



Appeal Decision

Site visit made on 2 February 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21ST February 2022

Appeal Ref: APP/L2250/W/21/3279889

1 Hillview Terrace, Westfield Lane, Etchinghill, CT18 8BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Damian Presswell against the decision of Folkestone and Hythe District Council.
 - The application Ref 20/1015/FH, dated 18 July 2020, was refused by notice dated 29 January 2021.
 - The development proposed is the creation of a new hard standing with stepped access to 1 Hillview Terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a new hard standing with stepped access to 1 Hillview Terrace at 1 Hillview Terrace, Westfield Lane, Etchinghill, CT18 8BX in accordance with the terms of the application, Ref 20/1015/FH, dated 18 July 2020, subject to the conditions in the schedule on page 5.

Main Issues

2. The effect of the proposal on the character and appearance of the area and on highway safety along Westfield Lane.

Reasons

Character and appearance

3. It is proposed to create two parking bays by excavating into the bank that runs along this part of Westfield Lane. The area would be enclosed by retaining walls with a set of steps leading up to the garden level and low level lighting. A hedge is indicated at the back of the area together with tiered planters.
4. The proposed development would be positioned where there is a break in the vegetation but the evidence is that this has been created recently. The extent of the engineering works involved would lead to an urban appearance that would disrupt the green character that exists on this side of the lane. This impact would not be mitigated by the proposed landscaping. However, there are other small gaps in the planting along the lane as well as a passing place.
5. Furthermore, the parking area would be directly opposite a large hard surfaced area that is used to keep vehicles at the rear of St Mary's Close. Whilst one side of the lane has a rural feel there is a wall and fencing at the backs of the houses on the other side. To the south-west there is continuous development on both sides of the road with suburban frontages, hard standings and parking areas as well as hedging and greenery. The appeal site is also close to the core

of the village and appears to be within its built-up confines. The overall character of the surrounding area is therefore mixed but the main impression is of being within a settlement.

6. There is a similar parking area at Highbank within the group of houses to the south-west. There are differences between it and the proposal as that property faces onto the lane and the works did not affect the embankment. However, that development did involve digging into the ground and enclosing the parking area with walls. It is also unclear which national or local policies have changed substantively since permission was given. Overall there would be a degree of compatibility between the proposal and this parking area and the one serving St Mary's Close.
7. At the end of the day, the effect on the immediate context of the site would be a negative one. However, the adverse consequences would be reduced when the wider character and appearance of Westfield Lane, including other parking areas, is taken into account.
8. The site is within an Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving and enhancing its landscape and scenic beauty according to the National Planning Policy Framework. The small scale of the proposed development and the nature of its surroundings means that it would not detract from the overall qualities of the AONB. There would be no conflict with Policy NE3 of the Places and Policies Local Plan.
9. Nevertheless the character and appearance of the area would be harmed although the level of harm would be limited and very localised. The proposed development would be contrary to Policy HB1 of the Places and Policies Local Plan. This is concerned with quality places through design and indicates that permission will be granted where the proposal makes a positive contribution to its location and surroundings. Policy HB8 is concerned with alterations and extensions to buildings.

Highway safety

10. The highway authority seeks visibility splays of 2.4m (x distance) by 43m (y distance) in both directions with no obstruction over 1.05m. It maintains that these cannot be achieved.
11. *Manual for Streets* (MfS) (DCLG/DfT, 2007) and *Manual for Streets 2* (CIHT, 2010) give guidance on achieving adequate inter-visibility between vehicles at junctions. They indicate that a minimum x distance of 2m may be considered in some slow-speed situations when flows are low. There is no detailed evidence in this respect although the road is said to be "quiet". It is a 'dead-end' and serves a modest number of properties. The 30mph limit applies and given its narrowness it is likely that most traffic does not travel as fast as this.
12. The appellant has provided additional drawings showing sight lines of 2.4m by 60m although these are taken to the centre of the lane. For simplicity the y distance is taken along the edge of the carriageway although a more accurate assessment is made by measuring to the nearside edge of the vehicle track according to MfS2. As Westfield Lane is single width this is unlikely to make much difference in terms of achieving the standards advised.
13. No detailed sections have been provided to indicate the level of visibility that would be achieved. Due to the nature of the lane it is reasonable to base this

