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
Buildings and Streetscape Elements (Architectural, Scientific Qualities and Technical Qualities)		
Oxford and Marshall Street contain a series of small dwellings, that appear to have been constructed at a similar time.	<p><i>The building or structure has distinctive or special attributes of an aesthetic or functional nature. These may include massing, proportion, materials, detail, fenestration, ornamentation, artwork, functional layout, landmark status or symbolic value.</i></p> <p>Oxford and Marshall Street contain a series of small dwellings, that appear to have been constructed at a similar time.</p>	<p>This is not a distinctive or special attribute of an aesthetic or functional nature.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
<p>The dwellings on Oxford Street have similarities with the typical street front elevations of Ellis and Burnand houses and Railway Cottages, which featured a central front door usually with a small porch and symmetrical windows either side.</p> <p>All are oriented with the gable parallel to the street.</p>	<p>The dwellings on Oxford Street have similarities with the typical street front elevations of Ellis and Burnand houses and Railway Cottages; originally:</p> <ul style="list-style-type: none"> - A central front door. - A small porch and symmetrical windows either side. - Oriented with the gable parallel to the street. <p>(based upon information interpreted from early aerial photographs).</p>	<p>The September Report repeats Mr Knott's acknowledgement in May that described features that no longer exist on all of the houses. (We do not know if they ever did). However, in the October Area Statement, they are back again!</p> <p>Comment on September report</p> <p>If it is acknowledged that these houses no longer have these features, why would there be any point in protecting the houses? How would any resource consents be managed to preserve features which are no longer there?</p> <p>This is the only HHA where the supposed important features are no longer there.</p> <p>The houses do not have gables in the orientation described. Does Mr Knott think that as well as doors and windows being modified, the houses were also turned 90 degrees since the 1940s aerial photo?</p> <p>Comment on October Area Statements</p> <p>We have already provided evidence that these are incorrect and the IHP have already had a site visit.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
<p>Most of the cottages on Marshall Street have a verandah, with a central front door and symmetrical windows either side.</p>	<p>Most of the cottages on Marshall Street have:</p> <ul style="list-style-type: none"> - A verandah. - A central front door - Symmetrical windows either side. 	<p>There are five houses. Three have a veranda. Three have a central front door. None have symmetrical windows. None of these features are heritage values.</p> <p>Symmetrical means the same number of windows on either side of a straight line or plane. This does not mean three windows on one side and two windows on the other side as most houses in Marshall Street have.</p>
<p>The Oxford Street dwellings may have been constructed and sold by Paterson & Paterson to a similar design that would have appealed to residents. Local builders who had copies of railway housing or State housing plans often built private homes that looked similar, using the same materials.</p>	<p>The Oxford Street dwellings may have been constructed and sold by Paterson & Paterson to a similar design that would have appealed to residents.</p> <p>Local builders who had copies of railway housing or State housing plans often built private homes that looked similar, using the same materials.</p>	<p>So here Mr Knott appears to be suggesting we may have been copied from State houses which were not first built until several decades after our houses.</p>
<p>The dwellings also have strong similarities to Ellis & Burnand prefabricated homes.</p>	<p>The dwellings also have strong similarities to Ellis & Burnand prefabricated homes.</p>	<p>No.</p> <p>Ellis and Burnand prefabricated houses have three very distinct features. This information has been provided in previous submissions. This also ignores the fact that the first Ellis and Burnand prefabricated houses were first manufactured in the late 1920s.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
The dwellings across both streets are similar in scale and style, providing the area with a quaint appearance.	The dwellings across both streets are similar in scale and style, providing the area with a quaint appearance.	Houses in most subdivisions are similar in size and style and this is not a heritage value.
[No mention of evidence]	Limited documentary evidence is available to confirm the likely links to Ellis and Burnand.	Covered in main part of submission. No evidence exists.
[No mention of joinery]	<p><i>Construction</i></p> <p>It is significant that the buildings incorporate joinery from Ellis and Burnand. It is likely that they incorporated a degree of prefabrication, although clear records do not exist of this.</p> <p>It appears likely that the buildings incorporate joinery from Ellis and Burnand, and potentially a degree of prefabrication, although clear records do not exist of this.</p>	<p>Ellis and Burnand Joinery is not mentioned in the October Area Statement.</p> <p>Given that the supposed Ellis and Burnand joinery is a key part of our architectural ranking of “moderate” in the September report, its subsequent removal in the October Area Statement suggests that our value (if we actually had the joinery) should be downgraded.</p> <p>Not sure which of these two statements is meant to be in the report. Is it “significant” or does “it appear likely”?</p>

