

I am writing to object to planning application reference 22/1455/FH.

Errors in the application documents:

I firstly wish to raise the following inaccuracies and omissions in the documents submitted for application 22/1455/FH, along with noting some important additional background information:

- Document: DM15 Neighbour Letter.pdf

This list does not include all neighbours who would be affected by this planning application. The Battery, whose garden would be overlooked by these plans, and Le Choix on the southern side of Bayle Court have not been contacted. Nor have The Guildhall public house on the western end of the block. There are also a number of properties on The Parade with multiple dwellings where not all have been contacted, for example there are a good deal more than 16 flats at Richmond House (in excess of 20), yet the highest numbered flat contacted according to the document is flat 16.

-Document: DM20 Site Notice.pdf

While there is a planning notice stuck to a lamp post on The Parade, it is not in a very prominent position and is wrapped right around the post unlike other notices posted previously in the area which are a flat A4 poster which is more visible. Is there a reason why a notice has not been posted somewhere more visible (the lamp post at the top of The Parade Steps, for example, that faces the eastern end of Bayle Court) so that other interested local residents and visitors would see the notice and have the opportunity to comment?

- Document: Application form (R).pdf (titled 'Application for Planning Permission. Town and Country Planning Act 1990 (as amended)')

-Materials section – Likely inaccuracy – The 'Proposed materials and finishes' for the roof states 'Clay tiles'. The proposed site plan shows a large (estimated one third) area of the proposed roof as flat-roof with skylights – it seems unlikely that a flat area will be composed of clay tiles.

-Vehicle Parking section – Further information – there are 14 integral garages on The Parade side of Bayle Court, however it should be noted that these are proportioned for cars built at the same time as the original building, in 1959. This, combined with the narrow width of The Parade and the on-road parking bays opposite all of the garages, make them unsuitable for most modern cars to access, so it is not possible to get a modern car into the majority of the garages hence in reality there is not parking for 14 vehicles within Bayle Court.

- Trees and Hedges section – Inaccurate – "Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?" Answer on form is 'No', although there are two very large established trees on The Parade adjacent to Bayle Court on the north side, and a number of different trees and a hedge on the north side of the garden of Cliff Haven, adjacent to the south side of Bayle Court, all of which are part of the local character of this historic area. The crowns of the two trees on The Parade extend up to the top floor of Bayle Court so their conservation should be carefully considered as part of any development.

-Waste Storage and Collection section – Impossibility – Existing waste storage areas are already inadequate for existing residents so could not accommodate waste and recycling from an additional 4 dwellings. New provision must be made.

-Residential/Dwelling Units section – Proposed Market Housing – Inaccurate – There are 15 (not 14) existing flats in Bayle Court. If the number of existing flats should be included in this section, then it needs to be corrected

-Residential/Dwelling Units section – Existing Market Housing – Inaccurate – There are 15 (not 14) existing flats in Bayle Court, this needs to be corrected.

-Pre-application Advice section – Query – it seems curious that the First Name and Surname of the Officer involved in providing the pre-application advice have been redacted, and it was not redacted in a previous application form (21/1707/FH). Does this information not normally form part of the application in the interests of transparency?

- Document: Existing & Proposed Plans & Elevations.pdf and F-BC-3 Existing & Proposed Plans & Elevations.pdf

-It is unclear why there are three versions of the existing and proposed plans & elevations on the F&HDC planning site as they all appear to be the same – if there are differences could this please be made clear in the document titles?

-‘Existing South Elevation’ and ‘Proposed South Elevation’ inaccuracy: There are three windows shown on the east end of the building on each floor. This is incorrect, there is only one window on each floor at this end of the building, and it is situated approximately where the third window from the east is shown. This inaccuracy in the elevation was present on a previous application submitted by the applicant (21/1707/FH) and highlighted in previous objections made at the time. The inaccuracy inflates the amount of overlooking from the existing building by 6 windows.