on an x distance of 2m. In my estimation and supported by the topographical survey, an emerging driver would be able to adequately see traffic, cyclists and pedestrians approaching from either direction. The steepness of the bank and the height required for the proposed retained walls would not be such that vision would be unduly impeded. Given the likely low volume and speed of traffic along the lane and its more or less straight alignment, the risks arising from this arrangement would be very small.

14. The appellant has received conflicting advice about the ownership of the bank. Nevertheless, a highway boundary plan from Kent County Council dated July 2020 shows that the bank is defined as highway. The Council also considers that it is within the highway authority's ownership. The implication is therefore that this land would be maintained and any vegetation kept trimmed back so as to ensure that visibility up and down the lane would be maintained.
15. Having regard to the particular circumstances of the case, the proposal would not have an unacceptable impact on highway safety. According to paragraph 111 of the Framework it therefore should not be prevented on highway grounds. Policy T2 of the Places and Policies Local Plan deals with parking standards and contains no specific provisions relating to safety.

Other material considerations

16. As part of achieving well-designed places, the Framework seeks, amongst other things, to ensure that developments create places with a high standard of amenity for existing users. The proposal would provide No 1 with off-street parking as well as the potential to charge electric vehicles. The appellant explains that the scope to park near to their home is extremely limited and this is described as "challenging". Dealing with this issue would increase quality of life and well-being.
17. Furthermore, Policy T2 indicates that schemes providing residential parking will generally be granted. Two spaces for a single dwelling would normally be regarded as sufficient and whilst there would be some visual harm the spaces would not dominate the street. The policy also expects that parking is positioned close to people's homes. Therefore the proposal would accord with its aims and gains positive support from Policy T2.

Other Matters

18. It is suggested that permitting the scheme would establish a precedent for similar works that would further erode the character of the area. However, there is no evidence that this is likely. The dwellings in Tolsford Close that back onto the bank have off-street parking at the front.
19. There is a conflict between the response from the Highway Definition Officer of 31 March 2021 and the highway boundary plan. However, that message refers to Westwell Lane and the area in question is not defined by a plan. The Council states that parking must be provided on the appellant's own land but any planning permission runs with the land and is not dependent on ownership. The requisite notice has been served. Approvals are likely to be required from the highway authority if the land is owned by them but that is a separate matter that does not affect the outcome of the appeal.

Final balance

20. There would be limited harm to the character and appearance of the area and no unacceptable impact on highway safety. The relevant policies in the Places and Policies Local Plan pull in different directions. But even if the proposal does not accord with the development plan as a whole, the benefits of providing off-street parking for the occupiers of 1 Hillview Terrace and for the general locality outweigh this conflict and the effect on the bank.

Conditions

21. The approved plan submitted with the application should be confirmed in the interests of certainty. To secure a satisfactory appearance, to maximise visibility along the lane and to take opportunities to enhance biodiversity, conditions are also necessary in respect of external materials and surfacing, landscaping, ecological enhancements and lighting. These matters are important parts of the scheme and need to be settled before work starts. Therefore requiring these details before commencement is clearly justified.

Conclusion

22. For the reasons given above the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing 20.01.
- 3) No development shall take place until details of 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, species of plants (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers and an implementation programme. The approved landscape works shall be carried out in accordance with the implementation programme.
- 4) No development shall take place until details of the height and materials of the retaining walls, materials of the steps and hard surfacing of the parking area has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of ecological enhancements as recommended at section 6 of the Preliminary Ecological Appraisal (Greenspace Ecological Solutions, July 2020) have been submitted to and approved in writing by the local planning authority. The details shall include an implementation programme. The approved ecological enhancements shall be carried out in accordance with the implementation programme.
- 6) No development shall take place until details of any lighting to be installed have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.