

# Response Form

## Partial Review of the Core Strategy for the Royal Borough of Kensington and Chelsea with a focus on North Kensington

### Development Plan Document policies

All representations **must** express a view regarding the soundness or legal compliance of a planning policy. If the representation does not comment on soundness or legal compliance, or deal with how a policy can be altered to make it sound the representation will **not** be valid.

**Name:** Anthony Walker

**Company/Organisation:** Edwardes Square Scarsdale and Abingdon Association

**Representing:** \_\_\_\_\_

**Email:**

Please complete the form and email it or send it to:

The Executive Director of Planning and Borough Development  
f.a.o The Policy Team  
The Royal Borough of Kensington and Chelsea  
The Town Hall,  
Hornton Street,  
London W8 7NX

**Email address:** [planningpolicy@rbkc.gov.uk](mailto:planningpolicy@rbkc.gov.uk)

## Publication Stage Representation Form

To be **“sound”** the contents of a local plan should be POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

**“Positively prepared”** means that the planning policy needs to:

- be prepared based on a strategy which seeks to objectively assess development and infrastructure requirements, including those of neighbouring authorities where it is reasonable to do so.
- It must also be consistent with achieving sustainable development.

**“Justified”** means that the planning policy must be:

- founded on a proportional evidence base
- the most appropriate strategy has been selected when considered against the reasonable alternatives.

**“Effective”** means that the planning policy must be:

- deliverable over its period
- based on effective joint working on cross – boundary strategic priorities.

**“Consistent with National Policy”** means that the planning policy should enable the delivery of sustainable development in accordance with the guidance contained within the National Planning Policy Framework (NPPF).

It must also be **legally compliant** which means that the planning policies have been prepared in accordance with legal and procedural requirements.

**State planning policy or paragraph number to which you are referring**

**Basements Publication Planning Policy July 2013  
Policy CL7**

**Yes**

**No**

**Do you consider the planning policy to be sound?**

**Please tick box as appropriate**

**If you have selected YES and you wish to support the soundness of the planning policy, please give your reasons below. Please be as precise as possible. Please make it clear which paragraph number or Policy box number you are commenting on.**

In principle we believe the policy to be sound and welcome its introduction. We consider that the consultation process has allowed a healthy exchange of views between all parties. The five years during which the current SPD Subterranean Development has been in existence, including its development, has provided excellent opportunities to understand the impact of basement developments.

We believe that there are still issues which require consideration, including the following comments from the Edwardes Square Scarsdale and Abingdon Association.

**34.3.46** While we support the objective of clearly defining an existing basement, we are concerned that this definition will be difficult to apply in many instances and nor does it describe what many people traditionally consider to be a basement. A traditional basement is created under the footprint of the building and provides the foundations for the building. It is usually below both the back garden level and that at the front which is often built up sometimes over vaults serving the property. This is a function of the method of construction. We suggest that, for the purpose of this policy, the floor of any storey which is 50% or more below the predominant garden level should be designated a basement.

**34.3.47** Whether or not a basement is a useful way of adding space

depends on the individual circumstances . We ask that 'useful' be removed.

34.3.49 ESSA strongly supports this statement.

34.3.50 ESSA strongly supports this statement.

34.3.51 ESSA supports the restriction to one level but does not support the allowance of an extension covering up to 50% of the garden. We consider that the basement should be restricted to the footprint of the existing building plus a modest lightwell to provide natural ventilation and daylight. Many of the gardens in our area are in fact very small and any reduction of the natural habitat and drainage is detrimental.

34.3.54 We consider that, if development is allowed under gardens, there should be a minimum size (such as the equivalent of the footprint of the house) which must be retained as garden with no basement under it, or 50% of the garden, whichever retains the greater area of garden free of basement construction.

34.3.57 We are concerned about the proposed provision for a swimming pool; what measures would be taken to ensure that this use was retained intact and not converted to some other use at a later date, especially if the general height accepted is 4m. Any additional depth must comply with the general requirement to render it incapable of horizontal subdivision.

34.3.59 It must be clarified that 'basement' includes any existing structure which complies with the definition in 34.3.46

34.3.62 ESSA strongly supports this statement.

34.3.67 ESSA strongly supports this statement

34.3.71 ESSA has seen many examples of damage to adjoining properties and considers that the RBKC should retain the capability set out in the current SPD 6.1.4 to employ an independent engineer at the applicant's expense. This is important and cannot be left to Party Wall legislation since the principle of whether new construction is under the Party Wall or not may fundamentally affect the risk of damage and, if that has to change at a later date, it may have an impact on the way in which the basement area connects with the rest of the house.

- 34.3.72 ESSA supports this proposal.
- CL7a ESSA supports those who advocate restricting any new basement to the footprint of the building as has recently been adopted by Hammersmith and Fulham.
- CL7b ESSA strongly supports the limit to a single basement storey
- CL7c-n ESSA strongly supports these.

**please attach additional pages as required**

**If you have selected NO to the planning policy being sound do you consider the planning policy to be unsound because it is not:**

**Positively prepared**

**Justified**

**Effective**

**Consistent with national policy**

**Please give details of why you consider the planning policy to be unsound and / or suggest changes as to how it could be made sound. Please make it clear which paragraph number or Policy box number you are commenting on.**

**Please attach additional pages as required**

**Yes**

**No**

**Do you consider the Planning Policy Document to be legally compliant?**

**Please give the reasons for your choice below and be as precise as possible. Please make it clear which paragraph number or Policy box number you are commenting on.**

**The Council have held workshops and wide consultation supported by detailed research by independent bodies and has published this information in hard copy and on line so that it has been widely available.**

**please attach additional pages as required**

**Do you wish to appear at the Examination on any of these matters?**

**Yes**

X

**No**

**Please specify on what matter**

With regard to the extent of any basement