

## Officer Report

Application No.	25/0748/FH
Site Address	Basement Flat, Folkestone Prime Court, 9 Trinity Crescent, Folkestone, CT20 2ES
Officer Name	Robert Allan
Proposal	Conversion of three rooms into a self-contained 2 bedroom apartment.

### Recommendation

Report Number	RD-437619
Recommended Decision	Recommended to be Refused
Recommendation Date	20 June 2025

### Report

#### SITE

The application concerns a mid-terrace five-storey property within the defined settlement boundary of Folkestone. The property is within the Folkestone Leas and Bayle Conservation Area. The property had been licenced as an HMO since 2013, with subsequent licences granted in 2018 and 2023 (each licence lasts for five years). There were 22 rooms. The premises has been the subject of a number of separate applications to covert rooms of the HMO into self-contained flats, as can be seen below.

The application premises is on the lower ground floor of the property, facing north eastward onto the roadway, with a ramped access down to an entrance within a brick-built lean-to lobby area.

#### HISTORY

The most relevant planning history is set out below:

89/0860/SH - Conversion of ground first second third & fourth floor to 9 self-contained flats (as amplified by letter dated 31.8.89). Refused.

Y10/0010/SH - Certificate of lawfulness for proposed addition of kitchen facilities to twelve rooms in the north west wing, in connection with existing hotel (Class C1 & C2) use. Approved.

Y10/0406/SH - Certificate of lawfulness for proposed subdivision of hotel into three individual hotels. Approved.

23/1618/FH - Lawful development certificate (existing) for the continued use of the building as a 22-room HMO. Approved.

24/0092/FH - Conversion of rooms on first floor to 2 self-contained one-bedroom flats. Refused.

1. By virtue of the inadequate gross internal area relative to predicted occupancy the proposed development is not considered acceptable with regard to the residential amenity standards for existing or future occupiers, contrary to Places and Policies Local Plan policies HB1 and HB3.

2. No detail has been submitted regarding proposed bicycle storage to meet the needs of the development, contrary to Places and Policies Local Plan policy T5 and National Planning Policy Framework paragraphs 96, 108 and 114, which seek to promote and support people's health and wellbeing, through promoting healthy communities and more active and sustainable forms of transport.

24/0702/FH - Change of use of 4 rooms in a HMO to 2 self-contained 1 person flats. Approved with conditions.

24/1216/FH - Change of use of 2 rooms in a HMO to one self-contained 1 bed, 2-person flat. Approved with conditions.

24/1600/FH - Change of use of 2 rooms in a HMO to one self-contained 2 bed, 3-person flat. Approved with conditions.

24/1933/FH - Change of use of 4 rooms in a HMO to two self-contained 1 bed, 1 person flats. Approved with conditions.

#### PROPOSAL

The application seeks permission for the conversion of part of the lower ground floor of the property to a self-contained flat. The existing ground floor, the subject of the planning application, has three rooms, two of which are bedrooms, whilst the third is open plan, accessed from a lobby, with a bathroom, kitchen and cupboard.

The proposal would create one, two-bedroom flat of a stated 66.4 sqm gross internal area (GIA) with a stated two bedroom, three-person occupancy. The layout shown also shows a store / cycle store, accessed externally. The internal layout shows two bedrooms, an open plan living / dining / kitchen area, with a bathroom, cupboard and large store area.

#### CONSULTATION RESPONSES

Folkestone Town Council: Object. Appears to be a lack of sufficient ventilation and light in the kitchen and living area.

KCC Highways & Transportation: Outside of consultation protocol.

Environmental Health: No comments received.

#### REPRESENTATIONS

No representations received.

#### PUBLICITY

Neighbour letter. Expired 27 May 2025.

Site notice. Expired 02 June 2025.

Press notice. Expired 05 June 2025.

#### 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, T2, T5

Core Strategy Review 2022: SS1, SS3

NPPF paragraphs: 11, 39, 48, 96, 109, 116, 131, 135, 207

#### 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. There are no policies protecting established houses of multiple occupation (HMO). The broad principle of the proposed development is therefore acceptable subject to all other material planning considerations, as considered below.

#### Amenities of neighbouring and future occupiers

##### Existing Residential Occupiers

The application property was previously a 22-bedroom HMO, with previous applications accepted for the conversion of the first floor to two flats (24/0702/FH) which also provided a bicycle store at ground floor level, as well as part of the ground floor being converted to a single flat (24/1216/FH) which was also served by the bike store permitted previously. Subsequent applications 24/1600/FH (one flat, ground floor) and 24/1933/FH (two flats, second floor) permitted additional flats.

The general nature of the use – residential – would not change, with the character of the use considered not to be detrimental to residential amenity, and although the proposed layout would result in bedrooms and living areas overlapping vertically, this is considered unlikely to impact significantly upon the residential amenity of the future occupants of the proposed flat and those occupying the rooms on the adjacent floors.