-Multiple inaccuracies - ‘Proposed Site Plan’ contradicts ‘Proposed South Elevation’, ‘Proposed North Elevation’, ‘Proposed East Side Elevation’ and ‘Proposed Attic Floor Plan’:

1. Proposed Site Plan shows east end roof line sloping away from the sea, with no window or balcony shown on the east end.

2. Proposed South, North, and East Side Elevations do not show the roofline sloping away from the sea, but instead show the east wall being extended straight up. The Proposed East Side Elevation shows a window that would overlook an existing balcony.

3. Proposed Attic Floor Plan shows no window but instead a balcony in a sloped roof of the east end, which is not on any of the other elevations/plans and which would overlook an existing balcony.

-An Existing Attic Floor Plan for comparison is omitted from the diagram, which would clearly demonstrate the existing firewalls and services to be maintained in any development plans.

-The Proposed Attic Floor Plan shows the east-end staircase without the final flight, and both east- and west-end staircases do not appear to have enough head height available for a person to actually use the stairs to access the proposed flats.

The plans, elevation and site plans need to be corrected to accurately reflect the planning application, thereby enabling the public to appropriately review and comment on the proposals. Locations of windows not currently clearly shown on the plan, or shown where they do not exist are not providing the public with a fair chance to comment. A renewed opportunity to comment should be made available once the plans and documents are complete and accurate.

Objections

Having reviewed the application as it stands on 23/09/2022 (including errors and inaccuracies highlighted above), I wish to object to planning application 22/1455/FH as follows:

1. Errors in proposal – Multiple errors and omissions in the submitted planning proposal documents as described above making full comment on the proposal impossible at this time.

2. Design / visual amenity / impact on conservation area – Bayle Court is situated in a conservation area. The design of the existing building is in keeping with the character of the surrounding buildings. The prominent east gable end roof of Bayle Court has clearly been designed in keeping with the adjacent late Victorian terrace on The Parade where all of the roofs are gable with pitched roofs. The proposed plans of change to roofline on both the east and west ends of Bayle Court with a shallower slope and a large flat central area, and the style of flat rather than pitched-roof dormers are not at all in keeping with the surrounding

properties. Furthermore, Bayle Court, along with High Point and the Shangri La, form an important part of Folkestone's distinctive skyline, and changing the roof of Bayle Court would detract from this, changing the character and skyline of this commanding location viewed from the harbour. The proposal would be overdevelopment; harmful to the overall historic, low-density character of the Bayle Conservation Area.

3. Design and residential amenity – Largely increased ongoing maintenance costs for existing and new residents due to large flat roof area and herring gull issues:

a. Bayle Court, whilst predominantly pitched-roof, currently has a very small flat roof area at the west end of the building. We have had multiple issues with this flat roof which have, and still do, cost the leaseholders a great deal of money to fix, especially as it's expensive to erect scaffolding to the required height and perform remedial works. I am against any increase in the area of the flat roof of Bayle Court as it will increase the maintenance costs for both existing, and any new, leaseholders. Our existing pitched tiled roof does not result in maintenance costs; a new roof with approximately one third of the area given to flat roof with many skylights will cost us much more money in shared maintenance over the coming years and this is an unnecessary and unfair burden to place on the existing leaseholders (we jointly share the costs of roof maintenance).

b. Herring gulls favour high, flat spaces for nesting, fledging and generally spending a lot of their time. There is barbed wire on the east, pitched, end of the building to deter them from landing on the apex, but from Bayle Court I can see a number of small flat roofs in the neighbourhood, and the large flat roof of the Grand Burstin hotel, which are frequented and aggressively defended by herring gulls throughout the year, and there is an existing pair of gulls who already use the small flat roof area of Bayle Court. The problems of seagull noise, at all hours of the day but particularly from daybreak to nightfall throughout the summer, plus bird excrement posing a hazard to health would both be exacerbated by the proposed large increase in the flat roof area of Bayle Court as this would encourage more seagulls to nest on this attractive high flat area rather than continue to use existing large flat roofs like that of the Grand Burstin hotel. In addition, herring gull adults and juveniles can be observed picking at and destroying sealant, wiring and roofing materials on flat roofs in the area (which is likely part of the issue with the existing small flat roof on Bayle Court) so increasing the area of flat roof is not advisable as the gulls will not only spend time there making noise but will also compromise the material of the flat roof. The proposed plans will both cause noise disturbance for existing and new residents of Bayle Court and the surrounding buildings, and also cause unnecessary and excessive maintenance costs for all residents.

