

Review of RBKC Basements Visual Evidence July 2013

Introduction

The conclusion of the RBKC Basements Visual Evidence states that *"It is clear from the aerial photographs that gardens that have been subject to basement development underneath can generally be distinguished from those without basement development."*

The Basements Visual Evidence has been used to justify the size restriction in the proposed basement planning policy.

This review assesses the validity of the Council's basements visual evidence.

In evaluating the evidence each of the examples will be assessed against the following criteria:

1. Is there a basement underneath most of the garden.
2. Do the photographs in the basements visual evidence show the final state of the garden. i.e. not during the building works but once the garden has been completed and planted.
3. Has the garden been altered by planning permission under the current planning rules, so since the 2009 SPD. Prior to 2009 the following were not requirements:
 - a. One metre of soil for planting.
 - b. Lightwells to 'not exceed more than 1.2m from the external perimeter wall of the above ground building'.
 - c. Light wells that are visible from the street will not be permitted where they are not a characteristic feature of that street.
4. Has the example basement been built in accordance with the planning permission granted.
5. Was a landscaping condition imposed as part of the planning permission.
6. Has the new planting on the basement had sufficient growing time in order to be able to assess its permanent condition.

If the Council's evidence in each case does not meet all of the above criteria then it cannot reasonably be used to judge the effectiveness of the current planning policy and therefore cannot be used as evidence to justify future planning policy.

It should be noted that all of the photographs in the 2013 pictures are taken in winter when deciduous trees do not have leaves and are difficult to see from the air. The impression given in these pictures is that the streets and gardens of the borough are devoid of mature trees.

This review has four parts:

1. Review of example basements used in the basements visual impacts evidence.
2. Note on the use of planning condition to control the character and appearance of rear gardens.
3. Note on the example light wells and roof lights in the visual impacts evidence.
4. Further examples of rear gardens with and without basements underneath

Conclusion

This review concludes that none of the example basements meet the six necessary criteria for inclusion as cases in the basements visual impacts evidence.

In particular:

1. Three of the gardens included in the Council's evidence as having garden basements underneath them at the time of the review did not, in fact have basements underneath them at the time of the aerial photographs, namely:
 - a. 48 Drayton Gardens.
 - b. 50 Drayton Gardens.
 - c. 28 Abbotsbury Road.
2. One further case, 5 Addison Crescent, either has no basement underneath it or should be commended as an example where it is not possible to discern that a basement has been built underneath it.
3. 44 of the 102 examples were granted planning permission before the current 2009 basements SPD was introduced and cannot therefore be used to assess the effectiveness of the current planning regime.
4. In at least 24 of the 102 cases the basements are still under construction at the time of the winter 2013 photographs - it is not possible to assess the permanent or long term condition of a garden while the garden is a building site.
5. At least one case - 29 Brompton Square - is a case where the owner broke the planning permission removing protected trees and building beyond the extent of the planning permission. This cannot be used as a case to highlight a failing of existing planning policy.
6. One case, 46 Eggerton Crescent, is given twice.
7. In at least 12 of the cases with post 2009 planning permissions the gardens do not show any negative change, beyond slightly increased terrace sizes in a couple of instances, in garden character.
8. In one case, 32 Oakley Street, the garden appears to have been improved from a paved garden before basement construction to a planted garden after basement construction.
9. In only seven of the cases was planning permission granted in 2009 or after, so under current planning rules, is there a discernible negative change shown in the photographs provided. However it should be remembered that any apparent failing in landscaping is due to either:
 - a. The failure of the Council to impose a suitable landscaping and ecological condition during the planning process - this was entirely within the Council's current power.
 - b. The failure of the council to enforce a suitable landscaping and ecological planning condition if this had been a requirement by planning.
 - c. None of the recent gardens over basements have had sufficient time for the new planting to reach maturity following completion of the landscaping.

10. In every recent case where garden character has been negatively impacted planning conditions could have been used at the time of the applications to control the character, appearance and future flexibility in planting of all of the gardens.
11. Sufficient information to allow assessment of the example light wells and roof lights has not been provided in the majority of cases and so should not be included until further information is provided.
12. In the two known examples of roof lights the planning date was prior to the current basement SPD so they are not valid and should not be included.
13. Garden appearance and character can be independent of the existence of basement underneath as evidenced by the final part of this review where gardens without basements are shown that have formal, flat gardens and a garden with a basement is shown that has mature tree planting and a more informal natural appearance.

Part 1 - Examples used in the basements visual impacts evidence

10 and 11 The Boltons

The planning permission for these developments were given in 2003 and 2005, before the 2009 SPD.

Any failing in landscaping or ability for future tree planting is due to either:

- The Council not requiring one metre of soil for planting on the basement roof as part of planning
- The failure of the Council to impose a suitable landscaping and ecological condition on planning.

6 Cheyne Walk

The planning permission for this developments was given in 2004, before the current 2009 SPD.

Any failing in landscaping or ability for future tree planting is due to either:

- The Council not requiring one metre of soil for planting on the basement roof as part of planning
- The failure of the Council to impose a suitable landscaping and ecological condition on planning.

5 Upper Phillimore Gardens

Planning permission was given in 2006, before the current 2009 SPD.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

3 Upper Phillimore Gardens

The 2013 photograph clearly shows that the development is still under construction and therefore cannot be used to assess the permanent planting condition.

