

**Council's Response to Cranbrook Basements  
Document 60 by Jeffery W George and  
Associates, RBKC, April 2014**

HISTORIC BUILDING CONSULTANCY

ARCHITECTURE

SURVEYING

TOWN PLANNING



## **OPINION**

**Re: Royal Borough of Kensington and Chelsea Basement Policy Review:  
Partial Review of the Core Strategy, February 2014**

Prepared for Cranbrook Basements

By

Jeffery W George and Associates

March 2014

Mariner's Wharf, 8 Holyrood Street, London SE1 2EL  
Tel 020 7378 0078  
The Old Vicarage Stowe Shropshire LD7 1NB  
Tel/Fax 01547 528409  
mobile 07831 509561  
e-mail jeffgeorge2@me.com

This Opinion has been prepared by Jeffery W George and Associates, a consultancy specialising in planning, conservation and listed building matters for over 25 years. Jeffery W.George and his principal Associate, David J.Atwell, have between them nearly 100 years experience in the conservation of historic buildings.



1.0 We have taken instructions and undertaken a review of all the relevant documentation associated with the Public Consultation being carried out by the Royal Borough of Kensington and Chelsea in connection with their Basement Planning Policies.

2.0 Concern over the possible impact of basement and sub-basement excavations, especially with regard to noise, disruption and potential structural disturbance, has gradually become a significant issue over the past 20 years. As early as February 1996, English Heritage issued an advisory guide entitled “London Terrace Houses 1660-1860. A guide to alterations and extensions.” In this document some practical advice on basement conversions and alterations was set out:

‘At basement level proposals for wholesale clearance should be resisted. Evidence of domestic service arrangements is becoming increasingly rare. Features such as stone flags, ovens, ranges, grates, pantries, wine cellars, strong rooms and bell indicators all illustrate the character of a past age and should normally be retained’.

Under ‘conversion’, English Heritage stated: ‘The separation of a basement flat from the remainder of the house will usually be the simplest and generally least disruptive form of sub-division, particularly where the basement can be approached via front area steps. In such cases, the internal staircase from the ground floor should usually remain, but should be enclosed to provide effective separation’. We find it significant that at this date (1996) English Heritage was offering pragmatic guidance primarily on works to existing basements, rather than new excavations. Nevertheless, their guidance does not amount to any form of ‘blanket’ ban, being qualified by terms such as ‘normally’ and ‘usually’.

3.0 We next considered the Royal Borough’s ‘Town Planning Policy on Subterranean Development Phase 1 Scoping Study’ prepared in June 2008 Arup Geotechnics. This unequivocally states; ‘Subterranean development cannot be viewed in isolation from other planning issues.....’

4.0 This study was, we understand, incorporated into the Royal Borough’s Core Strategy, adopted in December 2010. In the Core Strategy, Part G of Policy CL2 “New Buildings, Extensions and Modifications to Existing Buildings” states:

‘The Council will require it is demonstrated that subterranean extensions meet the following criteria;

1) The proposal does not involve excavation underneath a listed building.

2) The stability of the existing or neighbouring buildings is safeguarded’.

It seems to us that this already suggests a blanket ban on new excavations beneath listed buildings, whilst giving equal weight to legitimate structural engineering considerations.

5.0 We next considered the Report “Residential Basement Study Report, March 2013” prepared by consultant Alan Baxter for the Council. Dealing with listed buildings, he sets out two issues:

1) The need to avoid, as far as possible, any disturbance to or loss of fabric of the listed building.

2) The way in which access to the basement is arranged.

Dealing with new excavations under listed building, the Report makes several key points, which we would wholeheartedly endorse:

‘It is important to recognise that each case must be considered on its merits....’

‘From a structural engineering point of view there is little difference between a listed and unlisted building....’

‘The objection to basements under listed buildings primarily relates to how a building is used rather than any particular structural risk’. (Page 85, Question 10)

6.0 We have now arrived at the present with the associated documents by Alan Baxter, “Basements in Gardens of Listed Buildings” and “Policy Formulation Report”, both dated February 2014, and the actual Partial Review of the Core Strategy, that sets out the draft new policies.