4. Overlooking and loss of privacy for properties on The Parade due to windows proposed a floor higher than currently exist in Bayle Court. Currently windows on Bayle Court are no higher than those in facing properties on The Parade (and have a high window base to prevent overlooking), but with windows in the roof of the proposed extension these windows would enable occupants to look down into properties on the opposite side of The Parade who previously enjoyed privacy. The existing balconies on the east end of Bayle Court have obscured glass on The Parade side of their balconies to maintain privacy for residents both in Bayle Court and opposite on The Parade, but the proposed windows in the north roof of Bayle Court would not maintain privacy, nor would a window or balcony on the east end of Bayle Court.

5. Overshadowing of properties on The Parade – those who live on the fourth floors of properties opposite Bayle Court would lose some of their existing light as the proposed extension shows an increase in height of 500mm. Neighbours on lower floors of the flats along The Parade would also have their limited light further diminished by the proposed height increase.

6. Overlooking and loss of privacy for properties Cliff Haven, The Battery and Le Choix due to windows proposed both a storey higher and further to the east than currently exist in

Bayle court. The proposed plans, as noted above, have many inaccuracies, including showing 3 windows on the existing and proposed South Elevations (at the east end of the building) where only 1 window exists on each floor (so 6 windows are shown on existing plans that do not exist). It should be noted that this single existing south-facing window in each of the three flats on the east end of Bayle court is a high-base window with a kitchen worktop in front, so these windows do not enable residents to overlook the gardens or rear of the properties of Cliff Haven or The Battery, but the proposed windows in the attic (in the kitchen-living room) would clearly overlook these properties leading to a loss of privacy in private gardens not currently overlooked. The submitted plans make it appear that these two properties are currently more overlooked than is actually the case, and the positioning of the proposed east-most dormer on the south elevation is further to the east than any existing windows in Bayle Court so would increase the ability of residents in the proposed flat to overlook these neighbouring properties.

7. Overlooking, overshadowing and loss of privacy for existing top-floor flat on east end of Bayle Court. The existing top-floor balcony on Bayle Court is open-topped. Depending on what the actual proposed plans are if they are corrected from those currently available (there are multiple inaccuracies in the submitted plans as noted above), if a window is proposed in the east end or sloped roof (as on the current Proposed East Side Elevation) then this will directly overlook the top-floor balcony of Bayle Court, which is currently not overlooked by anyone (there is obscured glass etc to The Parade (north) side to provide a private outdoor space). If a balcony is proposed in the east end or sloped roof (as on the current Proposed Attic Floor Plan) then this will not only directly overlook the top-floor balcony of Bayle Court, which is currently not overlooked by anyone, but will also directly overshadow the existing private space which is used for relaxation, dining, and growing both decorative and edible plants.

8. Detrimental effect on residential amenity, safety and security for cycle shelter proposed underneath existing balconies on the east end of Bayle Court. The Proposed Site Plan shows cycle parking (for 8 bicycles) underneath existing balconies. Increased secure cycle parking in the area is welcomed, although I am concerned for a number of reasons with this proposal:

a. Security – The route from the High Street area along The Parade or St Eanswythe's Passage and down The Parade Steps is well recognised as a common route for the movement of stolen goods. Unless cycle storage is fully enclosed and secure, it is highly likely that providing bicycle racks in this area will quickly become a target for thieves to steal bicycles and remove them quickly from the scene down The Parade Steps.

b. Safety – Cycle parking in this location is likely to lead to people congregating near this area which will increase anti-social behaviour and noise in a 'blind spot' for Bayle Court residents – whilst noise from people directly beneath the balconies can be clearly heard by residents of Bayle Court it is not possible for residents to actually see this area, so any problems in this area would be difficult to residents to challenge or deal with.

c. Residential amenity – Noise from any congregation in or use of this area can be clearly heard by the three flats on the eastern end of Bayle Court. Creating a cycle store which people would be using at all times of day would impact on the quiet enjoyment of existing residents of these flats.

