

Ref: KOC/ab/PGT010313

1 March 2013

Ms P G Tyagi
Senior Planning Officer
Royal Borough of Kensington & Chelsea
Kensington Town Hall
Hornton Street
London W8 7NX

Dear Mr Tyagi

Thank you for your email received on Wednesday 27th February within which you enclose Minutes of the Forum Basement Working Group Meetings that have taken place.

The Minutes do not accurately reflect all of the discussions which took place nor the views expressed. I acknowledge that this is an informal group and that these meetings may have little impact on future policy, but for the purpose of accuracy I wish to make the following points:

Meeting 1 – Thursday 14 February 2013

Basement professionals strongly disagreed that basement construction should be restricted to 50% of garden space.

The Local Authority stated that the reason for restriction was to protect the character of the gardens. This was to include existing levels, planting and the like.

Basement Professionals advised that it was possible to reinstate the garden to its former condition after construction works had taken place and that this should be subject to the Planning Condition.

The Local Authority confirmed that they would consider this point as it appeared to address issues relating to retention of the existing character of the garden.

Meeting 2 – Monday 18th February 2013

No formal Minutes of the previous meeting were tabled nor were they agreed in the form set out within the email of the 27th February 2013.

Basement professionals strongly disagreed that a single storey limit should be applied to basement construction. The Local Authority confirmed that the central issue was to avoid inconvenience to residents.

The Local Authority made reference to various matters including those controlled by Highways Legislation, Party Wall Legislation, Environmental Health Legislation and Health & Safety Legislation – Basement professionals said that existing controls were in place through alternative legislation and that the Planning Department were seeking to acquire powers beyond their remit – this should be avoided.

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FS 39931



Page 2
KOC/ab/PGT010313

Basement professionals stated that each basement application should be assessed on its merits and not be subject to a general limit to one storey.

Basement professionals argued strongly that a basements below Listed Buildings should be permitted and provided examples of Grade II and Grade II* Buildings in other Local Authorities where basement construction had been allowed.

Meeting 3 – Wednesday 20th February 2013

Basement professionals tabled examples of modest traditional light-wells to the front of two sample properties.

Basement professionals stated a front light-well is not necessarily an incongruous feature, whether or not it is the first such light-well in any street, and that each case should be judged on its merits.

Basement professionals stated that a blanket policy banning all light-wells of any type from any street scene where they were not already a feature of that street was an illogical policy as the presumption was that light-wells could never be acceptable in any circumstance where they did not exist as part of original construction.

Basement professionals stated that the Planning Department should not require applications to be made to the Highways Department under Highways Legislation to enable a basement planning application to be approved. The current policy requiring a Construction Traffic Management Plan is wholly reasonable and proportionate and should not be changed.

Meeting 4 – Wednesday 27th February 2013

Basement professionals stated that the Local Authority should allow carbon off-setting as outlined in the information provided by the Department of Energy & Climate Change. Carbon off-setting is used by Central Government and has been referred to by the European Union Directives. Carbon off-setting through the purchase of carbon credits is a valid alternative to being forced to upgrade an existing building which may have recently been refurbished. The policy should allow for an alternative route of compliance.

Basement professionals do not support withdrawal of permitted development rights under an Article 4 Direction by the Local Planning Authority as this will prevent home-owners from constructing a basement in certain circumstances.

Yours sincerely



Kevin O'Connor
Director