

Officer Report

Application No.	24/2005/FH
Site Address	44 QUEEN STREET, FOLKESTONE, CT20 1JF
Officer Name	Katy Claw
Proposal	Conversion of premises to residential use and erection of roof extension

Recommendation

Report Number	RD-436719
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	25 February 2025

Report

SITE

The application site is a two-storey, semi-detached disused workshop which forms an end plot within the settlement of Folkestone.

The property is finished in red brick with a large double-door opening at the ground floor front and a single opening at the rear. At first floor there are openings to the front, side and rear elevations.

There is a small, paved patio area to the rear, which sits hard against the rear facing wall of the neighbouring property at No.95 Dover Road and is also enclosed at the sides by the neighbouring property's rear extension wall and breezeblock boundary wall. On the northeastern side is a narrow public footpath which links Queens Street to Dover Road and the application site is separated from this footpath by a high and solid brick boundary wall.

The site is located at the end of Queen Street which is a narrow residential cul-de-sac road, offering no off-street parking provision and with small rear gardens. The properties are finished in render with slack pitched roofs and shared chimney stacks. The application site is an anomaly in the streetscene, finished in brick with a very slack sloping roof.

The following constraints apply:

Within the settlement of Folkestone

Within an area of archaeological potential

RELEVANT HISTORY

82/0326/SH – change of use from builders and store to use for car repairs.

Refused

Other relevant history relates to the neighbouring property to the rear of the application site, No.95 Dover Road. This property is considered to be impacted by the development and the planning history of the site is relevant to the determination of the application. The history for this property is set out below.

97/0523/SH - Conversion of redundant shop and store to a three bedroom residential flat including alterations to front elevation and erection of a rear extension.
Approved with conditions

Y08/0128/SH - Change of use and conversion from maisonette to 2 self contained flats.
Refused on the grounds of substandard form of development and no bin storage is provided.

Y08/0776/SH - Change of use and conversion from maisonette to two self contained flats together with external alterations (Resubmission of planning application Y08/0128/SH)
approved with conditions

PROPOSAL

This application seeks planning permission for change of use to residential use and erection of roof extension.

The proposal would see external changes to facilitate the conversion including an increase in the height of the roof from a maximum height of approximately 5.5m in height to a maximum height of approximately 8.5m, an increase of 3m to form additional internal space at roof level.

Other external works include reinstating fenestration, installing further fenestration to the ground floor side elevation and x2 rooflights in the rear elevation roofspace.

Externally the brickwork would remain. A new gate would be installed within the side boundary wall to allow better access for persons moving any bicycles and waste bins to/from the property.

Internally the property would provide a small lobby area at point of entry and a small WC. The remainder of the space would provide an open-plan living/kitchen area with patio doors allowing access to the rear garden area.

At first floor a small shower room would be located to the front with a bedroom and a separate 'study' space.

At second floor (roofspace) would be a storage area (within the eaves) and a further bedroom which would be served by two rooflights.

CONSULTATION RESPONSES

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

Folkestone Town Council – no objection

Kent Highways Authority – does not meet criteria for comment

Environmental Health – does not object to the granting of planning permission of this application, due to no expected loss of amenities of nearby residents. Support the comments made by our contaminated land consultants.

Southern Water – a formal application for connection to the sewer to be made by the applicant or developer. Request further information regarding foul and surface water drainage.

AECOM – No objection to granting planning permission, subject to the imposition of part 5 of the standard land contamination condition.

REPRESENTATIONS

None received.

PUBLICITY

Neighbours notified by letter. Expiry date 27.01.2025

RELEVANT POLICIES

Places and Policies Local Plan 2020: HB1, HB3, HB8, T2, T5, NE7, CC2

Core Strategy Review 2022: SS1, SS3, CSD1

NPPF

NPPG

APPRAISAL

Principle

The site is located within the settlement of Folkestone, close to the town centre and close to a main bus route. The seaside is a short walk away, as is the train station. The site is within a built-up urban residential area where housing development is supported at principal level subject to other material planning considerations.

Loss of commercial business

The proposal would see the loss of a builder's merchants/store as part of the conversion. There is no planning history associated with the use itself although planning history does acknowledge its use as part of a refusal to convert the builders' merchants to a car repair workshop which was refused in 1982.

Notwithstanding the assumed established commercial use, the small footprint of the commercial unit set over two floors, combined with its poor location in terms of access and being bounded by residential properties results in a commercial premises in an area that does not lend itself to success.

It is considered that its loss here in place of much-needed housing results in a more appropriate use of the site.

Design and visual appearance

The application has been accompanied by details which confirm that the building is structurally sound and is capable of conversion without the need for significant re-build or structural works.