October Area Statement	September Report	Dorrell/Whyte Comments
[No mention of being state housing]	<p><i>Designer or Builder</i></p> <p>In general, the buildings are of interest in so much as they are typical of houses of the period and of early state housing, rather than being designed by a particular known practitioner. However, the incorporation of joinery from Ellis and Burnand (and the likely prefabrication of parts) adds a layer of significance to them.</p> <p>In general, the buildings are of interest in so much as they are typical of houses of the period, rather than being designed by a particular known practitioner. However, the potential incorporation of joinery from Ellis and Burnand (and the likely prefabrication of parts) adds a layer of significance to them.</p>	<p>Now we are typical of early state housing? But with Ellis and Burnand joinery?</p> <p>(Note we suspect the first paragraph in this and the previous section were cut and paste from Frankton East HHA in error.)</p> <p>This is another contradictory statement as we are referred to elsewhere as being Ellis and Burnand prefabricated houses, but here it states that the houses are not designed by a known practitioner.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
	<p>Historic Qualities</p> <p><i>Historical Pattern</i></p> <p><i>The place or area is associated with broad patterns of local or national history, including development and settlement patterns, early or important transportation routes, social or economic trends and activities.</i></p>	<p>None of the following statements (even where accurate) provide any information as to why they are important.</p> <p>Both streets were dead-end streets, and not through roads so they were not early or important transport routes, social or economic trends or activities.</p>
	<p>It is significant, and of interest, that the area was developed prior to the land coming into the city, even though it sought to reflect the development pattern of land within the city to the south.</p>	<p>It may be of interest, but hardly significant that an expanding city has development on its outer edges. This is still the case today in Hamilton. Should the Council consider protecting Peacocks?</p>
	<p>The dwellings are smaller and simpler than many of those developed to the south.</p>	<p>This is also not significant. Fairfield was a less affluent area and so buildings were small and simple.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
	<p>Statement of Significance</p> <p>Marshall Street and Oxford Street were established as an extension beyond the ongoing growth of the desirable Claudelands area, which was initially formed by F. R. Claude in 1877 and had grown in a piecemeal approach with individuals dividing sections for sale.</p>	<p>Claudelands was not fully developed even by the 1940s.</p>

October Area Statement	September Report	Dorrell/Whyte Comments
	<p><i>Style or type</i></p> <p><i>The style of the building or structure is representative of a significant development period in the region or the nation. The building or structure is associated with a significant activity (for example institutional, industrial, commercial or transportation).</i></p> <p>Oxford and Marshall Street contain a number of what would have originally been simple, small cottages. Some have now been extended. The cottages and the overall layout of the local street pattern, in a rectilinear grid of back to back lots, are typical of the Late Victorian and Edwardian and during and after inter-war growth (1890 to 1949) development period.</p>	<p>If the cottages are typical, why should they be preserved?</p>

Appendix B: The History of the Oxford Street (East) and Marshall Street Railway Cottages HHA

Mr Knott/HCC Version	Dorrell/Whyte Rebuttal
<p>Version 1: 21 June 2022</p> <p>The twelve houses appear to be Railway cottages²².</p> <p>These twelve houses have a significant number of the features of the early establishment of a service town and the railway workers suburbs heritage themes.</p>	<p>The houses are not actual Railway cottages, nor do they have the railway cottage typology.</p> <p>Land titles prove that the land and houses were never owned by Railways or the Crown.</p> <p>There is no evidence that the houses were all built in 1920s. There is evidence to suggest that only four (of twelve) houses existed by 1930.</p>
<p>Version 1A: District Plan (publicly notified 22 July 2022)</p> <p>Dates are now added. The early establishment of a service town is pre-1930s and the railway workers suburb is 1930s-1950s.</p>	<p>There is no connection between the history of the seven Oxford Street and five Marshall Street houses.</p>
<p>Mr Mark Davey, City Planning Manager (Interview with Waikato Times²³, following a visit to Oxford Street to meet with residents, at the request of the Mayor):</p> <p><i>“He [Mr Davey] says the railway cottage designation refers not so much to whether the houses were built by the railway as to the particular style of housing.”</i></p>	<p>Waikato Times, 17 September 2022</p> <p><i>“Kellaway, a railway cottage historian has a different take. There are a range of railway cottage styles, including the prefabricated ones in the Frankton village. “But to be a railway house or a railway cottage, that implies that they were part of the New Zealand Railways Department rental housing.”</i></p> <p><i>“Carolyn Hill, like Kellaway an architect and heritage consultant, agrees that a railway cottage would need to have been built by the Railways.”</i></p>

²² The definition of a “railway cottage” was referenced in Mr Knott’s 2022 report to C Hill report **which did not contain the definition of a Railway cottage**. The C Hill report was amended only after the Mayor’s office intervened after three unsuccessful requests were made to HCC (Planning Dept, City Planning Manager, CEO) for the report to be corrected. Not surprisingly the definition of a Railway cottage included it being a kitset house made by Railways in the Railway House factory.

