

# Oxford City Council Technical Advice Note (TAN) 6: Residential Basement Development

**January 2021**

## **1. Introduction**

- 1.1 With property prices in Oxford being very high, home owners might be keen to create more living space at their current home. A clear trend that has emerged in parts of London is for new basements to be created beneath homes to increase living accommodation. Oxford has not yet seen development on such the same scale as in London, although there are early signs of interest in this type of development.
- 1.2 This Technical Advice Note has been produced to provide guidance on the main planning considerations in relation to residential basement development.
- 1.3 It does not contain new policies; rather it brings together those existing planning policies that are most likely to be relevant for new residential basement development.

## **2. Do residential basement developments require planning permission?**

- 2.1 The planning regime covering the creation of living space in basements is evolving and under review. Converting an existing residential cellar or basement into a living space is likely to require planning permission if a separate unit of accommodation is created, the usage is significantly changed or a light well is added that alters the external appearance of the property.
- 2.2 Excavating to create a new basement which involves major works, a new separate unit of accommodation and/or alters the external appearance of the house is likely to require planning permission.
- 2.3 If the property is a listed building consent is likely to be required for internal or external work. In all circumstances you are advised to contact the City Council before starting any work. Contact details are at the end of this document.

## **3. How are planning applications for residential basement development judged?**

- 3.1 There is no single policy which specifically deals with basement developments. Instead there are a variety of policies which sufficiently cover the issues that might arise from new residential basement development.
- 3.2 The City Council considers every planning application against the Development Plan. The Development Plan should be read as a whole. Proposals will be judged against all relevant

policies. The most relevant documents of the Development Plan for basement developments are set out below and links to these are given at the end of this document:

- Adopted Oxford Local Plan 2036
- Policies Map
- National Planning Policy Framework

**3.3** The following sections summarise the main issues that the Council will consider when assessing planning applications for residential basement development and the relevant existing policies within the Development Plan. Each proposal is different and so other issues and policies may be relevant beyond those set out below.

### **Impact upon the historic environment, street scene and respecting local character and context**

**3.4** New development will be expected to respect the unique townscape characteristics of each area of Oxford. Every new development, of whatever scale, has a potentially significant effect on the appearance and character of the area. New basements, for example, may introduce front access or railings that are out of character with the surrounding area. Proposals for new developments should be designed with these features and possible improvements in mind.

**3.5** The City Council encourages applicants to use its Character Appraisal Toolkit to help applicants make their own assessments of the character of the landscape, townscape and built environment. It provides questions to help applicants consider how different features of the landscape/townscape contribute to its character. The toolkit enables applicants to undertake either a detailed or a rapid character assessment. For a proposed basement development beneath a dwelling, a rapid character appraisal is probably most appropriate. A link to the Toolkit is at the end of this document.

**3.6** New residential basement development should respect its neighbouring properties, relate to its local context and enhance its character. The most relevant policies in the Adopted Local Plan are Policy DH1 (High Quality Design and Placemaking), Policy DH3 (Designated Heritage Assets) and Policy DH5 (Local Heritage Assets).

### **Impact upon archaeological deposits**

**3.7** Archaeological remains provide valuable evidence that contributes to the understanding of important elements in the development of Oxford. Such remains are a finite and non-renewable resource that requires appropriate management to ensure they survive in good condition. Developers should consider the existence of archaeological remains on a site at an early stage, to allow sympathetic designs to be made.

**3.8** Basement developments have the potential to impact upon archaeological deposits. The City Council will require an archaeological assessment, which may include field evaluation, as part of any planning application that involves significant breaking of the ground in the City Centre Archaeological Area (see the Policies Map). In addition, there are known concentrations of past human activity elsewhere in Oxford and the City Council is also likely to require an archaeological assessment in these areas.

- 3.9** Applicants may wish to search on the national Heritage Gateway website (link at the end of this document) in order to see if heritage assets are recorded in their locality and/or seek early advice from the City Council Archaeologist on the likely archaeological implications of a basement construction.
- 3.10** In the 21<sup>st</sup> century there has been a clear pattern of domestic basement construction in North Oxford. Applicants in this area should be mindful of the extensive pattern of prehistoric monuments and multi-period burial sites located across the gravel terrace between the Thames and Cherwell rivers and may wish to establish the sensitivity of their site before submitting an application. The most relevant policy is Policy DH4 (Archaeological Remains).

### **Impact upon indoor and outdoor amenity space**

- 3.11** New residential basement development should ensure that suitable outdoor amenity space is provided or retained. Indoor space should ensure good quality living accommodation for the occupants, including adequate light and ventilation. The most relevant policies are Policy H15 (Internal Space Standards) and Policy H16 (Outdoor Amenity Space Standards).

### **Impact upon trees, biodiversity and enhancing landscaping**

- 3.12** New residential basement development should seek to safeguard important landscape and ecological features.
- 3.13** Landscaping treatment is expected to enhance the quality of the environment and biodiversity. The most relevant policies are:
- 3.14** Basements may affect trees, for example by damaging the roots. Trees that are protected or contribute to public amenity or have ecological value should be safeguarded. British Standard 5837 (2012) '*Trees in relation to design, demolition and construction – Recommendations*' gives good practice to assist in achieving a successful relationship between trees and structures, including basements, that can be sustained in the long term. The City Council's Tree Officers are able to offer tree and landscaping advice and the Biodiversity Officer is able to offer advice on biodiversity matters. This advice is offered through our Pre-Application service. Contact details are at the end of this document.