All windows and doors would remain the same, so there would be no loss of privacy, with no external alterations proposed that could cause any potential impact from overbearing/overshadowing.

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 information submitted with the application sets out that the flat proposed would be a two-bedroom, three persons flat. Relating internal space to the number of bedspaces is a means of classification for assessment purposes only and does not imply actual occupancy or define the minimum for any room in a dwelling to be used for a specific purpose other than in complying with this standard. Minimum floor areas and room widths for bedrooms and minimum floor areas for storage are also an integral part of the space standard. They cannot be used in isolation from other parts of the design standard or removed from it.

Within the adopted standards, for a two-bedroom, three-person unit, 61sqm is the minimum area and it is noted that the proposed unit would be 66.4 sqm so would meet the adopted standard. It would have internal built-in storage (0.85 sqm) which is beneath the 2.0 sqm required, but a substantial area labelled as a store would be available to provide adequate storage for the future occupants.

The application premises are located at lower ground floor level and face north eastward, with the windows of the bay facing into a light well area, with a small overhanging balconette above. The bedrooms would be served by these windows, with a contrived internal arrangement that has internal partitions at sharp angles to not cut across the windows. The living / dining area and kitchen, where the latter is located behind the bedrooms but is technically part of the open plan living / dining area, would all rely upon light from a single window that is angled toward the steps

that provide access to the upper ground floor and that overshadow this opening, as well as dominate the outlook, with a significant concern as to the ability of this aperture to provide adequate light or acceptable outlook for the future occupants. Overall, the proposed layout is considered cramped, poor and would result in a poor level of light and a sub-standard outlook for future occupiers of the flat.

Turning to the bedrooms, the technical standards require that:

- A dwelling with two or more bedspaces has at least one double (or twin) bedroom.
- To provide one bedspace, a single bedroom should have a floor area of at least 7.5 sqm and be at least 2.15 m wide.
- To provide two bedspaces, a double (or twin bedroom) should have a floor area of at least 11.5 sqm.

The plans show two bedrooms of 10.9 sqm (bedroom 1) and 9.8 sqm (bedroom 2). bedroom 1 falls below the required space standards by 0.6sq.m, however this is marginal and it is considered that despite this, adequate bedroom space would be provided.

Regarding external amenity area, Policy HB3 states that balconies should be provided for new flats provided they do not reduce the privacy of neighbouring dwellings. It is difficult to see how the scheme could incorporate balconies, given the ground floor location and limited space externally, which is taken up mainly by a ramp access.

Policy HB3 sets out that for certain types of conversions, including those of heritage assets or buildings in Conservation Areas, a communal garden for the exclusive use of the residents of a group of flats may be acceptable in place of individual balconies or terraces. This has not been proposed. However, the application site is in proximity to The Leas public open space, which could be used by future occupiers. This has been accepted as an alternative in earlier applications that have been approved at this property.

Overall, the proposed development would not provide acceptable living conditions for future occupiers of the lower ground floor flat, as it would allow for appropriate outlook and light into the living space of future occupants. The development would be contrary to PPLP Policies HB1 and HB3.

#### Visual Impact

There are no external alterations proposed, so there will be no impact upon the established visual character or appearance of the building, the street scene, or the conservation area.

#### Highways considerations

The site is on the edge of centre, with a maximum parking requirement of 1 car parking space per unit. There are on-street parking controls with permits. Although the parking policy is silent regarding HMO parking provision, there would be a reduction in households from two to one, when considering the outgoing use. In this regard, there is no requirement to provide parking, given the 'maximum' requirement. The site is located within walking distance of shops and services with good access to public transport (bus stops) and pedestrian footways. It is considered that the sustainable location and regulation via the controlled parking (permits) would result in no detrimental impact likely from the lack of on or off-street parking and it would not constitute a reasonable ground for refusal in respect of policy T2 of the PPLP.

The submitted plans show an integral cycle storage space proposed, to serve the current proposal, which can be secured via condition. 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. This development would be CIL-liable.

#### 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 acceptable as submitted.

#### RECOMMENDATION

The proposed development would make a positive contribution to housing supply, although this is considered to have limited weight given the scale of the development and the unsuitable living conditions for future occupiers identified above and this alone would not outweigh the harm that identified. The compliance with all other policies is considered a neutral matter in the balancing of considerations and would not weigh in favour of the scheme. In light of the above, it is considered the proposal would be an unsustainable development that would conflict with development plan policy and the NPPF and is therefore recommended for refusal.

### **Recommended Refusal Reasons (1)**

1

The proposed flat, by virtue of its location below ground level, layout and insufficient natural light and outlook, would provide substandard accommodation that would be detrimental to the residential amenities and living conditions of future occupants. The proposal is therefore contrary to Places and Policies Local Plan policies HB1 and HB3.

### **Suggested Informatives (1)**

1

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

Proposed Ground Floor Plan 23/211/104 Revision: 01