²³ Published 17 September 2022

Mr Knott/HCC Version	Dorrell/Whyte Rebuttal
<p>HCC LGOIMA response²⁴ to request for any records held by HHC re Oxford Street:</p> <p>“There is no documentation recording the history of any of the Oxford Street houses prior to 1949”</p>	<p>If there is no recorded evidence, why is the HHA being considered?</p>
<p>Version 2: Miller Peer Review 6 March 2023</p> <p>All 12 houses have a central front door and symmetrical windows.</p> <p>The historic land title shows all houses sold in 1920s.</p> <p>The houses are all early 1920s dwellings.</p> <p>The housing on Oxford Street has strong similarities with the prefabricated Ellis & Burnand and Railway cottages.</p> <p>No connection has been identified with the area and Railway housing.</p> <p>There were no property records available that related to the construction of these dwellings. All property records and building permits post-date 1949.</p>	<p>Only 2/12 houses have central front doors and symmetrical windows. (Photos provided plus site visit)</p> <p>The historic title for Oxford Street only shows three houses were sold in the 1920s. (Title provided)</p> <p>There is evidence that several houses are likely 1930s or 1940s.</p> <p>The houses are not actual or similar to E & B prefabricated houses. (Detailed examples of what E & B prefabricated houses look like from Ellis and Burnand documents were provided in May).</p> <p>Previous submissions showed no similarity to Railway cottages.</p> <p>HCC have no evidence of anything re Oxford Street prior to 1949.</p>

²⁴ 7 December 2022
Oxford Street (East) HHA Submission

Mr Knott/HCC Version	Dorrell/Whyte Rebuttal
<p>Version 2A: Knott Revision April 2023 (Appendix 8)</p> <p>As per Version 2 plus:</p> <p>Whilst it cannot be verified, it is likely that they are Ellis and Burnand.</p>	<p>E & B prefabricated houses did not exist until late 1920s and thus early 1920s houses cannot be a late 1920s type of house.</p> <p>Having a “strong similarity” is not a heritage value.</p> <p>Given the incorrect descriptions of the houses, we questioned whether Mr Knott (and Mr Miller) had actually been to the Oxford (East) HHA.</p>
<p>Version 3: Knott oral rebuttal 29 and 31 May 2023</p> <p>Mr Knott said that he had visited the Oxford (East) HHA. He stated that when he referred to the houses all having central front doors and symmetrical windows, he meant the houses used to have them and he could read this from a 1940s aerial photo.</p> <p>In response to the houses not having the features or age of Ellis and Burnand prefabricated houses, Mr Knott stated that E & B had three types of housing:</p> <ul style="list-style-type: none"> • Prefabricated • “Other” (apparently plan book) • Houses which contain E & B joinery 	<p>Why would “used to have central front doors in a 1940s aerial photograph” be a heritage value?</p> <p>Mr Knott did not actually say which of these three types he meant when he said “Ellis and Burnand prefabricated” but actually meant “Ellis and Burnand other”. Note that in versions 4 and 5, we are still recorded as the prefabricated type.</p> <p>The first Ellis and Burnand plan book was produced in 1933 after the prefabricated houses, thus making it impossible for the houses to be of that type or be copied from that typology.</p> <p>Joinery is covered in this document and November 2023 oral submission.</p>

Mr Knott/HCC Version	Dorrell/Whyte Rebuttal
<p>Version 4: (3rd written version) 22 September 2023</p> <p>“Railway Cottages” now removed from HHA title.</p> <p>Otherwise as for Version 3 above plus:</p> <ul style="list-style-type: none"> • Have significant E & B joinery • Typical early state housing • Documentary evidence of connection with E & B • Rankings of moderate architectural and historical heritage values 	<p>This is covered in this document and November 2023 oral submission.</p>
<p>Version 5: October Area Statements</p> <p>(Schedule 8D 27 October 2023)</p> <p>These have been removed or not mentioned:</p> <ul style="list-style-type: none"> • Have significant E & B joinery • Typical early state housing • Documentary evidence of connection with E & B <p>The reference to all the central front doors etc having been “original features seen in the aerial photo”, rather than present features, has reverted back to claiming that the features are currently present on the HHA houses as per Version 2A.</p>	<p>This is covered in this document and November 2023 oral submission.</p> <p>And no, our houses have not changed back to whatever Mr Knott saw in the 1940s aerial photo since our May 2023 submission.</p>

