

DCL/22/09

Application No: 21/1707/FH.

Location of Site: Bayle Court, The Parade, Folkestone, CT20 1SN.

Development: Alterations to roof of building to accommodate 2 two-bed flats within the roof space.

Applicant: Mr R. Khripko.

Agent: No agent details provided.

Officer Contact: Ross McCardle.

SUMMARY

This application seeks planning permission for alterations to the roof of an existing block of residential flats to enable formation of two additional flats within the roof space. The site lies within a sustainable town centre location; it is considered that the development would not give rise to any unacceptable amenity impacts for neighbouring residents; and the development would preserve or enhance the character or appearance of the conservation area. The application is therefore recommended for approval.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

1.1. The application has been called in to Committee by Councillor Laura Davison.

2. SITE AND SURROUNDINGS

2.1. Bayle Court is a four-storey block of flats situated on The Parade, a narrow lane in the old town area of Folkestone. The building is of post-war design, constructed of red brick with a pitched roof, garage doors at ground floor (it is understood that the garages are not owned/used by residents), and white uPVC windows (some of which feature angled projecting bays). The eastern flank of the building faces out to sea and features a number of projecting balconies. The building unusually features a small area of flat roof at ridge level which arises from a curve in the footprint. At present there are 15 flats in the building (numbered 1 – 16, with no number 13).

2.2. The site lies within the Leas and Bayle conservation area and there are a number of listed buildings nearby (although not immediately adjacent to the site). On the opposite (north) side of The Parade is a terrace of period townhouses, each three stories with rooms in the roof served by front gable windows; many of these have been converted to flats. To the rear (south) of the building is an alleyway leading through to The Bayle, on the southern side of which are two detached houses. Attached to the western flank of Bayle Court is a two-storey house, beyond which is The Guildhall pub, and to the east is a turning head at the end of the road, with a detached house beyond that, and

DCL/22/09

a pedestrian footpath leading down the steps to the harbour area. The Parade features on-street parking along the northern side.

2.3. The site lies within the conservation area; it is not in a flood zone; is at low risk of land instability; and is in CIL zone A (rated £0 per sqm).

2.4. A site location plan is attached to this report as **Appendix 1**.



Fig.1: Bayle Court (outlined red) and surrounding area.



Fig.2: Flat roof area visible to left end of building.



Fig.3: View east along The Parade.



Fig.4: View west along The Parade.



Fig. 5: View westwards along alleyway to south.



Fig.6: View eastward along alley, inc. access to Cliff Haven (neighbour)

3. PROPOSAL

- 3.1 Planning permission is sought for alterations to the roof to enable provision of two flats within the roof space.
- 3.2 It is proposed to raise the roof ridge height by 500mm (from approx. 13.6m to 14.1m) and insert a total of 15 flat-roofed dormer windows (9 on north elevation, 6 on the south) to enable subdivision of the roof space into two residential flats.
- 3.3 Internally each flat would have a floorspace of approximately 80/110sqm respectively, with two bedrooms, bathroom, and open-plan kitchen / lounge areas. Each room would be served by at least one dormer window.



Fig. 7 – Existing front and rear elevations.



Fig.8 – Proposed front and rear elevations.

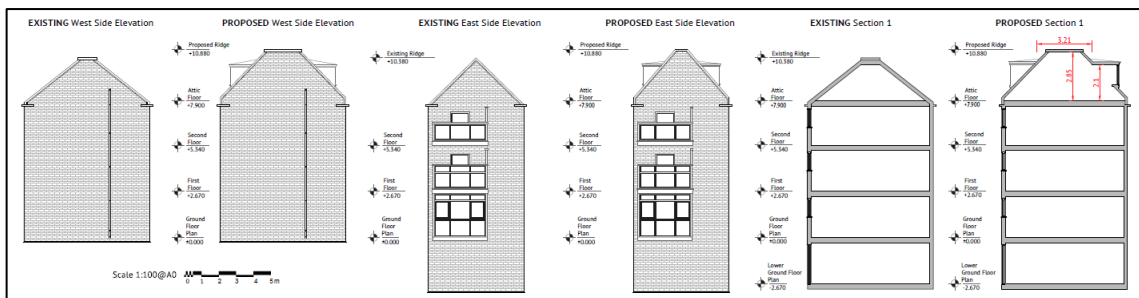


Fig.9 – Existing and proposed flank elevations and section.

