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# Basements Submission Planning Policy

Partial Review of the Core Strategy



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

April 2014

Regulation 22, Town and Country Planning (Local Planning) (England) Regulations 2012



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## **How this document is set out**

This document includes the publication policy CL7 on basements. The policy is preceded by supporting text called 'reasoned justification' which justifies the policy. The policy and the reasoned justification will be inserted into the third section of Chapter 34 of the Local Plan (currently called the Core Strategy), hence the paragraph numbering.

This policy will supersede Policy CL2: New Buildings, Extensions and Modifications to Existing Buildings criteria (g) and CE1: Climate Change criteria (c) of the adopted Core Strategy, RBKC 2010.

## **34. Renewing the Legacy**

### **34.3 Policies**

#### **Basements** (*Reasoned Justification*)

- 34.3.46 This policy applies to all new basement development. For the purposes of this policy, basement development is the construction or extension of one or more storeys of accommodation below the prevailing ground level of a site or property.
- 34.3.47 Basements are a useful way to add extra accommodation to homes and commercial buildings. Whilst roof extensions and rear extensions add visibly to the amount of built development, basements can be built with much less long term visual impact – provided appropriate rules are followed. This policy sets out those rules.
- 34.3.48 Basement development in recent years has been the subject of concern from residents. Basements have given rise to issues about noise and disturbance during construction, the management of traffic, plant and equipment, and concerns about the structural stability of nearby buildings. These concerns have been heightened by the growth in the number of planning applications for basements in the Royal Borough with 46 planning applications in 2001, increasing to 182 in 2010, 294 in 2012 and 450 in 2013. The vast majority of these are extensions under existing dwellings and gardens within established residential areas.
- 34.3.49 In the Royal Borough, the construction of new basements has an impact on the quality of life, traffic management and the living conditions of nearby residents and is a material planning consideration. This is because the Borough is very densely developed and populated. It has the second highest population density and the highest household density per square km in England and Wales<sup>1</sup>. Tight knit streets of terraced and semi-detached houses can have several basement developments under way at any one time. The excavation process can create noise and disturbance and the removal of spoil can involve a large number of vehicle movements.
- 34.3.50 A basement development next door has an immediacy which can have a serious impact on the quality of life, whilst the effect of multiple excavations in many streets can be the equivalent of having a permanent inappropriate use in a residential area. There are also concerns over the structural stability of adjacent property, character of rear gardens, sustainable drainage and the impact on carbon emissions. Planning deals with the use of land and it is expedient to deal with these issues proactively and address the long term harm to residents' living conditions rather than rely only on mitigation. For all

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<sup>1</sup> ONS, Census 2011

these reasons the Council considers that careful control is required over the scale, form and extent of basements.

- 34.3.51 The policy therefore restricts the extent of basement excavation to no more than under half the garden or open part of the site and limits the depth of excavation to a single storey in most cases. The extent of basements will be measured as gross external area (GEA).
- 34.3.52 'Garden' or 'open part of the site' is the private open area to the front, rear or side of the property. A 'single storey' is one that cannot be subdivided in the future to create additional floors. It is generally about 3 to 4 metres floor to ceiling height but a small extra allowance for proposals with a swimming pool may be permitted.
- 34.3.53 Restricting the size of basements will help protect residential living conditions in the Borough by limiting the extent and duration of construction and by reducing the volume of soil to be excavated. Large basement construction in residential neighbourhoods can affect the health and well-being of residents with issues such as noise, vibration and heavy vehicles experienced for a prolonged period. A limit on the size of basements will reduce this impact.
- 34.3.54 The carbon emissions of basements are greater than those of above ground developments per square metre over the building's life cycle<sup>2 3</sup>. This is because of the extensive use of concrete which has a high level of embodied carbon. In particular multi storey basements are more carbon intensive when compared to above ground extensions or single storey basements during their life cycle. Limiting the size of basements will therefore limit carbon emissions and contribute to mitigating climate change.
- 34.3.55 The townscape of the Borough is urban and tightly developed in character. However, rear gardens are often a contrast, with an informal picturesque and tranquil ambience, regardless of their size. Whilst basements can preserve the remaining openness of the townscape compared with other development forms, it can also introduce a degree of artificiality into the garden area and restrict the range of planting<sup>4</sup>. Retaining at least half of each garden will enable natural landscape and character to be maintained, give flexibility in future planting (including major trees), support biodiversity<sup>5</sup> and allow water to drain through to the 'Upper Aquifer'<sup>6 7</sup>. This policy takes into account the London Plan<sup>8</sup>