7.0 The issue of excavating under rear gardens to form new basements has rapidly grown as an increasingly controversial topic over the past ten years or so. The new policy seeks to restrict the extent of basement excavation to no more than half the garden and limits the depth of excavation to a single storey in most cases. The Baxter Report makes three statements of “intent”:

1) In relation to Conservation Areas, 34.3.63: “Basements by themselves with no external manifestations are not considered to affect the character or appearance of Conservation Areas.”

2) 34.3.61: “Basements under listed buildings are therefore resisted by the policy.”

3) 34.3.65: “The impact of basements on non-designated heritage assets must be assessed on their merits to avoid harm to their significance.”

8.0 In the Strategy Partial Review, there are five parts of Policy CL7, which is divided into sections (a) to (e), that give us particular cause for concern:

(a) The limit of 50% excavation in a rear garden.

(b) The limit of not more than a single storey in any new basement excavation.

(e) To “not cause harm to the significance of heritage assets.”

(f) “Basement development should not involve excavation underneath a Listed Building (including pavements vaults).”

(g) “Basement development should demonstrate there is no harm to the special architectural and historic interest of the Listed Building when proposed in the garden.”



9.0 We wish to make the following points:-

1) In relation to the proposed limitation of 50% in area of rear gardens:

The size of rear gardens in urban areas varies widely. In older suburbs with close-knit terraced housing rear gardens are likely to be very small. In some parts of the Royal Borough they may be so large that the 50% cut-off is irrelevant. We would oppose the imposition of this arbitrary figure and ask that instead, each case be considered on its merits.

*This criteria is based on a range of issues as set out in the Policy Formulation Report, RBKC, Feb 2014.*

2) With regard to listed buildings, we believe that the structural engineering considerations should outweigh planning considerations. Alan Baxter has stated that from a structural engineering point of view there is little difference between a listed and unlisted building. We consider that in many cases a basement conversion or excavation need not harm the special interest of a listed building provided it can be safely achieved in structural engineering terms. We think a general presumption against new excavation under a listed building is reasonable, But each case should be considered on its merits.



*It is not clear why a balance should be struck between structural and planning considerations where listed buildings are concerned and “structural engineering considerations should outweigh planning considerations”. The author will be aware of the Council’s duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.*

3) Whilst we can see that excavation deeper than a single storey should normally or usually be resisted, we do not consider this part of the policy should amount to an absolute ban.

*This criteria is based on the issues as set out in the Policy Formulation Report, RBKC, Feb 2014.*

4) We are also concerned that the use of the reference to heritage assets in part (e) of the proposed Policy CL7 will become synonymous with any buildings, listed or unlisted, in conservation areas. Again, we believe cases should be considered on their own merits, with the requirement to demonstrate in structural engineering terms that they will not cause harm to the building or its neighbours.

*The author has clearly not read footnote 14 in the Basements Publication Planning Policy, RBKC, February 2014 and is not aware of the definition of heritage assets in the NPPF. Footnote 14 does include conservation areas in the definition.*

5) We note a lack of consistency with National Framework Policy in regard to basements and listed buildings. No other authority in London or nationally has sought to limit basements in this way. Effectively there is already a virtual ban in excavating beneath the footprint of listed buildings in RBKC and it seems to us that this goes against National Policy and English Heritage guidance of each case being judged on its own merit.

*See Council’s response to Cranbrook Basements comments related to Listed Buildings, RBKC, April 2014*

6) We find it illogical that above ground rear extensions to listed buildings are deemed

to be acceptable in principle but not subterranean development that, apart from the possible requirement of air vents or other grills, will be invisible.

*See Council's response to Cranbrook Basements comments related to Listed Buildings, RBKC, April 2014*

7) With regard to 'Designated Heritage Assets' there is a danger that any building within a Conservation Area will be caught up in this designation. A recent case in Tunbridge Wells hinged upon the fact that the unlisted building in question was a non designated heritage asset, however since the whole conservation area was a designated HA, the building therefore enjoyed the additional protection. This seems an unreasonable restriction of basement excavation where it can be demonstrated that a basement excavation is sound in structural engineering terms and will cause no harm to the building above.

*The author has clearly not read footnote 14 in the Basements Publication Planning Policy, RBKC, February 2014 and is not aware of the definition of heritage assets in the NPPF. Footnote 14 does include conservation areas in the definition. The policy criteria with regard to listed buildings are separate from those applying to conservation areas.*

## DAVID ATWELL ASSOCIATE



David Atwell, dipArch dipTP, is an Associate and Consultant to Jeffery W. George and Associates. He has been closely associated with the practice since 1992, appearing as an expert witness at a number of planning inquiries and informal hearings.

