

DCL/23/49

Application Number:	23/2005/FH
Location	119 Downs Road, Folkestone, CT19 5PT
Application Description	Erection of single storey front extension together with side & rear single/two-storey extensions including hip-to-gable conversion, new external timber wall cladding to upper storeys & render to lower storeys.
Applicant	Mr Ryan Miles
Agent	Mr Stuart Ingleston
Officer Contact:	Katy Claw

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. Reason for consideration by the Committee

The application is reported to Committee due to being called in by the Ward Member Cllr Adrian Lockwood.

2. Site and Surroundings

- 2.1 The application site is a two-storey semi-detached dwelling located on the southwestern side of Downs Road. The property backs on to allotment land.
- 2.2 The property is finished in red brick, with tiled roof and white UPVC fenestration. Attached to the side (north-west) elevation is a flat-roofed garage.
- 2.3 The wider street scene features semi-properties of similar scale, all set back from the highway and offering garages and/or parking spaces. There some subtle design changes across these properties, despite their scale being similar and most have been altered and/or extended in some way over the years.
- 2.4 A site location plan is attached to this report as **Appendix 1**.

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3. Proposal

- 3.1. Full planning permission is sought to allow for the extending of the hip-to-gable extension subject of Lawful Development Certificate ref: 22/1993/FH and to amend the rear roof design of the previously approved two-storey extension under 23/0433/FH.
- 3.2. The front extension would be single-storey with a mono-pitch roof incorporating rooflight. The extension would measure approximately 1.9m (D) x 2.5m and 4m at its highest point with the eaves measuring 2.4m. This extension would form a new main entrance to the property and would be finished in render with matching tiled roof. This element remains the same as that approved under 23/0433/FH.
- 3.3. The proposed two-storey side extension would adjoin the proposed rear extension. The predominant area of the side extension would be at ground floor and would be of flat-roofed design, sitting behind the existing flat-roofed garage. This element is also the same as previously approved up to the first-floor walls. The main change here would be the inclusion of the hip-to-gable extension which would now sit on top of the walls of the two-storey side extension (in place of the roof as previously approved). The hip-to-gable extension would meet the ridge height of the main house.
- 3.4. The rear section of the two-storey element would no longer feature a dual-pitched roof but instead a larger, hipped roof design is proposed, which has been achieved by also incorporating the hip-to-gable into the design which, whilst approved as part of the Lawful Development Certificate, was omitted from the plans approved under 23/0433/FH. The ridge of the hipped rear addition would sit approximately 1 metre below the ridge of the main dwelling. The side/rear extensions would be steeped 1m away from the boundary with the neighbour at 121 Downs Road.
- 3.5. At ground floor the extension would provide a utility room and part of the new kitchen. At first floor the extension would provide an enlarged bedroom with Juliette balcony and provide additional space to the side to form a bathroom and ensuite bathrooms for bedrooms 1 & 2. The number of bedrooms (3) remains the same.
- 3.6. Both the side and rear extensions would be finished in render at ground floor and timber vertical cladding at first floor. Tiles (where applicable) would match the existing.
- 3.7. Rear decking is shown on the proposed plan however this appears to fall within permitted development limitations and does not form part of the proposed development, subject of this current application. This element also formed part of the previously approved scheme.