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<sup>2</sup> Life Cycle Carbon Analysis of Extensions and Subterranean Development in RBKC, Eight Associates, February 2014

<sup>3</sup> Life Cycle Analysis (LCA) is a methodology for assessing the environmental performance of a product (i.e. building) over its life cycle.

<sup>4</sup> Trees and Basements, RBKC, February 2014 and Basements Visual Evidence, RBKC, February 2014

<sup>5</sup> Impact of Basement Development on Biodiversity, RBKC, February 2014

<sup>6</sup> Royal Borough of Kensington and Chelsea Residential Basement Study Report, Alan Baxter and Associates, March 2013

and the Mayor of London's Housing SPG<sup>9</sup> both of which emphasise the important role of gardens. The National Planning Policy Framework (NPPF)<sup>10</sup> also supports local policies to resist inappropriate development of residential gardens and excludes private gardens from the definition of previously developed land.

- 34.3.56 Keeping the unexcavated area of a garden in a single area and adjacent to similar areas in other plots allows better drainage, and continuity of larger planting supporting biodiversity. In back gardens this area will usually be the end of the garden furthest from the building.
- 34.3.57 On larger sites, basements of more than one storey and greater than half the garden or open part of the site may be permitted in certain circumstances. These will generally be new developments located in a commercial setting or of the size of an entire or substantial part of an urban block<sup>11</sup> and be large enough to accommodate all the plant, equipment and vehicles associated with the development within the site. Larger sites can offer more opportunity to mitigate construction impacts and carbon emissions on site.
- 34.3.58 Where a basement has already been implemented following the grant of planning permission or through the exercise of permitted development rights, the policy does not allow further basement floors or basement extensions that would exceed 50% of the garden or open part of the site. This is to ensure consistency of approach.
- 34.3.59 Trees make a much valued contribution to the character of the Borough, and bring biodiversity and public health benefits. Works to, and in the vicinity of, trees, need to be planned and executed with very close attention to detail. All applications for basements likely to affect trees<sup>12</sup> either on-site or nearby must be accompanied by a full tree survey and tree protection proposal for the construction phase. Core Strategy Policy CR6 Trees and Landscape will also apply.
- 34.3.60 The significance<sup>13</sup> of heritage assets<sup>14</sup> needs to be identified so that the significance is not harmed.

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<sup>7</sup> Due to the impermeable London Clay which lies beneath the gravel terraces there is a local perched water table which is fed by precipitation within the Thames Valley. This is known as London's Upper Aquifer.

<sup>8</sup> Policy 3.5 of the London Plan, GLA, July 2011

<sup>9</sup> Para 1.2.18, 1.2.22 and 1.2.25 Housing Supplementary Planning Guidance (SPG), GLA, November 2012

<sup>10</sup> Para 53 and Annex 2: Glossary, NPPF, March 2012

<sup>11</sup> Urban blocks are generally bound by roads on all sides and can contain a mix of uses.

<sup>12</sup> Works to trees should be carried out in accordance with BS 5837 2012 (with the exception that tunnelling underneath the root protection area should not be undertaken) and the Council's Trees and Development SPD.

<sup>13</sup> The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting (as defined in the NPPF).