Mr Knott/HCC Version	Dorrell/Whyte Rebuttal
<p>Version 6: Mr Knott’s rebuttal – November 2023</p> <p>??</p>	<p>Request the IHP visit Brookfield Street or Fuchsia Avenue if they wish to see an Ellis and Burnand prefabricated house and/or believe that the Oxford Street houses may be of this typology.</p> <p>Request the IHP consider why Mr Knott has given so many versions, none of which have any evidence. Why has Mr Knott responded to each rebuttal of his “evidence” with a completely new fabricated story? Why has Mr Knott failed to correct errors when they were proven to be errors? Refer to Appendix F for our possible answers to these questions.</p> <p>Request the IHP record this HHA as having no heritage value.</p>

Appendix C: Ellis & Burnand Joinery Factory

Background

1. The Waikato Sash and Door Company was opened in **1902** and was credited with being the first of its kind in Hamilton. This was taken over and then expanded by Ellis & Burnand circa 1904. **By 1906, the Ellis and Burnand Joinery Factory had 53 employees²⁵**. This suggests it was a large company even at the start.
2. Until the late 1920s, Ellis and Burnand were the **only** joinery company advertising in the Waikato Times. Given the size of the company, and a probable monopoly on joinery in the Waikato in the early decades of the century, it is reasonable to think that there are many **thousands** of houses built in the Waikato since 1902 which have some joinery from Waikato Sash & Door or, **as it became in 1904**, the Ellis & Burnand Joinery Factory.
3. In 1905, Ellis & Burnand advertised that they could produce/provide joinery very quickly. The factory produced both custom-made joinery and what they advertised as “ordinary” joinery.
4. All their advertising refers to sash windows, with no mention of standard casement windows like those in the Oxford Street houses. Their advertising also only refers to native timbers like Kauri, Kahikitea²⁶ Rimu and Totara.
5. There are poorly documented examples of custom-made Ellis & Burnand joinery in **Hamilton East** and **Claudlands²⁷**.
6. The factory was closed in 1972.

“When planning the transfer of manufacturing operations from Bryce Street, consideration was given to the erection of a new Joinery Factory, but your Directors were of the opinion that a reasonable return on such an investment

²⁵ Williams, Thematic Review, page 235

²⁶ Also called “white pine”

²⁷ Photographic evidence held by Hamilton City Library claimed to be custom-made Ellis and Burnand doors and windows on unknown houses.

could not be achieved. Consequently, the Bryce Street Joinery Factory has been closed and staff transferred.”²⁸

²⁸ 1972 Fletchers Annual Report. Fletcher Archive item 1414/14/2

Images

C. J. W. BARTON

G. H. C. WISHART

Barton & Wishart,

**Carriers, Contractors,
Coal, Firewood,**

AND

Timber Merchants,

HAMILTON.

ELLIS & BURNAND, LTD.,

Timber Merchants, Etc.

HEAD OFFICE, HAMILTON.

SASH, DOOR, JOINERY AND BOX
FACTORY, HAMILTON.

SPLendid RIMU DOORS.
TOTARA OUTSIDE DOORS.
TOTARA SASHES that will stand as
fitted.

All Kinds of Joinery and Turnery sup-
plied in TOTARA, RIMU, or KAUMI,
from ABSOLUTELY DRY TIMBERS.
(See below)

Large Stock of Ordinary Lines.

WE ARE THE ONLY FIRM IN N.Z.
that can offer our customers Joinery made
from BONE DRY TIMBER. We have
at a very large expense erected a modern
American Moist Air-Drying Chamber, and
while the process is a VERY SLOW ONE,
the timber comes out in perfect condition.
We have not advertised till we were sure
on this point, but Joinery can now be seen
at the Factory that has been made many
weeks, and the joints are now as perfect as
when first made.

☛ The Factory is under Entirely New
Management.

☛ All Joinery branded E. & B. See
that you get it, and so ensure
well-made Goods that will stay
as made.

Saw and Planing Mills:
MANGAPEEHI, OTORAHANGA, TIROA
Directors:
J. W. ELLIS, H. BURNAND, H. VALDER.

TIMBERS:


Totara	Rimu
Matai	Kauri
White Pine	

ELLIS & BURNAND,
LIMITED.
HEAD OFFICE—HAMILTON.

WASTE PAPER for sale Apply
WAIKATO TIMES Office, Hamilton.

