

RBKC Basement Policy Review
Austin Mackie Associates for Waltonwagner
Representor Reference 183
Matter 4

Issue 4.1 50% restriction

We do not accept that the 50% limit is anything other than an arbitrary figure.

This is evident from the Council's own evidence base, which indicates that the 50% figure was not the result of a detailed assessment of landscape or biodiversity impacts, but that it was plucked from an early stage of the consultation process.

The wider evidence base makes no convincing attempt to support 50% versus any other alternative figure.

The criterion appears to apply to gardens and "open parts" without any differentiation to their size or existing character, with the arguably odd exception that flexibility may be permitted on larger sites.

One would have expected that on larger sites with greater flexibility, it would be easier to accommodate retaining or re-providing adequate new garden space, whereas on smaller properties, far less flexibility exists.

In practice smaller gardens and yards require a more flexible application of policy in terms of how landscape character and drainage issues are mitigated through any development.

Further, the policy takes no account of the existing character of open areas, many of which contain courtyards or terraces that have no existing soft landscape features.

It is unreasonable for the policy to assume that for reasons of landscape or drainage considerations, that a 50% (or whatever) coverage should apply to such sites.

In this context, we consider that the criterion and the supporting evidence fail the soundness tests in terms of being justified; in that they have not properly considered reasonable alternatives.

We propose an alternative approach on this criterion within our alternative policy suggestion.