- 34.3.61 The special architectural or historic interest of listed buildings goes beyond appearance. It includes the location and hierarchy of rooms and historic floor levels, foundations, the original purpose of the building, its historic integrity, scale, plan form and fabric among other things. Consequently, the addition of a new floor level underneath the original lowest floor level of a listed building, or any extension of an original basement, cellar or vault, may affect the hierarchy of the historic floor levels, and hence the original building's historic integrity. Basements under listed buildings are therefore resisted by the policy.
- 34.3.62 Basements in the gardens of listed buildings can result in modifications to the building's foundations. This can harm the historic integrity and pose risks of structural damage to the building<sup>15</sup>. Evidence suggests that where a basement is built only in the garden it is beneficial for the adjoining buildings if this basement is structurally independent of the adjoining houses and executed with special care<sup>1617</sup>. The link between the listed building and the basement should be discreet and of an appropriate design.
- 34.3.63 In conservation areas, development should preserve or enhance the character or appearance of the conservation area. Basements by themselves with no external manifestations are not considered to affect the character or appearance of conservation areas. It is the other aspects such as their externally visible elements that can affect character or appearance.
- 34.3.64 Archaeological remains are a finite and fragile resource. The conservation, protection or setting of such remains must not be threatened by development, directly or indirectly, to ensure the Borough's past is not lost forever. Policy CL 4(g) of the Core Strategy requires development to protect the setting of sites of archaeological interest.
- 34.3.65 The impact of basements on non-designated heritage assets<sup>18</sup> must be assessed on their merits to avoid harm to their significance.
- 34.3.66 It is very important to minimise the visual impact of light wells, roof lights, railings, steps, emergency accesses, plant and other externally visible elements. Care should be taken to avoid disturbance to

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<sup>14</sup> A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest (as defined in the NPPF). These include listed buildings, scheduled ancient monuments, conservation areas, sites of archaeological interest and non-designated heritage assets (explained in footnote 18).

<sup>15</sup> London Terrace Houses 1660 – 1860, English Heritage 1996

<sup>16</sup> Royal Borough of Kensington and Chelsea Residential Basement Study Report, Alan Baxter and Associates, March 2013 (9.2.6)

<sup>17</sup> RBKC Basements, Basements in Gardens of Listed Buildings, Alan Baxter and Associates, February 2014

<sup>18</sup> In addition to the national and statutory designations, a local planning authority may formally identify heritage assets that are important to the area. Such a designation will be material when assessing an application. A non-designated heritage asset may also be of value, and make an important positive contribution to the environment. Guidance is available in English Heritage's practice guide to PPS5.

neighbours from light pollution through roof lights and other forms of lighting. Introducing light wells where they are not an established and positive feature of the streetscape can harm the character or appearance of an area. Where external visible elements are allowed they need to be located near the building, and sensitively designed reflecting the existing character and appearance of the building, streetscape and gardens in the vicinity.

- 34.3.67 Policy CE 2 of the Core Strategy requires surface water run-off to be managed as close to its source as possible. A minimum of one metre of suitably drained permeable soil above any part of a basement within a garden provides for both reducing the amount and speed of water run-off to the drainage system and the long term future of shrub and other garden planting. Care should be taken that the original garden level is maintained and the 1m of permeable soil is connected to the unaffected part of the garden. Other SUDs measures may also be required.
- 34.3.68 The carbon emissions of basements are greater than the equivalent above ground development and the policy contains a provision to mitigate this impact. A BREEAM methodology is used as a proxy to achieve energy savings across a whole dwelling or commercial property to which the basement relates. For residential development (including listed buildings), the standard is BREEAM Domestic Refurbishment “very good” including a minimum standard of “excellent” in the energy section and a minimum of 80% of credits in the waste category<sup>19</sup>. For non-residential development, the standard is BREEAM “very good”. This approach is in-line with the London Plan<sup>20</sup> requiring targets for carbon dioxide to be achieved on-site.
- 34.3.69 Basement construction can cause nuisance and disturbance for neighbours and others in the vicinity, through construction traffic, parking suspensions and the noise, dust and vibration of construction itself. The applicant must demonstrate that these impacts are kept to acceptable levels under the relevant acts and guidance<sup>21</sup>, taking the cumulative impacts of other development proposals into account. Every effort must be made to locate the building compound and the skip on site or in exceptional circumstances in the highway immediately outside the application site.
- 34.3.70 Basement development can affect the structure of existing buildings. The applicant must thoroughly investigate the ground and hydrological conditions of the site and demonstrate how the excavation, demolition, and construction work (including temporary propping and other temporary works) can be carried out whilst safeguarding structural