Source: Waikato Times, Volume LVI, Issue 6857, 1 November 1905, Page 3

This is an example of an Ellis and Burnand branded product.



The E. & B. "Lightstep" Folder Steps

The "E. and B. Lightstep" Folder Steps for use in your Home or Business.
Don't be without one.

Don't Stand on your Kitchen Dresser step on a "Lightstep."

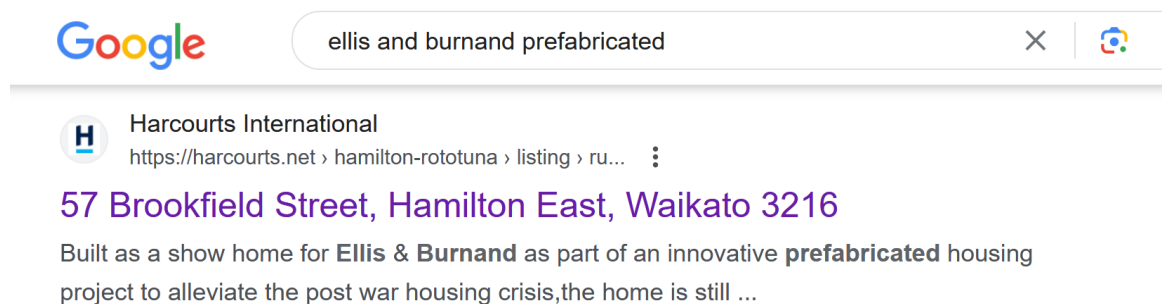
Page Thirty-one.

Source: <https://heritage.hamiltonlibraries.co.nz/objects/5952/ellis-burnand-step-ladders>

Appendix D: Ellis and Burnand Prefabricated Show Homes in Hamilton East

How we identified and located them via online research

1. It is of note that Mr Knott's supposed "online research" failed to identify and record Ellis and Burnand prefabricated housing **which actually exists** in Hamilton within the Hamilton East HHA.
2. If Mr Knott had typed "Ellis and Burnand prefabricated" into Google, the **sixth**²⁹ result would have led him to the fact that, in the late 1940s, Ellis and Burnand had show homes in Hamilton East.



3. If he then used GoogleEarth to check out the street, he would have seen that three of the show homes remain relatively unmodified today. If he had then gone to the LINZ title search and looked at the historical title, he would see that Ellis and Burnand subdivided the land around the show home listed by Harcourts, into five lots in the early 1950s. This is basic online research.
4. In Mr Knott's street-by-street analysis³⁰ he describes the street block in the Hamilton East HHA, which contains the unmodified prefabricated Ellis and Burnand house, as having "significant consistency in architecture". This block contains two prefabricated Ellis and Burnand houses and one probable Ellis and Burnand plan book house. Most of the other houses on the block are brick. Given the supposed importance Mr Knott has given to Ellis and Burnand prefabricated houses, this appears to be a significant oversight.

²⁹ This was also performed by someone who had never researched Ellis and Burnand to ensure that our search algorithms had not prejudiced the priority in the results.

³⁰ The houses fall in the Brookfield (Nixon to Galloway) and Galloway (Brookfield to Naylor) street descriptions.

Street/block layout forming part of the wider Hamilton East street pattern, substantial regularly spaced street trees. Regular lot size/dimension and layout along street frontage lots; although there are some garages in front yards these do not take away from the overall impression of consistency (rear lots vary). Grid layout is imposed over broadly flat landform. Significant consistency in architecture (a few more modern buildings do not detract from the overall impression). Some variation in street frontage treatments, but fences are not overly dominant.

5. Apart from being slightly larger³¹, and having tiled roofs, the Hamilton East 1940s Ellis and Burnand prefabricated show homes have the same distinctive features as those in the 1933 catalogue, **and as described in our earlier evidence**, and are further proof that **there are no Ellis and Burnand prefabricated houses in Oxford Street**.

History/Evidence of Ellis and Burnand Show Homes

6. Ellis and Burnand owned five sites on what is now 55, 57, 59 and 61 (and 61A) Brookfield Street, and 43 (and 43A) Galloway Street. The original land transaction is on title SA202/197³². In 1952, a new title³³ was issued in which Ellis and Burnand (who already owned the land) subdivided the area into five separate titles. All houses were sold to private owners in 1966.
7. Electoral rolls and street directories show that most of the houses had occupants from the late 1940s. For three of these properties³⁴, the late 1940s residents became the 1966 purchasers.
8. The 2018 sale description for #57 Brookfield states that it was a 1940s Ellis and Burnand prefabricated show home. Given the five lots were owned and subdivided by Ellis and Burnand and all sold at the same time, it is probable **all five properties** were show homes.
9. #55 **appears**³⁵ to be an Ellis and Burnand **plan book** show home.

