

Officer Report

Application No.	23/1903/FH
Site Address	2 Encombe, Sandgate, Folkestone, CT20 3DE
Officer Name	Katy Claw
Proposal	Replacement of chalet bungalow with two-storey dwelling

Recommendation

Report Number	RD-433570
Recommended Decision	Recommended to be Refused
Recommendation Date	17 January 2024

Report

SITE

The application site forms a detached chalet-bungalow style dwelling located on a corner plot on the eastern side of Encombe. Encombe is a no-through-road which winds itself up the Sandgate Escarpment from Sandgate Esplanade.

The character of the area is defined by residential properties of mixed design and material although the pattern of development is one where properties face onto the highway.

Whilst the properties themselves vary in design, scale and finished materials, the built-form pattern of development here follows the sloping nature of the highway and so the ridge heights generally appear staggered when viewed from the street.

The property subject of this application has a pitched gable roof form and it sits in a large plot with a driveway/access. The property is set back from the highway with its front elevation at right-angles to the street. The plot is quite heavily landscaped and the dwelling itself isn't overly apparent on approach from the south but its roof form is more visible when approaching from the east, further along Encombe.

The following constraints apply:

Within the settlement of Folkestone

Area of Archaeological Potential

Affects the setting of a Conservation Area

Area of land instability

RELEVANT HISTORY

SH/81/92 – Erection of two bungalows with garages
Approved with conditions

PROPOSAL

This application seeks planning permission for a detached two-storey dwelling following the demolition of the existing chalet bungalow.

The proposed dwelling would measure approximately 21.6m x 10.1m and 8.1m in height with pitched gable roof.

Internally the proposed dwelling would provide four bedrooms (two with en-suite), a utility room and a family bathroom.

A double garage would be attached to the northern elevation and the existing garage to the east would be retained and connected to the main house by an internal 'boot' room.

A covered patio area would wrap around the east, south and west elevations.

At first floor an open-plan kitchen/living/dining room would be provided, along with a master bedroom and en-suite. There would be a separate WC and a storeroom.

To the east elevation would be a balcony which runs the length of the dwelling.

Externally the proposed materials are listed as:

- Stonework walls to the ground floor.
- Vertical timber boarding to the first floor.
- Clay tile roof with PV panels
- Aluminium fenestration and pergola.
- Frameless glazing balustrade.

The existing vehicular access would be utilised.

CONSULTATION RESPONSES

Consultation responses are available in full on the planning file. The main points raised are summarised below.

Sandgate Parish Council – no objection. A consultation regarding the implementation of additional yellow lines to the area is underway, and if this were approved, it would be helpful if they were in place prior to the commencement of construction.

KCC Highways & Transportation – development does not meet criteria to warrant involvement.

REPRESENTATIONS

Four (4) representations have been received and are available in full on the planning file. The main points raised are summarised below.

- Overbearing and out of scale
- Photos and drawings are not sufficient
- Flat roof design should be an option to reduce height/impact on neighbours
- Property could be moved further down the slope to reduce impact

- Proposal has not taken account of impact on neighbours to north northeast
- Height and mass would reduce neighbours sea views, impacting value
- Negative impact on amenity and privacy of neighbouring house
- No rights of light or daylight sunlight impact information has been provided

PUBLICITY

Neighbours notified by letter. Expiry date 10.01.2024

Site notice displayed. Expiry date 12.01.2024

RELEVANT POLICIES

Places and Policies Local Plan 2020: HB1, HB3, HB8, T3, T5, NE2, NE6, CC2, HE2

Core Strategy Review 2022: SS1, SS3, CSD1

Sandgate Design Statement: SDS1, SDS2, SDS4, SDS5 (Escarpment Area), SDS6, SDS8

NPPF 194-208

NPPG: Historic Environment

Planning (Listed Buildings and Conservation Areas) Act (1990) – Section 16.

APPRAISAL

Principle

The application site is located within the settlement of Folkestone. This area is one of the districts sustainable locations and the principle of the proposal of a replacement dwelling on the plot is therefore acceptable. This principal acceptance is subject to other material considerations as set out within the remainder of the report.

Design and visual appearance

The proposed replacement dwelling would be similarly positioned within the site as the existing dwelling. Land fronting Encombe is generally populated by residential dwellings that share a relationship with the street frontage. The proposed replacement dwelling would continue to be set back from the road, with its own private (existing) access point / parking area and would continue to reflect the character and layout of the streetscene.

The layout of the streetscene and its built-form pattern of development currently follows the sloping nature of the highway and so the ridge heights generally appear staggered, following the form of the slope when viewed from the street. Policy HB1 PPLP says, amongst other things, that planning permission will be granted where the proposal makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly with regard to layout, scale, proportions, massing, form, density, materiality and mix of uses so as to ensure all proposals create places of character.