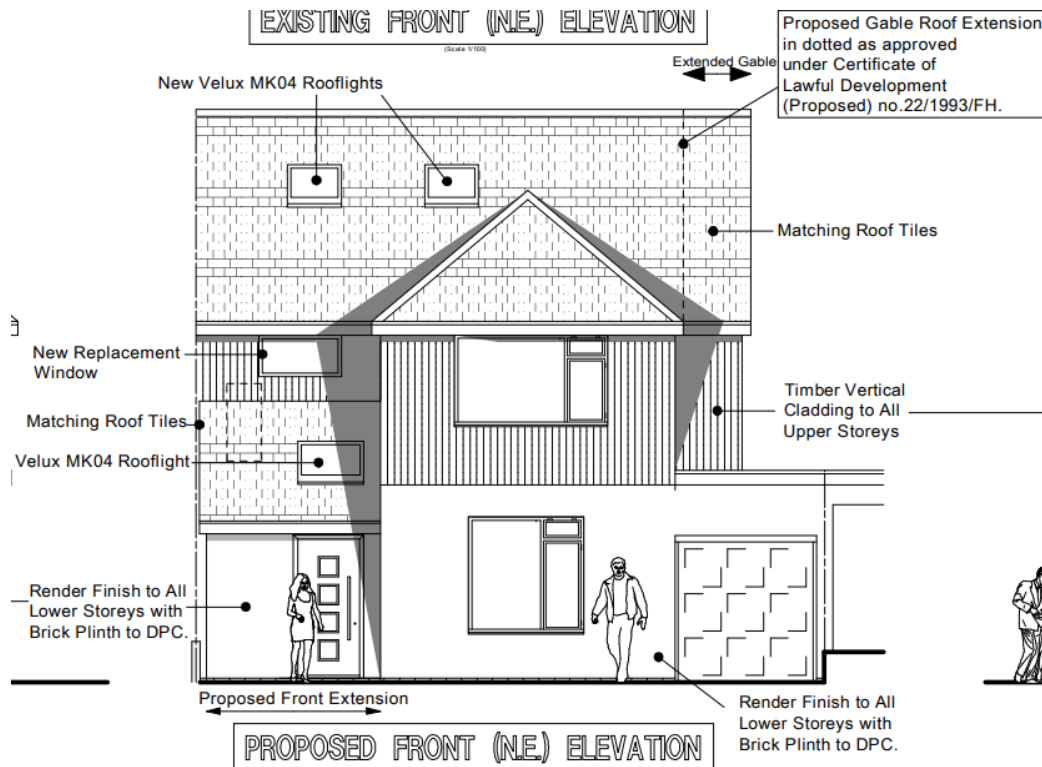


Figure 1: Proposed front elevation.