³¹ As suggested in our 9 May 2023 submission, as the E & B technology improved, larger prefabricated houses could be built.

³² Title not obtained as LINZ advised it will cost \$25 to get the title as it has not been digitised. It is probably the original title for the area.

³³ SA1033/268. Copy at end of this appendix.

³⁴ 55 and 57 Brookfield Street and 43 Galloway Street

³⁵ Alternatively, it could be a prefabricated home which has been reclad.

10. #57 **was** an unmodified Ellis and Burnand prefabricated house until it was altered substantially in 2019.
11. #59 **is** a current example of an Ellis and Burnand **prefabricated** house with minimal modification.
12. #61 and 61A have new buildings on the site.
13. #43 Galloway Street is a modified Ellis and Burnand **prefabricated** house. 43A is a new build on a cross-lease.
14. All of the houses are in the proposed Hamilton East HHA.
15. None of these houses are proposed built heritage. The house opposite 59 Brookfield Street (88 Brookfield) is proposed Built Heritage Schedule B.
16. A title check for the house next to these houses on Brookfield Street does not suggest it was connected to Ellis and Burnand in any way, and thus it is likely the show homes were just these five properties.

59 Brookfield Street, Hamilton East (existing)



This 2023 image from GoogleEarth³⁶ shows the unique features of Ellis and Burnand prefabricated houses: flat weatherboard profile and the distinctive vertical battens over joints between prefabricated panels.

³⁶ The house looked the same as this when viewed in person on 30 September 2023. However, as there were a number of vehicles in front of the house, the GoogleEarth image has been used instead.

57 Brookfield Street, Hamilton East (now modified extensively)

The following Ellis and Burnand prefabricated house was advertised for sale in 2018³⁷ and has since been significantly altered.



57 Brookfield Road, Hamilton East, November 2018

The house is recorded as being a two-bedroom house built as a post-war prefabricated show home for Ellis and Burnand and was being sold by the original owners.

This image shows the unique Ellis and Burnand flat weatherboard profile and the distinctive battens over joints between panels.

The Harcourts Real Estate listing dated 1 November 2018, advertises:

³⁷ <https://harcourts.net/nz/office/hamilton-rototuna/listing/ru6177-57-brookfield-street-hamilton-east-waikato-3216>

Sitting on 809m² of prime Hamilton East land this 1940's cottage has a story all of its own. If walls could talk, there would be some great stories here.

Built as a show home for Ellis & Burnand as part of an innovative prefabricated housing project to alleviate the post war housing crisis, the home is still owned by the original occupants. The home featured all the new materials of the day maintaining an abundance of the native timbers that were so prolific back in the day.

Either as a do-me-upper or as a complete development site, you will want to do your own investigation.

The initial purchaser of the house, Robert Harold Hedge, is recorded in 1941 as being a “general boxmaker”³⁸. As such, it is possible that he was an employee at the Ellis and Burnand Box Factory. His wife Mavis Hedge died in August 2018 and the house was sold shortly after.

**406140 Hedge, Robert Harold, general boxmaker, 15 Primrose St.,
Frankton Junction.**

OneRoof records the house as sold in November 2018 for \$452k. A consent for “addition and alterations to existing dwelling” was issued in July 2019. The house has been modified significantly. It is now 247m² and is not recognisable as an Ellis and Burnand prefabricated house from the street view.

³⁸ Page 17, NZ Gazette “Extraordinary”, 26 March 1941 Notice as to Men called up under the National Service Emergency Regulations 1940 for Service with the Territorial Force.

43 Galloway Street (existing)



Image taken from the side in Galloway Street showing flat weatherboard profile and vertical battens over joints between panels.

The combination of the high front fence and a veranda addition make it difficult to see the front of the house.

55 Brookfield Street (existing)



55 Brookfield Street does not have the flat weatherboard profile and distinctive vertical joins of a prefabricated house. It is of note that, apart from the lack of prefabrication features, this house is very similar to that of 59 Brookfield Street with the distinctive symmetrical windows and inset front door.

In the 4th edition of Practical Home Designs³⁹ (the post-war Ellis and Burnand house plan book) Plan No. 34 (an 835 square feet (77.6m²) three-bedroom house) states that “an identical version is available in Ready-to-Erect form”⁴⁰. This house may be a Plan Book show home of the same design as the prefabricated version at #59. It is also possible that it was a prefabricated house which has been reclad.

