

**From:** [Marina Murray](#)  
**To:** [Follitt, Penelope: PC-Plan](#); [Gulati Tyagi, Preeti: PC-Plan](#)  
**Cc:** [Cllr-Pascall](#)  
**Subject:** Re: Basements Working Group Minutes of Meetings  
**Date:** 28 February 2013 19:00:04

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Dear Penelope and Preeti

One point while I think of it (though already flagged in the Markham Square consultation response!) with regard to Article 4s, para 5.1 of the Draft Policy you published in December and anything else you might publish soon. I believe it would be better if, instead of describing as you do at para 5.1 which shapes, sizes and depths of basement might be permitted development under the GPDO - about which there appears to be a lack of accord even among the central London Boroughs - you stated simply that the proposed basement must comply with the GPDO in order to benefit from PD rights and advice should be sought from the planning dept? No-one can argue with that. This would also enable the Council to keep tabs on basement development in the Borough. (Amusingly, a planning agent sitting next to me at the first consultation evening told me that a basement projecting no more than 3 metres etc was permitted development in RBKC but wasn't in Hammersmith and Fulham and that double basements were PD in Westminster but not in RBKC or Hammersmith - which can't be right).

While applicants and others might ask for guidance, there is an obvious risk in providing a brief view on a point which is actually a matter of law. It might also make any move to adopt Article 4 directions more difficult and more costly if that policy is any more permissive than it actually need be.

As a further illustration of the problem, I attach an extract from a current CLOPUD application in which it looks as if the applicant relies not only on the GPDO - as he should - but also, or perhaps alternatively if that failed, on the *description* of the right set out in the current Basements SPD.

More fundamentally, I still don't think that basement (or any other) schemes that comprise significant excavation or engineering operations are permitted development. I have discussed this with Jonathan Bore, who does not agree but is, I think Cllr Pascall said, doing some further research. I am going to send Jonathan further materials as and when.

Thanks as ever for your diligence and good humour.

Marina

<http://www.rbkc.gov.uk/idoxWAM/doc/Other-1005854.pdf?extension=.pdf&id=1005854&location=VOLUME2&contentType=application/pdf&pageCount=2>

On Wed, Feb 27, 2013 at 2:33 PM, <[Preeti.GulatiTyagi@rbkc.gov.uk](mailto:Preeti.GulatiTyagi@rbkc.gov.uk)> wrote:

Dear all,

Please find attached the minutes of all four meetings and revised terms of reference to include everyone who attended one or more meetings. I have included everyone's email address above as agreed at the meeting this morning so you can add them to your contacts.

Thanks to everyone for attending and contributing to these meetings.

Kind regards,

Preeti

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