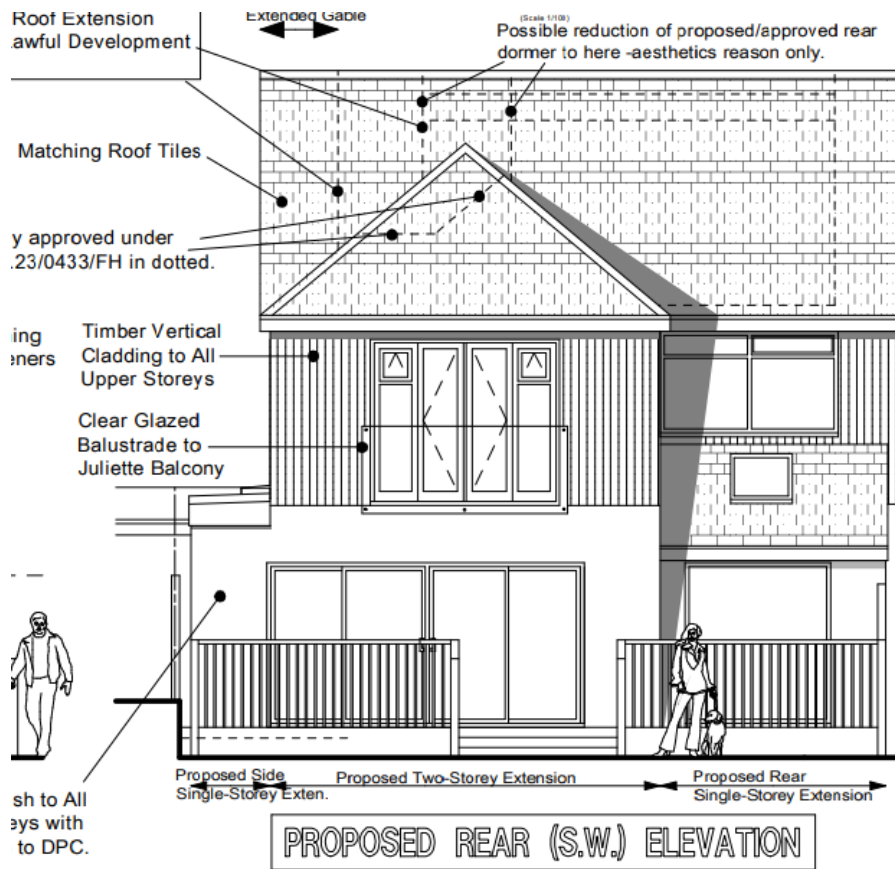


Figure 2: Proposed Rear Elevation

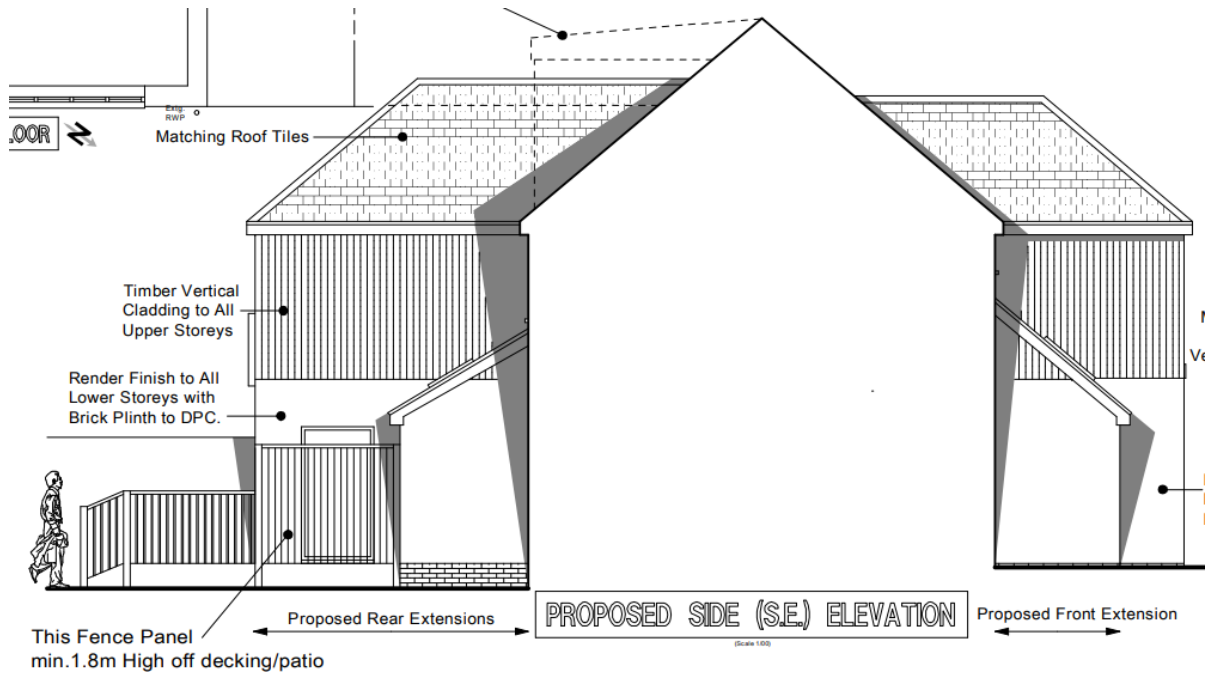


Figure 3: Proposed south-east side elevation

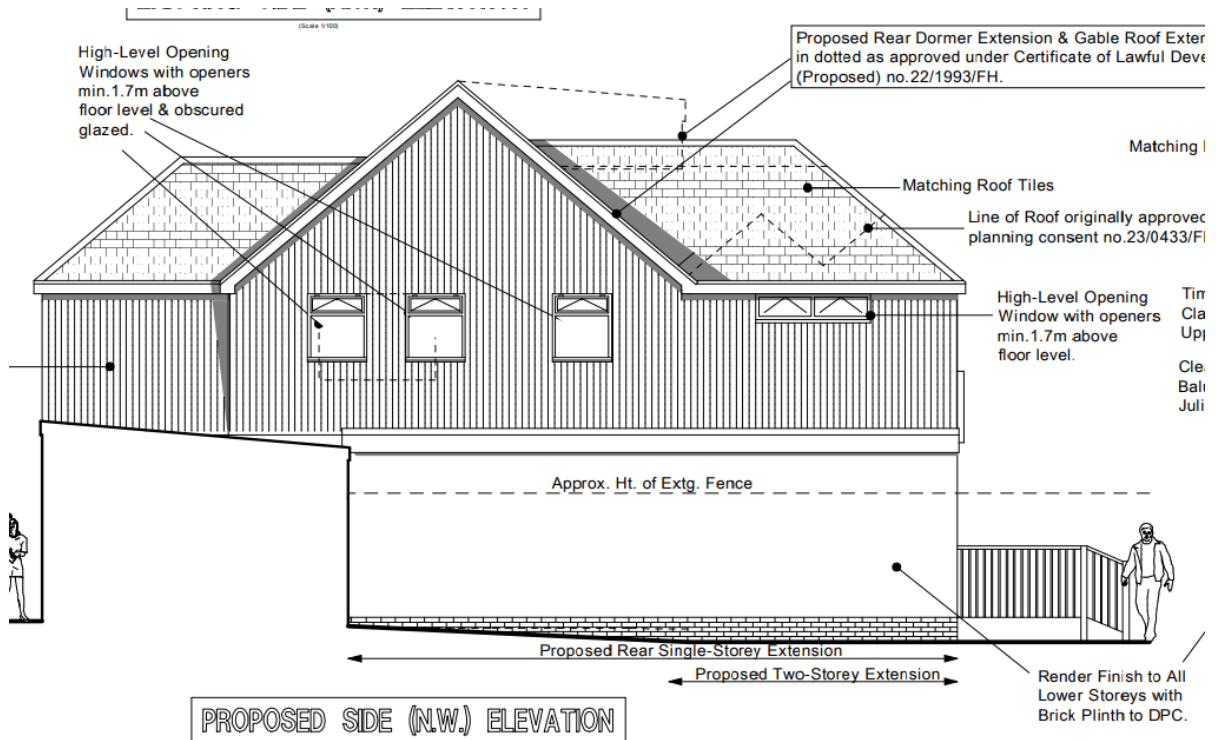


Figure 4: Proposed south-west side elevation

4. Relevant Planning History

- 4.1 The following planning history associated with the application site is considered relevant to the consideration of the application.

22/1993/FH - Lawful development certificate (proposed) for a roof conversion into additional habitable accommodation involving a hip to gable extension, rear dormer extension & front roof lights
Lawful Certificate granted

23/0433/FH - Erection of front, side & rear single/two-storey extensions with associated alterations, including new external timber wall cladding to upper storeys & render to lower storeys (in conjunction with roof alterations approved under LDC Application 22/1993/FH).
Approved with conditions

23/1916/FH - Part-retrospective application for garden outbuilding, land raising of the garden and associated alterations.
Approved with conditions

5. Consultation

Ward Member: Cllr Adrian Lockwood has called the application to the Planning & Licensing Committee on the grounds that :

- The proposed development, by virtue of its design, scale, location within the site and therefore its prominence in the street scene, would amount to a cramped, incongruous and discordant development, harmful to the character and appearance of the dwelling and to the visual amenities of the street scene, contrary to Places and Policies Local Plan Policies HB1 and HB8.
- By virtue of no other side extensions on the street extended with a full gable beyond the existing line this will set a precedent for the street. This would amount to an overbearing structure, which would give rise to significant harm to the residential amenity of occupiers of adjacent dwellings, contrary to Policies HB1 and HB8 of the adopted Places and Policies Local Plan 2020.

- 5.1 The key consultation responses are summarised below.

Consultees

Folkestone Town Council: Object – This will seriously compromise the light and amenities of the neighbours property. It will overshadow, dominate and introduce a level of sound that is unacceptable to the neighbouring property.

Public/Neighbour Consultation

5.2 Four (4) neighbours directly consulted. 9 letters of objection, 6 letters of support received and 0 letters neither supporting nor objecting to the application.

