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Application No: 20/0384/FH

Location of Site: 13 Grimston Gardens

Development: Change of use and conversion from single residential dwelling to 3 residential flats, together with replacement timber windows to all floors and elevations.

Applicant: Mr Andrew Petto

Agent: Mr Andrew Cruttenden

Officer Contact: Helena Payne

SUMMARY

The report considers retrospective application for planning permission for the conversion of the existing single residential dwelling at 13 Grimston Gardens into 3 separate flats. The report considers the principle of the development in this location, the impact of the proposed development on the residential amenity of future occupants and neighbouring residents, on visual amenity and the character of the building, associated parking and storage issues and other constraints, and concludes that that the proposal is acceptable and in accordance with the development plan.

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 is reported to Committee due to the objection raised by Folkestone Town Council.

2. SITE AND SURROUNDINGS

2.1. The application site is located in a residential area within the defined settlement boundary of Folkestone and within the Folkestone Leas & Bayle Conservation Area and also an Area of Special Character.

2.2. The application property itself is a semi-detached three storey building with the second floor within the roof space. The building is a mixture of red brick, tile hanging, render and pebble dash.

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

3. PROPOSAL

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- 3.1 Retrospective planning permission is sought for the conversion of the dwelling into 3 separate self-contained two-bedroomed flats with replacement timber framed windows.
- 3.2 Flat one is accessible at ground floor level with separate access to the rear garden area via the lounge. Communal stores for use by all 3 of the units is provided to the left of the access, and also within the basement level of the site.
- 3.3 Flat 2 occupies the first floor. Flat 3 is located within the roof space at second floor.



Figure 1: Proposed elevations

- 3.4 The proposed flats would have the following internal space:

Floor	Unit of accommodation	GIA of units (sqm)	Policy requirement (sqm)

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First	1 x 2 bed flat	101	70
Second	1 x 2 bed flat	99	61
Third	1 x 2 bed flat	92	61

Table 1: Internal space standards

3.5 The following reports were submitted by the applicant in support of the proposals:

Design & Access Statement

3.6 Introduces the proposed development and addresses the planning history of the site, the proposed use and amount of development, design and layout, scale and massing, outdoor amenity and access. The report concludes that the revised scheme has had regard to planning officer's concerns noting that the proposal would provide an effective use of the space, bring back into use a rundown oversized property in providing much needed housing with garden amenity, whilst retaining the character of the existing property and location.

4. RELEVANT PLANNING HISTORY

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

Y19/1173/FH Change of use and conversion from single residential dwelling to 3 self-contained flats, removal of existing fire escape and erection of balconies at first and second floor level on the rear elevation, together with the installation of timber replacement windows to the ground and first floor. Refused

Y18/1434/FH Change of use from C2 (residential care home) to C3 (single dwellinghouse), along with the demolition of the existing single storey extension, removal of the fire escape and replacement of 8 uPVC windows with timber Approved with Conditions

4.2 The application is a resubmission of a previously refused scheme (application reference Y19/1173/FH) which was refused for the following reasons:

1) *Due to the proposed balcony and terrace areas, there would be an unacceptable increase in overlooking, with a consequent loss of privacy for neighbouring properties, to the detriment of residential amenity contrary to saved policy SD1 of the Shepway District Local Plan Review and emerging policy HB1 of the Places and Policies Local Plan.*

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2) *Insufficient outdoor amenity space would be provided for the occupants of the second floor dwelling, resulting in a sub-standard level of accommodation for future occupiers, contrary to saved policy SD1 of the Shepway District Local Plan Review and emerging policies HB1 and HB3 of the Places and Policies Local Plan.*

- 4.3 The current application seeks to address these reasons for refusal. The balcony and roof terrace have been removed from the proposal, and the rear garden would now be allocated to the ground floor flat, with further justification to support the lack of amenity space afforded to the remaining two units provided.
- 4.4 At the time of the Officer's site visit the majority of the ground floor flat had been completed, with the other two flats completed and occupied. The windows have been replaced with white uPVC and a rear Juliet balcony had been installed.

