

**Application No:** Y16/0693/SH

**Location of Site:** 35 Sandgate Esplanade Sandgate Folkestone Kent

**Development:** Conversion of existing dwelling to 5 self contained flats together with the erection of a rear extension and the addition of a fourth floor and associated car parking.

**Applicant:** Mr S Edgar  
35 The Esplanade  
Sandgate Esplanade  
Sandgate  
CT20 3EA

**Agent:** Mr Peter Godden  
Godden Allen Lawn  
The Old Dairy  
Cherrybrook Road  
Folkestone  
CT20 3JX

**Date Valid:** 08.08.16

**Expiry Date:** 03.10.16

**Date of Committee:** 20.12.16

**Officer Contact:** Mr Paul Howson

<b>RECOMMENDATION:</b> That planning permission be granted subject to the conditions at the end of the report.
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## **1.0 THE PROPOSAL**

- 1.1 The application is for the conversion of the existing building to 5 self contained flats together with the erection of a rear extension and the addition of a fourth floor in the roofspace and associated car parking. Submitted with the application in support of the proposal, are an Application Form; a Cover Letter; a Planning Statement; Drawings of existing and proposed floor plans and elevations; and, a Drawing of the site layout showing the parking provision. Subsequent to the initial application revised site location, block plan, and site layout drawings have been submitted.
- 1.2 The existing dwelling is set over three floors. The proposal would provide a further floor in addition to the existing lower ground, ground and first floors, within an enlarged roofspace. The roof extension would be provided by a gable front extension which would create a central front flat roofed section enclosed by the raised side roof slopes. The proposed rear extension would provide stairwell access to the individual floors.
- 1.3 The proposal would provide 5 flats over four floors, each floor containing one unit other than the first floor which would be split into two units. The lower

ground floor unit would provide 2 bedrooms (one en-suite), a lounge, two dining rooms, a kitchen, and two bathrooms. The ground floor unit would provide 3 bedrooms (two en-suite), a lounge, a kitchen, a lobby and a bathroom. The first floor units would both have 2 bedrooms, a lounge, a kitchen, and a bathroom. Finally, the second floor unit would also provide 2 bedrooms, a lounge / kitchen, and a bathroom.

## **2.0 LOCATION AND DESCRIPTION OF SITE**

- 2.1 The application site has a frontage on Sandgate Esplanade, and forms part of a corner plot at the junction with Encombe. The application building has a cream render finish and is constructed with 'Mediterranean' styling. It has a low level pitched roof partially obscured behind a parapet wall, and has ground and first floor balconies either side of a central front projection with a decorative gable feature. The building is one of a pair of similarly styled buildings on this part of the Sandgate coastal frontage. The site slopes upwards to the rear of the building, where Encombe wraps around the rear of the site. The land rises further up the escarpment to the north of the site where there is sporadic residential development and green open space. The sister building to the west of the application building (No.33) has a larger footprint. The red line application site boundary wraps round the rear of No.33 to include both parking areas.
- 2.2 The site is within the Sandgate settlement boundary and it is within the conservation area. It is a Latchgate Area indentified for land instability. The site is outside of the flood risk zones, and the Area of Special Character. The properties on the north side of The Esplanade are primarily residential, a mix of houses and buildings sub-divided into flats.

## **3.0 RELEVANT PLANNING HISTORY**

CH/3/64/226	-	Detached house and garage approved with conditions.
82/0206/SH	-	Conversion of garage to bedroom (as amended by letter dated 7th April 1982) approved with conditions 05.05.82
87/0904/SH	-	Erection of a block of 28 sheltered units and warden's accommodation (as amended by drawings accompanying letter dated 18th September 1987) approved with conditions 01.07.88
87/0910/SH	-	Listed building consent for demolition approved with conditions 31.08.88

- 96/7104/SH - Application for determination whether prior approval is required for the demolition of a detached bungalow approved 26.03.96
- 97/0090/SH - Erection of a block of eight flats with garaging (As amended by Drawings Revision 7/4/97 and Revision 14/4/97) refused 11.08.97
- 98/0121/SH - Erection of a block of six flats approved with conditions 01.04.98
- 99/0602/SH - Erection of a house and garage and a block of five flats approved with conditions 17.09.99
- Y00/0687/SH - Erection of a house and garage (alternative design to planning permission 99/0602/SH) approved with conditions 04.09.00
- Y03/0898/SH - Construction of an underground Jacuzzi room approved with conditions 22.09.03
- Y13/0804/SH - Change of use and conversion of existing dwelling and garage to 5 self-contained flats together with the erection of a 3 storey side extension and other external alterations withdrawn 03.08.16

