

## Officer Report

Application No.	21/2389/FH
Site Address	Garages, The Old Laundry, Bowen Road, Folkestone
Officer Name	Emma Forde
Proposal	Redevelopment to provide 3 one bedroom flats

## Recommendation

Report Number	RD-432884
Recommended Decision	Recommended to be Refused
Recommendation Date	20 October 2023

## Report

### SITE

The application relates to a two-storey part-derelict building. The building is roughly square and occupies the full width of the plot, with an L-shaped two-storey element along the southern and western boundaries and a single-storey flat-roofed section across the remainder. The flat roof section appears to be a later addition to the original L-shaped building. There is an area of hard standing to the front, but part of this appears to form the public pavement. The building appears to date from the late 1800s or early 1900s and is not listed or subject to any other designations.

The application form states that the current building is used for garaging and as a workshop.

The site is also not within a flood risk area. The wider area is largely characterised by detached or semi-detached houses of various styles and designs. The site is within a Landscape Character Area (Wealden Greensand) and an Archaeological Notification Areas.

### RELEVANT HISTORY

None.

### PROPOSAL

The application seeks permission for the demolition and replacement of the existing building on site to provide three one-bedroom flats.

The proposal would include removing the single storey flat roof and replacing this with a front courtyard area as well as a catslide roof with rooflights. This would also include an open sided mono-pitch porch for one of the flats. The front courtyard area would include an area for bin storage and some soft landscaping.

The proposal would convert the building to provide 3 1-bed flats, each with a kitchen/living/dining area and bathroom. Flats 1 and 2 (as labelled on the proposed floor plan) would occupy a single level, while flat 3 would occupy 2 levels with the kitchen /living/dining area on the ground floor and a galleried bedroom on the first floor.

The height of the building would not be increased, and the proposed would not project beyond the existing principal elevation.

## CONSULTATIONS

Highways and Transportation: No objection

Southern Water: A formal application for any connection to the public sewer must be made by the applicant or developer.

Affinity Water: No comment.

Environmental Health: No objections subject to condition.

Simon Burchell: No comment received.

Folkestone Town Council: No comment received.

Ecology: No objections subject to conditions.

Archaeology: Require a condition regarding securing the implementation of a programme of building recording in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

## REPRESENTATIONS

9 neighbours consulted. 5 objections were received and 1 comment was submitted, these have been summarised below:

Objections:

- Parking
- Flats are not in keeping with the area
- The property should be a non-designated heritage asset and this considered in the proposals
- Three flats are excessive for the site – too dense for the area/ Over-intensive
- The flats appear to meet the national space standards
- No outdoor amenity space provided – does not comply with policy HB3
- Lack of outlook from the bedrooms
- Overlooking
- As much of the existing materials should be used as possible
- It is unclear whether the building is being retained or replaced

- Suggest a condition requiring a programme of building recording to Historic England Level 3 to ensure historic building features are properly recorded

1 comment neither objecting to nor supporting the application:

- The main concern is the developments impact on parking in the area where there are already issues

#### RELEVANT POLICY

Core Strategy Review (2022)

Policy SS1 'District Spatial Strategy'

Policy SS2 'Housing and the Economy Growth Strategy'

Policy SS3 'Place-Shaping and Sustainable Settlements Strategy'

Places and Policies Local Plan (September 2020)

HB1 (quality places through design)

HB3 (space standards)

HB8 (alterations and extensions)

T2 (parking standards)

T5 (cycle parking)

NE6 (land stability)

CC1 (carbon emissions)

CC2 (sustainable design)

CC3 (SUDs)

NPPF and NPPG

#### APPRAISAL

The application site lies within the defined built-up area of Folkestone, where adopted Core Strategy policies SS1 and SS3 direct new residential development in preference to fresh land elsewhere in the borough. Residential development in such a sustainable urban location is therefore generally acceptable in principle.

#### Design and visual appearance

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

The development largely replaces the existing form on site and therefore would not introduce any additional built form that would otherwise negatively affect the streetscene. The height of the building would not be increased beyond that of the existing and the proposal would not see built development being brought closer to the highway.

The proposed replacement is traditional in design, including hipped roof frontage and cat-slide roof. The introduction of a cat slide roof has been used to reduce the visual bulk of the building. The space

to the front of the proposed building is proposed as an amenity courtyard area, which would include an area for bin storage and some soft landscaping.