2 Pembridge Place

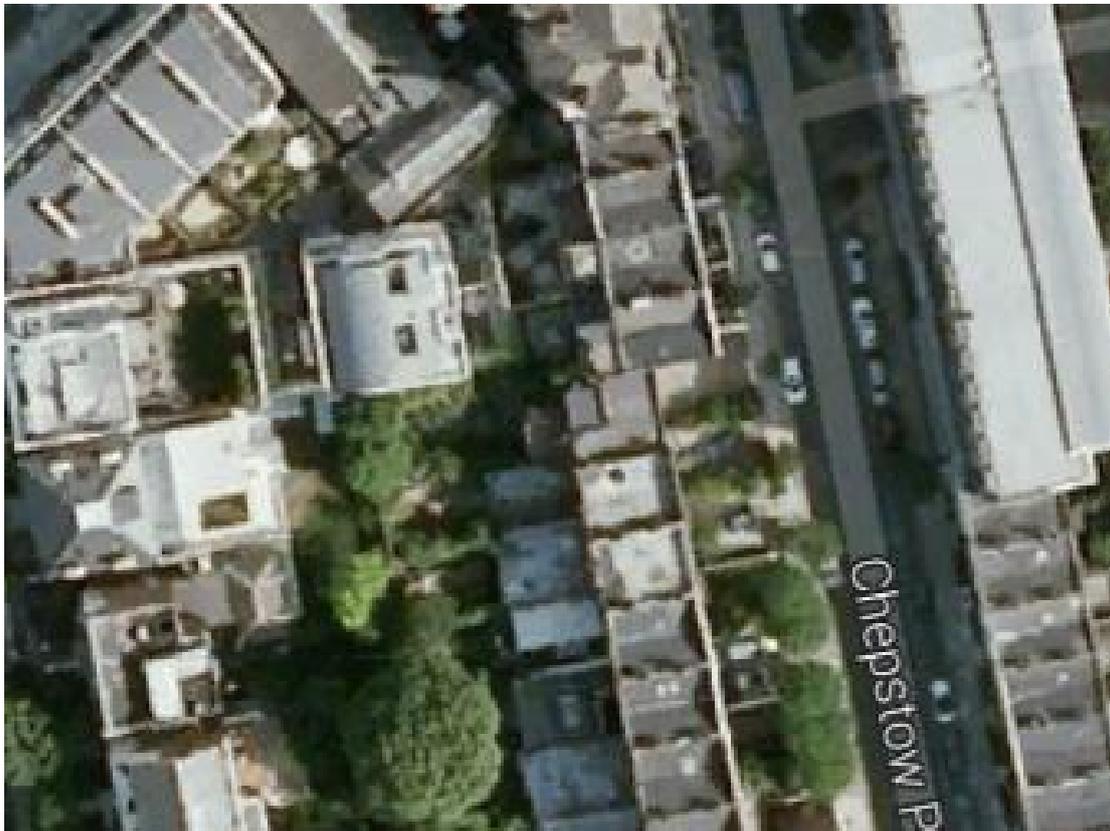
Planning permission was given in 2006, before the current 2009 SPD.

Any failing in landscaping or ability for future tree planting is due to the failure of the Council to impose a suitable landscaping and ecological condition on planning at that time.

10 Chepstow Place

Planning permission was granted in 2012 and the Council's 2012 picture shows construction in progress.

The picture below from Google maps, taken after 2012, shows that the tree planting in place prior to construction remains in place now. i.e. there has been no negative change in mature tree planting or greenification. The detailed landscaping to the garden cannot be seen.



5 and 7 Cottesmore Gardens

Planning permissions for these properties were given in 2007, before the current 2009 basement SPD came into effect.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

It is also worth noting that on the Council's photographs the rear gardens of 1 and 3 Cottesmore Gardens appear to have a reduction in mature tree and other planting.

9 Holland Park

Planning permission was granted in 2007, before the current 2009 basement SPD came into effect.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

It is also worth noting that on the Google maps 2014 picture below the extent of planting looks similar to the planting in the Council's 1999 and 2004 pictures taken before construction of the basement.



9 Holland Park - 2014 picture from Google Maps showing good recent planting

29 Brompton Square

Planning permission was granted in 2008, before the current 2009 basement SPD came into effect.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose and police a suitable landscaping and ecological condition on planning.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

In this case it appears that the developer has not complied with the landscaping plan as given on the RBKC planning website which seems to show a landscaped garden surrounded by trees and other planting. The failing appears to be with the developer for not complying and with the Council for lack of enforcement.

The Council's Principal Arboricultural Officer (PAO) stated that the development "will involve the loss of 4 trees. Three are very small and easily replaced and one is in poor condition and therefore should not be an impediment to development."

The Council's PAO's note is below.

It is interesting to note that the Council's PAO recognises that "To support vegetation sustainably and to allow future flexibility in planting I would like to see the standard 1000mm." The PAO is referring to soil depth.

RBKC ARBORICULTURAL OBSERVATIONS			
Address	Application No.	DC Officer	Date of Obs
29 Brompton Square SW3	PP/07/0649 & 650 (DC OBS 299)	Jennifer Gilbert	26/3/07
Development		Obj.	No Obj.
Subterranean development at rear		Objection	
Status of Tree(s):			
C.A. No. (if any)	T.P.O. No. & Details (if any)	Tree Work Applications	
yes			
Comments:			
<p>The development of the basement in the rear will involve the loss of 4 trees. Three are very small and easily replaced and one is in poor condition and therefore should not be an impediment to devopment.</p> <p>The applicants have submitted a landscaping scheme which includes the replanting of 4 sensible replacement trees (Drawing ELB-108). The only problem I have is that only 500mm of soil is shown above the basement in the sections. To support vegetation sustainably and to allow future flexibility in planting I would like to see the standard 1000mm.</p> <p>I object to the scheme purely for the above reason and my objection would be withdrawn were 1000mm of soil to be provided.</p> <p>If this occurs please attach the following condition:</p> <p>C18 for R18</p>			

Signed:

Date:

Angus Morrison
Principal Arboricultural Officer.

30 Brompton Square

Planning permission was granted in 2000, before the current 2009 basement SPD came into effect.

Any apparent failing in landscaping or ability for future tree planting appears most likely to be due to the failure of the Council to impose and police a suitable landscaping and ecological condition on the planning application.

The 2000 planning did not allow for one metre of soil on the roof.

