

Officer Report

Application No.	24/0114/FH
Site Address	1A Foreland Avenue, Folkestone, CT19 6DS
Officer Name	Robert Allan
Proposal	Erection of a two-storey side extension and other external alterations, following demolition of the existing detached garage, to convert the existing property from two flats into a single dwellinghouse

Recommendation

Report Number	RD-434075
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	20 March 2024

Report

Site Description

The application site contains a two-storey detached property, likely of interwar era, currently arranged as two, two-bedroom flats, with a detached double garage to the side. There is a rear garden area and a substantial front garden and off-street parking area, which can provide space for at least two cars. The wider area is predominantly residential, with Foreland Avenue comprising two-storey semi-detached dwellings, generally of similar appearance.

Relevant site history

CH/3/60/266 – Erection of a pair of private garages. Approved.

20/1097/FH - Lawful Development Certificate (proposed) for the extension of an existing vehicle crossing. Lawful.

There is some conflict between the planning history and the existing layout. The lawful development certificate was permitted under the assumption that the property was a dwellinghouse when, as the current application claims, the property is arranged as two flats, which would not have enjoyed the permitted development rights afforded under Class F. However, the site visit showed that the works have not taken place.

Proposal

This application seeks planning permission to convert the property to a single dwelling, together with the erection of a two-storey side extension and other external alterations, in order to form a single dwellinghouse. This would have four bedrooms.

Consultation responses

Folkestone Town Council: No objection. Concern regarding use of uPVC windows and doors.

Representations

No representations received.

Publicity

Neighbour letter. Expired 29.02.2024

Relevant policies

The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022.

Places and Policies Local Plan: HB1, HB3, HB8, T2, T5

Core Strategy Review 2022: SS1, SS3

NPPF paragraphs: 11, 38, 47, 131, 135

Appraisal

Principle

The site is within the defined settlement boundary of Folkestone and in a sustainable location within walking distance of shops and services. This accords with the principles of Core Strategy Review policies SS1 and SS3, which direct development toward existing sustainable settlements with opportunity for increased densities. The broad principle of the proposed development is acceptable subject to all other material planning considerations.

Visual Impact

The proposal would result in a significant extension to the property, but this would result in it being of a comparable size and massing to the surrounding semi-detached development. The roof form would be compatible with the surrounding development, whilst the architectural detailing, in the form of the bays, although proposed to be squared-off instead of curved, would not be detrimental to the visual character or appearance of the street scene. Materials to match can be secured via condition.

The frontage parking proposed already exists, whilst the bin storage is also to the front of the property, so there is no change in circumstance in this regard.

There is no detriment to the character or appearance of the street scene or building, in accordance with Places and Policies Local Plan policies HB1 and HB8.

Amenities of neighbouring and future occupiers

Existing Residential Occupiers

The application property is at the end of a run of dwellings, with an access road to the west. The proposed extension would have no detrimental impact from any enclosing or overbearing presence, or overshadowing, because of the location of the extension and separation distances to the nearest properties.

The upper floor windows in the existing property already offer overlooking to the north east, over 3 Foreland Avenue, with no additional overlooking likely to take place. To the west, the upper floor windows would look toward the rear garden areas of Thanet Gardens, but the back-to-back distance would be in the region of over 24 metres to these properties, with any overlooking likely to fall over the furthestmost point of the garden from the rear of these properties, which is already overlooked

by the neighbouring properties in Thanet Gardens and those to the south in Warren Road. Overall, there is considered not to be any overlooking or loss of privacy that would be harmful to the residential amenity of neighbouring occupiers.

Overall, there would be no detrimental impact upon residential amenity of neighbouring occupiers in accordance with Places and Policies Local Plan policies HB1 and HB8.

Future Occupiers

The proposed four-bedroom, seven-person (based upon bedroom sizes) dwelling would exceed the 115sqm GIA required by policy HB3, with all rooms having a window and an acceptable outlook and likely level of light.

The policy requires an area of private garden for the exclusive use of an individual dwelling house of at least 10m in depth and the width of the dwelling. This would not be attained, with the triangular area of garden giving an area of approximately 74sqm, which would be beneath the approximately 100sqm required. The application site is approximately 340 metres from the East Cliff open space and approximately 240 metres from the play/open space at Folly Road, which is considered reasonable in terms of access to amenity area and would augment the proposed rear garden area, with no likely significant detrimental impact upon the residential amenity of future occupiers.

Parking and highways

Two parking spaces are proposed with this application, which are existing. The site is considered suburban, with guidance minimum. The policy requires two, independently accessible spaces per unit, which would be attained. Consequently, there would be no likely detrimental impact likely from parking and it would not constitute a reasonable ground for refusal in respect of policy T2 of the PPLP.

An integral garage is shown on the proposed plans, which could be used for cycle storage, although it has not been indicated as such. This could be secured via condition and the proposal would accord with policy T5 of the PPLP.

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.

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.

Local Finance Considerations

Section 70(2) of the Town & 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 local finance considerations 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. There is a CIL requirement for this development, but it is a zero-rated area.

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 development does not conflict with objectives of the Duty.

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 the development was considered unacceptable that were not considered possible to overcome with simple amendments during the life of the proposal.

Recommendation

In light of the above, it is considered the proposal would be a sustainable development that would comply with development plan policy and the NPPF and is therefore recommended for approval.

Recommended Conditions (8)

1

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2

The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

Proposed ground floor layout and site location and block plans - 202 Rev. P1

Proposed first floor and roof layout - 203 Rev. P1

Existing and proposed elevations - 300 Rev. P1

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of Places and Policies Local Plan.

3

No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason: In the interest of promoting energy efficiency and sustainable development.

4

No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted shall use no more than 110 litres of water per person per day have been submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as agreed.

Reason: In the interest of sustainable development and minimising water consumption.

5

Prior to the first occupation of the dwelling hereby permitted, one electric vehicle charging point shall be provided, in accordance with specifications and in a location that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

6

No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

7

The parking area shown on the submitted plan shall be provided and made available prior to the first occupation of the dwelling hereby approved, shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

Reason: In the interests of highway safety and convenience.

8

Prior to first occupation of the dwelling hereby permitted, four secure, covered cycle parking spaces shall be provided within the curtilage of the dwelling and thereafter retained at all times.

Reason: In the interests of encouraging healthy lifestyles and alternative means of transport other than private motor vehicle.