***Jane Whewell 1/***

I do not consider that all revisions are consistent with national policy (eg. revisions in relation to density are not in line with the London Plan Policy). Not all policies contain an appropriate level of detail – and in particular some policies are not effective as the way the text is phrased is subjective not objective eg. “good design” may be allowed to over-ride a policy – but what is good design? The policy needs to be clear and objective/testable to be effective in delivering its objectives.

Several essential elements of current development plan policies relating are not carried forward by the review – for example under “Living Conditions” the omission of the previous ‘no worsening” approach and the omission of the reference to the need to avoid overlooking. Not all policies have a reasoned justification – although in most cases of this we consider the remedy lies not in a better justification but in a change eg. carrying forward an essential element of the current development plan that is not currently carried forward would obviate the need for a better justification for what we consider to be unjustifiable.

I do not consider that in all aspects the policies reflect the presumption in favour of sustainable development . The NPPF requires that policies respect all 3 dimensions “ to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system…. These roles should not be undertaken in isolation, because they are mutually dependent”.

In particular the policies do not always respect the “social” dimension as they do not always support “creating a high quality built environment, ….that reflects the community’s needs and support its health, social and cultural well-being”. Similarly, the policies do not always respect the “environmental” dimension nor “contributing to protecting and enhancing our natural, built and historic environment” nor creating a “high quality built environment” The NPPF states clearly that “Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment” yet the removal of the “no worsening” presumption in CL5 cannot support the community’s health/well being nor does it seek a positive improvement in the quality of the built environment .

Finally, the NPPF makes clear planning “permission should not be granted” where “adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. The proposed policy under “Heritage Assets” CL3 ci and ii proposes a different and weaker test, merely that ‘benefits outweigh the harm.’ Thus this policy in not in line with the NPPF.

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The overall approach to development set out in policies CL1 and CL2 is not always justified or sound. Eg. the Mayor’s policy is to optimise housing output, not maximise it, and to ensure that 95% of all housing is **within** the relevant appropriate density range (Policy 8.4, Key Performance Indicator 2). The Council should oppose developments that would not be in line with this policy, rejecting densities in excess of the density range and also rejecting applications for ‘super homes’ or other developments that would result in a net reduction in housing units within the Borough. Excessive increases in densities cause harms and ignoring the need to prevent them is neither ‘justified’ nor “effective” nor “consistent with national policy”. Similarly, there is considerable evidence large units result in such properties remaining empty (with consequent reductions in local vitality, closure of local shops etc) and a reduction in (relatively) affordable homes (with consequent reductions in the variety/diversity of localities). All these harms are contrary to national policy and should be amended.

I do not consider that policy CL1(g) provides an effective framework for considering the development of backland sites, including gardens. Green space is in exceptionally short supply in the Borough and the policy should oppose the removal of green space. Similarly, there is no reference in 34.3.9 to the need to provide open space/gardens in new developments and a reference to require this must be added.

I do not consider that the importance of mews development to the Borough is properly reflected in the revised core strategy nor do I consider that policy CL1(h) etc will provide an effective framework for considering proposals affecting such areas.

I have requested that copies of the guidance to which I refer be included as part of the core documents available to the hearing.

English Heritage Guidance on “Listing Selection Guide: Domestic 2: Town Houses” devotes an entire section to Mews. It notes Mews are “predominantly a London building type”, describes their key characteristics and notes that “In assessing individual mews houses [for listing] date, intactness of the facade – including survival of the carriage entrance – and group value will be key considerations” . It adds that Conservation area designation may also be appropriate for Mews. English Heritage guidance on Conservation Areas states it is for

“areas that are of [special](http://www.english-heritage.org.uk/professional/advice/hpg/hpr-definitions/s/536536/) [architectural](http://www.english-heritage.org.uk/professional/advice/hpg/hpr-definitions/a/534724/) or [historic interest](http://www.english-heritage.org.uk/professional/advice/hpg/hpr-definitions/h/536296/), the character and appearance of which it is desirable to preserve or enhance [(1)](https://www.english-heritage.org.uk/professional/advice/hpg/has/conservationareas/#(1)). …. “designation … provides a basis for planning policies whose objective is to conserve all aspects of character or appearance, including landscape and public spaces, that define an area’s [special interest](http://www.english-heritage.org.uk/professional/advice/hpg/hpr-definitions/s/536536/). ….The special character of these areas does not come only from the quality of their buildings. Elements such as …characteristic building and paving materials all contribute to the familiar and cherished local scene. ..a conservation area gives broader protection than the listing of individual buildings. All the features, listed or otherwise, within the area, are recognised as part of its character. Conservation area designation is the means of recognising the importance of all these factors and of ensuring that planning decisions address the quality of the landscape. “