#### **4.0 CONSULTATION RESPONSES**

##### **4.1 KCC Highways And Transportation**

Thank you for the consultation on the above planning application. Whilst I currently have objections to the application, it may be possible to overcome these objections if the following amendments were made:

- 1) Parking spaces 6 and 7 do not have the required 6 metre reversing distance and are therefore unusable. These should therefore be deleted from the current proposals.
- 2) The proposals appear to use the car parking area for the next door property, known as 33 Sandgate Esplanade. This property has been subdivided into 6 flats and it is not apparent where their existing parking is. This should be confirmed and it should be shown how the parking for each of these units is allocated.
- 3) Each flat should have a minimum of 1 car parking space, irrespective of the parking for 33 Sandgate Esplanade.

#### **INFORMATIVE:**

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a

statutory licence must be obtained. Applicants should contact Kent County Council -

### KCC Highways And Transportation (revised comments)

Thank you for your consultation in relation to the above planning application. My colleagues previous comments regarding the internal layout have now been addressed. The existing accesses will remain unchanged. Should permission be granted the following should be secured by condition:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plan 5063/08 Rev 01 prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

Please note: Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

**INFORMATIVE:** It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

#### 4.2 Building Control Officer

The application will need the Latchgate condition applied

#### 4.3 Parish Council

Object on the grounds:

1. That the mass and form of the building is overbearing and out of keeping with other buildings in the area due to the addition of the rear staircase extension and the raised roofline.
2. There will be considerable overshadowing of Encombe Lodge.
3. It has not been proven there is demand for the property in its current capacity.

### **5.0 PUBLICITY**

5.1 Neighbours notified by letter. Expiry date 6<sup>th</sup> September 2016

5.2 Site Notice. Expiry date 13<sup>th</sup> September 2016

5.3 Press Notice. Expiry date 15<sup>th</sup> September 2016

### **6.0 REPRESENTATIONS**

6.1 3 representations have been received objecting on the following grounds:

- Loss of evening sunlight to neighbouring property through the increase in roof height.
- Impact of the development on land stability.
- Loss of privacy through overlooking.
- Insufficient off road parking.
- Impact of additional vehicles, and the potential for hazardous on-street parking.
- Noise and disturbance.
- Over development of the site.

### **7.0 RELEVANT POLICY GUIDANCE**

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following policies of the Shepway District Local Plan Review apply:

SD1, BE1, BE4, BE19, HO1, HO7, HO8, TR11, TR12, U1, U4

7.3 The following policies of the Shepway Local Plan Core Strategy apply:

DSD, SS1, SS2

- 7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework: Paragraph 133

National Planning Policy  
Guidance

Sandgate Design Statement – Policies SDS4, SDS5 and SDS8

## **8.0 APPRAISAL**

### **Background**

- 8.1 The building was constructed as a single dwelling house in 2000 and has been occupied as such until the present time. The neighbouring building built at the same time and with similar detailing was constructed as an apartment block. An earlier application for a similar change of use, but featuring a three storey side extension was withdrawn.

### **Relevant Material Planning Considerations**

- 8.2 The key considerations in the determination of this application are the acceptability in principle of the loss of a single dwelling and the conversion of the dwelling to a block of flats, the visual impact of the proposed design and alterations, and the impact on the conservation area, the impact on neighbour amenity, parking and highways issues, and land stability.

### **Policy**

- 8.3 Policy considerations in determining this application include saved local plan policy HO8 which sets the criteria for subdivision of properties into flats; saved policy BE4 which seeks to preserve and enhance the appearance and character of conservation areas; saved policy BE1 which seeks to ensure development is in accordance with existing development in the locality; and BE19 which seeks to ensure that development does not adversely affect landslip areas. Further to this Core Strategy policy SS2 seeks to ensure the Council meets its housing delivery targets.

### **Principle of conversion**

- 8.4 Many large buildings on Sandgate Esplanade have been converted into flats and as such the proposal would not be considered to significantly alter the character of the area, particularly as the building already has the appearance of an apartment development. The existing dwelling provides considerable habitable floorspace, but is situated within a confined plot with limited useable private outdoor amenity space, other than the balconies on the seaward side. Therefore it provides a substantial family type home, but

without the garden space which would be the expectation for this type of accommodation. The applicant has demonstrated within the application that market demand for the property is limited, in part due to the disparity between the house size and limited outdoor amenity space, and the close proximity to a busy classified road. Further to this, the application has demonstrated that Sandgate is well served with detached houses of similar scale but in plots with a more appropriate ratio of garden space for family type of accommodation. Conversely, the proposed generously proportioned apartments with bespoke parking and sea views would be highly sought after.

