

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: Patrick Browning

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?

yes

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.

I consider the planning policy to be sound as the present lack of control leads to damage to the community, property and the environment while development is being carried out and may well cause damage to property in the future due to differences in foundation level in terraced housing.

Basement development is going on around me as I write with clouds of slate dust drifting past our (necessarily closed) windows and causing a health hazard. A few years ago the house two doors away (22 Portland Road) was bought by a developer who built a double basement below the house and the full length of the garden. The enormous hole that was created during the course of construction led to considerable damage to 5 nearby houses, including ours, due to subsidence. The developer

increased the size of his property by 75%.

The developer, and his insurers, resisted taking responsibility for the damage they had caused even though it was abundantly obvious that the substantial cracks had arrived in all our houses just after their hole was dug. The repairs to our own property cost our insurers approximately £30,000 and I believe they recovered only £20,000 from the developer's insurers.

When I discussed the damage caused with the Council it was suggested that this was a civil matter to be dealt with by a Party Wall Agreement. However, because our house is two doors away from the development we never had a Party Wall Agreement. No doubt the developer would say that he did not intend to cause damage to other property and that he employed competent contractors. However, the excessive nature of the basement development inevitably increased the risk of damage. Developers will always want to push for the greatest additional volume that they can achieve and the only defence that neighbouring and nearby owners can have is that supplied by planning regulations. For all these reasons I consider the planning policy proposed to be sound.

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

No

Please specify on what matter