### **Impact upon surface water run-off and groundwater flow**

- 3.15** Basement developments have the potential to affect the flow of water above and below ground. The most relevant policy is Policy RE4 (Sustainable and Foul Drainage, Surface and Groundwater Flow).

## **Noise from the construction of development**

- 3.16** A certain amount of noise is inherent in most types of construction and building operations, which can rarely be completely prevented. However, noise from construction sites can be very disturbing. The main law used to control construction site noise is the Control of Pollution Act 1974.
- 3.17** The Council can serve a notice imposing requirements as to how construction works should be carried out so as to minimise noise and disturbance. Failure to comply with the requirements of a notice can lead to a fine of up to £20,000.
- 3.18** Generally, the acceptable hours for noisy work within the District are:
- Monday to Friday - 07:30-17:30
  - Saturdays - 07:30-13:00
- 3.19** Developers must also demonstrate that they use best practicable means to keep noise to a minimum. No noisy work will normally be permitted on Sundays and bank holidays. Operations outside of these hours may, however, be agreed by the Council if it can be demonstrated that the works cannot be carried out at any other time and that items of plant and equipment are operated and maintained so that their use causes the minimum amount of noise.
- 3.20** The City Council may consider imposing a condition controlling construction operations on a planning permission for new residential basement development but strictly only where all elements of the condition meet the six tests as set out in Paragraph 55 of the National Planning Policy Framework as revised.

## **Impact upon neighbouring properties and dispute resolution**

- 3.21** A new residential basement development is likely to be covered by the Party Wall Act 1996 if the development involves:
- a new building on or at the boundary of two properties;
  - work to an existing party wall or party structure; or
  - excavation near to and below the foundation level of neighbouring buildings.
- 3.22** The Act provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes.
- 3.23** The Act is separate from obtaining planning permission or building regulations approval and as a result Oxford City Council cannot advise applicants or affected neighbours on the Act. Any matter relating to the Act should be dealt with by a solicitor.
- 3.24** Further guidance is available on the Government website, details of which are at the end of this document.

## 4. Building Regulations

- 4.1 The structural integrity of a basement development is not a matter that is considered through the planning application process. This is dealt with through Building Regulations. The City Council's Building Control team can provide this service for applicants. Contact details are at the end of this document.

## 5. Where to get further advice

If you are seeking advice on whether you require planning permission for a residential basement development please contact the **planning duty officer**:

Drop in (subject to public health advice): St Aldate's Customer Service Centre, 109-113 St. Aldate's, Oxford OX1 1DS. Monday to Friday from 10am to 1pm.

Phone: 01865 252175. Monday to Friday from 10am to 1pm.

Email: [planning@oxford.gov.uk](mailto:planning@oxford.gov.uk) (subject: General Planning Enquiry)

Further details on the **planning duty officer** service are available [online](#).

If you know that you need planning permission and would like advice as to whether or not your proposal is likely to be granted planning permission, or on matters relating to trees or biodiversity please use our **pre- application advice service (details available [online](#))**.

For advice on archaeology please contact the **City Council Archaeologist**:

**Phone:** 01865 252605

**Email:** [heritage@oxford.gov.uk](mailto:heritage@oxford.gov.uk)

**Write:** Urban Design, Heritage and Trees, Planning Services, Oxford City Council, 109-113 St. Aldate's, Oxford, OX1 1DS

If you would like to know more about Building Regulations that you may be required to comply with please contact the **Building Control team**:

**Phone:** 01865 252807

**Email:** [buildingcontrol@oxford.gov.uk](mailto:buildingcontrol@oxford.gov.uk)

**Write:** Building Control Team, Regulatory Services, Oxford City Council, 109-113 St. Aldate's, Oxford, OX1 1DS

If you have a concern over noise from a construction site please contact the **Noise Pollution Team**:

Phone: 01865 249811

Email: [noise@oxford.gov.uk](mailto:noise@oxford.gov.uk)

## Useful web resources

### [Oxford City Council Planning Policy documents](#)

The development plan documents including Adopted Oxford Local Plan 2036, Policies Map and others.

### [Oxford City Council's Character Appraisal Toolkit](#)

Whether you are planning a new development, or a community group who want to be involved in planning the future of your area the toolkit can be used to record the features that

give your part of Oxford its sense of place, as well as the issues to be addressed in future.

### [National Planning Policy Framework](#)

This sets out the government's planning policies for England and how these are expected to be applied. The latest update to the text was made on 19 February 2019.

### [Planning Practice Guidance: Use of conditions](#)

Government guidance notes explaining how conditions attached to a planning permission should be used and discharged effectively.

### [Heritage Gateway](#)

This is an online portal which allows access to an annually updated version of the Oxford Historic Environment Record.

### [Party Wall etc Act 1996 guidance](#)

Information on carrying out building work under the **Party Wall etc Act 1996**, or what to do if your neighbour tells you they're about to carry out work.

