



## THE CHELSEA SOCIETY

Mr. Paul Martin,  
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Sir,

### CALL FOR EVIDENCE ON BASEMENT DEVELOPMENTS

The Chelsea Society is a registered charity, which was founded in 1927 to preserve and improve the amenities of Chelsea for the public benefit, and today the Society has more than a thousand members. Chelsea is probably the part of the United Kingdom in which the greatest pressure exists for basement development, and as a result a large number of our members have been affected. We wish to offer the government the following comments:

#### **Permitted Development Rights**

We acknowledge that many of the developers working in Chelsea are responsible people who employ responsible contractors. They try to keep noise dust and inconvenience to a minimum but the nature of the work is such that basement developments are so disruptive to local residents over long periods that even if the volume of the proposed basement is small, the effect on the quality of life for local residents and the effect on nearby buildings and on ground-water and drainage can be very significant.

Most of the houses in Chelsea are in terraces, and a basement dug beneath an existing building within a terrace is one of the riskiest situations in which to construct a basement. Because the property shares its existing foundations with its neighbours and also because it provides lateral support to its neighbours, any movement of the existing house resulting from the works will directly impact on its neighbours. It is little consolation to an adjoining owner that he may have rights, which he may or not be able to afford to enforce, under the Party Wall Act 1996.

Local authorities should therefore have a right and a duty to consider each application on its merits, and permitted development rights for basement excavations should be withdrawn.

In Chelsea an Article 4 Direction is in force, and in the recent case of *Eatherley v LB Camden* [2016] EWHC 3108 (Admin) the High Court has ruled that permitted development rights do not exist for the construction of basements where (as will usually be the case) significant engineering works are involved. This case could of course be appealed.

We consider that the matter should be put beyond doubt and that an additional clause A.1 (L) should be included in Sched 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, SI 2015 No 596 as follows "it would consist of or include excavation for the construction of a basement or an additional basement beneath the dwellinghouse or its curtilage."



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### **Double or triple basements**

As indicated above, basement developments are disruptive to local residents, but the works involved in excavating below an existing basement, or in creating a double or triple basement, are significantly more disruptive in view of the amount of time required, and the complexity of the building and engineering issues which may be encountered. In our view Policy Guidance should be given to local authorities that they should not permit the excavation within the curtilage of a building of any basement where a basement already exists, or of more than one basement if no basement already exists.

### **Lateral size of basements**

Large basements are particularly disruptive to local residents, and the construction of basements under gardens affects the disposal of rainwater which would otherwise soak into the garden, and also affects the viability of trees in the vicinity. In our view Policy Guidance should be given to local authorities that they should not permit the construction of a basement except within the footprint of the building.

### **Number of concurrent basement works**

Many of the streets of Chelsea are narrow and densely populated, and the adverse effects of more than one basement development at the same time should not be permitted. However, local authorities have no power to control the timing of these developments. In our view the government should give local authorities power to control the commencement and duration of basement developments where it is in their judgement desirable to do so having regard to all the circumstances.

Yours sincerely,

Chairman of the Planning Committee

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