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Folkestone Town Council: Object raising the following comments:

- The location of the gardens infringing on privacy could lead to tension;
[CPO comment: the rear garden is now proposed to be used by Flat 1 only]
- Loss of privacy due to inter-looking between flats
- Inadequate parking provision
- Loss of privacy to existing residents

KCC Highways and Transportation: No Comment

Local Residents Comments

- 5.2 17 neighbours directly consulted. 4 letters of objection received. The key issues are:
- Proposed windows out of context
 - Insufficient private open space
 - Flat 3 is too small
 - Proposed balconies would result in loss of privacy
 - Proposed balconies are out of character with the area and street scene
 - Use of flat roofs as external space could result in harm to residential amenity of neighbours [CPO comment: no use of flat roofs as external space is proposed under this application]

- 5.4 Ward Member

5.5 No comments have been received by the Ward Member.

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
T2	Parking Standards
T5	Cycle Parking

Core Strategy Local Plan (2013)

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

Government Advice

National Planning Policy Framework (NPPF) 2019

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:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

7. APPRAISAL

7.1 The main issues for consideration under this current submission are:

- a) Is the principle of residential development acceptable in this location

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- b) Whether the proposed external alterations would result in visual harm to the street scene and the character and appearance of the Conservation Area
- c) Whether the proposal would result in harm to the residential amenity of neighbours
- d) Whether the proposal provides sufficient space and a good level of residential amenity for future occupants
- e) Whether the proposal would result in harm to highway safety

a) Is the principle of residential development acceptable in this location

7.2 The site is within the defined settlement boundary of Folkestone and in a sustainable location within walking distance of shops and services. 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) Whether the proposed external alterations would result in visual harm to the street scene and the character and appearance of the Conservation Area

7.3 PPLP Policy HB1 states that planning permission will be granted where the proposal makes a positive contribution to its location and surroundings, enhancing integration while also respecting existing buildings and land uses, particularly regarding layout, scale, proportions, massing, form, density, materiality and mix of uses to ensure all proposals create places of character.

7.4 Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

7.5 The application proposes timber replacement windows. However - the replacement of existing uPVC windows with white uPVC to all elevations has already taken place. The replacement uPVC windows to the front elevation are less refined than those they replaced, with bulkier frames. It is considered that they cause harm to the character and appearance of the conservation area.

7.6 The proposed timber framed windows are considered acceptable, being of a more traditional design and material, and would improve the visual appearance of the host dwelling from within the street scene, which will make a positive contribution to the Conservation Area overall. They are also considered to represent an improvement to the original plastic framed windows and in this regard are supported. A condition is recommended that requires these windows to be replaced within 6 months of the grant of permission.

7.7 The visual impact of the uPVC windows to the rear is much less pronounced, given that they are not visible from public vantage points and, as set out above, replaced previous uPVC windows. In light of this, it is not considered necessary to require their replacement with timber.

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- 7.8 This current resubmission omits the previously proposed terrace over the existing flat-roofed ground floor extension. A Juliet balcony is proposed instead.. This is located to the rear of the development and is not considered to harm the character of the application site or Conservation Area overall.
- 7.9 In light of the above, and subject to a condition requiring the replacement of the front facing uPVC windows with the timber windows proposed, it is considered that the proposed development would preserve or enhance the special character of the conservation area and would have a positive impact on the character and appearance of the streetscene and the visual amenities of the area.

c) Whether the proposal would result in harm to the residential amenity of neighbours

- 7.10 PPLP Policy HB1 and paragraph 130 of the NPPF require consideration to be given to the residential amenity of both neighbouring properties and future occupiers of a development.

Impact on neighbours

- 7.11 The replacement windows do not result in any new openings. However, two rear first floor windows have been increased in size. The re-sized windows serve the kitchen and living room of Flat 2. The insertion of a Juliet balcony to the kitchen does not increase the level of overlooking previously achievable from this opening. A condition is recommended preventing the use of the flat roofs at the site being used as an amenity or sitting out area, as this could potentially give rise to significant and harmful overlooking to the neighbouring properties.
- 7.12 I do not consider that the proposal would result in an increased level of overlooking compared to the previous and current lawful uses. A condition is recommended preventing the use of the flat roof area to the rear as a sitting out area.
- 7.13 The use of the building as three flats is unlikely to give rise to an increase in activity that would harm residential amenity. There is the possibility of noise and disturbance to the adjacent dwelling due to the presence of first and second floor lounges. A condition requiring a scheme of noise insulation and its implementation within 3 months of approval is recommended to be imposed.
- 7.14 In light of the above, subject to conditions, it is considered that the proposal would not result in harm to the residential amenity of neighbouring properties.

d) Whether the proposal provides sufficient space and an acceptable level of residential amenity for future occupants

Internal space

- 7.15 PPLP Policy HB3 sets internal and external space standards for new and converted dwellings. As set out in table 1 above, all of the proposed flats would exceed the internal space standards and whilst they do not all show internal storage, it is considered that this could be provided without compromising the internal spaces.

