

Officer Report

Application No.	25/1602/FH
Site Address	22-24 CHERITON GARDENS, FOLKESTONE, CT20 2AS
Officer Name	Robert Allan
Proposal	Change of use and conversion of office building to provide 5 no. 1 bed and 3 no. 2 bed residential flats, including construction of 2.5 storey infill rear extension.

Recommendation

Report Number	RD-438595
Recommended Decision	Recommended to be Approve with Conditions
Recommendation Date	17 October 2025

Report

SITE

The application site is within the defined settlement boundary of Folkestone. The site is a corner plot fronting onto both Cheriton Gardens to the southwest and Millfield to the southeast. It is 0.06 ha in size and contains a three-storey pair of semi-detached buildings of likely Victorian era, together with an L-shaped area of hardstanding which is used for parking, with vehicular access from Millfield. Given the location of the existing building, which is set back from the road by approximately 2.7 metres behind a low brick wall, the building is prominent within the street scene. The surrounding area is characterised by residential properties of a similar scale, age, and appearance, laid out on a typical late Victorian rectangular grid pattern. The building itself is constructed from red brick with brick detailing, stonework, and bay windows, with the scale of the windows decreasing towards the upper floors. The roof is detailed with original chimneys and prominent gable details. The immediate neighbouring properties are three-storey period properties.

The site has an established commercial use, having been converted some years ago from a residential use, although currently appears vacant. To the northwest, 26 Cheriton gardens is also in a commercial use. 18 Millfield to the northeast has been subdivided into flats. Grange Court to the west, on the opposite side of the road, is a modern 5 storey flat block.

The site is not located within a Conservation Area, which is approximately 215 metres to the west. The building is not listed and is not within the setting of any listed buildings. The application site is located within flood zone 1, which has the lowest probability of flooding. The site is located within CIL zone A.

RELEVANT HISTORY

The most recent planning history is detailed below:
 92/0843/SH – Change of use from offices to language school. Approved.

Y00/0929/SH – Change of use from language school to offices. Approved.

Y00/1252/SH - Installation of new PVCu windows to replace existing wooden framed windows. Approved.

23/0574/FH – Erection of a purpose-built apartment building to contain 10no. dwellings following the demolition of the existing office building. Refused.

1. The existing building is currently occupied for employment purposes and no information has been put forward to justify the redevelopment of the site for an alternative residential use. As such the development would be contrary to Policy E2 of the Places and Policies Local Plan 2020 and the development would therefore be unacceptable in principle.

2. The proposed development would result in the unjustified destruction of a building of architectural merit that contributes to the visual character of the street scene and would therefore be contrary to policies SS1 and SS3 of the Core Strategy Review 2022 and policy HB1 of the Places and Policies Local Plan 2020, together with guidance set out within paragraph 131 of the National Planning Policy Framework.

3. The proposed development by virtue of its lack of cohesive design, uncharacteristic architectural features, materials and prominent location, would amount to an incongruous development, harmful to the character and appearance of the wider street scene and would be contrary to policies SS1 and SS3 of the Core Strategy Review 2022 and policy HB1 of the Places and Policies Local Plan 2020, together with guidance set out within paragraph 131 of the National Planning Policy Framework.

24/0552/FH - Change of use and conversion of office building to provide 4 no. 1 bed and 4 no. 2 bed residential flats including construction of 2 storey rear extension. Refused.

1. No marketing information has been included with the application to justify the loss of commercial office space and its conversion to a residential dwelling. In the absence of this information, it has not been demonstrated that a business or commercial use is not viable on site. The loss of employment sites, without adequate justification, could result in the district failing to provide a range of potential commercial locations to meet its employment needs in the future. As such the proposal is contrary to policy E2 of the adopted Places and Policy Local Plan 2020.

