

Officer Report

Application No.	25/0509/FH
Site Address	28 WALTON GARDENS, FOLKESTONE, CT19 5PR
Officer Name	Katy Claw
Proposal	Variation of conditions 2 (approved drawings) and 3 (materials) of planning permission 24/1608/FH to allow for change in design

Recommendation

Report Number	RD-437288
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	08 May 2025

Report

SITE

The application site is a two-storey, semidetached dwelling. The dwelling is finished in facing brick and white render with white uPVC fenestrations. Large amenity space to the rear of the dwelling, with a detached garage to East of the application site set back, with off street parking for multiple vehicles in front of the garage. Land levels drop down to the rear, with steps from the patio down to the garden level.

The following constraints apply:
Within the settlement of Folkestone
Area of Archaeological Potential

RELEVANT HISTORY

99/0534/SH – Erection of a detached garage.
Approved with Conditions.

Condition 3 Retention of Parking Spaces: The garage hereby approved shall not be used for commercial purposes and shall be kept available for domestic parking purposes in connection with 28 Walton Gardens, Folkestone at all times. Reason: To ensure the permanent retention of the space for parking purposes within the curtilage of the site in order to avoid obstruction of the highway and safeguard the amenities of adjacent properties.

24/1608/FH - Single storey rear extension together with garage conversion into a habitable room.
Approved with conditions

PROPOSAL

Planning permission 24/1608/FH granted planning permission for the erection of a single storey rear extension together with garage conversion into a habitable room.

This application seeks planning permission to vary condition No.2 (approved plans) and condition No.3 (materials) of planning permission 24/1608/FH.

The application proposes to alter the layout and extent of the extension by forming a stepped design at the rear elevation of the extension as opposed to the previously approved L shape approved under 24/1608/FH. The amended design involves reducing the depth of the extension at the boundary with the neighbour (No.29 Walton Gardens) from the previously approved 4m in length to 3m in length for the first 1m width of the extension after which it would then extend in length to the previously permitted length of 4m for a further 3.1m in width. It would then increase in length again to 5.5m for the remaining 1.9m in width where the extension would then adjoin to the applicants existing garage. In addition the height of the roof structure nearest the garage would be increased to the same height as the larger element of the structure. The proposal would still include a roof overhang which would be stepped accordingly, and which would still extend to 4m at the boundary with the neighbour.

Finished materials are shown to be black horizontal cladding as opposed to the previously approved white horizontal cladding. The black cladding would also be included to the front elevation of the existing garage structure. As this would be carried out as part of the garage conversion, included in the original proposal description, it is not considered necessary to include as part of the proposal by way of a change of description in this case.

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 14.04.2025

RELEVANT POLICIES

Places and Policies Local Plan 2020: HB1, HB8, T2

Core Strategy Review 2022:

NPPF

NPPG

APPRAISAL

Principle

The principle of a flat-roofed single storey rear extension to this property and the conversion of the garage to a detached annexe have both already been established by the approval of planning permission 24/1608/FH and the principle of development remains acceptable.

Design and visual appearance

There is no change to the layout of the proposed garage living accommodation in connection with the host property and so this element of the proposal does not require any further consideration.

With regard to the extension, the proposed changes to the layout, formation and projection from the rear elevation would not significantly alter the character of the development and the proposal would remain a subservient extension to the host property.

The increased length and roof height of the extension is contained to the eastern side of the extension and these changes would have limited material impact over and above what has already been approved. The changes in design and layout as proposed under this scheme are considered to be policy compliant and acceptable.

Turning to materials, the change from white horizontal cladding to black horizontal cladding would result in development that appears as a visual contrast to the white render of the property but at single-storey the finished materials of the extension would not significantly dominate the host property and would therefore be acceptable.

At the front elevation the proposal also now seeks to clad the existing front façade of the garage (as part of the garage conversion) in the same black cladding and this would be visible from the public realm. Currently the garage is finished in a rough stone render which is read against the white render of the main house. Whilst the change to black cladding would result in a contrast of finished materials when compared to the existing situation, the garage is set back approximately 15.4m from the highway, between the application house and the neighbouring property and so the structure would not be overly apparent in the streetscene. As such the visual impact of the material change would be limited and would not result in any significant detrimental impact to the character of the streetscene amounting to a reason for refusal.

Residential amenity

The previous scheme was considered to be acceptable in regard to impact upon neighbouring properties although it was noted that the extension would contravene the 45 degree angle with the neighbour at No.29 Walton Gardens.

No.29

There is an existing boundary treatment of a close boarded wooden fence measuring approximately 1.8m (at its lowest point) along the common boundary. Whilst the extension would sit approx. 1.10 metres higher than the fence, it is not considered that the proposed extension would have any additionally significant overbearing presence or result in unacceptable additional loss of light over

and above the existing situation. It also not considered that the proposal would result in a loss of outlook from the ground floor windows of no. 29 as these predominantly look onto the existing fence.

The proposal now seeks to reduce the length of the extension at the boundary with this neighbour by 1m although the roof overhang remains. As such, whilst the overall length of the addition remains the same, it would form a slightly more lightweight structure as the roof canopy would allow light to pass through where previously a solid wall was proposed, thereby somewhat reducing the impact of the development overall upon this neighbour.

The proposed development could therefore be considered a betterment with regards to neighbouring impact when compared to the previous scheme and so no objections are raised.

No.27

Impact upon No.27 Walton Gardens would remain unchanged from the original scheme. The increase in height of the extension and the increased length would be obscured from this neighbour by the applicants retained garage which sits upon the boundary with this neighbour.

Parking and highways

The proposal would not result in the creation of any new bedroom but does see the loss of the garage. The garage currently has a condition to be retained for parking spaces (Conditions 3 of Planning Permission 99/0534/SH). However, policy T2 of the PPLP together with the IGN3 guidance note produced by KCC advise that garages no longer count as parking spaces. There is the retention of off-street parking via the driveway to the East of the dwelling and there are no on street controls in the area, it is therefore considered that the proposal is acceptable and would not result in any parking or highway safety concerns.

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.

Other issues raised

Given the small-scale nature of development, it is not considered that it would result in any harmful impact on SSSI or to buried heritage assets. It is not considered that any mitigation measures would be required in this case.

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.

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 must be begun on or before 20th December 2027.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2

No development shall be carried out except in accordance with the following approved drawings and documents:

A1/102 C Proposed Plans and Elevations – Received 19/03/2025

A1/103 Rear Elevations – Land Levels – Received 25/11/2024 approved under 24/1608/FH

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

The development hereby approved shall be carried out in accordance with the details of materials as specified in the application form received 19.03.2025 and A1/102 C Proposed Plans and Elevations received 19.03.2025 in terms of colour, type and texture.

Reason: In the interests of visual amenity.