The increase in height of the property would not exceed the height and pitch of the roof of the neighbouring attached terraced properties to the southwest which are all uniform in height. The roof would be finished in plain clay tiles which would also be reflective of the character of the street scene and therefore the works to the roof would result in a unified appearance across the street.

The brick façade is to remain and this is not objectionable. The replacement/new fenestration would be white uPVC which is commonplace in the street scene and not objectionable.

The new openings in the side elevation are proposed to be slim, high-level and non-opening to allow additional light into the living space. These would not form an incongruous addition and would have limited visual impact. They are acceptable additions.

The rooflights would not be highly visible from outside the site due to their positioning, but notwithstanding, their design and siting is not objectionable.

The works to install a side gate are acceptable as part of the domestication of this property, appearing as an acceptable addition in the street scene.

Overall, the external works are acceptable in terms of design and visual appearance. Use of materials can be controlled by use of a suitably worded planning condition.

Amenities of future occupiers and space standards

Policy HB3 PPLP sets out the space standards for all new residential development.

The proposed dwelling would provide 2-bed, 3-person accommodation set over three floors. Policy HB3 PPLP does not give a minimum internal floor area for this but for two-storey properties the minimum floor area is 70sqm and the proposed property would provide 73.4sqm. It is considered that the floor area to be provided is acceptable.

Each bedroom exceeds the minimum standards in terms of minimum width and floor area (taking into consideration the reduced head-height in bedroom 1), there is also ample storage exceeding the minimum standard of 2.0sqm. The room labelled as 'study' is too small to meet space standards and is not included in the calculation.

Turning to outdoor amenity space, policy HB3 says that 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 should be provided. In this case, the garden would only achieve a depth of 3.2m, which results in a shortfall of approximately 6.8m. Policy HB3 PPLP says that the Council will only consider variations to the external space standards if it can be demonstrated through the Design and Access Statement or site master planning that such an approach is needed to reflect the character of the area.

Garden sizes in the wider area are mixed, especially along Dover Road. However, all gardens serving properties in Queen Street are substandard in size, where the houses and gardens are of a similar size to that proposed under this application. Whilst the limited garden space is far from ideal, on

balance the small garden area provided is a characteristic feature of the immediate area and as such it can be considered as an exception to the rule when taking into consideration the policy wording of HB3 set out above.

Due to the limited external space and the tight-knit layout of the site in relation to the neighbours it would be appropriate in this case to remove PD rights for extensions, alterations to the roof and erection of outbuildings.

Residential amenity

Queen Street and the surrounding roads are formed of tight-knit development, which inter-overlook their neighbours as a result of the short rear gardens and height of the dwellings. This is not ideal but it does form an established pattern of development in this area. The proposed dwelling would be closely related to the neighbour to its rear (no.95 Dover Road) and would give rise to inter-overlooking as a result of the first and second floor windows looking towards each other at an approximate distance of 8m. This is, however, a similar relationship to that experienced between no 42 Queens Street and 93 Dover Road and is considered to be no more harmful than that already experienced by the other surrounding properties and therefore would not be reason enough to warrant refusal of the application on these grounds.

In a rather unique situation, no. 95 Dover Road, which backs onto the application site (and has been converted into three flats as approved under Y08/0776/SH), has no usable rear garden associated with the property and looks directly into the rear yard area associated with the application property itself. A rear extension was granted permission under 97/0523/SH, which saw development extend into the rear amenity that was once associated with it. This extension sits less than 1m from the boundary of the application site and no more than 4m from the rear elevation of the application site itself.

The planning history associated with the conversion of no.95 into flats shows that the rear facing windows of the property serve bedrooms. The use of the application site and its rear garden layout would have been a known factor at the time the 1997 and 2008 planning applications were granted.

Given the close relationship, the conversion of the application site into residential use has the potential to result in direct overlooking into no. 95 from the rear windows serving the new residential use and from use of the small courtyard amenity space afforded to it. In a bid to overcome these privacy concerns, it is proposed to install a 2m solid privacy fence along the back (southeastern) boundary line with the neighbour at No.95. This fence would maintain the privacy of both the future occupiers (when they are in their garden) and existing occupiers of no 95, preventing views directly into their bedrooms.

The installation of such a fence, less than 1m from the window of the lower ground floor bedroom at No.95 Dover Road, is less than ideal. It is not something that would usually be encouraged as a means of overcoming concerns with overlooking as the solid nature of the fence in close proximity to the lower ground floor window would restrict outlook and has the potential to result in overshadowing. However, the neighbour's rear windows are north facing, with the most impacted window being located close to ground level, immediately adjacent a tall brick wall on its northwestern flank elevation. The amount of available light reaching this room is already compromised to some degree.