He qualified in architecture in the late 1960s and in town planning ten years later. Whilst qualifying he worked for eight years in the well-known conservation practice of Donald Insall and Associates, and later with Philip Jebb, where he worked mainly on prestigious listed building projects in central London.

David joined the Historic Buildings Division of the Greater London Council in 1970, specialising in all aspects of conservation work in the City of Westminster area. In 1977 he was appointed Principal Information Officer, in charge of press, publications and public relations for the GLC Department of Architecture and Civic Design, which included the Historic Buildings Division. In 1985 he became Director of Public Affairs at the RIBA, and in 1988 moved to Hampshire to take charge of press and public relations for the County Council in Winchester.

Until he moved from London in 1988 he was a member of the Committee of SAVE Britain's Heritage, and was a founder and committee member of the Thirties Society, now renamed the Twentieth Century Society.

David Atwell has appeared twice in 1993 and 1996 as an expert witness on behalf of Glasgow City Council at Public Inquiries on appeals against refusal to allow redevelopment of a statutorily listed cinema. Both appeals were dismissed. In earlier Public Inquiries into listed cinema cases, David appeared for Portsmouth City Council in 1980, and for Swansea City Council twice in 1980 and 1982. All the cases were won by the local authority.

JEFFERY W GEORGE & ASSOCIATES

HISTORIC BUILDING CONSULTANCY

ARCHITECTURE

SURVEYING

TOWN PLANNING



## COMPANY PROFILE

2006

110 Bolsover Street, London W1W 5NU  
Tel 020 7436 Fax 020 7436 8191  
The Old Vicarage Stowe Shropshire LD7 1NB  
Tel/Fax 01547 528409  
mobile 07831 509561  
e-mail jeff@jwga.co.uk

## COMPANY PROFILE



Jeffery W George & Associates was set up in 1990 as a buildings conservation consultancy specialising in sensitive planning and listed building consent issues.

Jeffery George BA. FASI. FFB. FRSA. FCIQB. MRICS. IHBC. Assoc AIA. trained in architecture and surveying and, following an initial four year's experience with a major international construction company has gained more than thirty years experience in the field of conservation and planning.

This experience began with the Ancient Monuments Branch of the Department of the Environment where he was responsible for the surveying, recording and upkeep of monuments throughout England.

In 1974 he joined the Historic Buildings Division of the Greater London Council's Department of Architecture and Civic Design where he was engaged in all of the working aspects of planning with particular regard to the processing and negotiation of applications for planning permission and listed building consent to alter buildings of special architectural and historic interest. Duties included the making of grants, the giving of expert evidence by means of written representations or at public inquiries and the designation of conservation areas. Upon the abolition of the GLC the Historic Buildings Division was wholly absorbed by English Heritage.

The Associates of the practice are also former English Heritage professionals with similar ranges of qualifications and experience.

Clients of the practice have included private individuals, leading property developers, banking institutions and international architectural practices. Notable projects have included a scheme of residential development and underground car parking in the garden of Lowther Lodge, a Grade I listed building by Norman Shaw, and a scheme of residential development and conversion of The Royal Holloway Sanatorium, Virginia Water, another Grade I listed building by W H Crossland. Currently the practice is engaged upon a variety of projects including alterations to The Wick, an important georgian house in Richmond, the conservation and development of Groombridge Place in Kent also listed Grade I and, working with the distinguished classical architect Quinlan Terry, the extension and refurbishment of Hanover Lodge, an important work by John Nash in Regent's Park, London. Further work involves the assessment of redundant historic hospital buildings in Bath, Bristol and Truro and we have been involved in an important Public Inquiry with regard to an historic timber yard in Westminster.