The design of the proposed front elevation is similar to that of the existing and mimics the existing fenestration on this elevation. The architectural details, such as the as timber shutters where the existing hayloft door is would also help to reflect the history of the property. With the proposal taking reference from the design of the existing building on site and using architectural details to reflect the history of the property, the proposal is considered to be acceptable in terms of its visual impact from within the street scene. The development is considered to respect the scale, proportions, massing, form, and character of the existing building on the site which is considered appropriate in this location. Proposed materials, including red stock brick, plain roof tiles and white upvc windows are considered acceptable, and reflective of materials used elsewhere within the street scene. Any newer materials eventually weathering down over time.

Planting is proposed to provide an appropriate screen for the bin and bike storage to the front of the site, which is accepted.

Given the above, the proposal is considered acceptable in regard to policy HB1 of the PPLP.

#### Amenities of neighbouring occupiers

The proposal would only increase the built form on the site where the catslide roof is proposed – this would extend the existing roof down to the height of the ground floor eaves. While this would result in a minor increase to the mass of the building. While this is only a minor increase, the existing overbearing impacts on No.20, to the north of the application site, are significant. There is a separation distance of less than 5 metres between the side elevation of the building on the site, and the rear elevation of No.20. The site as existing is currently considered to be overbearing on No.20, and therefore, the addition of the catslide would heighten these impacts.

Given the form of the catslide roof and the orientation of the properties, the proposal is not considered to significantly heighten the loss of light resulting from the building.

All the proposed windows on the rear and side elevations are proposed to be obscured glazing and therefore would prevent overlooking to neighbouring properties. However, as discussed below, with these obscured windows the proposal does not provide sufficient outlook for the future occupiers of the units. If the plans were to be amended with the windows unobscured to provide sufficient outlook, the proposal may result in an unacceptable level of overlooking to neighbouring properties.

The proposed first floor window serving Flat 2 would be located over 13 metres from the site across the road. Given the separation distance, the scale of the proposed window, and the existing boundary treatment providing some screening, the proposed window is not considered to result in a level of harm which would warrant a refusal.

On balance, the proposal is not considered to result in a level of harm to neighbouring residents which would significantly heighten the impacts of the existing development on the site.

#### Amenity for future occupiers

The application proposes three one-bed flats. The space standards for a one-bed flat with bed spaces for two people require 50 square metres per unit as per Policy HB3 of the PPLP. Flat 1 and 2 both provide over 50 metres in floorspace, however Flat 3 falls short of this requirement, measuring approximately 44 square metres. Therefore, the proposal would not meet the required internal space standards and would not comply with Policy HB3 of the PPLP, resulting in an unacceptable level of accommodation for future occupants.

In regard to external space standards, Policy HB3 states that planning permission will be granted for new build residential development and conversions for residential use where the proposed scheme provides an area of private open space for each new or converted dwelling as one or both of the following:

- i. A private usable balcony area with a minimum depth of 1.5m for flats, as long as this does not reduce the privacy of neighbouring dwellings;
- ii. An area of private garden for the exclusive use of an individual dwelling house of at least 10m in depth and the width of the dwelling. In the case of infill developments there should be sufficient space retained for the original dwelling.

The PPLP clarifies that a private outdoor space is one which is not significantly overlooked from the street or other public place. The proposal does not include any balconies but provides an outdoor area to the front of the building. This includes mixed shrub planting, cycle lockers, and a bin storage area. There is limited space provided in this area for the occupiers of the proposed flats to use as an amenity area. In addition to this, due to its location, the outdoor space is overlooked from the street. While Cheriton Recreation Area is located approximately 0.3 miles away from the site, this is not considered to outweigh the impact of the lack of amenity space for the residents, especially when considered in addition to the issues regarding outlook which are discussed below.

Policy HB1 of the PPLS 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.

In addition to the rooflights on the rear elevation of the building, Flat 3 is served by a large window on the front elevation of the ground floor, and two lower-level roof lights on the front elevation of the first floor. However, it is accepted that the rooflights on the front elevation serving Flat 3 would result in an appropriate level of outlook for the bedroom, despite being above the two-storey element of the kitchen/living/dining area.

