

## 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: **Basements**

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:** Michael Bach

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**Company/Organisation:** Kensington Society

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)

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

**Policy CL7: Basements**

**Yes**

**No**

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

X, but  
not CL7

**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 Society would like to commend the Council for an exemplary involvement process of several iterations of consultation with meetings to discuss the policy and workshops to explore the issues in more detail with a strong mix of developers, contractors, amenity societies and residents where the detailed wording was discussed.

The Society is pleased that we have made a lot of progress, but we still have issues where:

- **we disagree** – we propose that there should be no basements under gardens, not just those of listed buildings.
- **we wish to strongly support the policy**; and
- **we think the policy and, particularly, the reasoned justification needs further improvement.**

Overall **we consider that the policy is sound** as the Council is seeking to reduce the scale of basements and thereby the extent of disruption and nuisance these projects cause to neighbours, even though we propose no basements under gardens and a different definition of a basement.

The Society **strongly supports the thrust of Policy CL7 and consider that the elements, except building under gardens, are sound.** It is essentially a package which sets clear criteria for an acceptable basement development. Nevertheless, we still propose that basements be limited to the footprint of the building, except for listed buildings, and that the choice of 50% (CL7(a) and Para 34.3.51) is unsound. (see below)

**NB: Our detailed comments and proposals for change are in the accompanying submission.**

**The Society therefore considers that the following elements of Policy CL7 are sound:**

- CL7(b): a limit of one storey (+ para 34.3.51, 34.3.56 and 34.3.57)
- CL7(c): not building under an existing basement, subject to agreeing the definition (+ para 34.3.59)
- CL7(d): the protection of trees, especially those of townscape or amenity value (+ para 34.3.60)
- CL7(e): not cause harm to the significance of heritage assets, although we consider that the policy could mention listed buildings and conservation areas (+ para 34.3.61)
- CL7(f): not excavating under listed buildings or their gardens (+ para 34.3.62-66)
- CL7(g): not introducing light wells and railings at the front of buildings unless already an established feature (+para 34.3.67)
- CL7(h): maintain and take opportunities to improve the character or appearance of a building through sensitive design and discreet siting of light wells
- CL7(i): the inclusion of a sustainable urban drainage scheme, although we propose that should absorb all run-off due to the basement not just attenuate the flow to the sewer. (+ para 34.3.68)
- CL7(j): any new building with a basement or any new basement to an existing property should be adapted to a higher level of performance with regard to energy, waste and water. (+ para 34.3.69)
- CL7(k): ensure that traffic and construction activity does not cause harm or unreasonable inconvenience to those nearby, although we have strong concerns about the standards currently applied to assess this (+ para 34.3.70)
- CL7(l): ensure construction impacts are kept to acceptable levels, subject to the same concerns as CL7(k)
- CL7(m): minimise damage to and safeguard the structural stability of the building and its neighbours
- CL7(n): protect basements from sewer flooding (+ para 34.3.72)

Nevertheless, the Society has proposed changes and additions to the text of

the reasoned justification of these policies.

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.

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.

Yes

No

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

X

Please specify on what matter

All of Policy CL7

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

CL7(a) not exceed a maximum of 50% of each garden + Para 34.3.51

**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.**

**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.**

The Society considers that limiting the addition to a new single-storey basement under the footprint of the house should be the preferred option as a precautionary approach to avoiding or minimising the scale and duration of demolition, excavation and construction activity and the associated traffic, parking suspensions, noise, vibration and dust. Limiting new basements to the footprint of the existing building would be more effective in that it would provide additional space for recreation and storage, whilst avoiding or reducing the many of the adverse effects, especially those related to the scale and duration of the construction process.

It should be noted that basements merely expand the floorspace of the house – they do not house additional households, nor are they used for that purpose.

The Society, whilst strongly supportive of the move away from the arbitrary 85% rule of thumb which is wrongly translated by applicants and, sometimes, planning officers as a minimum expectation, rather than a maximum, has totally failed. A 50% rule, whilst equally arbitrary, is inappropriate for very small gardens, as 50% of very little is very, very little! It would be far more effective to have a clear rule for all cases.

**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**

**Yes**

**No**

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

**Please specify on what matter**

Policy CL7 (a) and para 34.3.51

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

Large empty rectangular box for entering the planning policy or paragraph number.

**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.**

Large empty rectangular box for providing reasons for the 'Yes' selection.

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**