

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: Mr Jonathan Points

Company/Organisation: Homeowner

Representing: Self

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

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

Yes

No

Do you consider the planning policy to be sound?

Y

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.

Approximately three years ago a developer refurbished 22 Portland Road and excavated under his house and garden. He had employed a surveyor, a structural engineer and what apparently was a reputable firm of builders.

The works caused quite extensive damage to our house which after protracted discussions with my insurers was made good at the cost of more than £30,000. The damage included extensive external cracking to the front of the house and extensive internal cracking, mainly but not exclusively to the front of the house.

The stress of dealing with this and having to have the house repaired, which necessitated moving out for three months, and the subsequent increase in the insurance premia I pay was not compensated for in any

way.

Our house was refurbished in 2001 and had two strong box frames built in to it which gave the house rigidity. We are three houses away from 22 Portland Road where the excavations took place and numbers 24, 26 and 20 all suffered similar or more serious damage. Had our house not been structurally strengthened our surveyor believed that number 30 would have been damaged as well.

More recently a development at 35 Clarendon Road, which backs on to my garden has excavated under its garden. The work has caused two cracks in the wall separating our gardens and the owner refuses to pay for the repair work.

As the law presently stands there is no way suffering homeowners can recover costs associated with excavation work at neighbouring houses. The policy of permitting basement excavations is justified on wholly spurious grounds – namely that since extensions are not permitted upwards or to the front or rear of properties, then so as to provide families with more living space, the excavation downwards is fair. However, the vast majority of these excavations have nothing whatsoever to do with extra living space for larger families; they are about providing room for cinemas, gyms, wine stores and swimming pools. The Council has extensive evidence of this in its records on planning applications. There is a chronic housing shortage in the UK but the existing policy and the claims made by specialist basement excavation companies that basement extensions help solve that shortage are wholly false. Property developers and basement companies make easy profits from digging downwards in Kensington and Chelsea and cause misery to others.

The externalities (in an economic sense) of basement excavations are not just the costs other homeowners incur frequently in repairing damage, but they include noise, poorer air quality from generators and other equipment used for digging, the deterioration of the appearance of our streets due to skips permanently being parked outside, loss of parking space, not to mention a significant quantity of CO2 being generated by all the digging and transportation of the rubble dug up.

The proposed new Council policy goes some way to reducing the damage caused by sub basement excavations, though not far enough. As such I greatly welcome it.

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.

please attach additional pages as required

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

Yes

Y

No

Please specify on what matter