

# DCL/23/02

**Application No:** 22/2119/FH

**Location of Site:** 22 Turketel Road, Folkestone, CT20 2NZ

**Development:** Erection of a four bedroom detached dwelling and new vehicular and pedestrian access, private parking and rear garden. A revised pedestrian and vehicular access for the existing property.

**Applicant:** Mr J Ahearne

**Agent:** Mr A Cox

**Officer Contact:** Robert Allan

## SUMMARY

The report considers whether planning permission should be granted for the demolition of the existing garage and the construction of a four-bedroom detached dwelling. The report assesses the principle of the development in this location, the amenity of future occupants and neighbouring residents, the visual amenity and the character of the building, associated parking and storage issues, and other constraints, finding that the proposal is considered acceptable and in accordance with adopted policy.

## RECOMMENDATION:

<b>That planning permission be granted subject to the conditions set out at the end of the report.</b>
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## 1. INTRODUCTION

1.1. The application is reported to Committee at the request of Councillor Prater and due to the views of Folkestone Town Council.

## 2. SITE AND SURROUNDINGS

2.1. This application site is within the defined settlement boundary of Folkestone and within a residential area characterised by large, detached properties on spacious plots. The application site comprises part of the rear garden of no. 22 Turketel Road, which sits on a bend in the road. There are no protected trees within the site or adjacent to it, with the site boundaries having sporadic planting. An aerial photo of the application site can be seen below in image 1.



Image 1: aerial photo

2.2. The application site is within an area of archaeological potential for major applications or equivalent only.

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

### 3. PROPOSAL

3.1 Planning permission is sought for the demolition of the existing garage serving no.22 Turketel Road and erection of a two-storey detached 4-bedroom dwelling with associated landscaping and parking within part of the existing property's garden area. Materials are proposed to be a mix of render and clay tile hanging, with clay tile roof.