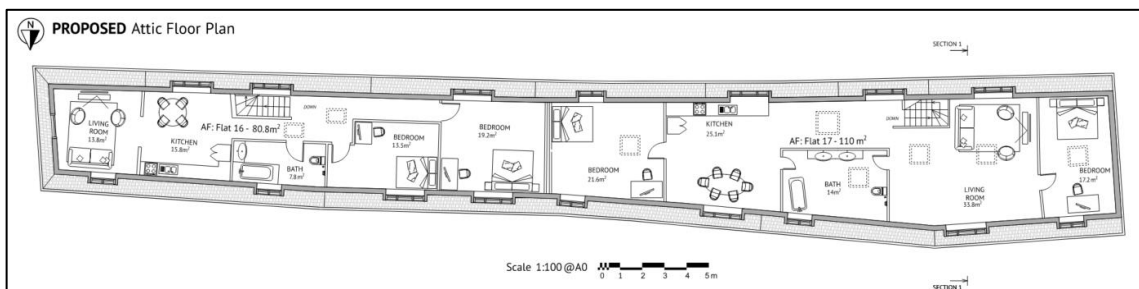


Fig.10 – Proposed attic floor plan.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

Y07/1411/SH	Replacement balcony glazing.	Approved
CH/03/57/86	Erection of a block of flats.	Approved.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

DCL/22/09

Folkestone Town Council: *“Object – over intensification and there does not appear to be extra parking put aside.”*

Local Residents Comments

5.2 90 neighbours directly consulted, a site notice was posted, and an advert was placed in the local newspaper. 30 letters of objection received in response.

5.3 Officers have read all of the letters received. The key issues are summarised below:

- Inaccuracies on the drawings [**CPO comment: these have been corrected**];
- Inaccuracies on the application form;
- Ownership concerns;
- Covenants attached to the property deeds;
- Communal garden area to east of existing building should not be converted to a parking space; [**CPO comment – this is no longer proposed**]
- Local drainage and flooding issues;
- Noise and disturbance;
- Loss of privacy and overlooking;
- Loss of light for properties to the north;
- Additional pollution from vehicles;
- Access to service areas (electric, plumbing, etc.) within the building;
- Fire safety, structural and maintenance concerns;
- Impact on highway safety and amenity;
- Overdevelopment;
- Contrary to policy;
- Visual amenity and impact on conservation area;
- Impact on views from the harbour;
- Is 500mm height increase sufficient for internal space.

5.4 Responses are available in full on the planning file on the Council’s website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022. (The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022.

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1 (quality places through design)

HB2 (cohesive design)

HB3 (space standards)

HB8 (extensions and alterations)

T2 (parking standards)

T5 (cycle parking)

CC1 (reducing carbon emissions)

CC2 (sustainable design and construction)

HE1 (heritage assets)

Core Strategy 2022

SS1 (District Spatial Strategy)

SS3 (Sustainable Settlement Strategy)

CSD1 (Balanced Neighbourhoods)

CSD2 (District Residential Needs)

CSD5 (Water Efficiency)

6.3 The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2021

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Para. 11 sets out the presumption in favour of sustainable development.

Para. 47 sets the requirement for applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Para. 111 states that development should only be refused on highways grounds “*if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*” Para. 112 then continues on to advise that priority should first be given to pedestrian and cycle movements, and to facilitating access to high-quality public transport.

Para. 195 requires LPAs to assess the impact of new development upon designated heritage assets; para. 199 requires great weight to be given to conservation of heritage assets; and para. 202 states that where “less than substantial harm” to the asset will arise this needs to be weighed against the public benefits of the proposal at hand.

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/visual amenity/impact on conservation area
- c) Residential amenity
- d) Highways and parking
- e) Other matters

a) Principle of development and sustainability

7.2 The application site lies within the defined built up area boundary, where new residential development is directed as a matter of priority by both local and national

planning policy. The site is within the heart of the town centre and very close to local shops, services, amenities and public transport links, and in that regard is an inherently sustainable location. The principle of residential development is therefore considered to be acceptable.

b) Design/visual amenity/impact on conservation area

- 7.3 The application proposes raising the roof ridge by approximately 400mm to 14.1m tall. This is not considered to be a significant change and it is likely that the additional height and the dormer windows would not be visible from street level to the front due to the narrow street and the height of the building (see figures 3 and 4, above). It would not be prominent in public views of the rear due to the position of surrounding buildings, road layout, and level changes.. The additional height and dormer windows would also have very limited impact on the character and appearance of the building due to its scale and position; the most prominent views would be from the harbour where the building stands proud on the top of the hill but at a significant distance. Views from this distance would not be unacceptably affected by the introduction of small, traditionally designed flat-roof dormer windows into the roof.



