**REPRESENTOR ESSA (Edwardes Square Scarsdale and Abingdon Association)**

**MATTER 4**

**ESSA/4**

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA PARTIAL REVIEW OF THE CORE STRATEGY**

**CONSERVATION AND DESIGN**

**Representations by Anthony Walker of Edwardes Square Scarsdale and Abingdon Association**

**Matter 4 Living Conditions**

Issue 4.1 Policy CL5

*24 Does Policy CL5 contain an appropriate level of detail to provide an effective framework for considering all types of development including roof terrace, that may affect living conditions, and are all relevant issues that affect living conditions covered?*

We do not consider the level of guidance to be adequate and in some instances we consider that it offers less than is available under the current policies. For example, the existing policy CL5a states that ‘if sunlight and daylight provision is already substandard there should be no material worsening’. The new policy CL5b just refers to ‘good standards of daylight and sunlight’ being required, which may not be possible in existing situations, and the justification in 34.3.37 refers to the need for on-site judgement but gives no guidance on what the objective should be, i.e. no worsening of substandard conditions.

We have similar concerns over the loss of any clear reference to the impact of terraces. The justification refers to terraces being visually intrusive and indeed recent Appeal Decisions have referred to the impact not only of the terrace but also of the garden furniture such as heaters, lights and parasols. Thus it is not only the terrace itself but its use which has a visual impact. The Policy makes no reference to this intrusion into the quiet enjoyment of neighbouring properties but refers to ‘visual privacy’ which may be interpreted solely as overlooking.

We are not clear about the significance of the use of the word ‘small’ in paragraph 34.3.39 and whether this can be interpreted to mean that areas which allow, say, just one or two people to sit outside may be more acceptable than larger terraces which can naturally give rise to larger numbers of people and greater risk of disturbance.