In this case, the proposal would see an increase in height of the dwelling (when compared to the existing) of approximately 1.4m, an increase in length of approximately 7.3m and an increase in width of approximately 2.5m. It is accepted that the development would remain set-back in its plot and that the development would not be overly apparent on approach from the south, but the overall built-form, especially the proposed first-floor and roof level would be highly visible from the east along Encombe and when directly opposite the site and would disrupt the general staggered nature of development when viewed from the top of the hill as land levels slope from the east to the west.

Whilst there is no objection to a gable-end design, the proposed increase in height, when combined with the additional proposed length and width, would result in development that would appear overly dominant in its plot. The increased bulk, massing and height at first floor and roof level would appear incongruous within the streetscene. The additional built-form would overpower its neighbours and cause harm to the established character of the streetscene, with the ridge of the roof sitting approximately 1.2m above the ridge of the nearest neighbour to the east (3 Encombe).

The overall detailing of the proposed dwelling is not objectionable when considered in isolation to its plot and streetscene setting. The stone cladding at ground floor level is not a feature of the streetscene but by keeping this material at ground floor level only, it would not be overly apparent from outside the site. The timber cladding is a material finish that can be seen on several properties along Encombe and is not objectionable. The remainder of the materials are acceptable and all would be subject to detailed condition should planning permission be granted.

Overall, the proposal is considered to conflict with the aims of the Development Plan, for the reasons given above.

Impact upon nearby Conservation Area

The southwestern corner of the site is located approximately 7.6m from the Sandgate Conservation Area.

Local and national planning policy requires local authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Further, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that proposals in conservation areas pay special attention of preserving or enhancing the character or appearance of that area.

In this case the application site itself does not contribute to the Conservation Area and as the dwelling is not visible from the wider Conservation Area (primarily due to the extensive tree growth on the boundary of the plot along with the buffer strip which sits between the plot and Sandgate Esplanade to the south) it is not considered to negatively affect the significance of the heritage asset and would result in no harm to the Conservation Area.

Amenity of Future Occupants

Policy HB3 refers to spaces standards and states that a 5-bedroom, 8-person unit over two storeys should have a minimum internal floor space of 128 square metres with 3.5sqm of storage.

The proposed residential unit would comprise of approximately 251.8 square metres internally and ample storage area is provided within the dwelling, therefore exceeding the internal space standards.

Sufficient external amenity provision would be retained as a result of the replacement dwelling, in line with Policy requirements.

A good standard of living would be achieved for future occupants of the replacement dwelling.

Residential amenity

Policy HB1 PPLP seeks to support planning applications where the proposal does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook. In assessing the potential impacts of new build residential development on neighbouring dwellings.

The neighbour considered to be most impacted by this development would be 3 Encombe, immediately to the east of the application site. This neighbour's plot sits at an elevated position to the application site and a single-storey bungalow occupies this site. Due to the orientation of this neighbour's dwelling, the rear elevation and rear garden area face directly onto the front elevation of the application site. The distance between the proposed dwelling and the neighbour's rear boundary would be approximately 7m and there is a 2m high fence that separates the two.

Whilst the proposed dwelling would extend no closer to the neighbouring property than the existing, the length of the dwelling would increase to the north and south, as would the height, bulk and massing at first floor and roof level. Currently the front wall of the application site sits well below the boundary fence shared with this eastern neighbour, in contrast to the proposed eaves which would protrude approximately 0.8m above the boundary fence. In light of the close relationship between the neighbour and the application site and as a result of the increased height, bulk and massing at first floor and roof level, it is considered that the dwelling would give rise to an increased sense of enclosure, having an adverse and unneighbourly impact on this neighbour as a result of overbearing and loss of outlook experienced from the private garden and habitable rooms served by the rear elevation windows, (which includes a dining room, lounge and two of the bedrooms).

With regards to potential overlooking onto this neighbour, all windows on the eastern side elevation would need to be obscure glazed in the interests of protecting the amenity of no. 3 Encombe. The first floor of the proposed replacement dwelling would be predominantly open-plan and therefore the study space and kitchen space would continue to benefit from sufficient outlook from other windows on the western elevation. Other contained rooms on the western side elevation at first floor serve bathrooms and a wardrobe, non-habitable spaces where outlook is not required. There are no concerns regarding overlooking and loss of privacy to the west, north and south.

The three neighbouring properties to the north are located at a sufficient distance from the application site and as such, the works would have limited impact on them in terms of overbearing, overshadowing or loss of outlook or loss of privacy. It is noted that concern has been raised with regard to potential loss of sea views (impacting property value) as a result of the proposed development. Although these concerns are noted, the loss of a particular view is not material to the consideration of this planning application.