9. Existing issues with Bayle Court building that are under investigation – A section 20 notice has been issued to the leaseholders of Bayle Court for erection of scaffolding to allow a surveyor to assess the extent of the existing problems with the structure of the building and propose how these can be addressed. These issues (including possible land shift and lintel expansion causing stress to the east end of the building, gutter leaks and wall cracking along the length of both north and south sides) need identifying, surveying and rectifying by professionals before any proposed extension plans are considered. Furthermore, detailed information in any planning application regarding the proposed guttering at the level of the

roofline (at the height of both the ceiling of existing second floor flats and the proposed attic floor) should be required before a decision can be made on this planning proposal, as the guttering is currently an issue with cracking, water ingress into the building, and water dripping from gutters down the outside of the building. It would be entirely inappropriate to extend the loft space of the building to provide more dwellings before these serious existing problems are rectified and before the ability of the building to take additional weight and structural change is professionally assessed.

10. Waste and recycling storage and collection areas are already inadequate for the existing flats so cannot accommodate additional flats – document 'Application form (R).pdf' (titled 'Application for Planning Permission. Town and Country Planning Act 1990 (as amended)'), Waste Storage and Collection section states "Existing waste storage areas provide area for recyclable waste" – this is incorrect. The existing waste storage areas were built to accommodate 1959 levels of waste. Increase in volume of product packaging and disposable items, along with the requirement to recycle, means the existing waste and recycling storage space is already inadequate for the volume of waste and recycling from the flats accumulated between collections. This is of particular concern with regard to waste (green) wheely bins which are often too full for lids to be closed which encourages vermin to access the basement of the block and results in odour. The paper/cardboard recycling boxes are also often over-full already, and the glass/plastic/cans recycling wheely bin is entirely inadequate for the amount of recycling collected in a 2-week period, yet there is not space to safely add further recycling or waste receptacles. The addition of extra flats would require addition of extra waste and recycling provision, it is incorrect to assume the existing provision would be sufficient, it simply is not and would create a health and safety issue with waste and recycling overflowing if additional provision is not made.

11. Right to access for maintenance and safety of existing residents.

a. Access to existing services in loft for maintenance – Access to services from existing second (top) floor flats that already run through the loft space must be maintained to prevent derogation from grant – a number of services (water, electricity, heating and television aerials) for the existing flats are located within and run throughout the loft space up to waist height in a space that is already restricted height. The First Schedule within our Lease (7th September 1959) Regulations, No. 13 states: "In the event of any services which pass through other parts of the building requiring attention the tenant on whose behalf such attention is required may himself or by his workmen have access to such other parts of the building as may be strictly necessary for that purpose...". I am therefore concerned about derogation from grant should any works take place in the loft, as the services to existing flats in Bayle Court need to both be maintained during any building work but also be accessible for maintenance following completion of any extension. The existing services clearly already occupy quite some space in the loft, so the level of the floor of any new flats in the roof space would need to be above the level of the existing services and allow appropriate access to them.

b. Safety provided by firewalls – Currently there are a number of firewalls that extend all the way up through the building into the loft and up to the roofline. I am concerned that these safety provisions will not be maintained in the proposed plans, as the positions of existing full-height firewalls are located within what are open rooms on the Proposed Attic Floor Plan. The safety of existing and new residents of the building is paramount and must be maintained in case of a fire, it should not be compromised as a result of any development.

12. Inaccurate height of proposed flats – Some calculations regarding Bayle Court as shown on the proposed elevations show:

-The suggested height of 2.85m shown on the Proposed Section 1 is not realistic. The difference from ridge to attic floor of the proposed heights (10.880 – 7.900) is 2.98m. The difference between this (2.98 – 2.85) is 0.13m, or 13cm. So only 13cm in total has been

allowed for the depth of the new roof, the height from the attic floor of the rafters, plus space to accommodate all of the existing services – this is not representative. The existing services in the loft which come up to at least waist height were not considered on the plans, but these are at least 1m in height and must be maintained as set out in our existing leases.