The bedroom for Flat 1 is served by one window which is proposed to be obscured, providing no outlook from this bedroom. The only outlook provided for Flat 1 is from the two east facing windows on the front elevation. Likewise, the outlook for the other two flats is also a concern. The bedrooms for Flat 2 and 3 are served only by rooflights. The rooflights serving Flat 2 are above head height and therefore would not provide outlook for the occupier. Other than the rooflights, the flat is served by only one window on the front elevation. Regarding the above, the proposal as submitted is not considered acceptable as it would result in an unacceptable level of outlook for the future occupiers of these proposed bedrooms. To achieve an acceptable level of outlook, the windows could be unobscured. However, this would then result in an unacceptable level of overlooking onto the surrounding neighbouring properties and thus harm to the amenity of neighbouring occupiers.

In considering the above, the outlook for the proposal is not considered acceptable as it would result in harm to the amenity of future occupiers of the development. While the applicant has been made aware of these concerns, amendments have not been requested as amendments would result in harm to the amenity of neighbouring occupiers. Additionally, the lack of outlook is further exacerbated by the lack of outdoor amenity space for the occupants, as discussed above.

Given the above the proposal fails to meet the required internal and external space standards set out in Policy HB3 and as a result of the poor outlook, the proposal would result in an adverse impact on the amenity of future occupiers. Therefore, the proposal would be contrary to Policies HB3 and HB1 of the PPLP.

#### Parking and highways

The existing buildings appear to have a lawful use of B1(c), and they are 207 square metres as set out in the application form. Based on parking standards of 1 space per 35 square metres for B1(c) uses this equates to a parking demand of 6 parking spaces. No parking spaces are currently provided as garages do not count as parking. The proposals will only generate a need for 3 parking spaces (1 space for each flat) so there is a reduction in parking demand. It is considered that 3 parking spaces could be accommodated on-street in this location.

The Highways Team have no objections.

In addition to this there are multiple bus stops within 0.3 miles of the site, and various services in the surrounding area including schools, shops, a post office, a laundrette, and restaurants.

The proposal is therefore considered acceptable in regard to parking and highways.

#### Ecology

A bat survey was submitted which showed no evidence of roosting bats. A low level of pipistrelle bat foraging and commuting activity was recorded during the surveys.

In light of this, the Ecology officer has no objections subject to conditions regarding the submission of a lighting design plan for biodiversity and a biodiversity enhancement plan.

#### Archaeology

The application involves the demolition of unlisted but interesting historic buildings. The archaeology officer has advised that the existing building on the site is an example of a historic building which has some architectural and historic interest. It also possibly has some archaeological interest and would potentially be worthy of local listing.

The County Archaeologist has requested that if it is not possible to conserve and re-use the existing building, a condition should be imposed on to any forthcoming permission requiring an historic building record to Historic England Level 2 be produced prior to demolition. This would then be lodged with the Historic Environment Record.

#### Environmental Impact Assessment

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

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.

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 with the exception of affordable / self-build housing units which are exempt.

#### HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

#### PUBLIC SECTOR EQUALITY DUTY

In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

#### DUTY TO COOPERATE

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) 2023, the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service and, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application. In this case, amendments were sought in order to achieve a more acceptable scheme, but declined by the Applicant and their Agent.

## RECOMMENDATION

In light of the above, it is considered that planning permission should be refused due to the above reasons.

### **Recommended Refusal Reasons (1)**

1

The proposed accommodation associated with Flat 3 of the proposed development falls short of the required internal space standards required under PPLP Policy HB3. In addition, by reason of its location and size, the external amenity space would fail to provide an acceptable level of external amenity space for the proposed flats. Furthermore, the bedroom areas within Flats 1 and 2 do not provide sufficient outlook for future occupants. The development would therefore result in an unacceptable standard of living for future occupants, failing to provide a good level of internal and external amenity, contrary to Policies HB3 and HB1 of the Places and Policies Local Plan 2020.

### **Suggested Informatives (1)**

1

The decision has been based on the following plans which were submitted to the Local Planning Authority on the 30th of November 2021:

DR/2193/PA/02 Rev B (Site / Block Plan)

DR/2193/PA/04 (Site Location Plan)

DR/2193/PA/05 Rev B (Proposed Elevations)

DR/2193/PA/06 Rev B (Proposed Floor Plans, Site / Landscape Plan)

