

Officer Report

Application No.	24/0122/FH
Site Address	12 Cophall Gardens, Folkestone, CT20 1HF
Officer Name	Katy Claw
Proposal	Double-storey rear balcony, enlarged dormer to 2nd floor apartment and new doors to 1st floor apartment

Recommendation

Report Number	RD-434144
Recommended Decision	Recommended to be Refused
Recommendation Date	27 March 2024

Report

SITE

The application property is within the defined settlement boundary of Folkestone and is one of a semi-detached pair of residential properties that fronts onto Cophall Gardens to the north west and Foresters Way to the south east. The properties are two storeys in height, although the application property has a second floor served by a turret at the north eastern elevation and a dormer window with small balcony in the south eastern roof slope. The are of Victorian/Edwardian era. The application property is subdivided into bedsits at ground and first floor level, with a self-contained flat on the second floor.

RELEVANT HISTORY

97/0791/SH - Installation of dormer windows to the south and east roof slopes to allow provision of living accommodation in roof space. Approved with conditions.

23/1514/FH – proposed double-storey rear extension to provide increased facilities to existing apartments complete with enlarged dormer and balcony to 2nd floor apartment.

Refused on two grounds:

1. The proposed dormer window and associated balcony, by virtue of their size, form, proportions, amount of glazing, design and siting in a prominent location, would represent a detrimental form of development that would dominate the existing roofslope, resulting in a top heavy appearance that would harm the character and appearance of the building and the visual amenities of the wider area. In addition to this, the flat roof design of the two storey extension would be out of character with the pitched roof appearance of the host building, resulting in a jarring appearance that would be

contrary to the prevailing character in the street scene. The additions would by themselves and in combination with each other, be contrary to policies HB1 and HB8 of the Places and Policies Local Plan 2020 and National Planning Policy Framework paragraph 130.

2. The two-storey rear extension and associated balcony screens, by virtue of their size, form, height, design, siting on the neighbouring boundary and depth in relation to the neighbouring window, would result in a feeling of enclosure and would appear overbearing when viewed from the neighbouring first floor window, which would have a detrimental impact on neighbouring residential amenity, resulting in a poor outlook for the neighbouring occupiers. The proposal is therefore contrary to Places and Policies Local plan policies HB1 and HB8 and National Planning Policy Framework paragraph 130.

PROPOSAL

This application seeks planning permission for a double-storey rear balcony, enlarged dormer to 2nd floor apartment and new doors to 1st floor apartment.

The application is an amended scheme following the refusal of 23/1514/FH with the main changes being that the double-storey extension has been omitted in place of a balcony at 1st floor. The increased dormer and balcony area proposed for the 2nd floor remains as per the original scheme.

CONSULTATION RESPONSES

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

Folkestone Town Council – Object. The scale and position of the proposed balconies would be profoundly detrimental to the private amenities of No.10 and its rear outdoor space in terms of noise, overshadowing and privacy. This new submission does not address the previous objections.

REPRESENTATIONS

None received

PUBLICITY

Neighbours notified by letter. Expiry date 04.03.2024

RELEVANT POLICIES

Places and Policies Local Plan 2020: HB1, HB8

Core Strategy Review 2022: SS1, SS3, CSD6

NPPF: Paragraphs 8, 11, 38, 47, 130

NPPG

APPRAISAL

In order to receive a favourable decision, the application would need to overcome the two reasons for refusal of 23/1514/FH listed above.

The 1st reason refers to design and visual appearance, the 2nd refers to impact upon the neighbouring property.

Design and visual appearance

As highlighted in the previous application, the application site backs onto Foresters Way, in an elevated position, meaning that views of the rear elevation are clearly seen from the wider public domain.

The proposed dormer extension and glazed balustrade at 2nd floor would be highly visible from views outside the site.