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<sup>19</sup> Evidence Base for Basements and Policy CE1: Climate Change, Eight Associates, July 2013

<sup>20</sup> London Plan Policy 5.2: Minimising carbon dioxide emissions (E) and para 5.23

<sup>21</sup> There are a number of relevant acts and regulations including Control of Pollution Act (COPA) 1974, Environmental Protection Act 1990 and Noise Emission in the Environment by Equipment for use Outdoors Regulations 2001. The guidance includes British Standard 5228 – 1 2: 2009: Code of practice for noise and vibration control on construction and open sites.

stability<sup>22</sup>. The structural stability of the development itself is not controlled through the planning system but through Building Regulations. The Party Wall Act is more suited to dealing with damage related issues.

- 34.3.71 Given their nature, basements are more susceptible to flooding, both from surface water and sewage, than conventional extensions, and applicants are advised to see Policy CE2: Flooding. Fitting basements with a 'positive pumped device'<sup>23</sup> (or equivalent reflecting technological advances) will ensure that they are protected from sewer flooding. Fitting only a 'non return valve' is not acceptable as this is not effective in directing the flow of sewage away from the building.
- 34.3.72 Applicants wishing to undertake basements are strongly advised to discuss their proposals with neighbours and others, who will be affected, commence party wall negotiations and discuss their schemes with the Council before the planning application is submitted. Sharing emerging proposals related to traffic and construction with residents and businesses in the vicinity is beneficial as local knowledge and their needs can be more readily taken into account.

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<sup>22</sup> The details of what is required will be set out in the Basements Supplementary Planning Document.

<sup>23</sup> Sewers often surcharge to just below manhole cover level and so connecting a basement via a gravity connection provides a new low point for the surcharging sewer to discharge to. To reduce the risk of flooding, waste water from basements should be pumped.

## Policy CL7

### Basements

The Council will require all basements to be designed, constructed and completed to the highest standard and quality.

To achieve this basement development should:

- a. not exceed a maximum of 50% of each garden or open part of the site. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens. Exceptions may be made on large sites;
- b. not comprise more than one storey. Exceptions may be made on large sites;
- c. not add further basement floors where there is an extant or implemented planning permission for a basement or one built through the exercise of permitted development rights;
- d. not cause loss, damage or long term threat to trees of townscape or amenity value;
- e. not cause harm to the significance of heritage assets;
- f. not involve excavation underneath a listed building (including pavement vaults);
- g. demonstrate there is no harm to the special architectural and historic interest of the listed building when proposed in the garden;
- h. not introduce light wells and railings to the front or side of the property unless they are already an established and positive feature of the local streetscape;
- i. maintain and take opportunities to improve the character or appearance of the building, garden or wider area, with external elements such as light wells, roof lights, plant and means of escape being sensitively designed and discreetly sited;
- j. include a sustainable urban drainage scheme (SUDs), including a minimum of one metre of permeable soil above any part of the basement beneath a garden. Where the character of the gardens in the locality is small paved courtyards SUDs may be provided in other ways;
- k. ensure that any new building which includes a basement, and any existing dwelling or commercial property related to a new basement, is adapted to a high level of performance in respect of energy, waste and water to be verified at pre-assessment stage and after construction has been completed;

- l. ensure that traffic and construction activity does not harm pedestrian, cycle, vehicular and road safety, affect bus or other transport operations (e.g. cycle hire), significantly increase traffic congestion, nor place unreasonable inconvenience on the day to day life of those living, working and visiting nearby;
- m. ensure that construction impacts such as noise, vibration and dust are kept to acceptable levels for the duration of the works;
- n. be designed to safeguard the structural stability of the application building, nearby buildings and other infrastructure including London Underground tunnels and the highway;
- o. be protected from sewer flooding through the installation of a suitable pumped device.

A specific policy requirement for basements is also contained in Policy CE2, Flooding.