Fig.11: View from the harbour bridge, roof of Bayle Court circled

- 7.4 The building is not of any particular design or architectural merit in itself, but nevertheless the proposed works would sit comfortably with the simple post-war aesthetic and would not be incongruous additions to the structure.
- 7.5 Overall, therefore, it is considered the physical works to the property would be acceptable in design terms, and would have a neutral impact on the special character of the conservation area.

c) Residential amenity

- 7.6 The proposed flats would provide an acceptable standard of amenity for future residents. No balconies or outside amenity space are provided, but most of the existing flats within the block do not benefit from outside space either, and the site is very close to the seafront which would provide occupants with outdoor recreation opportunities. This is considered to be acceptable, and it is also noted that PPLP policy HB3 does give officers some discretion in applying space standards.
- 7.7 The amended drawing has been annotated to show that sufficient head height is available within the proposed roof space to serve the proposed flats.
- 7.8 Due to the scale of the building and position of the proposed dormer windows they would not give rise to unacceptable levels of additional overlooking for neighbouring residents. The relationship with the dwellings on the northern side of The Parade would be similar to the relationship with the existing flats, and is acceptable. There is potential for overlooking to the rear gardens of neighbouring properties to the south, Cliffe Haven and The Battery in particular. The proposed south-facing windows either serve the stair access or are secondary windows to rooms served by other windows; these south-facing windows could therefore be obscure-glazed to prevent overlooking without unacceptably reducing the standard of daylight or outlook within the proposed flats.
- 7.9 While the height of the building would be increased this would not unacceptably worsen the impact of overshadowing or loss of light to the extent that planning permission could be refused on this basis. The shadow calculator extracts below show that in November (when the sun is generally lower in the sky) the length of shadow generated by existing and proposed is not significantly different, and already extends beyond the houses opposite.

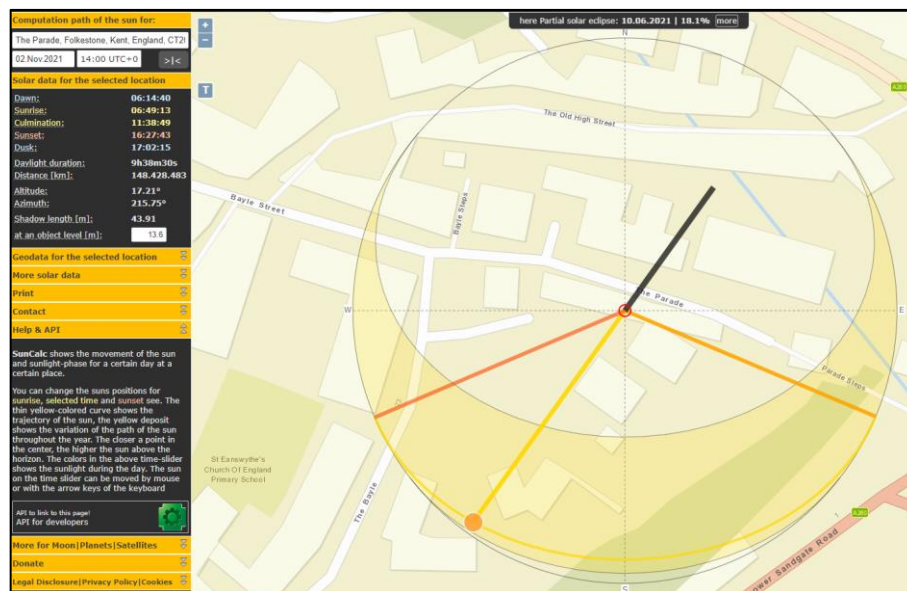


Fig.12 – Shadow length for existing building (13.6m tall) as at 14.00 on 02.11.21.

