

Response to Consultation on Development Plan Policies regarding Basements

22 August 2013

Councillor Tony Holt, Courtfield Ward
Royal Borough of Kensington and Chelsea.

The draft document is a good step forward within the limits of existing planning legislation.

There is a serious need for tighter control on basement/subterranean construction because of the serious problems which it creates for neighbours while works are going on and the serious structural risks for the longer term.

The Consultation was conducted fairly (with great patience by Mrs Tollitt) and the constructors had ample opportunities to put in their views, sometimes with more aggressive force than was appropriate.

I know from my residents that basement construction is deeply resented by many and the damage while works are going on is sometimes considerable.

Some areas which I suggest are un-sound are:

Paras 34.3.46 and 34.3.59 and Policy CL7 (c). The use of the term 'basement' needs to be clarified. New basements are clearly those fully below ground level. But existing basements can be half-basements and are often described as 'lower ground floors'. May I suggest that new basements should only be allowed beneath existing basements which are less than three-quarters below ground level. Anything lower, and they are already deep.

Para 32.3.48, 49 and 50. As these paragraphs say, the Royal Borough is primarily residential and primarily Victorian terraces. The disruption and inconvenience caused to neighbours is considerable, particularly where several developments are going on at the same time in the same street. They are particularly exasperating for the elderly and for those working from home (which is increasingly common). No account has been made of these problems.

Para 34.3.57. Swimming pools. These should not be allowed to extend at all beneath the single-storey new basement but should be within the new basement, so any extra height should be taken from the floor above. There is lot of pressure for extra height for diving boards.

Para 34.3.71 Structural stability. There are several areas here which are unsound. They all stem from the inadequacies of the Building Control legislation and the Party Wall Act which was enacted many years ago and long before deep basements were being built. There are three areas of problem here which are not mentioned.

First, **the long term risks** of structural damage developing over several years as the buildings settle. This is particularly serious in Victorian terraces built in brick-and-mortar where the introduction of a very stiff reinforced concrete box will cause settlement over the long term at different rates with resulting cracking. This may happen long after the developer has left the scene. There needs to be a requirement for insurance to cover the risk over ten or twenty years. The Alan Baxter Report explains this risk.

Second, **risks of structural damage during the works.** Again, the Alan Baxter Report mentions this and we know from current experience that small damage to neighbouring properties is not uncommon. Category 1 damage is said to be 'very slight' but is exasperating for people who have to have it repaired and with no guarantee that it will not happen again. Likewise, it is not uncommon for doors to stick and to have to be shaved, sometimes several times during a project.

Third, **the risk of work stopping half-way through.** This can easily happen (and has happened) either due to financial problems or disputes. There should be monies in escrow to complete the excavation including the top slab but excluding the fitting out.

I appreciate that some of my remarks may be beyond the scope of this consultation but I know from my dealings with residents that they are very real concerns.

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