2. The proposed two-storey extension, by virtue of its design and flat roof form, would result in an incongruous and unsympathetic addition, that would be detrimental to the visual character and appearance of the building and the street scene, contrary to Places and Policies Local Plan policies HB1 and HB8 and the aims of paragraph 135 of the National Planning Policy Framework.

25/0294/FH/PA - Determination as to whether the prior approval of the Local Planning Authority is required under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use & conversion from office (Class E) to residential (Class C3) to form 8 self-contained flats. Prior Approval Not Required.

PROPOSAL

The proposal seeks permission for the change of use and conversion of the existing office building to provide five, one-bed and three, two-bed residential flats including construction of a two-storey rear extension.

Externally the layout would provide two car parking spaces, including EV charging points, bike storage and bin storage. An outside amenity space is shown accessible from flat 3 only.

The extension is proposed to be constructed in redbrick and will include similar features such as the decorative string courses, the stone lintels and stone sills found in the main building. Fenestration is proposed to match the existing white uPVC sash windows.

Proposed Policy requirement

Flat 01 - 1 bed 2 person – 64.5sqm 50sqm
Flat 02 - 1 bed 2 person – 51.8sqm 50sqm
Flat 03 - 2 bed 3 person – 65.2sqm 61sqm
Flat 04 - 1 bed 2 person – 70.0sqm 50sqm
Flat 05 - 1 bed 2 person – 53.8sqm 50sqm
Flat 06 - 1 bed 2 person – 68.7sqm 50sqm
Flat 07 - 2 bed 4 person - 91sqm 70sqm
Flat 08 - 2 bed 4 person – 92sqm 70sqm

CONSULTATION RESPONSES

Folkestone Town Council: No objection.
Environmental Health: No objection.
KCC Highways & Transportation: Outside of consultation protocol.
KCC Archaeology: No objection.
Southern Water: No objection – conditions requested.

PUBLICITY

Neighbour letter. Expired: 19.09.2024

REPRESENTATIONS

No representations received.

RELEVANT POLICY

The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022.

Places and Policies Local Plan: HB1, HB3, HB8, T2, T5, E2, CC2
Core Strategy Review 2022: SS1, SS3
NPPF: paragraphs 11, 39, 48, 109, 116, 124, 135

APPRAISAL

Principle

Folkestone is the principal settlement of the district and represents a sustainable location. There is a wide and full range of services available within the town centre and the various neighbourhoods that make up the wider urban area. As stated in policy SS1 of the Core Strategy, the Council's strategic approach to the delivery of new housing within the urban area to maintain an adequate supply is to ensure the promotion of the development of previously developed land. Windfall housing will be permitted where it is consistent with the Council's spatial strategy as well as other policies in the Local Plan to ensure that sustainable development is delivered.

The existing building has a lawful use as commercial office space. At the time of the submission of the previously refused planning application and the prior approval application, the office space

appeared occupied by a tenant. Policy E2 of the PPLP seeks to protect employment sites such as office space for business purposes unless it can be demonstrated that:

- the existing employment use is no longer appropriate in terms of neighbouring uses or impact on the natural environment,
- the site has been marketed unsuccessfully for a period 12 months prior to the submission of the planning application,
- established businesses can be relocated to appropriate alternative locations, and
- the site is unviable for redevelopment for alternative employment uses.

The application does not address the requirements of policy E2 directly, instead, it relies upon the creation of a fallback position through the recent application for determination as to whether prior approval for the conversion to eight dwellings would be required being approved and becoming a material planning consideration for the Council. The applicant has demonstrated compliance with all the relevant aspects of that legislation via the prior approval process, with a valid decision issued, there is a strong likelihood that the PA scheme could come forward, and the loss of the office use is now considered a fallback position, and a material consideration.

Having regard to this, it is accepted that the site is a sustainable one where residential development would normally be acceptable in principle, the existing building was formally a pair of residential dwellings, and subject to consideration of all other material issues, the loss of office space is considered acceptable in principle.