Within the Borough, virtually all Mews are within Conservation Areas - quite a few parts of Mews are formally listed buildings eg. at least 6 Mews Arches in the Borough are listed. The Council’s own Conservation Area policies highlight the valuable characteristics of Mews stating, for example in the Queensgate Conservation Area Policy “The mews…were never

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designed to be great architectural masterpieces. They have always had great character however…It is therefore this original character and atmosphere, which is a striking feature of the area valued by residents and visitors alike that the Council seeks to preserve and enhance”. That Policy document goes on to devote over a page to detailed characteristics that need to be preserved in Mews or need to be re-instated if previously altered. “Elevational alterations will be considered on their merits, but must respect the character of the Mews…alterations to.. facades should respect the character and appearance of the original buildings…”

Finally, it is worth noting that Westminster Council – the only Borough in London with a comparable number of Mews to the number in Kensington and Chelsea - has issued “Mews – a Guide to alterations” which devotes 14 pages of detailed guidance – in active use to this day- on exactly what changes would or would not be permitted.

Historic Mews are unique to the UK within Europe, and virtually unique to London within the UK. In the face of this evidence and national guidance on the importance attached to Mews as a heritage asset requiring protection/ preservation/enhancement, the proposed policy CL1(h) is clearly not sound. The text is not “effective” in that it is confusing, unjustified, not evidence-based and contradicts the tenor of other local and national policies. Proposals for development and new uses are consistently being proposed that, unconstrained, would put at risk the unique character of historic mews in the Borough. The fact that this policy para does not require the unique character to be protected is neither “justified” nor “ consistent with national policy”. It is also not even consistent with para 34.3.12 which accords considerably more protection and consideration to artists’ studios (which unlike the unique Mews, can be found in cities all over the UK and elsewhere) than to mews houses.

Section 34.3.11 should be amended to delete this unjustified sentence “They are an effective form of development for making good use of the space within larger perimeter blocks” and the current last sentence should be deleted to remove the pejorative reference to their design (which is in fact a key part of their significant and historic character).

There is also considerable pressure for the introduction of new uses eg. merging 2 Mews Cottages in a terrace to create a single ‘superhome’ turning mews into art. This pressure is threatening the essence and character of these Mews and consequently risks undermining a historical characteristic of national as well as local significance.

In line with the important contribution that specific uses make to the character of the area, the policy in relation to artists’ studios should also address the need to preserve the essential character of mews.

CL1(i) should be amended to : **resist the demolition of, and inappropriate alteration and extensions to, and change of use of mews cottages/houses and artists’ studios**

For the above reasons, and also to ensure the continued vitality of the area, I also consider that policies CL1 and CL2 need to be more explicit about the effects of the change of use of buildings on the character and appearance of an area in order to be effective. Relentless pressure to convert all shops, offices and any other use to residential uses in the Borough risks removing all vitality, diversity and social uses from the Borough, which would be incompatible with the social dimension of sustainable development.

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I do not consider that Policies CL6, 8 and 9 contain an appropriate level of detail to provide an effective framework for considering proposals for alterations, additions and

extensions to existing buildings nor are all aspects of supported by appropriate reasoned justification in paragraphs 34.3.74 to 34.3.76 (or elsewhere in the core strategy). In particular, by confining Policies CL6 and CL8 to “the character and appearance of buildings” the policies fail to consider the impact on neighbours’ amenity of the policies. This is a significant omission which renders the policy neither effective nor justified.

I do not agree that the addition of a balcony or terrace is a “small scale alteration and addition” on a par with the addition of a grille or an alarm. Terraces and balconies can be huge and have profound impacts on neighbouring properties. Either terraces and balconies should be removed from the coverage of CL6 (as not being a small scale addition) or Policy CL6 needs to be amended to include text requiring the need to avoid such alterations and additions damaging neighbours’ amenity and to avoid balconies and terraces posing damaging effects on neighbours in terms of noise, overlooking, light pollution and lack of privacy. In relation to

34.3.74 there is a need to reinstate the beginning of the previous 34.3.48 to this statement:

“Additional storeys and roof level alterations will very often have an adverse effect on the character and appearance of buildings.”

Amend 34.3.76 to incorporate a reference to the need to avoid terraces posing damaging effects on neighbours in terms of noise, overlooking, light pollution and lack of privacy.

And Amend CL8 to add

“ix) properties where the creation of a terrace would damage the amenity of neighbours in terms of noise, overlooking, light pollution and lack of privacy.”

**CL9: Existing Buildings**

34.3.78 line 1 delete “including conservatories”

The end of CD47f “Full width extensions will not be usually be allowed” must be reinstated.