- 8.5 In light of the above, a case can be made that the house by virtue of its size without having consummate garden space is not suited to family household occupation. Saved local plan policy HO8 supports the conversion of such properties into small units, subject to the criteria of the policy being met. Criteria (a) states that the property to be converted is no longer suitable for single family type accommodation due to amenity or location. As stated above the lack of outside amenity space and proximity to a busy road satisfies this criterion. Criteria (b) requires the property to be converted to have five or more bedrooms, or very large rooms. As the property is very large with five bedrooms (including the study which could be used as a bedroom) this criteria would be satisfied. Criteria (c) seeks that conversions would not result in unacceptable change to the character/appearance of the neighbourhood. The conversion would lead to an intensification of the number of households, but this would not lead to an unacceptable change in the character of the neighbourhood, as the area is characterised by many of the buildings providing flats, including the adjacent purpose built block; and outwardly the application building already has the appearance of an apartment development and so would not adversely affect the appearance of the neighbourhood, therefore this criteria is considered to be satisfied. Criteria (d) seeks parking for the converted property to be provided in accordance with vehicle parking standards without the unacceptable detriment to the surroundings through the loss of trees or gardens. As parking provision would be provided to the requirement of Kent Highways and Transportation officers (see paragraph 8.11), and the parking utilises the existing hardsurface areas without significant loss of soft landscaping, this criterion would be met. Criteria (e) seeks that the conversion would not lead to the detriment of the amenity of neighbouring occupiers or the character of the building. Impact on residential amenity is deemed acceptable (see paragraph 8.10), and as referred to above the building already reads as an apartment block. Criteria (f) seeks that the standard and arrangement of accommodation would provide acceptable levels of amenity for occupiers and would meet minimum standards for flat conversions (using guidelines set out in local plan Appendix 3 to make this assessment). The level of accommodation is generous and comfortably exceeds the minimum standards. Finally, criteria (g) would be met as the site is not in an area at risk from tidal flooding. As such, the proposal is considered to meet all the criteria of saved policy HO8. In turn, such conversions can contribute to housing delivery in the district in accordance with Core Strategy policy SS2; the proposal would provide a net gain of four units.

- 8.6 In light of the above the proposal is considered to meet criteria (b) of saved policy HO7 in that the accommodation is not suitable for occupation as a single dwelling. Further to this, the application has demonstrated there are sufficient suitable single dwellings in the local area to meet market demand for family style accommodation, and the loss of this single family size unit would not compromise that, given the lack of market interest identified. As the proposal provides a net gain of housing stock, saved policy HO7 is not a constraint to the development.

### **Visual Amenity/Design/Conservation Area**

- 8.7 The application building is a prominent stand out building on this stretch of coastal frontage. The detailing of the front elevation would remain largely unchanged by the proposal, and it is considered the proposed increase in the bulk of the roof would not dominate the existing public face of the building, as it would be proportionate to the overall scale and massing of the building. The proposed front gable would be set back from the existing front gable feature, minimising the visual impact from street level, and the overall ridge height would only be increased by approximately 0.5m which would have negligible visual impact, with much of the flat ridge of the building within the roof slopes and behind the existing gable feature. In terms of character, the building as existing already reads as an apartment building, and as such the conversion would have a neutral impact on the character of the locality. Views of the side elevation across the junction of Encombe would be largely unaltered as the proposed rear extension would be set back centrally in the rear elevation, with the modest increase in roof height not considered to significantly alter the visual impact of the side elevation. Furthermore, the modest rear extension would not be considered to dominate the rear elevation and as such the views from the public domain to the rear would not be considered to be significantly adversely affected by this or by the roof enlargement. Overall, it is considered the design of the alterations is appropriate and proportionate as a means to facilitate the conversion, without significantly altering the appearance and character of the building within the streetscene.
- 8.8 The application building is not an historic asset, but nevertheless has a prominent presence on the coastal frontage by virtue of its scale, location and design. It is a building that is in a 'Mediterranean' seaside vernacular, and the quirky appearance does contribute to the character of the area. As the height, scale, form, and materials of the proposed extensions are respectful of the existing pair of buildings, the proposal would be considered to respect the character of the conservation area in accordance with saved policy BE4, and would have a neutral impact on the appearance.
- 8.9 The site is identified in the Sandgate Design Statement as being within the Esplanade Character Area. It is not a historic building reminiscent of the grand seaside feel for which the seafront would have once been known. Nevertheless, the building has vertical emphasis with balconies, and a pale shade of render finish, typical of the seaside vernacular. As this characteristic would not be compromised by the proposed development due



to the modest nature of the proposed alterations, it is considered the proposal is compliant with the ethos of the Sandgate Design Statement.