Small cost – large living

Everything possible has been included in this compact three-bedroom home of 835 square feet. Wardrobes are provided in all three sleeping rooms and hall space is kept to an absolute minimum. Modern in design the kitchen is large allowing adequate space for dining with a plentiful bench working area. Construction and plumbing costs are kept to a minimum in this carefully planned home. An identical version is available in Ready-to-Erect form at Ellis & Burnand and prices and details are available on request.

³⁹ Copies of 2nd and 4th edition are held in Hamilton Libraries Heritage Collection

⁴⁰ Note that this house does not exactly match design No.34. This is just given as an example of Ellis and Burnand designing identical houses in prefabricated and plan books in the 1940s.

Land title SA1033/268: Subdivision of Ellis and Burnand Land

NEW ZEALAND REGISTER

SCHEDULE 1.

Warrant No. 5487
Reference: P.R. Vol. 202 folio 197
Transfer No.

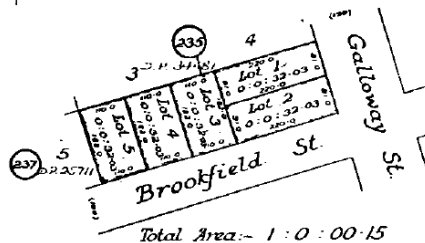
Register-book
Vol. 1033, folio 268



CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT

This Certificate, dated the nineteenth day of December, one thousand nine hundred and fifty-two under the hand and seal of the District Land Registrar of the Land Registration District of AUCKLAND being a Certificate in lieu of Grant, under Warrant of His Excellency the Governor-General, in exercise of the powers enabling him in that behalf, Witnesseth that ELLIS AND BURNAND LIMITED a duly incorporated Company having its registered office at Hamilton is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered, green be the several admeasurements a little more or less, which said land is in the said Warrant expressed to have been originally acquired by the abovesamed as from the twelfth day of December, one thousand nine hundred and fifty-one under Section 122 of the Land Act, 1948, that is to say: All that parcel of land containing one acre and decimal one five of a perch more or less situated in the City of Hamilton being Lots 1, 2, 3, 4 and 5 on Deposited Plan 17379 and being Allotment 236 Town of Hamilton East

TOWN of HAMILTON EAST.



Subject to the reservations and conditions imposed by Section 59 of the Land Act, 1948.

S. 354298: Transfer of Lot 5 Plan 17379 to Robert Thomas Robinson produced 29.8.46 at 2.8.46

S. 354393: Transfer of Lot 1 Plan 17379 to George Harrison produced 20.9.46 at 10.00.46

* S. 357739: Transfer of Lot 2 Plan 17379 and 6.2.62.470 to Robert Thomas Robinson produced 7.10.46 at 10.50.46

* S. 357739: Transfer of Lot 3 Plan 17379 to Frank Nelson and Grace Margaret Nelson produced 3.10.46 at 10.30.46

* S. 357739: Transfer of Lot 4 Plan 17379 to Robert Thomas Robinson produced 7.10.46 at 10.50.46

Lot 1 = 43 Galloway St
Lot 2 = 61 Brookfield St
Lot 3 = 59 Brookfield St
Lot 4 = 57 Brookfield St
Lots 5 = 55 Brookfield St

Appendix E: Ellis & Burnand/Builders Land Services Limited Pukete Development

1. By the 1960s, Fletchers owned a large part of Elis and Burnand Limited. Fletcher Archives provided the following information from Annual Reports⁴¹.
2. The 1973 annual report contains an image with the description “An E. & B. Land and Housing Project Pukete, Hamilton North.”⁴²



AN E. & B. LAND AND HOUSING PROJECT PUKETE, HAMILTON NORTH

3. The 1974 report states under ‘Subsidiary Companies’, “Builders Land Services Limited showed improved results with the sales of sections in the rising land of our Pukete Subdivision.”
4. The 1974 annual report states “Development of further areas in the Pukete Block is proceeding with concentration on the production of low-cost sections to provide sites for the erection of E. & B. Homes qualifying for Housing Corporation finance.” Purchases of land in Horsham Downs and Rotokauri for future development are also mentioned.

⁴¹ Fletcher Archive item 1412/14/2

⁴² This may be the property on the corner of Challinor and Fuchsia. The house has since been replaced but the curve and the houses in the background look similar.

