

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: Celeste and Victor Haghani

Company/Organisation: resident of RBKC

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

New basement policy under consultation, including limiting to 1 floor, 50% of garden, etc.

Do you consider the planning policy to be sound?

Yes

No

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.

The current policy does not adequately protect adjoining or adjacent neighbours, or the neighbourhood in general from overdevelopment and its multiple, pernicious effects on the rights of other residents to enjoy their lives and for their property to be protected. The proposed policy will go some way towards improving matters and is sound. It will help to preserve the character of our conservation area, which is not adequately protected under current policy.

We would like to add that our home, 45 Phillimore Gardens, was severely and structurally damaged by the subterranean development of 44 Phillimore Gardens, and the Party Wall protocols did not give us adequate protection. Even after receiving a settlement for the damage caused, we were considerably worse off in the matter when taking

account of the loss of enjoyment of our home in the state it had been in before the subterranean excavation work. This was the case for four years while the Party Wall process contentiously and expensively wound its way to an inadequate conclusion.

We understand that we are far from the only residents to have suffered in this direct manner, and that others have experienced far worse.

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.

Limitations of individual's property rights is legal when it is necessary to protect the rights of others who are having their rights infringed upon by dangerous and excessive development.

please attach additional pages as required

Yes

No

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

Please specify on what matter