-The proposed floor depth for the attic shown on drawings does not take into account the 1m plus that would be needed to accommodate existing services, but also assumes the depth of the attic floor would be consistent with existing floors in the building (which are concrete) – unless the same construction and materials are proposed for the extension (which the building may not be able to support given investigation of current building issues), it is likely that both stability and soundproofing regulatory requirements will dictate the depth of the floor to be much greater than that shown on the plan, which would further reduce the available internal height in the proposed flats

13. Right to quiet enjoyment - Proposed floorplans are not considerate to the uses of existing rooms below, especially with respect to noise disturbance affecting right to quiet enjoyment of existing residents. The existing flats are all exact footprints of each other one above another, so a bedroom is over a bedroom, a bathroom over a bathroom etc to ensure similar noise levels to minimise disturbances of neighbours both above and below. The bathroom of the proposed east-end flat will be directly over the existing bedroom of flat 5, and the proposed kitchen-living room is positioned over an existing bedroom. This is the case with all proposed flats – proposed kitchen-living areas and bathrooms are above bedrooms for existing flats 5, 6, 14, 15 & 16. In addition, current floors between flats are concrete which limits noise travel, but the floor between the second-floor flats and the loft is currently timber which would not provide sufficient sound insulation between new and existing residents.

14. Right to quiet enjoyment - Stairwells to access proposed flats will cause increased noise disruption to existing flats affecting right to quiet enjoyment of existing residents – the proposed stairwell on the east end would pass next to the hallway of flat 5, directly opposite the bedroom doorway, so noise travel from this new stairwell into flat 5 would cause additional disturbance, particularly at night.

15. Overdevelopment causing increased parking pressures – The Bayle and The Parade are already areas where there is significant pressure for residents trying to find a parking space. This situation is being reviewed by the Council as there was a resident's petition that requested removal of the ability for non-residents to buy a parking ticket for the area (zone A2). There has recently been new development in Church Street and currently ongoing in the former Dance Easy studio on The Bayle. As F&HDC do not appear to limit the number of permits that they issue in a particular zone it would appear that these new dwellings will be able to further increase the pressure and competition for a finite number of parking spaces in the area – no further spaces have been made available. Developing 4 additional flats in Bayle Court would further exacerbate this pressure, which already results in parking on double yellow lines creating safety issues should the emergency services need to access the end of The Parade.

16. Disruption during proposed development affecting right to quiet enjoyment of existing residents and those in the local area – appropriate consideration must be given during any proposed works in respect of factors affecting the local area including safeguarding established trees and shrubs, parking of residents on The Parade and The Bayle, and access of residents including to the integral garages (erection of scaffolding on the north side will require taking a large on-street parking bay out of action, mean the refuse and recycling collection vehicle and large emergency service vehicles may not be able to access the end of The Parade, and render access to the garages within Bayle Court extremely difficult; erection of scaffolding on the south side will impact on the public's ability to use St Eanswythe's Passage, a public right of way).

Within Bayle Court the resident's right to quiet enjoyment should be maintained, with access for building contractors through existing common areas not acceptable. The loft space is restricted height with many fire safety partition walls and poor acoustic properties. Should any works take place in the loft area I have concerns around noise travel throughout the building (both during and after the works), interference with existing fire safety measures leading to increased fire risk for residents, and disruption of the residents' continued right to quiet enjoyment of Bayle Court. The Bayle Court Lease (7th September 1959) - Section 2, part (5) states: "Not to make or permit to be made any alternation in or addition to the construction or arrangement of the demised premises which might... affect the amenities or enjoyment of any other flat in the building..." – this clearly includes the two new leases for the two loft spaces which should not be altered.

I therefore wholeheartedly object to this planning proposal.

Submitted via online portal 19:25-ish on Fri 23/9/2022.