Design & Visual Impact

The proposed extension would be a significant addition to the existing property, but is considered to reflect the general proportions, size, scale, and architectural detailing of this, with the previous flat roof form in the refused scheme replaced with a pitched roof form, to better integrate with the existing structure. The proposed extension would be to the rear of the property, and it would be visible from Millfield and Cheriton Gardens due to the gap between the adjacent properties. In this regard, the extension is considered in keeping with the general architectural character of the building through the proportions, detailing and massing, as well as the visual and architectural character of the wider street scene.

A gap would be maintained to the side boundary, with the neighbouring properties set away from the boundary sufficiently to avoid creating any terracing effect. The overall pattern of development is considered acceptable.

The location of the bin and bike stores to the rear of the site would reduce obvious visual clutter. The provision of parking on the hardstanding, as shown, would be redolent of the existing situation and is considered acceptable, visually.

Amenity

Existing Occupiers

The existing flank elevation of the application property has multiple windows that face toward the flank elevation for no. 36, which has multiple windows and what is a conservatory style structure on the side elevation. Consequently, there is a degree of interlocking that already exists. The properties are also separated by a vehicular access way which gives a separation distance and aids in separating uses.

The proposal introduces no additional flank windows at first floor level, looking north west, while that at ground floor level would serve a bathroom and could, reasonably, be obscure glazed

although there is not considered likely to be any detrimental loss of privacy, as it would look over the adjacent access and toward the amenity space which is already overlooked by windows in the adjacent building and windows in the application building.

To the northeast, 18 Millfield has some flank windows, which are also already subject to interlooking from the application property, whilst the single storey rear extension to this neighbouring property will largely preclude direct overlooking of the rear amenity area, although this is already capable of being overlooked from windows in the upper floors of the property it is associated with, as well as from adjoining properties. Consequently, the additional windows in the rear elevation of the proposed extension are considered unlikely to result in a loss of privacy that would be detrimental to the residential amenity of the adjacent occupants.

Turning to overbearing presence and overshadowing, a previous site visit showed that shadow from the existing property just reached the property to the north west at the middle of the day in May, and this was the ridge of the side gable. Even with the addition of a pitched roof form to the proposed extension, it would be adjacent to an angled boundary, as well as predominantly casting any shadow over the vehicular access, so is considered unlikely to give rise to any detrimental impact upon residential amenity. The location of the proposed extension, with the northeastern wall being congruent with the existing flank wall, would not give rise to any significant or detrimental overbearing or enclosing presence for neighbouring properties to either the northwest or northeast.

Overall, the residential amenities of neighbouring occupiers are considered safeguarded.

Future Occupiers

In respect of future occupiers, the space standard referred to in policy HB3 is applicable to the creation of new dwellings, as well as the additional requirements of the policy in respect of external amenity space. Although it does not imply actual occupancy or define the minimum for any room in a dwelling to be used for a specific purpose, relating internal space to the number of bed spaces is a means of classification for assessment purposes when seeking planning approval and compliance with the space standard. To provide two bed spaces, a double (or twin bedroom) should have a floor area of at least 11.5m².

The flats shown all exceed the GIA required by development plan policy, with the rooms considered likely to receive an acceptable level of daylight and sunlight, which would be acceptable for future occupiers.

No access to external amenity area is shown for most of the dwellings, other than for flat three, at ground floor level. It is acknowledged that the provision of balconies would be incongruous on the existing property, and concern was previously raised that the lack of external amenity would not be considered acceptable. However, the presence of Radnor Park approximately 450 metres walking distance away from the application site, which has extensive play facilities, as well the Leas being approximately 380 metres from the site, is noted, as well as the emerging Bouverie Square, that is part of the Brighter Future project within the town centre.

Manual for Streets identifies a 'walkable neighbourhood' as being typically characterised by having a range of facilities within 10 minutes / up to about 800m walking distance which residents may access comfortably on foot. There are pedestrian footways and crossing points available, so in this regard, it is considered that the access to external amenity space should not be a ground for refusal.

