



Appeal Decision

Site visit made on 19 August 2019 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2019

Appeal Ref: APP/L2250/W/19/3230756

11 Ilex Road, Folkestone CT19 4QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Steve Allen against the decision of Folkestone & Hythe District Council.
 - The application Ref Y19/0354/FH, dated 27 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is the erection of new chalet bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The application was submitted in outline form with matters of landscaping to be considered at this stage and all other matters reserved for later consideration. I have considered the appeal on the same basis so give limited weight to the details of the scale, layout and appearance of the development shown on the plans.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - Whether the proposal would provide acceptable living conditions for the occupiers of the proposed dwelling, and for the occupiers of 11 Ilex Road, with regard to external amenity space.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises a single detached two-storey dwelling and detached garage located on the corner of Ilex Road and Phillip Road. The garage is oriented towards the cul-de-sac end of Phillips Road. The site lies within a
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dense and predominantly residential area characterised by a mix of single storey bungalows and two-storey dwellings. Most of the properties in the vicinity are set back from the highway, with small front gardens and driveways. Most properties in the area also possess modest rear gardens.

6. The proposal would result in the erection of what has been described as a chalet bungalow, roughly in the same position as the existing garage. The existing garden space would then be divided between 11 Ilex Road and the new property.
7. The size of the proposed plot would be considerably smaller than the neighbouring properties and its orientation, tucked partially behind No. 11, means it would fail to respect the surrounding pattern of development. The subdivision of the existing dwelling's garden space would also differ from the current pattern of development along Ilex Road and Phillips Road.
8. The landscaping shown on the proposed site layout plan comprises a few small bushes along the roadside edge and all the land directly behind No 11 laid to lawn. As such, although the layout of the development is reserved, the position of the landscaping determines the position of the house on site. Its position, so close to the road, would result in the dwelling appearing cramped on its site and incongruous in the context of the other houses nearby which are all set back from their front boundaries. This would significantly detract from the character and appearance of the area.
9. I acknowledge it is an already developed but underused site. However, a dwelling has a different character to a garage and although making a more effective use of land is supported by the National Planning Policy Framework (NPPF), it should not be to the detriment of the character of the area. Likewise, whilst the NPPF supports the development of small sites, this also should not be to the detriment of local character.
10. Though the appellant suggests the design of the proposal is high quality, I give this little consideration as they have opted for appearance and scale to be reserved matters.
11. I therefore find the proposal would harm the established character and appearance of the area. I therefore consider that the proposed development fails to accord with policies SD1 and BE1 of the Shepway District Local Plan Review (SDLPR), policy SS3 of the Shepway Core Strategy (the 'Core Strategy'), policies HB1, HB2 and HB10 of the emerging Place and Policies Local Plan (the 'emerging Local plan'), and the NPPF which together seek to ensure development respects the character of their surroundings. Policy SS1 of the Core Strategy contains the Council's spatial strategy and as the proposal would provide a dwelling in the urban area of Folkestone, I find no conflict with that policy.

Living conditions

12. The proposed development will sub-divide the existing garden space to the rear of No. 11, thus reducing the amount of garden space available for the occupiers of No. 11 and allowing for the provision of garden space for the future occupiers of the proposed dwelling. I find that, for both properties, there will be enough sitting-out space and functional space available for private outdoor activities such as exterior dining, laundry drying and children's play.

13. Although the proposed garden space to be provided for both properties may fall below the external space standards set out in policy HB3 of the emerging Local Plan, this will not be to such an extent that it will adversely affect the living conditions of the occupiers of No. 11 or future residents of the proposal.
14. I also find that there is space within the proposed outside amenity space to provide secure cycle and bin storage and that the finalised details of this could be submitted as part of the reserved matters.
15. Therefore, the development would accord with policy SD1 of the SDLPR, policy HB3 of the emerging Local Plan and paragraph 127 of the NPPF which together seek to ensure a high standard of amenity for all residents.

Other Matters

16. The Council advise they have a 7.19 years supply of deliverable housing sites. In contrast the appellant contends that there is an urgent need for housing. They state the Council “do not have a great track record of actually delivering housing”, and suggest that the Council have not “embraced the Government’s stated drive to deliver far higher levels of housing”. Whilst I have no data to support the Council’s figures, I have no evidence to the contrary to suggest they are not adequately meeting their housing targets. I therefore consider the appellant’s comments on this, and their comments on the Council’s abilities including “this is the worst local authority in which Designscape works” and “the LPA most likely will require inspection/supervision by government observers, and may need to be taken into special measures” to be merely their opinion and give them little weight.
17. It is not disputed that the site has good access to shops, facilities and public transport. However as the proposal does not accord with parts c) or d) of paragraph 11 of the NPPF, the presumption in favour of sustainable development does not apply.

Planning balance and Recommendation

18. Although I find the resultant gardens would be adequately sized for the occupiers of the development and of No. 11 such that they would have satisfactory living conditions, this does not outweigh the harm the development will cause to the character and appearance of the area. The lack of objections from statutory consultees carries neutral weight in the balance.
19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector’s Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer’s report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR