



DCLG Consultation on Basement Developments and the Planning System Historic England Submission

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

We welcome the opportunity to submit a response to this consultation.

Introduction

- Historic England supports building owners adapting their property to meet their changing needs, as part of settled and successful communities and to ensure the long term viability of buildings. However, changes such as basement extensions need careful consideration in relation to the historic environment. This is to avoid or minimise any potential conflicts between the conservation of heritage assets and any harmful aspect of the basement proposal. For example, when considering works to listed buildings it is important to ensure that the significance of the listed building is understood (special regard given) so that the proposed basement does not detract from the building's historic or architectural value. When determining planning applications for basement extensions in conservation areas it is important that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. Likewise, where building works might affect areas rich in archaeology, it is necessary for the archaeology to be considered during the planning process to avoid it being lost.
- As the consultation notes, the construction of residential basements beneath existing buildings is primarily a localised issue of concern in London, particularly in the densely developed streets of central and west London. As these areas developed during the 18th and 19th centuries, many of the buildings affected are Georgian or Victorian terraced houses. They are often in conservation areas, and many are listed. For an overview on this historic building type our publication *London Terrace Houses 1660-1860* (1996), is a useful reference point.¹ This illustrates that throughout this period buildings were built with basements. These basements, with their associated single storey front area light wells set behind railings and basement level rear yards, are a characteristic feature of urban development during these periods. The result of this historic pattern of building is that important archaeology is usually limited to historic urban cores and areas in close proximity to the River Thames where it can still be found at deeper levels.

Q4. *What is your experience of basement development?*

¹ <https://historicengland.org.uk/images-books/publications/london-terrace-houses-1660-1860/>

- Historic England’s London Office has been consulted on over 400 applications for listed building consent for residential schemes including basement extensions in London since 2004. Over 280 of these consultations have occurred since the beginning of 2012, illustrating a steep rise in the popularity of this form of development in the past four years.
- Historic England works with local planning authority conservation staff on planning and listed building consent applications for basement developments that affect the historic environment. Our approach is to engage with cases where we are concerned that the proposal might cause substantial harm to the significance of designated heritage assets. As such our involvement has been limited to exceptional cases, with local authority conservation staff leading on the consideration of heritage questions in most cases. Within London this approach to basement development, treating it primarily as a local issue, is echoed in the GLA’s Sustainable Design and Construction SPG (April 2014) which notes that “the excavation of basements below existing properties is generally not a strategic issue due to their limited size”.²
- Nevertheless, this does not mean that the harm that might be caused by basement excavations to the significance of historic buildings and areas is unimportant, nor that permission is always forthcoming. We are aware of several decisions by the Planning Inspectorate where schemes for basement extensions have been dismissed in line with local and national policy as inspectors have identified harm to heritage significance that is not outweighed by public benefits.³ These cases have focused particularly on issues relating to the additional basement stories changing the hierarchy or scale of the historic building, or the building works causing the loss of historic fabric that contributes to the building’s heritage value.
- Similarly, when considering the archaeological implications of planning applications that include basement extensions, Historic England is highly selective in the cases where we choose to intervene. Within London the Greater London Archaeological Advisory Service (GLAAS), which is part of Historic England's London Local Office and provides archaeological advice to all of the London Boroughs except for Southwark and the City of London, identifies areas that are expected to have higher archaeological sensitivity. Through a sifting process GLAAS focus only on those cases where archaeology may raise significant planning issues.
- Historic England has also offered advice to local planning authorities in response to statutory consultations on planning policies and guidance relating to basement developments. This has largely focused on highlighting the need to consider potential direct, secondary or indirect impacts on archaeology that basement developments could have.

² Para 2.2.7 <https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/supplementary-planning-guidance/sustainable-design-and>

³ Appeal decision John G Millard (Insp), 14th June 2011, 74 Park Street, London, W1K 2JX, APP/X5990/E/2147768; Appeal decision John Chase (Insp), 16th October 2012, 12 Chamberlain Street, NW1 8XB, APP/X5210/E/12/2176261; Appeal decision Ava Wood (Insp), 22nd October 2013, 14 Chesterfield Street, London W1J 5JN, APP/X5990/E/2198012; Appeal decision Jacqueline Wilkinson (Insp), 26th November 2013, 25 Drayton Gardens, London, SW10 9RY, APP/K5600/A/13/2200983.

Q5. *In which local authority area(s) was this development undertaken?*

- While we are not able to provide detailed breakdowns of how many basements have been proposed for each borough, we are able to identify some general figures that illustrate how we have been consulted. These indicate that the majority of applications for basements under listed buildings where Historic England was consulted have come from the City of Westminster. In first 11 months of 2016, for example, 29 of the 56 consultations received by Historic England's London Office were from Westminster. These applications are notably concentrated in the W1 and SW1 postcodes, reflecting the residential nature of parts of these areas and their exceptional historic environment, which is characterised by terraced town houses.
- Consultations were also received from the London Boroughs of Camden, Lambeth, Islington, Enfield, Hounslow, Richmond upon Thames, Hammersmith and Fulham, Southwark, and the Royal Boroughs of Kingston upon Thames, and Kensington and Chelsea. While basement extensions are primarily an issue in inner London, this list of boroughs demonstrates that in our experience basement extensions are proposed to listed buildings across the whole of London. Outside of London Historic England has received few applications involving basement extensions to listed buildings.