## 160 PICCADILLY LONDON

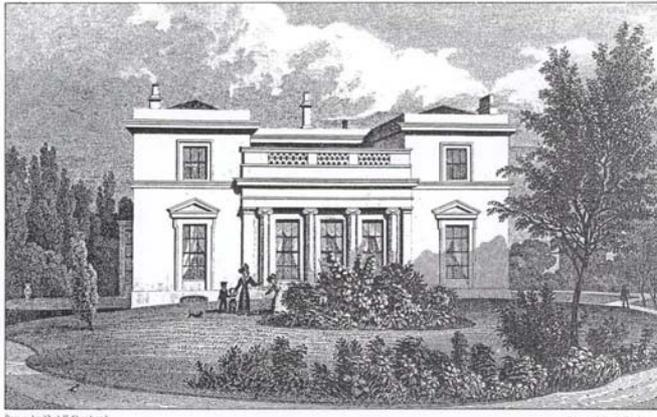


This listed Grade II\* building, designed by William Curtis Green in 1921, was the London headquarters Showroom for the Wolseley Motor Car Company.

In 1926 the Wolseley Car Company was declared bankrupt and William Curtis Green was called back to convert the premises to banking use.

In 1998 we were instructed to seek permission for a change of use to incorporate a restaurant on the lower floors and residential on the upper floors. We then gained further consent in 1999 to add a second Mansard storey to the building creating two luxury penthouses.

## HANOVER LODGE, REGENTS PARK LONDON



Hanover Lodge, listed grade II\* dates from 1821 when James Burton submitted plans to the Crown's architect John Nash. The original lodge building was much altered and extended in 1910 by Edwin Lutyens when the original symmetry of the Burton design and its classical origins were lost.

We have been involved with the building since 2000, working with the building's current architect, Quinlan Terry. Together we have recently secured planning permission and listed consent for a scheme of further alteration and extension which, although large by normal standards does reinstate symmetry to the building and restores some of the classicism and architectural purity of the original lodge.

## FORSTON HOUSE DORSET



Our client acquired Forston House, Dorset in 2002. It is a late seventeenth century medium sized country house with a number of additional buildings of various dates in the grounds. All were in a poor state of repair and planning permission and listed building consents were sought for a thorough programme of restoration with some alterations. The work is now largely completed to a high standard.

## OLD LODGE, NUTLEY EAST SUSSEX



Old Lodge, listed Grade II is a large Edwardian Mansion situated in the centre of the Ashdown Forest. We have been involved since 2000 with a continuing programme of refurbishment and extension of the property and we obtained consent for a large conservatory extension which has now been constructed. Currently we are involved with a scheme for rebuilding the stable complex to provide an equestrian centre.

## THE VIEW BISHOP'S CASTLE SHROPSHIRE



The View, Bishop's Castle, Shropshire is an Edwardian House situated in a commanding position overlooking the small town of Bishop's Castle. The clients have lived there for many years and had long wished to build a romantic tower addition to take advantage of the views. Previous schemes by others had disappointed but we produced a sketch while sitting in their garden on a sunny day and this was received with enthusiasm. The scheme was developed, planning permission gained and the tower constructed in 2006. It was the recipient of a local Civic Award in the same year.

## CLIENT LIST

The Consultancy has been involved with historic buildings and conservation projects for a range of commercial, charitable and professional clients, including:

Albert Roux / CIP	Lucas Industries PLC
Alford Developments Ltd	Mountleigh PLC
Ballymore Properties Ltd	Marcol Management
Berkeley Homes (Kent) Ltd	Metrobrook Ltd
BP Ropemaker Pension Fund	Norwich Union Investment Management
Britannia Building Society	Overtons Restaurants
Broadmoor Hospital Trust	Parc Securities
Bromley Borough Council	Pathfinder Properties PLC
Building and Property Facilities Management	Pete Townshend
Burford Trocadero Ltd CKL	Pillar Property
Restaurants Ltd Chesterfield	Pizza Express
Properties PLC Compco	Prince Turki
Holdings PLC Corporation of London	Quinlan Terry
Crown Estate Commissioners	Railtrack
Diocese of Guildford	Roger Daltry
Glasgow City Council	Royal Geographical Society
Greene King Pub Company	Sir Norman Foster
GTM - Developpement et Services	Soho Hospital
Hillier Parker	St George (North London) Ltd
Hillsleigh International Ltd	St James Homes Ltd
Hunter & Partners	The Handel House Museum Trust
Imperial College of Science, Technology and Medicine	The Magic Pub Company
Johnson Fry Property Ltd	The Mayor Gallery
Joseph at Old Bond Street Ltd	The National Trust
KPMG Peat Marwick	The Shipwreck Heritage Centre
Lord Bagri	Unibank
Lonworld	
London Transport Property (Crossrail)	