It is considered that the 2nd floor dormer extension and balcony with associated balustrade would add significant bulk at roof level and as a result would fail to reflect the scale, proportions or character of the existing building, resulting in a dominant and incongruous form of development. The amount of glazing and the size and scale of the dormer extension remain unchanged from that submitted under 23/1514/FH and therefore concerns regarding the size of the dormer and the expanse of glazing for the balcony remain unchanged.

At ground floor and 1st floor level the proposed extension has been omitted and the double-storey extension no longer forms part of the application. Instead, the applicant has proposed a 1st floor balcony area to be positioned under the 2nd floor balcony.

Whilst this change has overcome the previous concerns with regard to the flat-roofed extension, the proposed works would still add further glazing to the rear section of the property at an elevated position, thereby exacerbating the concerns raised above where the amount of glazing proposed here would result in development that fails to reflect the scale, proportions or character of the existing building, resulting in a dominant and incongruous form of development.

In terms of design and visual appearance it is concluded that the applicant has overcome part of refusal No.1 by omitting the flat-roofed rear extension, but concerns with the size of the dormer and the amount of glazing still remains a concern, now exacerbated by the inclusion of further glazing at 1st floor level.

Residential amenity

Policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area.

Refusal reason No.2 of 23/1514/FH referred to the impact upon the neighbouring property (No.10 Copthall Gardens) as a result of the two-storey rear extension and associated balcony screens, resulting in a sense of enclosure/overbearing and loss of light.

The two-storey extension has now been omitted from the proposal, replaced by a balcony at 1st floor but this balcony would still project out past the 1st floor window of the adjoining property. The balcony is shown to be glazed with the side panel obscure glazed and set at a minimum height of 1.8m to ensure that no overlooking could occur.

The glazing here would allow light to pass through to the neighbours window and so this is considered to be a betterment over the previous scheme and would therefore overcome part of the reason for refusal with regard to loss of light.

Notwithstanding, as a result of the height of the balustrade in such close proximity to the neighbours 1st floor window, there would still be an enclosing effect upon this neighbouring 1st floor window which would result in poor outlook and give rise to a sense of overbearing for the neighbouring occupiers, contrary to PPLP policies HB1 & HB8.

It is concluded that the amendments have reduced the impact upon the neighbouring property in terms of loss of light but that overall, it has not gone far enough to alleviate concerns with regard to overbearing and poor outlook due to the close proximity of the neighbours window to the proposed balcony area.

Conclusion

Whilst this application submission has gone some way to overcome the reasons for refusal of 23/1514/FH, the proposal has not gone far enough and the remaining concerns are significant enough to warrant refusal of planning permission.

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 not acceptable and there are no minor alterations that could be made during the lifetime of the application which would overcome the reasons for refusal.

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.

Recommended Refusal Reasons (2)

1

The proposed dormer window and associated balcony at roof level, together with the proposed balcony at 1st floor level, by virtue of their size, form, proportions, amount of glazing, design and siting in a prominent location, would represent a detrimental form of development that would dominate the rear elevation, resulting in a bulky form of development that would harm the character and appearance of the building and the visual amenities of the wider area, appearing out of character with the pitched roof appearance of the host building, resulting in an incongruous form of development that would be contrary to the prevailing character in the street scene. The additions would by themselves and in combination with each other, be contrary to policies HB1 and HB8 of the Places and Policies Local Plan 2020 and National Planning Policy Framework paragraph 130.

2

The first floor balcony screens, by virtue of their size, form, height and siting on the neighbouring boundary and depth in relation to the neighbouring window, would result in a sense of enclosure, appearing overbearing when viewed from the neighbouring first floor window, resulting in a poor outlook for the neighbouring occupiers. The proposal is therefore contrary to Places and Policies Local plan policies HB1 and HB8 and National Planning Policy Framework paragraph 130.

Suggested Informatives (1)

1

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

Site Location Plan & Block Plan – 05161_MH05 Rev A – 26.01.2024

Proposed Elevations – 05161_MH03 Rev E – 26.01.2024

Proposed Floor Plans – 05161_MH04 Rev E – 26.01.2024

Design & Access Statement – 26.01.2024