It is interesting to note that planning has been approved for deepening the 2000 application basement and including on the top a landscaped garden which includes trees (pleached hornbeams), grass, a planted terrace, screen planting and a green planted wall. This plan will improve the current garden condition however we note that a more natural garden with greater natural planting and improved habitat for fauna could have been imposed. The imposition of a planning condition of this type is currently within the power of the council but the council is not choosing to use its existing powers.

31 Brompton Square

Planning permission was granted in 2007, before the current 2009 basement SPD came into effect.

Any apparent failing in landscaping or ability for future tree planting is due to the owner having breached the planning approval granted in 2007.

It is also not clear if the Council had required a suitable landscaping and ecological condition on the planning permission.

It is disappointing that the previous information we provided on this property has been ignored by the Council. I copy below the information provided previously in our September 2013 representations.

The basement has not been completed and remains a construction site with temporary propping in place.

The initial scheme approved planning permissions were granted on 12 Feb 2008, prior to the current May 2009 basement SPD.

The basement construction has not been undertaken in line with the planning permission. A tree has been illegally removed and, apparently, more than one further level has been excavated under the instruction of the then owner.

The owner at the time of the work was Achilleas Kallakis a criminal who is now serving 11 years in prison.

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Achilleas Kallakis case: judge criticises banks who loaned the money

Judge says Allied Irish Bank and Bank of Scotland acted carelessly and imprudently for failing to make full inquiries

Simon Bowers
The Guardian, Thursday 17 January 2013 19.02 GMT



Achilleas Kallakis, who changed his name from Stephan Kollakis after a previous conviction. Photograph: Kevin Dunnett/Central News

Two banks that lent more than £750m to [the confidence trickster Achilleas Kallakis](#) had been "careless and imprudent" and "do bear some degree of responsibility" for Britain's largest mortgage fraud, a judge has said. Bankers at Allied Irish Bank and Bank of Scotland had been falling

The article continues:

Between 2003 and 2008 Kallakis bought properties worth £120m, between Piccadilly and Pall Mall in St James's Square, which he planned to turn into the world's most expensive penthouse. He also had ambitious expansion plans for 31 Brompton Square, one of the most sought-after properties in Kensington.

For all of the reasons above 31 Brompton Square is not valid example to be used in the basements visual evidence.

Despite our previous evidence the Council continues to use 31 Brompton Square as an example of a bad situation that would have been avoided by a change in planning policy which is clearly incorrect.

42 Drayton Gardens

Planning permission was granted in 2008, before the current 2009 basement SPD came into effect.

Any apparent failing in landscaping or ability for future tree planting appears to be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the Council to enforce a suitable landscaping and ecological condition on planning.

We cannot find a landscaping or planting requirement to the planning application and so initially conclude that the lack of planting is due to the Council not requiring a suitable landscaping plan.

44 Drayton Gardens

Planning permission granted in May 2008, prior to the 2009 SPD.

The boundary line as shown on the Council's aerial photographs is wrong. There is only about four metres from the rear line of the existing house to the rear line of the property.

The planning condition has an RBKC arboricultural note that states a one for one replacement of an existing magnolia tree.

Therefore any apparent failing in landscaping or ability for future tree planting appears to be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning. The Council could have required a more natural, biodiversity increasing and greener landscape design but chose not to do so.
- The failure of the Council to enforce a suitable landscaping and ecological condition on planning.

46 Drayton Gardens

Planning permission was granted in 2008, before the current 2009 basement SPD came into effect.

Any apparent failing in landscaping or ability for future tree planting appears to be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the Council to enforce a suitable landscaping and ecological condition on planning.

It is not clear why the Council sees this garden as not acceptable. Our pictures below show a green garden with a healthy mature tree having been retained in line with the landscaping plan that the Council approved.

They Council could have imposed a plan requiring greater natural planting, opportunities for biodiversity for additional trees but chose not to do so.

46 Drayton Gardens has a basement - shown by red line but has a more green and leafy garden including a mature tree than the gardens of 48, 50 and 52 Drayton Gardens which do not have significant garden basements.



48 Drayton Gardens

There is no basement under the majority of the rear garden and no basement under the garage.

We have pointed this out to the Council previously but this has been ignored.

We included below the long section of the proposed planning drawings and a photograph showing the area of the garden that does not have a basement underneath it. The basement extends out from the house by one approximately three metres. The rest of the garden has been paved by choice of the owners. There is not basement under the garage.



The rear of the property and the rear garden are to the left of the drawing. It can be seen that there is no significant rear garden basement.



That the Council continues to include this property as an example demonstrates that:

1. If is patently not possible, as the Council continues to claim, that generally a garden with a basement underneath it can be distinguished from a garden without a basement underneath it.
2. Owners are indeed choosing to pave over rear gardens and that this is not being driven by basement development.
3. Basement development provides the Council with an opportunity to improve garden planting, sustainability and biodiversity.

50 Drayton Gardens

At the time of the Council's Basements Visual Evidence there was no basement under the majority of the rear garden and none of the basement.

We have pointed this out to the Council previously but this has been ignored.

We include below as evidence of this lack of a basement at the time of the Council's aerial photographs:

- A borehole log taken in the rear garden in January 2013. There is no mention of the borehole penetrating an existing basement.
- Photograph of the borehole being drilled - the location can be seen as being in the rear garden near to the door to the garage.
- Photograph showing the location of the borehole in the garden and which also shows the extent of the existing rear cellar / utility room (this is not the basement given in the Council's stated planning application).
- Picture taken in March 2014 showing the basement being built currently.