5.3 I have read all of the correspondence received. The key issues are summarised below:

Objections

- Inappropriate design/materials/scale/mass/height/not in keeping
- Loss of privacy/views/overbearing upon neighbours/ 45-degree angle
- will set a precedence in the street
- Flooding
- Over-development of plot (with the outbuilding in the garden)
- Concerns about house being converted to a HMO
- Impact upon wildlife
- Noise impacts from use of house and garden
- No Light Survey submitted
- Planning conditions to be attached to any approval/Article 4 Direction
- Concerns regarding the accuracy of the plans

Support

- Proposal would transform the house into a modern property
- Would improve the local area
- Would accommodate a growing family
- Other extensions and loft conversions in the area

5.4 The following issues were raised but are not considered to be material considerations and have been given no weight in the consideration of this application.

- Consultation letters for 23/0433/FH (previous application) not received
- Raising issues/concerns with the approval of 23/1916/FH
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5.5 Responses are available in full on the planning file on the Council's website:

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

6. Planning Policy

6.1 The Development Plan comprises the Core Strategy Review (2022) and the Places and Policies Local Plan (2020).

6.2 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

HB1 – Quality Places Through Design
HB8 – Alterations and Extensions to Buildings
HE2 – Archaeological Potential
T2 – Parking Standards

Core Strategy Local Plan (2013)

SS1 – District Spatial Strategy

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

Government Advice

National Planning Policy Framework (NPPF) 2023

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.

National Planning Policy Guidance (NPPG)

7. Appraisal

Background

- 7.1 A lawful development certificate has already been granted for a hip-to-gable extension and a rear dormer window under application 22/1993/FH. Planning application 23/0433/FH was for a front side and rear single/two-storey extensions and this was approved. This application seeks to amalgamate some elements of the LDC application with the works approved under 23/0433/FH.
- 7.2 In light of the above the main issues for consideration are:
- a) Is the visual impact of the development acceptable?
 - b) Would the proposal harm residential amenity?
 - c) Would the proposal result in harm to highway safety?
 - d) Other Matters
- a) Is the visual impact of the development acceptable?**
- 7.3 The front extension forms a porch area and so its scale, design and appearance, with mono-pitch roof finished in matching roof tiles would read as a subservient addition and is acceptable.
- 7.4 With regard to the hip-to-gable extension, whilst it is accepted that this would add a degree of visual bulk to the property, householder permitted development (PD) rights allow householders to extend their properties in this manner without the need for formal planning permission and in this case the Applicant has already secured a Lawful Development Certificate for a hip-to-gable extension at the property. The fallback position here would be that a hip-to-gable extension can be constructed without formal planning permission and as such, it would be unreasonable for the Local Planning Authority to refuse planning permission on the basis of its impact on the character and appearance of the host dwelling and wider street scene.
- 7.5 The proposed hip-to-gable element has been included as part of this current planning application in order to amend the design and roof form of the previously approved side/rear extensions (both elements being reliant on each other in order to be constructed). The increase in the hip-to-gable width from that allowed under the recent Lawful Development Certificate would be approximately 1m. It is considered that, taking the fallback position into account, the widening of the hip-to-gable here would not be so significant as to substantially alter the appearance of the roof form much above what could already be constructed at the site under permitted development. The required 1m space between the dwelling and its neighbour (121 Downs Road) would be

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retained, thereby ensuring that the terracing effect would not occur, as required by policy HB8 PPLP.

- 7.6 The ground floor side/rear extension would be of flat-roofed design and would extend beyond the side elevation of the main house, sitting in close proximity to the neighbours boundary at ground floor level. Notwithstanding, the extension would not be readily visible from outside the site as a result of the existing garage which would remain in place. This extension is considered to be acceptable.
- 7.7 The rear extension would extend the entire width of the host dwelling at ground floor level, but would still read as an adjunct to the host building. The changes to the design from the previous scheme is mainly to the roof form, which has been altered from the dual-pitched design of 23/0433/FH to the larger hipped roof. As discussed above, the proposal now seeks to amalgamate the previously established developments and create a more holistic appearance overall. The simplified design is supported and the increase in the ridge height would not be harmful to the character of the property.
- 7.8 With regard materials, the proposed plans set out that a render finish would be applied to the entire of the ground floor, covering over the red brick. The use of render is commonplace, and no objection is raised to this finished material. The plans propose to use vertical timber boarding to the first-floor levels. The material is good quality and would be finished in a natural stain. These materials have previously been approved under 23/0433/FH and there are a couple of other properties along Downs Road/Dolphins Road where such materials have been used. The use of matching tiles where applicable is supported and can be secured by planning condition.