Concern has been raised that the drawings and photos are not sufficient. It is considered that the submitted plans provide sufficient information and detail to allow the Local Planning Authority to reach an informed decision on the proposal with regard to siting, design, impact upon the street scene as well as nearby neighbouring properties.

The proposed development is considered contrary to the provisions set out within the Development Plan, for the reasons stated above.

Parking and highways

Policy T2 PPLP, in line with KCC IGN3 requires two independently accessible parking spaces. Garage spaces do not usually count towards this required total. Adequate parking provision would be achievable on site as a result of this development, in accordance with Policy.

Bin/Cycle Storage

Details of cycle storage and bin storage have not been provided, but in the event of an approval, could be secured by an appropriately worded condition.

Archaeological Potential

Given the minor nature of the application it is not considered likely to result in harm to any buried items of archaeological interest. As such it is considered that no further information or mitigation is required in this regard.

Land instability

The site is located within an area of known land instability, category 'E' which sets out that slope instability problems almost certainly present and may be active.

A Desktop Slope Stability Report (dated 27 November 2023) has been submitted in support of the application and which concludes that following a site walkover, there were no signs or subsidence or movement in the property. The current proposals are expected to increase foundation loadings from those exerted by the existing property, and some additional excavation into the slopes is planned. The proposed works could therefore affect the stability of the slope and surrounding properties without mitigation actions and a planned construction sequence. The report suggests that further investigation is recommended.

The report goes on to say that the resulting interpretative site investigation shall inform a slope stability analysis carried out by a suitably qualified engineer, which shall conclude by detailing the properties of any retaining structures, if necessary, and the necessary construction sequence and constraints.

Should the application be approved then a suitably worded condition would be applied to ensure that the issues with slope stability are sufficiently addressed.

Fallback position

It is noted that Class AA of the Town & Country Planning (General Permitted Development) Order (GPDO) allows for the enlargement of a dwelling house by construction of additional storeys. Notwithstanding the Applicant's statement within the supporting documentation, which assumes that this would provide a fall-back position in the assessment of the replacement dwelling, it should be noted that the addition of stories/raising the height of the existing dwelling via Class AA would require the prior approval of the Local Planning Authority. Development of this nature would only be considered permitted development in accordance with Class AA subject to adherence of a series of conditional requirements.

Condition 3 in this case, requires the applicant to apply to the Local Planning Authority for prior approval as to the impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light, the external appearance, including design and architectural features and the principal elevation of the dwelling. With this in mind, the fallback position could not be relied upon

at this stage as the applicant would require the LPA to assess a prior application submission and the conditions would need to be deemed to be met before any development could commence.

Environmental Impact Assessment

In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local finance considerations

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £135.10 per square metre for new residential floor space.

DUTY TO COOPERATE

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance pre-application advice was not sought and the changes required to the scheme go above and beyond minor amendments that could be dealt with during the lifetime of the planning application.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

RECOMMENDATION

In light of the above, it is considered that planning permission should be refused due to impact upon the character of the streetscene and impact upon the nearby residential neighbouring property.

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Recommended Refusal Reasons (2)

1

The proposed dwelling, by virtue of its mass, bulk, height, design and position in a prominent location, coupled with falling land levels in Encombe, would result in an unacceptable and incongruous form of development that fails to make a positive contribution to its location and surroundings, would be out of keeping with the prevailing character of the area and would fail to accord with the general pattern of development within the streetscene, contrary to the provisions set out under policy HB1 of the Places and Policies Local Plan and the NPPF.

2

The replacement dwelling, by virtue its close relationship with no. 3 Encombe, coupled with its increased bulk, mass and height when compared to the existing, would result in an unacceptable level of overbearing and loss of outlook for the neighbours to the east (3 Encombe), which would be detrimental to their amenity, contrary to policy HB1 of the Places and Policies Local Plan which seek to avoid adverse impact on the amenity of neighbours.

Suggested Informatives (1)

Your attention is drawn to the fact that this refusal of planning permission is on the basis of submitted documents:

Site Location Plan – 23.12.01 P1 – 28.11.2023

Site Location Plan – 23.12.03 P1 – 28.11.2023

Proposed Southwest & Northwest Elevations – 23.12.13 P1 – 28.11.2023

Proposed Southwest & Northwest Elevations – 23.12.20 P1 – 28.11.2023

Proposed Northeast & Southeast Elevations – 23.12.15 P1 – 28.11.2023

Proposed Ground Floor Plan – 23.12.10 P2 – 28.11.2023

Proposed First Floor Plan – 23.12.11 P2 – 28.11.2023

Planning Statement – 28.11.2023