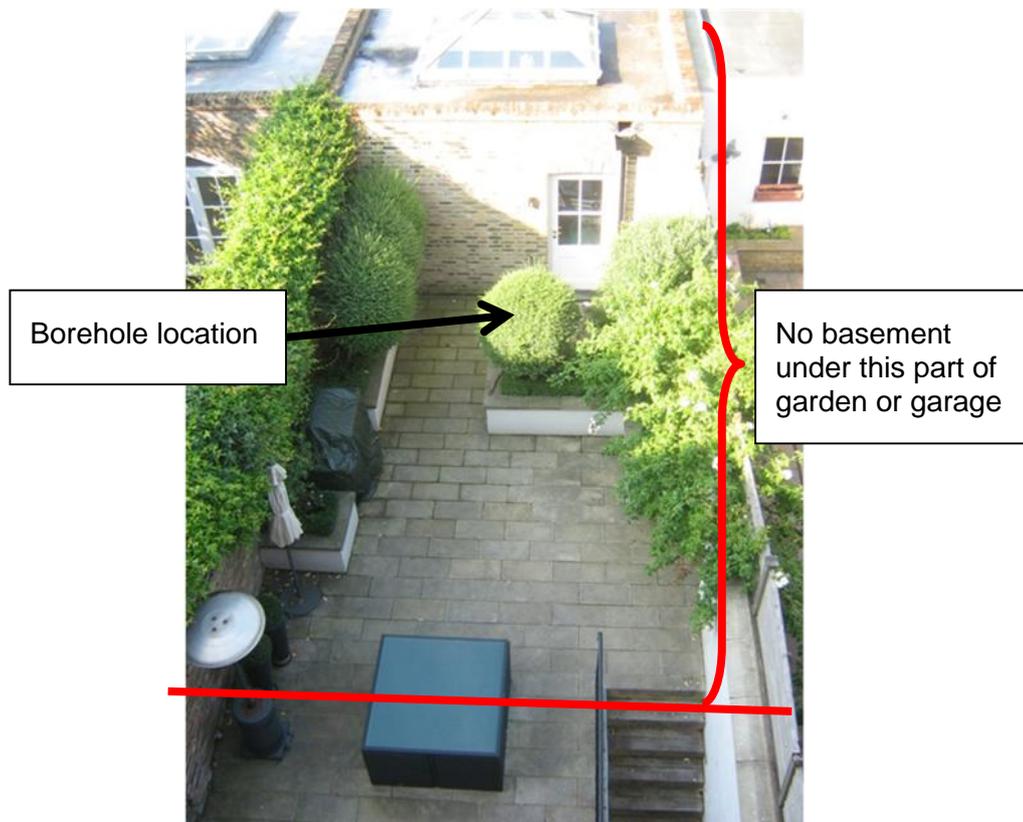
The basement cannot therefore have existing at the time of any of the pictures in the Council's visual evidence.

						Borehole No BH1 Sheet 1 of 1		
Project Name: 50 Drayton Gardens			Project No. J1908		Co-ords: -		Hole Type WS	
Location: 50 Drayton Gardens, Chelsea, London, SW10 9SA					Level: -		Scale 1:50	
Client: Basement Force					Dates: 30/01/2013		Logged By OW	
Well	Water Strikes	Samples & In Situ Testing			Depth (m)	Level (m AOD)	Legend	Stratum Description
		Depth (m)	Type	Results				
					0.10		Light grey reinforced CONCRETE.	
		0.50 0.60	D ES				MADE GROUND - (Very soft dark brown mottled orange brown gravelly very sandy clay with rare concrete cobbles and rare medium gravel size pockets of very clayey sand. Gravel is angular to subrounded, fine to coarse of brick, concrete and flint).	
1		1.00	SPT	N=7 (1,2,2,1,2)	1.15		MADE GROUND - (Loose orangish brown gravelly clayey to very clayey sand with rare medium gravel size pockets of very soft sandy clay and rare coarse gravel size subangular brick fragments. Sand is fine to coarse. Gravel is subangular to subrounded, fine to coarse of flint). Between 1.75m to 2.0m with rare dark brown root traces.	
		1.30	D					
2		2.00	SPT	N=8 (2,2,3,1,2)	2.45		Orangish brown gravelly clayey to very clayey fine to medium SAND with occasional thin laminations of dark brown very sandy clay. Gravel is subangular to subrounded, fine to coarse of flint. From 3.0m medium dense.	
		2.50	D					
3		3.00 3.00	SPT D	N=11 (3,3,2,3,3)				
		4.00	SPT	N=19 (4,6,4,5,5,5)	4.80		Dense light brown slightly clayey very gravelly fine to medium SAND. Gravel is subangular to subrounded, fine to coarse of flint.	
		4.00	D				From 4.00m with frequent thick laminations of dark brown sandy clay.	
4		5.00 5.00	SPT D	N=46 (5,9,10,10,11,14)	5.45		End of Borehole at 5.45 m	
5								
6								
7								
8								
9								

Remarks: 1. No groundwater encountered.
2. Backfilled with arisings on completion.



Borehole being drilled in rear garden of 50 Drayton Gardens - Jan 2013





Basement under construction in rear garden of 50 Drayton Gardens - March 2014

That the Council continues to include this property as an example demonstrates that:

1. If is patently not possible, as the Council continues to claim, that generally a garden with a basement underneath it can be distinguished from a garden without a basement underneath it.
2. Owners are indeed choosing to pave over rear gardens and that this is not being driven by basement development.
3. Basement development provides the Council with an opportunity to improve garden planting, sustainability and biodiversity.