Private amenity space

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7.16 Flat 1 is served by the rear garden of the site. Flats 2 & 3 are not provided by external amenity space however, the site is within a short walk to the Leas and Radnor Park. In this instance given the urban location of the site and the acceptable floor space for each flat I do not consider that the lack of private external space would result in significant harm to the residential amenity of future occupants of the flats concerned.

e) Whether the proposal would result in harm to highway safety

7.17 PPLP Policy T2 adopts the parking requirements set by KCC Highways and Transportation. The proposal does not include off-street parking. Policy T2 requires a *maximum* parking provision of 1 space per dwelling. The site lies in a sustainable location, close to shops, services, the town centre and public transport. In such areas, the lack of off street parking provision is considered acceptable.

7.18 Policy T5 requires the provision of one cycle parking space per bedroom, resulting in a requirement for 6 cycle parking spaces. The ground floor plan shows space for communal storage and it is evident that this is already in use for cycle storage. AS condition is recommended requiring this provision to be maintained in perpetuity.

7.19 Having regard to the above, the sustainable location of the site and the provision of cycle storage, the impact of the development on highway safety and convenience is considered acceptable and in accordance with the policies of the development plan.

f) Other Matters

7.20 The application has been made retrospectively, with bins currently stored to the front of the property. In the event of an approval, it is considered reasonable and necessary to impose a condition requesting details of bin storage for the three flats and its provision.

Environmental Impact Assessment

7.21 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

7.22 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.

7.23 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 £62.94 per square metre for new residential floor space.

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This application is not liable for the CIL charge as it is a change of use and would not create any additional floor space.

Human Rights

7.24 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

7.25 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

7.26 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 development is acceptable as a matter of principle. Subject to conditions, the proposed use would not result in harm to the character and appearance of the building, street scene or Conservation Area, and would not harm residential amenity or highway safety.

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

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That planning permission be granted 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 hereby permitted shall be retained in complete accordance with the following approved drawings and documents:
 - 2745-05-Rev B – Proposed Elevations
 - 2745 – 04 -Rev B – Proposed Floor Plans
 - 2745-07- Rev A – Typical Window Detail
 - 2745-01(2) – Site & Location Plan
 - 2745-06A – Proposed site and location plan

Reason: For the avoidance of doubt and in order to ensure the satisfactory implementation of the development.

2. Within 3 months of the date of this decision, a noise insulation scheme relating to the first and second floor flats shall be submitted for the written approval of the Local Planning Authority. The details shall include measures to prevent noise transmission to the adjacent building. The measures set out in the scheme shall be completed in full within 3 months of the date of the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

3. Within 6 months of the date of this decision, all uPVC windows to the front elevation of the property shall be replaced with timber framed windows, in accordance with the details hereby approved and as set out under Condition 1 above, unless alternative joinery details and/or an alternative timetable for such works are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and to preserve or enhance the special character of the Conservation Area.

4. The rear amenity area shall be retained in perpetuity for use by the residents of Flat 1, as specified on the approved plans.

Reason: In the interests of residential amenity.

5. The ground floor storage room shown on the approved plans shall be retained for the use of all occupiers of the flats in perpetuity.

Reason: In the interests of encouraging means of transport other than the private motor vehicle.

6. Within 3 months of the date of this decision, details of bin storage shall be submitted for the written approval of the Local Planning Authority. The bin storage shall be constructed within 3 months of the date of the written approval of the

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Local Planning Authority, and kept available in association with the approved development at all times thereafter.

Reason: In the interests of residential and visual amenity and to preserve or enhance the special character of the Conservation Area.

7. The flat roof areas of the building shall not be used as a balcony or sitting out area and there shall be no other use of the roof area unless for maintenance.

Reason: In the interests of residential amenity.