Overall, the residential amenities of future occupiers are considered safeguarded.

Parking

The site is edge of centre where policy guidance is maximum and suggests 1 space per unit. The site is in a sustainable location within walking distance of shops, services, and public transport. The proposals would result in a significant reduction in parking demand from a maximum of 21 spaces (based on parking standards of 1 space per 20 square metres) to a maximum of 10 spaces (1 space for each flat and 2 visitor spaces). The proposals would result in a loss of on-site car parking from 4 spaces to 1 visitor parking space, and an allocated parking space.

Overall, this is considered acceptable given the net reduction in parking demand and the presence of on-street parking controls in local roads surrounding the site.

A total of 11 cycle parking spaces is required based on cycle parking standards of 1 space per bedroom as per the cycle parking standards in Folkestone and Hythe District Council's Places and Policies Plan. This can be secured via condition and a space has been allocated on the submitted site plan.

The concerns are noted regarding parking, but it is considered that the proposal would not result in a significant detrimental impact on residential amenity or highway safety and the proposal is considered acceptable regarding policies T2 and T5.

Bins

A bin storage area is shown on the approved plans to serve the development and can be secured via condition.

Biodiversity Net Gain

In relation to Biodiversity Net Gain, the proposed site would fall within the de minimis exemption as set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024, where the development does not impact an onsite priority habitat, and / or less than 25 square metres of onsite habitat / 5 metres of onsite linear habitat would be impacted. The biodiversity gain planning condition would therefore not apply.

Drainage

The comments of Southern Water are noted, but these are issues that would be best served to be addressed outside of the planning process. The conditions requested are therefore not considered reasonable in this context.

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 & 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. The development would be CIL-liable.

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 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 proposal was acceptable as submitted.

Recommendation

Taking the above into account, it is considered the proposal is a sustainable development that would comply with development plan policy and the NPPF and is therefore recommended for approval.

Recommended Conditions (8)

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 complete accordance with the following approved drawings and documents:

Proposed Second Floor Plan 31353A – CLA – PR – 02 – PD – A – 0001

Proposed First Floor Plan 31353A – CLA – PR – 01 – PD – A – 0001

Proposed North East & North West Elevation 31353A – CLA – PR – 02 – ZZ – ED – A – 0002

Proposed South West & South East Elevations 31353A – CLA – PR – ZZ – ED – A – 0001

Proposed Roof Plan 31353A – CLA – PR – RF – PD – A – 0001

Proposed Site Plan 31353A-CLA-PR_00-PD-A-0001 P01

Proposed Block Plan 31353A – CLA – PRSL – 00 – PD – A – 0001

Proposed Ground Floor & Basement Plan 31353A – CLA – PR – ZZ – PD – A – 0001

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

No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

4

No work on the construction of the extension above slab level shall take place until details of sills, brick arches, brick detailing, string courses, mouldings, windows (inclusive of details of window recesses) and other architectural detailing have been submitted to and approved by the Local Planning Authority. The development shall subsequently be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of visual amenity.

5

Prior to the first occupation of any dwelling hereby permitted, one electric vehicle charging point per dwelling shall be provided, in accordance with specifications and in location(s) that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of sustainable development and reducing carbon emissions.

6

No development beyond the construction of foundations shall take place until details to demonstrate that the dwellings hereby permitted 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.

7

Prior to first occupation of any dwelling or dwellings hereby permitted, the bin storage area shall be made available in full, and thereafter retained in association with the premises at all times.

Reason: In the interests of residential and visual amenity.

8

Details of secure, covered cycle storage, for up to 11 bicycles, shall be submitted to the local planning authority for approval in writing, with such details as approved made available prior to first occupation of any dwelling or dwellings hereby permitted, and retained in association with the premises at all times.

Reason: In the interests of residential and visual amenity.

