

Officer Report

Application No.	24/0178/FH
Site Address	13 Trimworth Road, Folkestone, CT19 4EL
Officer Name	Katy Claw
Proposal	Single-storey side-return extension including partial removal of existing fence and erection of new brick wall. Addition of 3 rooflights, bi-fold doors and oriel window.

Recommendation

Report Number	RD-434129
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	26 March 2024

Report

SITE

The application site forms a mid-terraced, two-storey property on the western side of Trimworth Road.

The garden of the property backs onto the side elevation of No.1 Morehall Avenue.

The property is finished in red brick with white uPVC fenestration and reads as a group with the other Victorian properties along the road.

The site is located within the settlement of Folkestone and within an area of Archaeological Potential.

RELEVANT HISTORY

No planning history.

PROPOSAL

This application seeks planning permission for the erection of a single storey side/rear extension which would include 3 rooflights, bi-fold doors and an oriel window.

The extension would be 'L' shaped and would square off the rear of the property. The extension would span the extent of the rear elevation and measure approximately 4.m in width at its widest

point, 6.5m in length and at its highest point it would measure approximately 3.54m. At the boundaries with the neighbours the extension would measure approximately 2.4m. The extension would be finished in white render with matching concrete roof tiles and black fenestration.

Other works include the partial removal of the existing boundary fence and erection of a new brick wall along the western boundary with No.11 Trimworth Road (within the redline boundary shown on the proposed block plan).

CONSULTATION RESPONSES

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

Folkestone Town Council – no objection

REPRESENTATIONS

None received

PUBLICITY

Neighbours notified by letter. Expiry date 18.03.2024

RELEVANT POLICIES

Places and Policies Local Plan 2020: HB1, HB8, HE2

Core Strategy Review 2022: SS1

NPPF

NPPG

APPRAISAL

Design and visual appearance

The extension would not be highly visible from outside the site, although the upper sections would be partially visible from Morehall Avenue to the side (south) elevation. Rear extensions are not an uncommon feature and so the visual impact from the extension would not be detrimental to the character of the wider streetscene. The use of matching concrete roof tiles would ensure that the extension would not appear incongruous from the areas it may be visible.

The design is simple and takes inspiration from other extensions in the area in terms of the pitch of the roof. Render features as the finish as part of the existing rear addition and its use on the new extension is acceptable.

The proposed replacement wall forms part of the side wall of the proposed extension and would therefore exceed 2m in height. The wall would form part of the extension and so would be aesthetically acceptable. The remaining 2m high existing fence would be retained.

Residential amenity

The neighbours considered to be most impacted by this development would be the neighbours either side of the application site.

No.11 Trimworth Road

Point 4 of policy HB1 PPLP says, in part, that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of neighbours, taking into account loss of privacy, loss of light and poor outlook.

Policy HB8 PPLP says, in part, that alterations and extensions should protect the residential amenity of the occupants of neighbouring properties and ensure avoidance of unacceptable overlooking and inter-overlooking. Point 1 of HB8 says that an extension should not cause undue overshadowing of neighbouring properties and allow adequate light and ventilation to existing rooms within a 45 degree angle from the centre of the nearest ground floor window of a habitable room or the kitchen of the neighbouring property.

It is likely that the window at ground floor within the neighbours main house, closest to the boundary with the application site serves a habitable room and therefore loss of light needs to be considered.

The side elevation of the neighbours property faces north and the small area of external space here is already overshadowed by their own property and therefore it could be argued that that light loss would not be so significant as to warrant a reason for refusal in this case and that the 45-degree impingement would not have a significantly detrimental impact.

The existing boundary treatment already extends to around 2m and the proposed wall of the extension would sit at approximately 2.4m in height, a fairly modest increase and one which is considered would not significantly exacerbate the current situation in terms of light loss or overbearing to the habitable room where the natural light here is already limited due to the north facing orientation. The roof of the extension would also slope away from the neighbour and this would help to reduce any feeling of overbearing.

The replacement wall (forming the side wall of the extension) would sit within the boundary of the application site and so notice has not been served on this neighbour.

No.15 Trimworth Road

The extension would have a neutral impact upon this neighbour as the existing boundary wall would remain at the same height and the extension would not encroach into the garden beyond the existing situation.

The re-building of the party wall is acceptable and is shown on plan to sit within the boundary of the application site.

There would be no impact upon the dwelling situated at the rear garden of the application site.

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.

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. This application is not liable for the CIL charge.

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 application was acceptable as submitted.

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 the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval subject to conditions.

Recommended Conditions (3)

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 accordance with the details shown on the submitted drawings:

Proposed Site & Location Plan – P0600 Rev 3 – 08.02.2024

Proposed Floor Plans – P2010 Rev 3 – 08.02.2024

Proposed Front & Side Sections – P2210 Rev 3 – 08.02.2024

Proposed Front & Rear Elevations – P2111 Rev 3 – 08.02.2024

Proposed Side Elevations – P2110 Rev 3 – 08.02.2024

Design & Access Statement – 435_DAS_01 – 08.02.2024

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation

of the development in accordance with the aims of policy HB1 of the Places and Policies Local Plan.

3

The development hereby approved shall be carried out in accordance with the details of materials as specified on the approved plans listed in condition 2 above.

Reason:

To ensure the appropriate appearance of the completed development and in the interests of visual amenity.