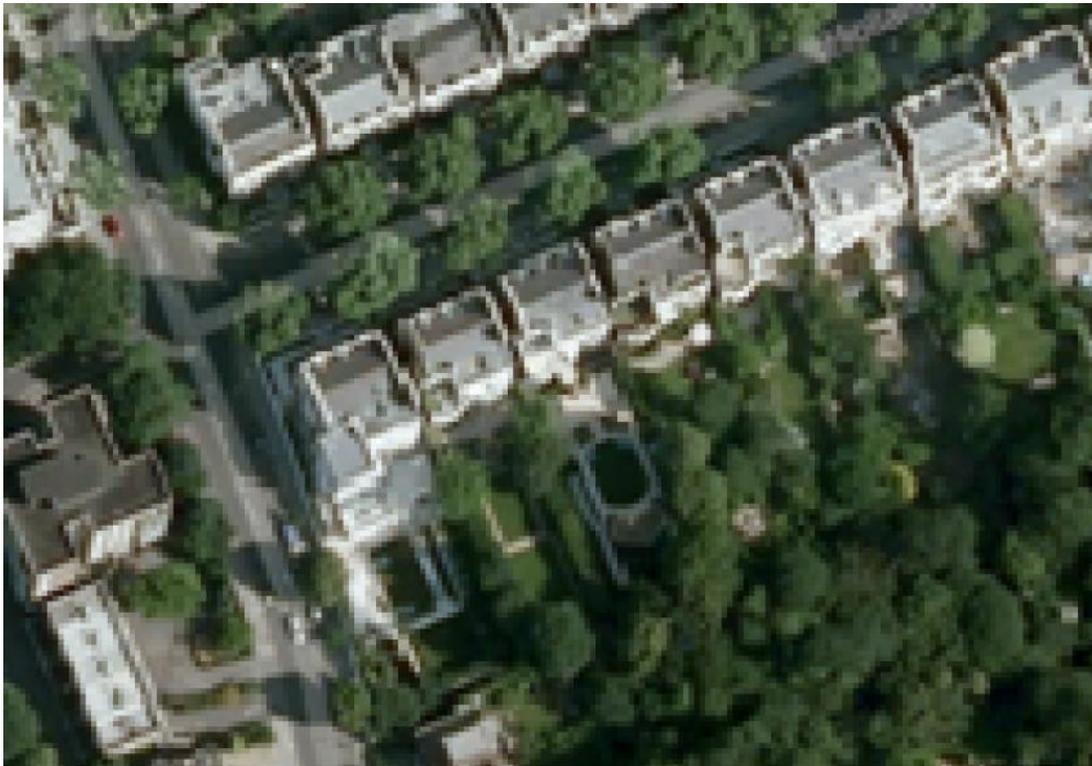
11, 12, 14, 15 and 16 Holland Park

The planning permission for the garden basements were granted between 2002 and 2008, all before the current basement SPD.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition at the time of the planning approval.
- The failure of the Council to enforce a suitable landscaping and ecological condition at the time of the planning approval.
- The new planting not having had sufficient time in which to grow and mature.

- The 2013 aerial photograph having been taken in winter. The picture from Google Maps below shows a far greener and better planted view than any of the Council's photographs. Arguable the picture below is greener than the Council's 1999 original picture.



Rear gardens of 11, 12, 14, 15 and 16 Holland Park

For these reasons 11, 12, 13, 14 and 16 Holland Park are not valid examples to be used in the basements visual evidence.

15 and 16 Paultons Square

Planning permissions for 15 Paultons Square was granted on 3 Sep 2008, before the current basement planning SPD was in force.

A discharge of planning permission relating to the rear garden basement for 16 Paultons Square is dated 20 October 2009 but no further information has been found.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

7 - 10 Cottage Place

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter. The Council's 2012 picture appears to show some trees though they are in shadow when the picture was taken and are hard to see. The 2013 picture appears to show no trees. Our picture below shows good young tree growth.

It seems most likely that good planting has been included in the development but that the planting has not had time to reach maturity. In time full mature tree planting will be achieved. This is therefore a good example of what is possible and supports the case for development under rear gardens that allows for future flexibility in planting.



For all of the reasons above 7 - 10 Cottage Gardens is not a valid example to be used as evidence of the negative impact of garden basement under the current planning policy.

12 and 13 Lansdowne Crescent

The application for 12 Lansdowne Crescent is from 2007, before the current 2009 SPD.

Any apparent failing in landscaping or ability for future tree planting in either property is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

Ignoring the 2013 picture which seems to show that there are no trees in Notting Hill even on the street and in the communal gardens there:

- Does not appear to have been any loss in mature tree planting on the rear line of the garden
- Does appear to have been an increase in terraced paved area - something that the Council could have limited but chose not to do.

15 Kensington Palace Gardens

PP/07/01773

The planning permission for 15 Kensington Palace Gardens was granted on 6 March 2008.

The site is shown during construction. The final appearance cannot be gauged from these photographs.

However it can be seen, even in the 2013 picture, that the mature trees on site have all been retained.

For these reasons 15 Kensington Palace Gardens is not a valid example to be used in the basements visual evidence.

6 Campden Hill Square & 6 Hillsleigh Road

The original property had a small, fully paved courtyard between the two buildings. There was no existing planting and it is reasonably unlikely that there would ever have been anything other than planted or potted plants.

The proposed scheme allows for one metre of soil over the garden basement. The Council does not appear to have imposed a landscaping or ecological plan as a condition of planning.

The 2013 pictures appears to show the site while still under construction with a covering over the rear garden area.

Any future failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

17 Phillimore Gardens

The application is from before the current 2009 SPD.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The 2013 aerial photograph having been taken in winter.
- It is also not clear if the construction work has been completed at the time of the 2012 and 2013 pictures. It will certainly be the case that any new planting will not have had sufficient time in which to grow and mature.

141 Old Church Street

The application is from before the current 2009 SPD.

The 2004 aerial photograph appears to show that the majority of the rear garden has been paved or terraced. This is before the basement application was made in 2007.

The 2008 picture appears to show construction in progress.

The 2012 photograph appears to show planting of a similar level to 2004. Some of the shrubbery in the planters looks less mature.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

149 - 151 Old Church Street

The application is from before the current 2009 SPD.

The 2013 photograph clearly shows the development is under construction.

It also appears to show that the mature trees have all been retained.

Any failing in future landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

13 Phillimore Gardens

The application is from before the current 2009 SPD.

The 2008 pictures shows construction in progress.

The 2012 post construction picture seems to show very similar levels of planting to the pre-construction 2004 picture, except for a paved or terrace area at the back of the house.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

40 Carlyle Square

The application is from before the current 2009 SPD.