3.2 The proposed elevations can be seen in images 1 & 2 below.

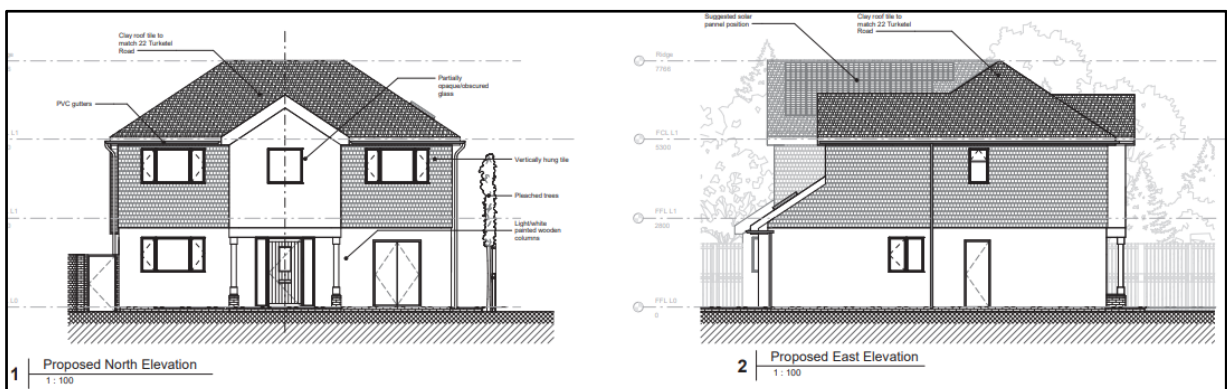


Image 2: Proposed elevations

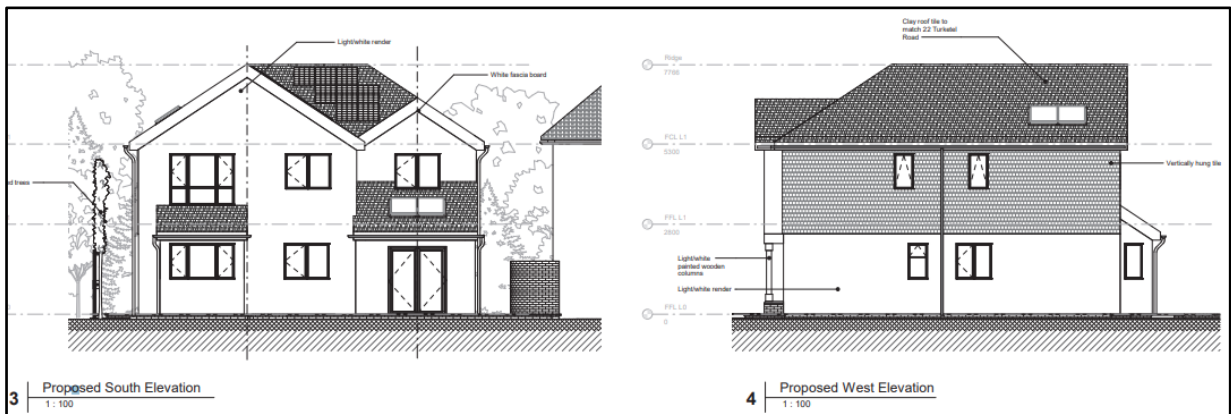


Image 3: Proposed elevations

- 3.3 The proposal would provide off-street parking and turning space for at least two vehicles. The proposed block plan can be seen in image 3, which also shows the application site area.
- 3.4 It is proposed to remove seven trees, but replace nine, as well as having a total of five pleached<sup>1</sup> trees planted along the site's western boundary to provide vegetative screening for neighbouring properties.
- 3.5 In addition to the drawings and application form, the following documents were submitted by the applicant in support of the proposal:

## Design & Access Statement

This document describes the site and surrounding area, describes the proposed development with specific chapters on access, design, finishes and windows, and concludes with an impact assessment. The document concludes positively on all matters.

<sup>1</sup> Pleaching is a method of training trees to produce a narrow screen by tying in and interlacing flexible young shoots along a supporting framework.

