

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: Timothy Nodder

Company/Organisation: OAKLEY STREET RESIDENTS' ASSOCIATION

Email: chairman@oakleystreet.org.uk

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 CL 7 c CL 7 e CL7 f

Yes No

Do you consider the planning policy to be sound? 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.

Other Policies in CL7 are supported as generally sound and our comments to that effect are contained for convenience in a separate representation.

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
X

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.

CL 7 c CL 7 e CL 7f and Reasoned Justification 34.3.46 36.3.59 and 34.3.63

LISTED AND NON-LISTED TERRACES

In sum, the justifications for protecting listed buildings, many of which are terraces built more than a hundred years ago, from excavations of additional basements are justification for providing similar protection for non-listed terraces of the same period. The policies as drafted are not effective for that purpose. Amendments are suggested.

(i) The justification at 34.3.59 refers to the building of additional basements under existing ones as having greater structural risks; and 34.3.63 refers in particular to the risks of structural damage to listed buildings; this justifies the safeguarding of all the terraces in this street built before 1914.

(ii) In Oakley Street there are five listed Victorian terraces (see details in addendum below). They have existing basements as the front doors are above the street level by a flight of steps and the basement has its own door into an area below the pavement level. These basements are part of the historic function of the house. CL 7 f will provide for protection of the heritage of the listed buildings in this street, and their gardens, and is welcome. Policy CL 7 c should also apply which states that basement development should not be built under an existing basement. This too is welcome.

(iii) There are two non-listed Victorian terraces of similar structure and appearance, having basements in areas and front doors with steps up from the pavement. There are also short terraces in the style of the turn of the

nineteenth century with similar basements. As the street is in the Cheyne Conservation Area and the listed and non-listed terraces are intermingled on both sides of the street the non-listed ones may be regarded as heritage assets; therefore CL 7 e is welcome.

(iv) Since the structural risks associated with excavations at listed Victorian terraces can reasonably be assumed to apply to non-listed terraces of the same period, it would seem reasonable and proportionate for policy to provide the same safeguard. This might be done by applying CL 7 c :- no second basement below an existing basement- but the definition of existing basement must be drafted with care. We do not consider that the description of basement in 34.3.46 of the Reasoned Justification is satisfactory; it is a departure from long established usage (see addendum below). The policy would not be effective as drafted.

(v) (v) A suitable rewording of CL 7 c might provide that “ Basement development should not be built under an existing storey where that existing storey opens into a front area next to the street and the level of the top of the street wall of the area is more than one metre above the level of the floor of that storey.”

(vi) (vi) At CL 7 f The prohibition on the excavation under gardens of listed buildings is welcome. We consider that the exception for gardens on large sites should be qualified . A large garden is an important amenity for the surrounding terraces, equivalent to a formal garden square. It should remain so, including the capacity to sustain large trees from planting to full maturity. Basement excavation especially in conservation areas would amount to harming a heritage asset. A suggested amendment to CL 7 f is to add “ Provided always that the garden is not a major amenity to surrounding properties.”

ADDENDUM

In Oakley Street five terraces are listed buildings described by English Heritage :

Nos. 1-11 “*Terrace of houses. Circa 1860. Three storeys plus attic storey and basement.*” Eng Heritage Ref 422165 (our underlinings)

Nos. 14-25 “*1860s Symmetrical terrace, stuccoed. Three storeys plus basement.*” Ref 422166

Nos. 26-27 “*Pair of terraced houses. Circa 1860. Three storeys plus basement.* Ref 422167

Nos. 28-35 “*Later C19 symmetrical terrace. Four storeys plus attic and basement* Ref 422168.

Nos. 101-108 *Circa 1860. Terrace. Three storeys plus attic storey and basement. Two windows. Brick. Channelled stucco to ground floor. Plain entrances approached by steps. Area railings .. Ref 422169*

The Cheyne Conservation Area Proposals Statement describes Oakley Street and includes :

Numbers 1 to 11 form a four storey plus basement terrace with rusticated stucco to the ground floor, the principal feature being the arched porches

Numbers 14-25, from the evidence of maps was built between 1860-63 and is a striking composition: three stories and a basement..

The terrace Numbers 28-35 stucco faced, places the main emphasis on the end pairs of houses....The ground floor with continuous balcony and projecting Corinthian porticos is of conventional type of the period.. [Note this terrace is not listed].

The adjoining terrace (41-57) ..a twenty bay composition arranged on a 1:4:3:4:3:4:1 rhythm... the terrace, four storey and basement, is of typical brick with rusticated ground floor projecting porticos and continuous first floor balcony. [Note this terrace is not listed].

The Victorian terrace returns to complete the street: numbers 85-108 a particularly undistinguished group when contrasted with the terraces opposite: four storey and basement, brick with stucco ground floor.. [Note Nos 85-100 are not listed].

The adjoining houses Numbers 36 and 37 break the pattern of the mid-19th century terraces, being four storey and basement red brick in the style associated with mansion blocks of the turn of the century. [Note Nos 36 and 37 and the similar sections of red brick terrace 38-40, 70-74 and 98-100 are not listed]

BASEMENT extract from Oxford English Dictionary

quote basement 1. the lowest or fundamental portion of a structure.

3 a *spec* The lowest storey (not a cellar) of a building, esp. when sunk below the general ground level.

1823 SCOTT in *Lockhart* (1839) VII 204 The under or sunk storey – basement the learned call it.

3 b *attrib* 1865 DICKENS *Mut. Fr* iv 22 Down stairs to a little basement front door

1917 T S ELIOT *Prufrock and Other Observations*

They are rattling breakfast plates in basement
kitchens unquote

T S Eliot was a Kensington resident and the verse usefully continues its description of the function of the Victorian/Edwardian basement storey

And along the trampled edges of the street

I am aware of the damp souls of housemaids

Sprouting despondently at area gates.

p27 in Collected Poems 1905- 1935 Faber and Faber

Please attach additional pages as required

Yes No Do you consider the Planning Policy Document to be legally compliant?
X
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.

There was attendance from this street at several of the consultations described in the RBKC Summary of Consultation; written comments were submitted at appropriate stages. It was useful to attend the event at which one could hear and question architects and property consultants (RBKC Summary of Consultations para 2.16). The process of consultation appeared to be fair.

please attach additional pages as required

Yes No

Do you wish to appear at the Examination on any of these matters? YES X
Please specify on what matter

CL7 c CL7e CL7 f Listed and Non-Listed Terraces