The aerial photographs appear to show the loss of a mature tree before and after development. This matter is covered by the Council's Principal Arboricultural Officer in this note of 22 Nov 2007 and by the inclusion of the planning condition:

A replacement tree for the diseased Sycamore tree shall be planted in the first available planting season following the completion of the development that is the subject of this planning permission. Details of the species and position of the replacement tree shall be submitted to and approved in writing by the Executive Director, Planning and Borough Development prior to the commencement of development. If, within a period of five years from the date of planting, the replacement tree dies, is removed or becomes seriously damaged or diseased, it shall be replaced in the next planting season with another tree of similar size and species.

We could not find a planning requirement for landscaping, natural planting or improvement in the ecological value of the garden.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

6 Eggerton Terrace

The application is from before the current 2009 SPD.

In addition in the 2012 and 2013 photographs there is clearly ongoing construction work.

Any apparent failing in future landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

2 Albert Place

The application is from before the current 2009 SPD.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

It is not clear when the basement was meant to have been constructed. If in 2008 then it does appear that one tree has been removed. The Council should have required a replacement.

23 Old Church Street

The application is from before the current 2009 SPD.

The existing property had a rear yard of approximately 4 metres by 10 metres. One ailing tree was removed. The Council does not appear to have required a replacement tree or a landscaping / ecological plan.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter. The 2012 and 2013 pictures appear to show ongoing construction

46 Eggerton Crescent

The 2013 photograph shows the site under construction. This cannot therefore be used to show a failing in post development planting.

Any apparent future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

47 Eggerton Crescent

The 47 application is from before the current 2009 SPD.

The 2008 picture appears to show building works to the main house.

We cannot see anything other than superficial changes to the garden from before and after 2008. The terrace at the rear of the house may have been enlarged but even this is not certain when compared to the 2004 picture.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

92 Elgin Crescent

The application is from before the current 2009 SPD.

The rear garden does appear to have been paved at sometime between the 2004 and 2008 photographs. There appears to have been a reduction in lawn but no loss of tree planting.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

- The 2013 aerial photograph having been taken in winter.

93 Blenheim Crescent

The application is from before the current 2009 SPD.

Construction appears to be taking place in the 2012 and 2013 photographs. This can clearly not be used as an example to demonstrate a negative change in the garden.

It does not appear that there has been a reduction in mature tree planting.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

45 Victoria Road

The application is from before the current 2009 SPD.

The rear garden is in full shade and is not visible in the 1999 and 2004 pictures. Construction appears to be taking place in the 2008 picture.

The before and after pictures therefore do not allow a valid comparison.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

2 Holland Villas Road

The application is from before the current 2009 SPD.

It is not clear if construction has taken place. The 2012 picture has a larger terrace extending into the garden but the remainder of the border, lawn and mature tree planting is not significantly changed. There does appear to be a new path around the lawn.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

19 Campden Hill Square

The application is from before the current 2009 SPD.

It appears that construction is taking place in the 2012 picture.

It is not clear that there has been a loss of planting or greenification. In fact the opposite appears to be the case. The 2004 and 2008 pictures seem to show the rear garden as being largely or fully paved. The 2013 picture shows a new area of lawn.

The existing mature trees are seen in the 2012 picture but are not visible - like the rest of the trees in the picture - in the 2013 winter picture.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

22 Portland Road

The application is from before the current 2009 SPD.

It is not clear when construction took place, if at all.

Mature tree planting does not change in the series of pictures except for the 2013 winter picture showing the barren London tree scene.

The 1999, 2004 and 2008 pictures all have the garden in heavy shade and no planting can be seen.

The 2012 and 2013 pictures show a terrace and rear lawn.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

32 Holland Park

The application is from before the current 2009 SPD.

A mature tree appears to be present in the rear garden. This is mentioned in the planning documents and a replacement has been agreed. It is not clear from the photographs if this has been planted.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

In this case it appears that the Council may have failed to enforce the planting of a semi-mature tree.

60 Addison Road

The application is from before the current 2009 SPD.

Construction appears to be taking place in 2012. Mature tree planting and general landscaping do not appear to have been impacted negatively with the exception of the increase in size of a rear terrace area. The Council need not have agreed to this increase in terrace area.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

53 Holland Park

The application is from before the current 2009 SPD.

The garden basement roof does not appear to have been planted in the 2012 and 2013 photographs; the site is still under construction.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

20 Princedale Road

The application is from before the current 2009 SPD.

It is not clear that there has been a negative change in the garden from the largely paved 2004 garden to the 2013 garden with its greater lawn area. Mature tree planting does not look to have been negatively affected.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

85 Addison Road

The application is from before the current 2009 SPD.

There does not appear to have been a decrease in garden planting or lawn given that the site appears to be unfinished in 2013.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.

- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

40 Eggerton Crescent

The application is from before the current 2009 SPD.

The 1999 and 2004 pictures are in shade and the garden floor cannot be seen.

The post 2012 garden is largely paved. There is no reduction in mature tree planting.

The apparent failing in landscaping or ability for future tree planting shows:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

35 Gilston Road

The application is from before the current 2009 SPD.

Construction appears to be underway in 2012. It is not clear if construction is complete in 2013.

There does not appear to have been a loss of mature tree planting.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

55 Palace Gardens Terrace

There may have been a loss of mature tree planting.

The 2012 picture appears to be taken during construction.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

24 Seymour Walk

There does not appear to have been a negative change in planting or greenification.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

13 and 15 Tregunter Road

13 Tregunter is still under construction and has not been planted.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

21 Kensington Park Gardens

Planning application is in 2009. There is no negative change in garden appearance between 2008 and 2012. The winter 2013 photograph is deceptive.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

4 Walton Place

The photographs are unclear and it is not possible to see if there have been any changes in planting.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

49 Clarendon Road

Planning application is 2009. The garden and trees in 2012 and 2013 appear to be the same as in 2013. Either the basement has not been built or this is an example where good design has maintained or improved the existing garden.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

17 Portland Road

It is not clear if a mature tree has been removed from the rear garden. At ground level the garden appears to be green and planted.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

15 Addison Crescent

Construction appears to be taking place in the 2013 picture, making this example invalid.