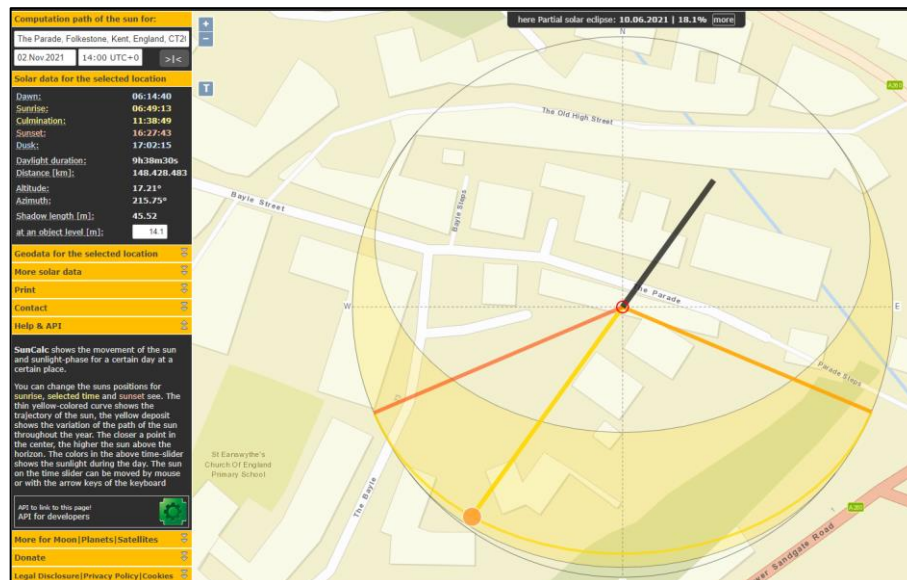


Fig.13 – Shadow length for proposed building (14.1m tall) for same time/date.

7.10 There would be some degree of noise and disturbance during construction (which is specifically allowed for by the NPPF) but otherwise residential use in itself is not intrinsically noisy to the extent that planning permission could be refused on such a basis. Resident's concerns about acoustic insulation between units are noted. However - this is a requirement of Building Regulations approval and would be addressed under that legislation.

7.11 As such, the proposed development is considered to be acceptable in terms of impact on residential amenity.

d) Highways and parking

7.12 The site lies within a sustainable town centre location close to public transport options and where adopted Kent Vehicle Parking Standards advise that nil-provision is acceptable. Members may also be aware that the Council has accepted nil provision at other sites within the town centre on the basis of encouraging more sustainable transport solutions and encouraging a transition to a low-carbon future (Radnor Park Road, and Guildhall St, for example). Therefore, while local objections in regards parking pressures are noted, the proposals are in accordance with the Development Plan in this regard and are acceptable.

7.13 The amended drawings have removed the two proposed parking spaces which would have replaced the communal garden at the eastern end of the property.

7.14 Cycle parking is shown under the balconies at the eastern end of the building. The design of secure cycle parking facilities can be dealt with by way of a condition, as set out below.

e) Other matters

7.15 Objectors have raised concerns in respect of fire safety, maintenance access, and structural stability. In this case, these concerns do not fall to be considered under the planning process, and would either be covered by Building Regulations or are private legal matters. Planning permission could not be refused on these issues.

7.16 The development is liable for CIL but at a rate of £0 per sqm.

Environmental Impact Assessment

7.17 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

7.18 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. There is no CIL requirement for this development.

7.19 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. The CIL levy in the application area is charged at £0 per square metre for new residential floor space.

Human Rights

7.20 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.

Public Sector Equality Duty

7.21 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.

Working with the applicant

7.22 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner, and in this instance amended drawings were requested and received.

8. CONCLUSION

8.1 This application seeks planning permission for alterations to the roof of an existing block of residential flats to enable formation of two additional flats within the roof space. The site lies within a sustainable town centre location. Subject to conditions, it is considered that the development would not give rise to harm to residential amenity, nor to the visual amenities of the area, and it is considered that the development would preserve or enhance the character or appearance of the conservation area.

8.2 The application is therefore recommended for approval, subject to the conditions below.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That the application be approved subject to the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

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. No development shall take place other than in accordance with drawing F-BC2-Amend2.

Reason: For the avoidance of doubt.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors.
- ii. loading and unloading of plant and materials.

- iii. storage of plant and materials used in constructing the development.
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- v. measures to control the emission of dust and dirt during construction.
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenities of the area and highway safety and convenience.

4. 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.

5. No development shall take place until construction details of the dormer windows hereby permitted (including sections through dormer cheeks, glazing bars, frames, and mouldings, and details of how they join with the roof fabric) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and preserving or enhancing the character or appearance of the conservation area.

6. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity and preserving or enhancing the character or appearance of the conservation area.

7. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours
Saturdays 0800 – 1300 hours

unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

8. Before the dwellings hereby permitted are first occupied the south-facing dormer windows shown on drawing F-BC2-Amend2 shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall

DCL/22/09

be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

9. Prior to first occupation of the dwellings hereby permitted details of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. On approval the details shall be implemented as agreed and thereafter made available for the use of residents of the dwellings hereby permitted in perpetuity.

Reason: In the interest of encouraging sustainable modes of transport.