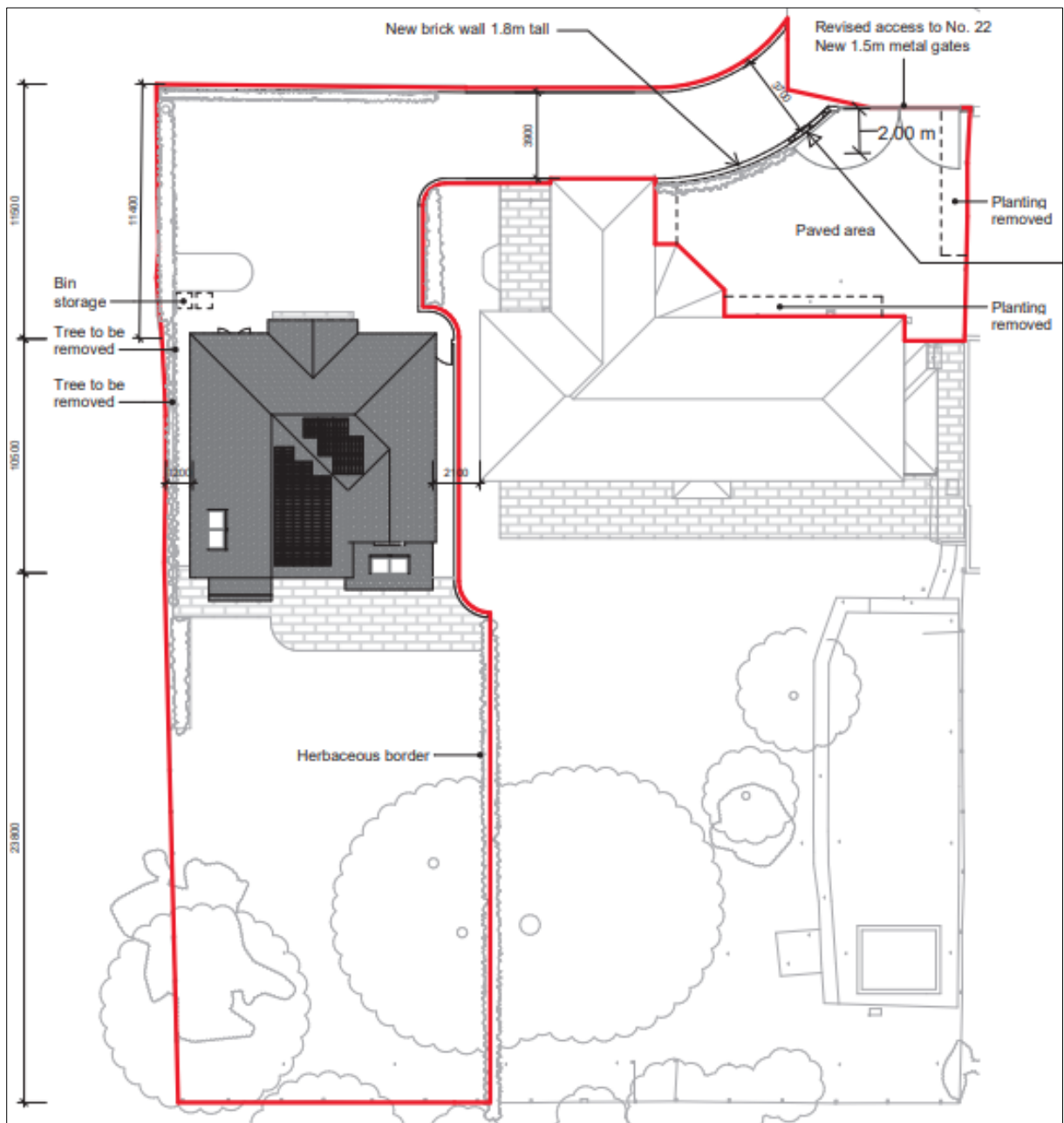


Image 4: Proposed block plan

## Daylight, Sunlight & Overshadowing Report

This report considers the potential daylight and sunlight effects that may occur to the neighbouring residential properties because of the proposed development and the potential overshadowing to existing amenity spaces in the vicinity of the development site. It concludes that the report demonstrates that each of the neighbouring residential properties will experience a negligible daylight, sunlight and overshadowing effect as a result of the proposed development.

## Road Safety Audit

This report describes a Stage 1 Road Safety Audit (RSA) at the application site and raises no concerns, other than to specify that at the junction between the two property accesses, a boundary wall lower than 600mm in height or a section of see-through

# DCL/23/02

fencing between the two driveways of the existing and proposed properties, to facilitate inter-visibility between emerging drivers, should be provided.

## Arboricultural Impact Assessment, Method Statement & Tree Protection Plan

This report was submitted in relation to the trees growing to the South boundary of the site and the seven individual trees that are proposed to be removed to enable the proposals. The trees to be removed are located predominately along the north and east boundaries and are assessed as category 'C' (four trees) and 'B' trees (three trees). The removals are required due to direct conflicts with the proposed dwelling and to create a new driveway access and front and rear amenity spaces. Additionally, one individual tree (T10) will require lateral pruning to its eastern crown back to the property boundary. The report concludes that the proposals represent a minor impact on the amenity of the locality in so far as it is contributed to by trees; the encroachment within the RPA's of trees in adjacent properties and within the application site grounds is considered feasible to mitigate by use of sympathetic construction methodologies and engineered above ground surfacing design; and that as the proposed new planting establishes it will progressively make a positive contribution to the age and species diversity of trees on the site and to the extent of local canopy cover of the locality.

## 4. RELEVANT PLANNING HISTORY

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

22/0421/FH	Single storey porch extension to replace existing porch, two storey side extension and relocation of garage.	Approved
Y03/0309/SH	Erection of a part two storey and part ground floor side extension with roof garden over following demolition of existing garage.	Approved

## 5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

### Consultees

**Folkestone Town Council:** Object on the following grounds:

- Could set a precedent for others to do the same.
- Uphold neighbours' objections.

**Arboriculture Manager:** No objection. A pre-development tree report in accordance with BS5837:2012 has been submitted. All tree protection measures will need to be installed prior to commencement of development.