This apart the mature tree planting appears to be unaffected by the construction.

Any apparent failing in future landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

41 Clarendon Road

An extension or terrace appears to have been built out from the rear of the house between the 2008 and 2012 pictures. However apart from this there does not appear to have been a negative overall change to the garden or to mature tree planting.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

- The 2013 aerial photograph having been taken in winter.

17 Ilchester Place

Development appears to have taken place between 2008 and 2012.

The garden in 2008 is completely paved apart from some limited borders and has no mature tree planting. The 2013 situation appears to be similar but with possibly less border planting.

This highlights the Council's failure to use existing planning powers to improve landscaping, greenification, mature tree planting and biodiversity.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

74 Palace Gardens Terrace

Development appears to have taken place between 2008 and 2012. A large rear terrace appears to have been approved. The council does not need to approve this sort of development.

Again this highlights the Council's failure to use existing planning powers to improve landscaping, greenification, mature tree planting and biodiversity.

The apparent negative change in landscaping and ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

20 Alexander Square

Development appears to have taken place between 2008 and 2012.

A small tree and some shrubs appear to have been removed.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- Possible the 2013 aerial photograph having been taken in winter though this is not thought to be the most likely reason in this case.

27 Astell Street

This garden was paved with some side planters even though it appears more heavily planted than this is the pre-2008 pictures.

Construction may be taking place in the 2012 picture.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

41 Eggerton Crescent

Development appears to have taken place between 2008 and 2012.

The rear garden in the later photographs appears to be largely paved. The paved state in the pre-2008 pictures cannot be seen.

That the later pictures do not show a well landscaped, naturally planted and positive biodiversity habitat again this highlights the Council's failure to use existing planning powers to improve landscaping, greenification, mature tree planting and biodiversity.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

- The 2013 aerial photograph having been taken in winter.

26 Pelham Crescent

None of the pre-1012 pictures show the garden below the tree cover. The 2013 picture does not show the mature tree that appears to be in place.

It appears most likely that construction has been completed by the 2012 picture as a new ground floor extension can just be seen. The large tree in the rear garden has therefore been retained but is just not visible in the winter 2013 picture.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

29 Clarendon Road

Development appears to have taken place between 2008 and 2012.

Again the mature trees are visible in the 2012 picture but are not visible in the leafless winter 2013 picture.

Planting at ground level cannot be seen in the heavily shaded pre-2008 pictures.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

33 The Little Boltons

Construction appears to be taking place in 2012 and 2013.

All mature trees appear to have been retained.

Any failing in future landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

52 Paultons Square

Construction is taking place in 2013. The case study is therefore irrelevant

Any failing in future landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

9 Royal Crescent

The construction work appears to have taken place during 2012. One tree may have been removed from the rear right side of the garden. This should have been either protected by the Council or a replacement agreed as part of planning in which case there is no loss.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.

20 and 21 Paultons Square

These appear to be under construction in the 2012 and 2013 pictures making both cases irrelevant.

If this is not the case then the council has approved a very poor proposal from a gardens and biodiversity perspective.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

No mature tree planting seems to have been affected.

12 Kensington Gate and 46 Queen's Gate Mews

It appears that construction is taking place during 2013 and the case is therefore irrelevant.

The 2008 and 2012 gardens are fully paved with small border planters.

The council should have taken the opportunity of the basement planning application to improve the planting, greenification and biodiversity of the garden

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

14 Campden Hill Square

It appears that construction is taking place during 2013 and the case is therefore irrelevant.

No mature tree planting is being affected by the construction work.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

18 Lansdowne Road

Construction appears to be taking place in 2012.

There does not appear to have been a loss in mature tree planting.

However the finished rear garden does appear to have more paving and to be less well planted than previously. This again highlights the Council's failure to use existing planning powers to improve landscaping, greenification, mature tree planting and biodiversity when offered the opportunity to do so using the current basement planning policy and SPD.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

48 Palace Gardens Terrace

It appears that construction is taking place during 2013 and the case is therefore irrelevant.

No mature tree planting is being affected by the construction work.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

38 Eggerton Crescent

It appears that construction is taking place during 2012 and 2013 and the case is therefore irrelevant.

No mature tree planting is being affected by the construction work.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.

- The failure of the council to enforce a suitable landscaping and ecological condition.

12 Chelsea Park Gardens

It appears that construction is taking place during 2013 and the case is therefore irrelevant.

No mature tree planting is being affected by the construction work.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

13 Argyll Road

It appears that construction was taking place during 2012.

No mature tree planting seems to have been affected by the development.

It is difficult to be certain but the only change to the rear garden appears to be an increase in the size of the rear terrace, which the council could have resisted, and a possible improvement in the quality of the rear lawn.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

32 Oakley Street

it is difficult to be certain but it appears likely that construction is taking place in 2012.

The 2004 garden appears to be fully paved with a green hexagonal parasol / shade standing in the middle of the paved garden.

The 2013 garden appears to have an increase in green lawn at surface level though it is difficult to be certain.

Hopefully the council has taken the opportunity to improve the quality, character and biodiversity of the garden using its existing planning powers.

Any apparent failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The final 2013 aerial photograph having been taken in winter.

20 Pelham Street

It appears that construction is taking place in 2012 and that the work has not been completed in 2013, the case is therefore irrelevant.

It should be noted that no mature tree planting appears to have been affected by the development.

Any failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

36 Cathcart Road

It appears that construction is taking place in 2012 and that the work has not been completed in 2013, the case is therefore irrelevant.

It does not appear that any mature tree planting has been affected by the development.

Any failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

54 Cathcart Road

It appears that construction is taking place in 2012 and that the work has not been completed in 2013, the case is therefore irrelevant.

As an aside it also appears that the 2008 garden is fully paved so this development would be a good opportunity for the Council to require improvement in the natural planting, mature tree planting, greenification and biodiversity of this garden.

