

Officer Report

Application No.	25/1762/FH
Site Address	5 ASH TREE ROAD, FOLKESTONE, CT19 6ED
Officer Name	Laura Cook
Proposal	Conversion of garage to self contained annexe and rear balcony to first floor.

Recommendation

Report Number	RD-438757
Recommended Decision	Recommended to be Refused
Recommendation Date	12 November 2025

Report

Site

The application site consists of a two-storey terrace property with rooms in the roof space on the southern side of Ash Tree Road, Folkestone.

The property is finished in white painted render with white upvc windows and features an integral garage. A small external amenity space is located to the rear, with access to the first floor via an existing external staircase and platform provided via the amenity space. The boundary treatment consists of 1.8m close boarded fencing.

Other garage conversions have been carried out which are evident from within the street scene. The immediate street scene is made up of predominantly two-storey terraced dwellings in residential use. No. 7 Ash Tree Road presents as a two-storey building with an integral garage and a small amenity space to the rear, the building is not considered to be currently occupied as residential.

Constraints

Site of Special Scientific Interest – Impact Risk Zones
Archaeological Notification Area – Class 2

Relevant Site History

No relevant history.

Proposal

Planning Permission is sought for the conversion of the integral garage into a self-contained annexe, including the associates works (replacement garage doors) to enable this conversion.

A new first floor balcony is also proposed to the rear of the property, with the removal of stepped access from the existing garden.

Consultation Responses

Consultation responses are available in full on the planning file.

Folkestone Town Council – Objection. FTC supports the conversion of the garage but has raised concerns regarding privacy from the new balcony and expressed the need for privacy screening.

Representations

5 representations have been received, 4 in objection and 1 in support of the application. The main areas of objections are detailed below:

- Loss of Privacy
- Overlooking
- Loss of light and Overshadowing
- Impact on character
- Parking issues
- Storage of bins
- Overdevelopment
- Noise and Disturbance

Relevant Policies

Places and Policies Local Plan 2020

HB1 (Quality Place Through Design)

HB8 (Alterations and Extensions to Buildings)

T2 (Parking Standards)

Core Strategy Review 2022

NPPF and NPPG

Appraisal

Design and Visual Appearance

The proposed garage conversion would see the existing garage door opening infilled with matching rendered walls and a new white upvc window to match the existing windows. The conversion would also include the installation of a new door and upvc window at ground floor level to the rear to match the existing. These minor works would affect the appearance of the host dwelling but are not considered to be harmful to its character. The works would not detract from the character and appearance of the wider street scene, especially where there is evidence of similar works within Ash Tree Road. There are no objections to this element of the scheme.

The proposed balcony to the first-floor rear elevation, would replace the existing wooden access staircase and platform. The new balcony would be constructed of metal with glass balustrade and would extend further into the rear garden than the current platform. The balcony structure is located to the rear of the property and cannot be seen from outside the site from the public realm. The balcony itself replaces an existing structure to the rear and is not considered to be any more visually harmful than the existing structure and on balance, the proposal is considered acceptable in terms of its design and visual appearance

Residential Amenity

There are no amenity protection concerns in relation to the proposed garage conversion and associated works.

As a result of the increased floor area in both width and depth, the proposed balcony would significantly increase opportunities for overlooking onto neighbouring properties, with the greatest impact on Nos. 3 and 7 Ash Tree Road, which are immediately adjacent to the site. While the balcony would replace an existing wooden access staircase/platform, the current structure is not of a size suitable for use as external amenity space. In contrast, the proposed balcony would allow unobstructed views of the first 5 metres of rear curtilage space to the side and rear, an area considered the most private part of residential gardens of all surrounding properties.

There is no realistic scope for introducing screening that would mitigate overlooking without creating additional amenity concerns such as loss of light or overbearing impact for properties to the side. Side screens would not mitigate overlooking to the rear. It is noted that the balcony would be approximately 3m from the closest rear garden (to the rear of the site) and approximately 6.4m from the closest neighbouring window to the rear. The property at No. 5 Ash Tree Road, which is attached to the application site, has a relatively small rear garden with an overall depth of 4.58m. The proposed balcony, extending the full width of the rear elevation without privacy screening, and would result in direct views across the entire rear curtilage of No. 3, causing a high level of overlooking into its most private area and rear windows. Given the proximity of the properties, privacy screens would not effectively prevent harmful perceived and actual overlooking.

The proposal is not considered to result in any significant noise or disturbance above and beyond what would be expected within domestic settings such as this and would not be to such an extent that would warrant a refusal on this basis.

For these reasons, the proposal would lead to an unacceptable loss of privacy and a detrimental impact on the residential amenity of neighbouring occupiers. The proposal is considered harmful to residential amenity contrary to PPLP Policies HB1 and HB8 and that planning permission should be refused.

Highways and Parking

The proposal would result in the loss of the garage. However, Policy T2 of the PPLP together with the IGN3 guidance note produced by KCC advise that garages no longer count as parking space and to require its retention for parking would therefore be unreasonable. The property would not retain off-street parking for vehicles, however it is noted that there are no on street controls in the area. It is also considered likely that the garage conversion would constitute permitted development and therefore could be carried out in any event in this case. It is therefore considered that the proposal is acceptable in this respect.

Other Matters

Given the 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.

Comment regarding bin storage is noted, but this is not material to the consideration of this domestic planning application.

The neighbour comments and objections are noted. Those concerns material to the consideration of the planning application have been addressed in the body of the report (above).

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.

Duty to Cooperate

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), December 2024 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.

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.

In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and proactive approach to development proposals focused on solutions. We seek to work with applicants/agents in a positive and creative way by:

- Offering a pre-application advice service;
- 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 acceptable as submitted.

Recommendation

Considering the above, the proposed balcony due to its increased floor area in both width and depth, gives rise to significant harm to the residential amenity of the neighbouring occupants of all the surrounding dwellings. By amounting to an unacceptable loss of privacy through actual and perceived overlooking and a detrimental impact on the residential amenity of neighbouring occupiers. It is considered that planning permission should be refused

Recommended Refusal Reasons (1)

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The proposed balcony, due to its design and siting in close proximity to neighbouring dwellings, would result in an unacceptable level of overlooking and loss of privacy,

causing harm to residential amenity. The proposal is therefore contrary to Policies HB1 and HB8 of the adopted Places and Policies Local Plan (2020).

Suggested Informatives (1)

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

Design and Access statement – Received 19.09.2025

PL001 Existing and Proposed Elevations and Floor Plans - Received 19.09.2025

Proposed Block Plan – Received 19.09.2025

Location Plan – Received 19.09.2025