### **Neighbouring Amenity**

8.10 The closest neighbouring single dwelling is Encombe Lodge, to the east of the application building. It is separated from the application property by 21m by virtue of the road junction between the two properties. It is considered no new overlooking issues would arise. There are no new above ground floor level windows proposed for the side elevation, and overlooking from the proposed upper floor balcony would not exacerbate that which exists from the existing balconies. The west elevation of Encombe Lodge is very open to the public domain, and as such additional loss of privacy would be minimal from the proposed development. Further to this, the modest proposed increase in height and bulk of the roof would not be considered to significantly add to overshadowing from evening sun that already exists. There is enough space separation for the development to not be overbearing, and it is considered that the open southerly aspect that Encombe Lodge enjoys would ensure this neighbouring property would get uninterrupted sunlight during the greater part of the day. Furthermore, the parking provision as amended has been deemed as acceptable (see paragraph 8.11) and as such inconvenience from additional increased on-road parking would not be considered to be significantly increased from the proposed development. The houses to the rear are in a lofty position in relation to the application building, and would be unaffected by the development, as would the adjacent apartment block which has a larger footprint. Overall the proposal is considered to be acceptable in residential amenity terms in accordance with saved policy SD1.

### **Highways**

8.11 The parking provision has been amended during the course of the application to reflect the requirements of Kent Highways and Transportation officers (shown in revised drawing 5063/08 Rev 01). The parking would be shared with the neighbouring block No.33 (both properties are in shared ownership inclusive of the parking areas), parking spaces 1-6 shown on the revised site layout plan would permanently serve the existing flats in No.33, whilst spaces 7-11 would serve the proposed 5 flats in the application building No.35. This would ensure each flat in both blocks would have the required minimum 1 car parking space. Therefore, as the existing access remains unchanged and adequate parking is provided on site to the required standard, highways officers have no objection subject to the conditions set out at the end of this report. Further to this, the site is in a sustainable location as it is within walking distance of the facilities on Sandgate High Street, and is close to bus routes to Hythe and Folkestone centres. As such parking provision and highway safety issues are not a constraint to the proposed development.

### **Latchgate**

8.12 The site is in an area of land instability and the proposed extensions would increase the loadings of the building. However, with a Latchgate condition applied to any grant of planning permission, an engineering solution can ensure land stability would not be compromised.

### **Local finance consideration**

8.13 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. New Homes Bonus payments are considered to be a material consideration in the determination of this application and would generate £2,945 for one year, and £11,779 for 4 years. In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a CIL scheme, which in part replaces planning obligations for infrastructure improvements in the area. The CIL levy in the application area is charged at £100 per square metre for new dwellings. This application is liable for the CIL charge as it is a change of use and would create additional floor space.

### **Human Rights**

8.14 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.15 This application is reported to Committee due to the views of Sandgate Parish Council.

## **9.0 SUMMARY**

9.1 In conclusion the principle of the loss of the single dwelling and the conversion of the building to a block of flats is considered to be in compliance with the criteria of the stated local plan policies. The modest alterations required to facilitate the proposed change of use are considered to be respectful of the character and appearance of the building, which in turn would ensure that there would be minimal impact on the streetscene, and a corresponding neutral impact on the character and appearance of the conservation area or the Esplanade character area. Further to this the proposal would not significantly exacerbate residential amenity impacts, and would provide adequate off road parking to avoid unacceptable

inconvenience and disruption for road users in the local area. As such the proposal is considered to comply with local policy and national planning policy guidance, and is recommended for approval.

## **10.0 BACKGROUND DOCUMENTS**

10.1 The consultation responses set out at Section 4.0 and any representations at Section 6.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

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**RECOMMENDATION – That planning permission be granted subject to the following conditions:**

1. Standard time condition
2. Submitted plans
3. Details of materials
4. Latchgate condition
5. Bin storage as per approved plans
6. Cycle storage as per approved plans
7. Provision of loading/unloading facilities during construction
8. Provision of site parking facilities during construction
9. Provision of measures to prevent discharge of surface water to the highway
10. Provision of wheel washing facilities during construction
11. Provision and retention of vehicle parking spaces prior to occupation
12. Provision of bound surface for first 5m from edge of highway
13. Landscaping and maintenance details to be submitted

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Decision of Committee

Y16/0693/SH  
35 Sandgate Esplanade  
Sandgate



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