Although the erection of a solid panel fence in close proximity to the neighbouring window would result in poor outlook and restricted light levels for the occupiers of the neighbouring flat, the

fallback position is that the land owner could install the same fence without planning permission utilising permitted development rights, or reinstate the use of the site as a commercial premises that could also give rise to privacy issues.

Notwithstanding the close relationship between the application property and its neighbour to the rear, due to the angle and orientation of the two proposed rooflight windows within the rear roof slope, it is not considered that they would result in direct overlooking onto neighbouring properties and as such, are not likely to result in harm to residential amenity by way of overlooking.

The neighbour to the immediate southwest (No.42 Queens Road) has a large rear extension and the wall of the extension sits upon the boundary with the application site. No works are proposed here and there are no side-facing windows that would impact amenity of future occupiers.

This neighbour shares a party wall with the application site and works to form the new roof would impact the neighbour's property. The applicant has served the required notice (dated 02.01.2025) and a copy of Certificate B has been supplied to the Local Planning Authority. No further information is required in this regard.

On balance, the application site shares a unique relationship with its neighbours, and whilst some harm to residential amenity is likely to result, for the reasons stated, this is not considered sufficient to warrant refusal.

Parking and highways

Off-street parking is required to serve the proposed dwelling in accordance with the requirements of policy T2 PPLP. However, given the site constraints, there is no space to provide off road parking here. None of the neighbouring properties benefit from off road parking (all relating on on-street parking), which is a characteristic of the streetscene. In this case, it would be unreasonable to insist that the applicant meet the parking requirements set out in policy.

Queen Street has unrestricted parking insofar as there are no lines on the road and cars are parked outside houses along here.

The site is located within a permit zone that restricts parking only to those with permits between 8am-8pm. Any future occupiers can purchase a permit from the Council if needed.

There is a small parade of shops along Dover Road, in close proximity to the application site, including a convenience store and a post office.

2 cycle spaces are shown to be provided within the garden area to the rear of the site.

Easier access to these spaces will be achieved in the form of the side access gate allowing direct access to the public domain from the garden and this is acceptable and supported as it would likely encourage use.

Bin storage

There is space within the rear garden for refuse/recycling bins and this is shown on plan.

For the avoidance of doubt a condition can be placed upon any approval which seeks to ensure that the bin storage area is provided and retained.

Contamination

The application has been supported by a desk top study regarding contamination. The report is of a suitable scope and standard. The report concludes that there is limited potential for significant contamination and no further intrusive investigation is recommended but a watching brief for contamination is recommended. AECOM has been consulted on the application and has agreed with

the findings in the report and raised no objection subject to condition. This is a reasonable approach.

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. The CIL levy in the application area is charged at £0:00 per square metre for new residential floor space.

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 (11)

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:

Location Plan – 02.01.2025

Proposed Floor Plans – 2245/05 Rev E – 02.01.2025

Proposed Elevations & Section – 2245/06 Rev F – 20.02.2025

Design & Access Statement – 02.01.2025

Planning Statement – 02.01.2025

Phase 1 Land Contamination Risk Assessment dated December 2024 – 02.01.2025

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 in the application form and as shown on the proposed plans.

Reason:

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

4

Prior to first occupation of the property conversion hereby permitted, details to demonstrate that the property 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 first occupation of the dwelling hereby approved, details of the proposed means of foul sewerage and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason:

To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

6

A 2.0m high solid timber screen as shown on the approved plans shall be installed along the rear boundary of the application site prior to the first residential occupation of the property and shall thereafter be retained at all times.

Reason:

In order to safeguard the privacy of the future occupants of the application site and the occupants of the neighbouring properties in accordance with policies HB1 and HB8 PPLP and the NPPF.

7

The proposed side gate access shall open inwards as shown on the approved plans and shall be maintained to operate in this manner at all times.

Reason:

In the interests of ensuring safety of users of the immediately adjoining footpath.

8

Prior to the first occupation of the dwelling hereby permitted, 2 secure bicycle storage spaces as shown on the application form and approved plans shall be provided and made available for use.

Reason:

To ensure the provision and retention of adequate off street parking facilities for bicycles in the interests of highway safety and to encourage the use of sustainable modes of transport in accordance with policy T5 of the PPLP

9

Facilities for the storage of refuse and recycling shall be provided for the dwelling in accordance with the approved plans. These facilities shall be provided prior to the first occupation of the dwelling and maintained thereafter.

Reason:

To ensure adequate means of refuse collection in the interests of amenities of future residents in accordance with policy HB1 PPLP and the NPPF.

10

In the event that, at any time while the development is being carried out, contamination is found that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation

scheme shall be prepared. The results shall be submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

11

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) no development falling within Classes A, B, C and E of Part 1, Schedule 2 to the said Order shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to retain control over future development in the interests of the amenity of future occupiers and nearby neighbours in accordance with policy HB1 PPLP and the NPPF.