b) Would the proposal harm residential amenity?

- 7.9 There are no dwellings to the rear of the site, and the residential amenity of the occupiers of the dwellings opposite would not be harmed. The key potential impact in this regard therefore relates to the dwellings either side of the application site.

117 Downs Road

- 7.10 The proposed front extension is shown on the proposed plans to fall within the 45-degree angle. The closest window from which the measurement was taken forms the glazing within the front door and is not a habitable room. There would be a neutral impact upon the neighbour as a result of this extension.
- 7.11 The rear single-storey extension is shown to marginally contravene the 45-degree angle. Each case must be assessed on its own merits and in this case, the single-storey element of this scheme would not have any significant detrimental impact in terms of overbearing or overshadowing upon the

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neighbour to warrant a reason for refusal due to the orientation of the neighbouring property and the sun's trajectory in relation to the application site.

121 Downs Road

- 7.12 The proposed side and rear extensions fall within the 45-degree angles as set out under policy HB8 PPLP. The gardens run northeast to southwest and the pitch of the proposed rear roof would slope away from the neighbour, lessening the visual impact and allowing light to spill over the roof. A space separation of 2.4m would be retained between the proposed development and the rear facing habitable (kitchen) room of this neighbour. As such it is considered that the development would not give rise to unneighbourly forms of development in terms of overbearing or overshadowing warranting a reason for refusal. .
- 7.13 The neighbour here has a secondary kitchen window which faces towards the side boundary with the application site but there are no ground floor side elevation windows proposed in the extension and therefore overlooking would not occur. The proposed windows at first floor level on the side elevation of the proposed extension are shown to all be obscure glazed with openers above 1.7m finished internal floor level. This would prevent overlooking to the neighbour's most private areas, namely the area of garden immediately adjacent the rear elevation. Despite being shown on the plans, it would also be secured by planning condition for the avoidance of doubt, and in the interests of neighbouring amenity. .
- 7.14 The rear facing first-floor windows would allow views towards the furthest ends of the neighbour's gardens, however there are already first-floor rear windows and therefore increased overlooking would not arise.
- 7.15 The hip-to-gable extension would bring development closer to the boundary with this neighbour, notwithstanding, at ground floor the dwellings are still separated by adjoining flat-roofed garages/storage areas which are not habitable spaces and so any sense of overbearing would be limited. This neighbouring property has a side elevation window at first floor level, but this window is obscure glazed and with high-level openers and therefore the window likely serves a bathroom, not a habitable room. The hip-to-gable and side extension would therefore not give rise to overbearing or overshadowing of habitable spaces and so no significant harm would arise as a result of this development in terms of overshadowing or overbearing.
- 7.16 Concern has been raised with regard to noise from the extension and garden, in regard to the use by occupants. In this case the extension is to a domestic single dwelling and any noise from occupants using the garden area would not be expected to exceed the general use/enjoyment beyond normal expected ranges for a single urban dwelling. There is no increase in use of the site as a result of the proposed development, the plot would remain as a single dwellinghouse.

7.17 Given the above, the proposed development is not considered to have a harmful impact on residential amenity,, in accordance with the requirements of PPLP Policies HB1 and HB8.

c) Would the proposal result in harm to highway safety?

7.18 KCC Highways & Transportation has not been consulted on the application due to its minor nature, however the application site provides off-street parking provision which would meet the minimum requirements set out in KGG IGN3 and policy T2 PPLP for two independently accessible parking spaces per dwelling where 3+ bedrooms are provided.