# DCL/23/02

**KCC Highways & Transportation:** Outside of consultation protocol, no comments submitted.

**Southern Water:** No objection; Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

## Local Residents Comments

5.2 Twenty-three neighbours have been notified of the proposed development. Thirteen representations have been received objecting to the proposal on grounds of:

- Increased traffic, noise and air pollution during construction
- Harm to visual amenity, green space and character of Turketel Road and Bodenham Road
- Access would reduce off-street parking for 22 Turketel Road
- Increased on-street parking
- Loss of trees
- Commercial residential development at expense of others **[CPO comment – Members will be aware that this is not a material planning consideration]**
- Property already benefits from approval for an extension
- Inappropriate ‘garden grabbing’
- Cramped development which conflicts with density of development in area
- Impact upon outlook and view
- Sets precedent
- Loss of permeable area to absorb rainfall
- In conflict with Council’s green agenda
- Trees are not permanent and could die or be removed
- Noise arising from use of site
- Additional pressure on schools, doctors, services etc
- Loss of privacy
- Plans show balcony which is unacceptable
- Minor amendments do not make proposal acceptable
- Tree survey identifies encroachment into RPA of neighbour’s trees
- Detrimental impact upon trees
- Proposed planting too close to proposed house
- Deciduous planting proposed which will offer no screen at certain times
- Assessment of visual impact should include character of area when viewed from neighbouring properties

5.3 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
HB3	Internal and External Space Standards
HB10	Development of Residential Gardens
T2	Parking Standards
T5	Cycle Parking
NE2	Biodiversity
CC2	Sustainable Design & Construction

### Core Strategy Review 2022

SS1	District Spatial Strategy
SS3	Place-shaping and sustainable settlements strategy

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 2021 are relevant to this application: -

11	Presumption in favour of sustainable development
47	Applications for planning permission be determined in accordance with the development plan
93	Promoting healthy and safe communities
130	Achieving well-designed places

## 7. APPRAISAL

7.1 The main issues for consideration are:

- a) Principle

- b) Visual impact
- c) Residential amenity
- d) Highway
- e) Other issues

## **a) Principle**

7.2 The site is within the defined settlement boundary of Folkestone and in a sustainable location. New residential development is considered acceptable as a matter of principle in this location in accordance with Core Strategy Review policies SS1 and SS3.

## **b) Visual Impact**

7.3 Policy HB1 requires, amongst other matters, a development proposal to make a positive contribution to its location and surroundings. Policy HB10 requires, amongst other matters, proposals for the complete or partial redevelopment of garden land to respond to the character and appearance of the area.

7.4 The proposed development would sit to the west of the existing property and is shown to be set back into the application site. As a consequence, views would be largely screened by the existing dwelling and it would have little visual presence in the street scene. This can be seen in the property to the rear of 20 Turketel Road, which also has a substantial two storey dwelling to its rear, but which is not readily visible within the street scene. Only the proposed additional driveway entrance would provide an obvious visual indication of the development and it is considered that the loss of the low hedging and the relocation of the access serving 22 Turketel Road would not be detrimental to the character of the street scene.

7.5 The prevailing pattern of development generally follows the line of the carriageway and whilst it is noted that the proposed property would not front onto the highway like the majority of properties, it would also not have any detrimental impact in respect of the pattern of development, sitting as it would slightly back from the building line of the property to the east (number 22) and also that of the property to the north (number 20) but still continuing the pattern of development in both directions, thus causing no visual harm.

7.6 It is accepted that the plot size of the proposed dwelling would be smaller than many of the larger properties in the immediate vicinity, but this would not be readily apparent in views from the street scene, and it would still constitute a relatively low-density form of development. Similar plot sizes can be seen for properties 24-34 Turketel Road to the west. Overall, it is considered that the proposal would not have a detrimental impact upon the prevailing character of the area.

7.7 In respect of appearance, the proposal is in keeping with the more modern inter-war properties in the area and would not appear unsympathetic to this character. Details of materials and architectural features can be secured by condition should permission be granted. The proposal is considered acceptable regarding Places and Policies Local Plan policies HB1 and HB10.



## c) Amenity

- 7.8 Places and Policies Local Plan policy HB1 states that planning permission will be granted where the proposal does not lead to an adverse impact on the amenity of future occupiers, neighbours, or the surrounding area, taking account of loss of privacy, loss of light and poor outlook. Policy HB3 is concerned with space standards for future occupants and is also relevant.