Planning applications

Q8. *When considering a planning application for basement development what are the key issues the local planning authority look at?*

- Where basement developments affect a historic building or area then appropriately detailed and proportionate information should be provided to understand the significance of the heritage asset and to assess the impact on the significance of that building or area in order that the decision maker can make an informed decision. Given the specific technical issues involved with basement developments, this may require the submission of detailed structural engineering or hydrology reports to ensure that there are not additional unintended impacts, such as building collapse. Studies for the Royal Borough of Kensington and Chelsea (2012) and Westminster City Council (2013), have explored some of these issues in greater detail, and illustrate the local nature of some of the environmental considerations.⁴
- In areas and other sites with known archaeological potential, desk based archaeological assessments prepared by an accredited archaeological consultant are expected as part of any planning applications involving below ground excavation. To inform the desk based assessment the applicant's archaeologist should take into account the Greater London Historic Environment Record and other sources of evidence to establish the potential of the site and its environs in line with the NPPF. Depending on the outcome of this work, it may be necessary to do further archaeological investigation including pre-determination excavation to establish the appropriate response to the planning application. If significant remains are identified, in-situ preservation is the preferred option, especially where these are of equivalent importance to a scheduled monument.

⁴ <https://www.rbkc.gov.uk/wamdocs/Baxters%20Basement%20Report%20Final.pdf> and http://transact.westminster.gov.uk/docstores/publications_store/1672-10_Westminster%20City%20Councils%20Residential%20Basement%20Report_July2013.pdf

Q9. What local planning policies, if any, are in place to control the potential impacts of basement developments? Please name relevant local planning authorities?

- Many planning authorities in London including the London Boroughs of Islington, Camden, Wandsworth, Barnet and Richmond Upon Thames as well as the City of Westminster and the Royal Boroughs of Kensington and Chelsea and Kingston upon Thames have developed planning policies and guidance to help advise potential basement developers. While some of this policy is short, such as that for the London Borough of Barnet, other planning authorities have produced more detailed documentation, such as Camden and Kensington and Chelsea. Regardless of the length of the policy or guidance design considerations relating to local character are a recurrent issue. The potential for impacts on listed buildings and archaeology is also referenced in some, but not all, guidance documents.

Permitted Development

Q14. What do you consider are the benefits and risks of using permitted development rights? Please say why.

- Historic England notes the risks to archaeology that can arise through the use of permitted development rights for basement developments. Unlike works to listed buildings which are controlled through the Planning (Listed Buildings and Conservation Areas) Act (1990), or conservation areas where permitted development rights may have been subject to Article 4 Directions to control works affecting local character, archaeology is only assessed through the submission of a full planning application.

Q15. Do you think an Article 4 Direction, to remove permitted development rights for basement development, would be appropriate in your area?

- In some areas, such as sensitive Archaeological Priority Areas in historic urban cores and areas in close proximity to the River Thames, it might be beneficial to remove permitted development rights for basement development. Similarly, in conservation areas which have a more suburban or rural character, with back gardens and mature trees, additional controls through Article 4 directions may help local authorities to preserve and enhance the special local character for which they designated the area.

Q16. How could the existing planning framework be improved to deal with potential impacts of basement development?

- As this type of development has been treated as a local issue to date, there are an increasing variety of approaches that have been adopted by local authorities. To assist residents and developers there may be benefits in a standard approach being applied regionally through the London Plan, or nationally through guidance and alterations to the Permitted Development Order. However, in our view, ensuring that local authorities have adequately resourced planning departments would also help manage the problems associated with this type of development. We note the broad agreement within the development industry that local planning authorities need to be properly resourced to

help London meet its housing needs.⁵ This includes managing the impacts of basement development in an efficient manner, notably in relation to concerns about the impact on the historic environment.

- Historic England is particularly concerned that the number of historic environment professionals in local planning authorities continues to decline (an overall drop of 35% FTEs across London boroughs since 2006), at a time when listed building consent applications have risen by 21%.⁶ This decline means an increasing number of local planning authorities have difficulty in accessing appropriate expertise in relation to relevant planning applications, while the wider issue of capacity within planning departments also has implications for efficient decision making.

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⁵ “Properly resourcing public sector planning in London must be a priority if London is to identify, enable and approve the levels of housing required in the capital over the next 10 to 20 years.” Outer London Commission *Sixth Report: Removing the Barriers to Housing Delivery*, 2016.

⁶ London Historic Environment Forum, *Heritage Counts* 2015.