7.19 There are no highway safety concerns in respect of this proposal.

d) Other Matters

7.20 The site lies outside a flood zone although it is noted that neighbours have concerns about localised flooding as a result of rainwater/surface water flooding. The development is for minor householder development to enlarge an existing property and as such the applicant is not required to submit a flood risk assessment or mitigation plan. The design and construction would be covered as part of any Building Control Regulations procedure. This procedure includes the provision of satisfactory surface water drainage arrangements, so there is no requirement to apply a planning condition in this regard.

7.21 Concerns have been raised regarding impacts upon wildlife. The works are for householder development and there is currently no requirement to provide biodiversity reports or provide mitigation in that regard. Concern has been raised regarding birds/bats present on the site but no evidence has been provided in support.

7.22 Given the close-knit urban layout, the applicant would not be required to provide mitigation regarding light spill which may impact wildlife as a result of the extensions. The level of light spill from the windows of the extension would be no worse than the current situation.

7.23 Concerns regarding the future use of the site (HMO) is not a material consideration at this stage where the application is for householder extensions to a single dwellinghouse. Neighbours have suggested an Article 4 Direction be placed upon the property. Conditions/restrictions on development must only be used where necessary, relevant to the development, reasonable etc. The request fails to meet those criteria.

- 7.24 Comments have been received with regard to the recently approved outbuilding in the garden. The development in the garden is separate to this scheme and issues arising from that development cannot be discussed here. For the reasons set out above, the development proposed under this application is considered to be acceptable.
- 7.25 Concerns have been raised regarding the accuracy of the scale of the drawings, however the measurements have been checked on site and it is concluded that the scale of the drawing is accurate.

Environmental Impact Assessment

- 7.26 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

- 7.27 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.

Human Rights

- 7.28 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

- 7.29 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.

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

Working with the applicant

7.31 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. In this instance the proposal was considered acceptable following the receipt of additional information from the applicant.

8. CONCLUSION

8.1. Taking the above into account, it is considered the proposal is a sustainable development that complies with development plan policy and the NPPF and is therefore recommended for approval. Whilst a hip-to-gable extension here can have the visual impact of unbalancing a pair of semis, the fallback position remains that a hip-to-gable extension can be constructed under permitted development rights and by amalgamating the approval given under 23/0433/FH with the works than can be constructed under permitted development, the resultant development as part of this application would appear visually improved overall. On balance it is considered that the development should be approved with conditions.

9. BACKGROUND DOCUMENTS

9.1. All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the View applications online pages under planning application reference 23/2005/FH)

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 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 accordance with the details shown on the submitted drawings:
Site Location, Block Plan, Proposed Floor Plans & Elevations – 034/22/04 – 11.12.2023

Reason:

For the avoidance of doubt and in order to ensure the satisfactory implementation of the development in accordance with the aims of policy HB1 of the Places and Policies Local Plan.

3. The development hereby approved shall be carried out in accordance with the details of materials as specified in the approved drawing listed under condition 2.

Reason:

To ensure the appropriate appearance of the completed development and in the interests of visual amenity.

4. Prior to the first use of the side/rear extension, the first-floor windows on the side (northwestern) elevation shall be fitted with obscured glass of a type that is impenetrable to sight and shall be non-opening up to a minimum of 1.7 metres above the internal finished floor level and shall be so retained at all times.

Reason:

In order to safeguard the privacy of the occupants of the neighbouring properties in accordance with policies HB1 and HB8 PPLP and the NPPF.

Informatives:

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1. It is noted that a lawful development certificate (ref: 22/1993/FH) was issued in January 2023. Please note that if the current application, hereby approved, proceeds then the development the subject of application 22/1993/FH may no longer be lawful. T
2. Please view the Considerate Constructors Scheme at <http://www.ccscheme.org.uk/index.php/company-registration/how-to-be-veryconsiderate/company-code-of-considerate-practice>.
3. Your attention is drawn to the requirements of the Building Regulations 2000 and the possibility of the need to obtain consent under such regulations. Prior to implementing this permission, you should seek advice from Building Control as to whether or not to make an application.