Any failing in the future landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

24 Kensington Palace Gardens

It appears that works took place from 2008 through to 2012.

It is difficult to tell if the original 2004 rear garden is paved or grassed.

All mature trees appear to have been retained.

The 2013 rear garden appears to be fully paved which suggests that the Council has failed to take the opportunity to improve the natural planting, biodiversity value, mature tree planting or general greenification that it could require using current planning powers.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.
- The new planting not having had sufficient time in which to grow and mature.
- The 2013 aerial photograph having been taken in winter.

2 Edith Grove

It appears that construction is taking place in 2013 so the case is therefore irrelevant.

That aside it does not appear that any mature trees have been harmed.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.

- The failure of the council to enforce a suitable landscaping and ecological condition.

23 Eggerton Terrace

It appears that construction is taking place in 2012 and 2013 so the case is therefore irrelevant.

Again however it does not appear that any mature trees have been harmed.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

52 Chepstow Villas

Construction is taking place in 2013 therefore the case is irrelevant.

It does not appear as if there were any mature trees to harm. Indeed the original rear area appears to have been fully paved or poorly planted.

The Council should have used its powers under existing planning to improve on this situation in terms of planting, greenification and biodiversity.

Any failing in future landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

1 St Anne's Villas

It appears that construction is taking place in 2012 and 2013 so the case is therefore irrelevant.

It does appear that one tree may have been removed. It is hoped that the Council has required that this tree be replaced by at least one suitable tree.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

49 Argyll Road

It appears that construction is taking place in 2013 therefore this case is irrelevant.

It does appear that several small trees may have been removed. It is hoped that the Council has required that these trees be replaced by suitable replacements and takes the opportunity to improve the overall planting, greenification and biodiversity of the site as it is able to do under existing planning powers.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

28 Abbotsbury Road

We are confident that the garden basement was not built during the period of the Council's evidential pictures.

The basement construction has been ongoing over the last months and the structural works appear to have just been completed, that is completed in March 2014 so at least nine months after the Council's last picture.

The picture below shows the front of the property in March 2014.



28 Abbotsbury Road showing basement under construction in March 2014

That the Council includes this property as an example demonstrates that: it is not possible, as the Council claims, that generally a garden with a basement underneath it can be distinguished from a garden without a basement underneath it.

62 Addison Road

Construction is taking place in 2013 therefore the case is irrelevant.

It is difficult to tell but one tree may have been removed, though equally it may have been protected but cannot be seen in the leafless 2013 winter picture.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

46 Eggerton Crescent

This example is a repeat of a previous address (example 10 in pdf 03 Basements Visual Evidence) and will be ignored this time around.

62 Cadogan Lane

It appears that a mature tree has been removed from the rear garden.

The council should have either protected this tree or required a replacement to be planted.

Any failing in landscaping or ability for future tree planting is due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

8 and 10 Brunswick Gardens

Construction is taking place in 2013 therefore the cases are irrelevant.

No mature trees appear to have been harmed by the ongoing construction.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

34 St Anne's Villas

The planning application is dated 2012.

The large tree in the street shown in the 2004 picture was removed before 2008. The basement works did not lead to this tree's removal.

It is difficult to tell if the basement development has taken place.

There is no significant difference in the garden pictures of 2008, 2012 and 2013 except that the 2013 picture is taken in winter.

Any apparent or future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

33 Danvers Street

Construction is taking place in 2013 therefore the cases are irrelevant.

The large tree in the garden seen in 2008 is not present in the, probably, pre-works 2012 picture. Therefore it seems unlikely that this tree was removed because of the basement development.

If the tree were removed under an agreement of planning then it is hoped that the Council has required a suitable replacement is planted.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

27 Chepstow Villas

Construction is taking place in 2013 therefore the cases are irrelevant.

There are no large trees in the garden in the 2012 picture except for the specimen in the bottom left hand corner of the garden which can be seen in the 2013 picture as having been retained.

Any future failing in landscaping or ability for future tree planting will be due to either:

- The failure of the Council to impose a suitable landscaping and ecological condition on planning.
- The failure of the council to enforce a suitable landscaping and ecological condition.

5 Addison Crescent

From examining the aerial pictures it is not thought that the 2012 planning development has been built. All the planters and terraces appear to be the same size as in 2008.

If construction has taken place then this should be used as an example of good design as the planting and garden look the same as they did before the planning application was submitted.

Part 2 - Note on rear gardens

In all of the cases where rear gardens are viewed as unattractive the council could have, by condition, required mature tree planting and gardens of natural appearance.

The planning condition would have lasted for five years. At the end of this period the required trees would have rooted and, due to their size and location in a conservation area, have been automatically protected.

Part 3 - Examples of lightwells

The following light well / roof light examples are given:

South End, Kensington

Pembroke Road

Vicarage Gate

Somerset Square

Chelsea Park Gardens

Drayton Gardens

Holland Park

Mallord Street, Chelsea

Millborne Grove, Chelsea

Royal Avenue Chelsea

Wycombe Square, Kensington

The examples at Millborne Grove and Royal Avenue are known to have gained planning permission prior to May 2009 and are therefore not valid examples to use in evaluating the effectiveness of the current basement SPD.

The addresses for the other examples have not been given and neither has the date of their planning permission.

It is doubted that the light wells and roof lights in these examples would be granted under the current May 2009 SPD. With this in mind these examples should either be removed from the basements visual evidence or the planning dates be provided.

Part 4 - Further examples of rear gardens with and without basements underneath

16 The Boltons

The rear garden has a basement underneath



Mature tree planting is evident. The trees on the garden basement roof were planted in accordance with the proposed landscaping plan.

8, 10 and 12 Tregunter Road

The rear gardens have no basements underneath them.

The planting is formal, with clipped border planting and without mature tree planting.

The appearance is similar to the gardens at 10 and 11 The Boltons which is within 200 metres of 8, 10 and 12 Tregunter Road.