We do not accept that CD47h (“There would be a significant increase in overlooking of neighbouring properties or gardens”) is covered within the section on living conditions CL5 – quite the contrary

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I do not consider that Policies CL3 and 4 are consistent with the Framework. The NPPF makes clear planning “permission should not be granted” where “adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. The proposed policy under “Heritage Assets” CL3 ci and ii proposes a different and far weaker test, merely that ‘benefits outweigh the harm.’ Thus this policy in not in line with the NPPF.

We do not consider it effective for the issue of living conditions to be addressed only in a cross-cutting policy. This approach will result in planning applicants and objectors each seeking to argue one part of the policy ‘trumps’ another part. This approach is as a result clearly not effective and certainly has not been justified. A prime example is Policy CL6, which considers the addition of a terrace to be a small alteration requiring only the impact on a building to be considered. The potentially profound impacts on neighbours need to be considered in CL6 or applicants will argue terraces do not need to consider the impact on neighbours.

In addition, Policy CL5 does not contain sufficient detail to provide an effective framework

for considering all types of development, including roof terraces, that may affect living

conditions, and all relevant issues that affect living conditions have not been covered*.* Within my own Mews, we have had cases of terraces proposed that would look direct into neighbours bedrooms. This is unacceptable and the guidance needs to make this clear.

Finally, policy CL5 does not provide an effective approach in situations where living conditions are already significantly affected by nearby development. In line with the NPPF, development should be required to lead to positive improvements to living conditions . The NPPF states clearly that “Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment”. For example the removal of the “no worsening” presumption in CL5 cannot support the community’s health or well being nor can it be seen as seeking a positive improvement in the quality of the built environment .

The wording of this section – paras 34.3.35 – 34.3.41 and CL5 is is not ‘sound’ nor effective, justified not consistent with national policy.

An abandonment of living condition standards is neither consistent with national policy, nor human rights legislation with its unqualified requirements to respect of privacy and family life. The current policy would facilitate breaches of such rights and as such is not legally compliant.

Where conditions, such as sunlight and daylight, privacy and overlooking, and sense of enclosure are already “stretched” neighbours look to the local planning authority to improve substandard situations wherever development provides an opportunity for change for the better. We consider development should be required to lead to positive improvements to living conditions

An approach to ensure ‘no worsening’ has existed through successive plans, including in CL5 of the current plan – it is unacceptable to remove this safeguard for people’s living conditions

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and is not consistent with national policy. Para 34.3.34 – 34.3.41 should be revised to incorporate a ‘no worsening’ expectation and to include new text which states that where existing conditions are substandard, the Council will expect any developments “to contribute positively by reducing existing amenity harms and not preserve or worsen them.”. There is also no reference to the need to avoid overlooking.

This section has removed too much detail from the existing policy:

Policy CL 5: Amenity

The Council will require new buildings, extensions and modifications and small scale alterations and additions, to achieve high standards of amenity.

To deliver this the Council will:

1. require good daylight and sunlight amenity for buildings and amenity spaces, and that the conditions of existing adjoining buildings and amenity spaces are not significantly reduced or, where they are already substandard, that there should be no material worsening of the conditions;
2. require reasonable visual privacy for occupants of nearby buildings;
3. require that there is no harmful increase in the sense of enclosure to existing buildings and paces;
4. require that there is no significant impact on the use of buildings and spaces due to increases in traffic, parking, noise, odours or vibration or local microclimatic effects.

**CL5 text should be amended as follows:**

Introduction: “The Council will require good daylight and sunlight amenity for buildings and amenity spaces, and that the conditions of existing adjoining buildings and amenity spaces are not significantly reduced or, where they are already substandard, that there should be improvements made to existing condition to reduce existing amenity harms;

CL5 b) ensure that good standards of daylight and sunlight are achieved in all developments and in properties affected by developments

CL5 c) require that there is good visual privacy for occupants of developments and for occupants of properties affected by developments

d) require that there is no increase in the sense of enclosure or overlooking to existing buildings and spaces and neighbouring gardens, balconies and terraces resulting from developments and where existing conditions are substandard, developments should seek to improve current standards

e) require that there is no significant impact on the use of buildings and spaces due to increases in traffic, parking, noise, odours or vibration or local microclimatic effects.

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We consider Policy CR5 and Policy CR6 will not be effective in protecting and enhancing all forms of existing open space. In particular, the failure to require preservation of green space (which has significant environmental (drainage, cooling, air quality) and well being benefits) is not sound or effective. The Borough already fails in the majority of cases to provide green public space within 400m of each home. We are aware of multiple instances where planning applicants have sought to concrete over green space. For example the Natural History Museum – with supreme irony – has sought to replace its Eastern lawn and garden entirely with concrete. These policies should be amended to make clear the Council will resist the loss of existing “green” public and private open space and green landscapes. The replacement of a green space or green landscape with concrete or hard standing is not acceptable and CR5ai and aii and CR6 f ii should be amended to make this clear.