5. The 1975 report mentions the building of E & B homes.
6. The Wikipedia listing for Pukete streets⁴³ lists several streets as being originally owned/developed by Builders Land Services. These are Challinor, Clematis, Fuchsia, Houhere, Kohekohe, Manuka, Ngaio, Pohutukawa, Pukete, Tanekaha and Titoki. The other developers listed in the area include Peerless Homes.
7. We visited these streets in October 2023. We identified three houses⁴⁴ which we believe are prefabricated Ellis and Burnand houses.
8. The historic title⁴⁵ for the streets including these houses shows the property owner as the Fletcher subsidiary, Builders Land Services Limited. The title also includes the transfer of what is now Braithwaite Park to HCC.
9. Many of the other houses in the area on this title have strong similarities to each other, but not the features of the prefabricated houses. Given the references in the annual report to them being E & B houses, it is likely these are E & B plan book houses. The earlier houses may have E & B joinery. As the joinery factory ceased manufacturing in 1972, the joinery could be from there, or from one of Fletcher's many other subsidiaries.

⁴³ We acknowledge that this is not a quality source but used it as a starting point.

⁴⁴ 33 and 35 Fuchsia Avenue and 5 Kohekohe Place, Pukete

⁴⁵ SA12D/1273

Appendix F: How did Mr Knott, Mr Miller & HCC District Plan get this HHA so wrong?

1. In Mr Knott's initial review of streets, he treated Oxford Street differently to other streets as he scored the two ends together while excluding around 28 other houses⁴⁶ in the middle and on the opposite side of the street. Our street ranking which ignored most of our street was 6/7. There is no other small street where two very small HHAs were created.
2. Marshall Street was ranked 4.5/7 and so did not meet the criteria to be included. However, Mr Knott ignored his methodology because he thought that some houses "may be Railway cottages"⁴⁷.
3. Like Marshall Street, Wye Street also had houses which Mr Knott (also incorrectly) identified as Railway cottages and also had a ranking of 4.5/7. However, in contrast to the treatment of Marshall Street, Wye Street was excluded from the nearby HHA.
4. A submission from Frankton East residents wanting Wye Street to be included in their HHA stated (incorrectly) that the houses that Mr Knott thought were Railway houses in Wye Street were in fact Ellis and Burnand prefabricated houses and that these were very important as they were made in the Ellis and Burnand House Factory.
5. In their peer review Mr Knott and Mr Miller (together) visited the Frankton East HHA and looked at the houses claimed to be E & B prefabricated houses.
6. This is a guess, but we think that they then went to Oxford Street (West) and noted the houses (which mostly do have central front doors, symmetrical windows and gables parallel to the street) looked somewhat similar to the houses in Frankton East.
7. While at Oxford Street (West), Mr Miller was advised that he should be reviewing the other end of Oxford Street⁴⁸.

⁴⁶ 70% of houses were excluded. They are almost all pre-1980s and so were within the period he was reviewing.

⁴⁷ When it was discovered, that they were not Railway cottages, Mr Knott should have immediately removed the Marshall Street houses from the HHA as they did not otherwise meet his criteria and no other heritage values have been given in his later iterations.

⁴⁸ Footnote 68, Miller Statement of Evidence 6 April 2023

8. What exactly happened next is unknown, but it appears that when Mr Miller wrote his report, he mixed up the two ends of the street and described the Oxford (West) houses.
9. Mr Knott copied Mr Miller's report with minimal changes and no checking.
10. We do not believe either Mr Knott or Mr Miller researched Ellis & Burnand prefabricated houses before finalising their reports as they would have seen the obvious issue with houses that they claimed to be built in the early 1920s being of a type not invented until the late 1920s.
11. We researched E & B prefabricated houses. We found that the first ones were manufactured in the late 1920s (after several of the Oxford (East) houses were built), that they have distinctive features (flat weather board profile, prominent vertical battens and (in 1920s and 1930s versions) were less than 60m²) and none were permitted in Hamilton Borough until late 1930s and so the 1920s and 1930s Frankton East houses could not be E & B prefabricated houses.
12. We made our submission proving that our houses were not E & B prefabricated houses, and that our houses did not match the description given by Mr Miller or Mr Knott in their reports.
13. Rather than admitting he made an error, Mr Knott stated that he meant he could read the described front door, gable etc from an aerial photo and that there were three types of E & B houses and we were one of the "other" undefined ones.
14. These errors were carried through to his September 2023 statement of evidence and reported as "facts" and "heritage values". In doing this, Mr Knott appears to have effectively created a new housing typology being houses which contain E & B joinery, with no understanding of the prevalence of Ellis and Burnand joinery in the Waikato. Mr Knott has also treated features which he believes have been removed (although there is no evidence they ever have existed) as being of moderate architectural heritage value.
15. Then, in the October Area Statements, it appears that Mr Knott forgot what he had said in his May 2023 rebuttal, and what he had written in his September

Report and largely copied from his April 2023 report, but with the rankings from the September 2023 report.