### *Existing neighbours*

- 7.9 Any noise and disturbance associated with the proposed residential unit would be of a domestic nature and therefore compatible with the surrounding uses. Access to the proposed dwelling would be to the front of the existing dwelling and to the side of number 20, in areas where cars already cross the pavement to enter these properties, with parking shown to the side of number 20 and the bottom of the garden of 8 Bodenham Road, well away from the properties themselves. Overall, the mild intensification of the residential use of the site in a low-density urban environment, is not considered likely to result in any significant detrimental impact from additional noise and disturbance.
- 7.10 The proposed dwelling would be set more than 40 metres away from the rear of properties in Bodenham Road to the west, and approximately 22 metres south of no. 20 Turketel Road to the north. Given these significant distances and relative positions, there would be no likely detrimental impact from overshadowing, overbearing or enclosing presence, and no impact upon outlook for any of the neighbouring properties.
- 7.11 Turning to overlooking, the first-floor windows in the western side elevation would serve a bathroom and ensuite bathroom and can be obscure-glazed and of limited opening, with such restrictions secured via condition. A proposed balcony area on the rear (southern) elevation has now been omitted from the scheme and the first-floor rear windows in this elevation would only allow overlooking at oblique angles of the rear-most garden areas of no.4 Bodenham Road, no.22 Turketel Road, and would be approximately 23 metres away from the rear boundary of properties in Hardwick Road, an acceptable and existing situation with regard to the existing development, in a built-up area. Consequently, there would be no loss of privacy in this regard.
- 7.12 Turning to the relationship with no.20 to the north, the properties are currently separated by a wall, approximately 1.5 metres in height, with some vegetation between. The front of the proposed dwelling would face the side elevation of the neighbouring property, which is approximately 22 metres away and the interlocking between these windows would not result in any loss of privacy due to the distances involved. The existing property has a first-floor bay window that allows overlooking over the side garden area of the neighbouring property. The proposed dwelling would be set approximately 10.5 metres from the common boundary, so whilst there would be additional overlooking over the side garden area of number 20, it is considered that this would not be such a significant increase over the existing situation as to warrant a ground for refusal.
- 7.13 In relation to the 'parent' property, number 22, the proposed dwelling would sit immediately adjacent to the western elevation, which has several existing windows. They would be approximately 5.5 metres away, and there would be no significant

# DCL/23/02

impact on residential amenity as these are secondary windows serving a lounge (ground floor) and bedroom (first floor). The proposed property would have a blank elevation facing these windows, and there would therefore be no loss of privacy. It is also noted that number 22 also has an extant planning permission for a two-storey side extension (22/0241/FH) which has no openings on the proposed flank wall, and there would be no detrimental impact upon either property should this be built.

- 7.14 Overall, the amenities of neighbouring occupants would be safeguarded in accordance with policy HB1.

## *Future occupiers*

- 7.15 The space standard must be applied to the creation of new dwellings via conversion and Policy HB3 of the emerging PPLP requires a minimum area of private garden for the exclusive use of an individual dwelling of at least 10 m in depth and the width of the dwelling. The rear gardens of both dwellings would be more than double the 10m depth required and would be wider than the proposed dwellings, providing an acceptable external amenity space.
- 7.16 The proposed dwelling would have a gross internal area (GIA), significantly in excess of that required by policy. All habitable rooms would have a window, and it is considered that the outlook and level of natural daylight is acceptable.
- 7.17 Overall, the proposal would comply with the requirements of Places and Policies Local Plan policies HB1 and HB3.

## **d) Highways**

- 7.18 Policies T2 and T5 of the Places and Policies Local Plan, are applicable. Policy T2 refers to the adopted parking standards, which set out that two independently accessible spaces should be provided, with the guidance noted to be minimum. Two spaces would be provided for the dwelling and the policy requirement is met.
- 7.19 The proposal also retains two spaces in front of the existing property, which is also in accordance with Places and Policies Local Plan policy T2.
- 7.20 Some concern has been raised about the adequacy of the proposed access, but the applicant has submitted a road safety audit, which contains swept path analysis for both fire tenders and cars and demonstrates that there is adequate space for both vehicle types.
- 7.21 Policy T5 refers to cycle parking and requires one space per bedroom on individual residential developments. Details of the cycle storage have not been provided, but there would be space within the proposed garden areas to provide secure, covered storage to meet the needs of the proposed dwelling, which can be secured via condition.

## **e) Other issues**

### *Arboriculture*

- 7.22 The proposal includes the loss of seven trees within the site to form the proposed access way, erect the dwelling and create the separate amenity areas. These trees

# DCL/23/02

are not notable for their contribution to the wider character of the area, largely hidden from the street scene behind the existing building, and it is proposed to re-plant nine new trees within the site and also provide five pleached trees along the eastern boundary, to provide a screen for neighbours. Measures to protect other trees within the site are included within the submitted pre-development tree report and can be secured via condition. Overall, it is considered that the proposal would balance the loss with new planting, which is considered acceptable.

## *Bin storage*

- 7.23 Space for the storage of bins off-street is available in the rear garden areas, with access down the side of the proposed dwelling and is considered acceptable.

## **Environmental Impact Assessment**

- 7.24 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**

- 7.25 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.
- 7.26 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. This proposal is CIL liable.

## **Human Rights**

- 7.27 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**

- 7.28 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:

# DCL/23/02

- 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**

7.29 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.

## **8. CONCLUSION**

- 8.1 The proposal would result in the creation of one unit of residential accommodation, which would make a modest contribution toward housing figures in a sustainable location. No harm is envisaged to the visual amenity of the streetscene, whilst the standard of residential amenity for both existing and future occupants would be acceptable, with adequate provision for off-street parking, cycle storage and bin storage.
- 8.2 Overall, it is considered that the proposal would result in a sustainable development, in line with adopted policy and is recommended for approval.

## **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 planning permission is approved subject to the following 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. The development hereby permitted shall not be carried out except in complete accordance with the following approved drawings and documents:

A-00-104 - REV 3 Proposed Site Plan

# DCL/23/02

A-03-300 Rev 3 - Proposed Elevations

PJC.1208.001 Rev C Proposed Landscape Plan

A-02-300 - REV 3 - Proposed Ground Floor Plan General Arrangement

A-02-301 - REV 3 - Proposed First Floor Plan General Arrangement

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. Prior to first occupation, details to demonstrate that the dwelling hereby permitted shall use no more than 110 litres of water per person per day shall 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.

4. Prior to construction of any external surfaces, details of the external finishing materials to be used on the development hereby permitted shall 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.

5. Prior to construction of any external surfaces, the relevant details set out below shall have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details unless agreed otherwise by the Local Planning Authority in writing. Where relevant, the following details should be provided on drawings at an appropriate scale of 1:50 (where detail needs to be considered contextually related to a façade) and at 1:20 in other cases:-

(a) full details of glazing and external doors, including all external joinery and framing methods and external colour (1:20),

(b) 1:20 horizontal and vertical cross sections through typical sections of each of the facades sufficient to show the relationship between the façade and those elements of detail to be embedded within the façade as well projecting from it (such as the extent of recessing of glazing and doors in openings created in the façade, the consequential treatment of window reveals, the details of cills, arches, and the extent of projecting elements from the façade),

(c) prior to installation - details of vents, louvres, extractor vents, external pipes, meters etc.

Reason:

Further details are required to ensure that the external appearance and fine detailing are of an appropriate high quality.

# DCL/23/02

6. Prior to first occupation of any dwelling, all vehicle parking spaces shall be constructed and provided in full, in accordance with the approved plans, and thereafter retained in association with the residential use hereby permitted.

Reason:

In the interests of highway safety and amenity.

7. Prior to first occupation, secure covered cycle storage at a ratio of one space per bedroom shall be provided in full within the rear garden area and thereafter retained in connection with the approved residential uses.

Reason:

In the interests of encouraging sustainable modes of transport and a healthy lifestyle.

8. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure (boundary treatment heights, locations, material etc), hard surfacing materials, and an implementation programme.

Reason:

In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason:

In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

10. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason:

In the interests of the visual amenity of the area and encouraging wildlife and biodiversity.

# DCL/23/02

11. 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 0730 – 1900 hours

Saturdays 0730 – 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.

12. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

Reason:

In the interest of promoting energy efficiency and sustainable development.

13. Prior to first occupation, the first-floor windows in the eastern elevation shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall 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.

14. No development shall commence until tree protection measures as detailed in PJC Arboricultural Impact Assessment, Method Statement and Tree Protection Plan dated 14<sup>th</sup> March 2023 ref: PJC/2648/23/02 Rev 01 have been erected, with such measures as erected, retained in situ for the duration of the development.

Reason:

To retain the existing trees in the interests of biodiversity.

## Appendix 1 – Site Location Plan