

Appeal Decision

Site visit made on 22 August 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th September 2022

Appeal Ref: APP/L2250/W/21/3289020

Land rear of 13 & 14 Wakefield Way, Hythe CT21 6HT

- 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 John Sturdy against the decision of Folkestone & Hythe District Council.
 - The application, Ref. 21/0196/FH, dated 27 January 2021, was refused by notice dated 15 June 2021.
 - The development proposed is the erection of a single storey dwelling (outline application with all matters reserved).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. On the main issue I saw on my visit that the proposed site for development adjoins a parking area and comprises land from the joint severance of the rear of two residential gardens at the end of the Wakefield Way cul-de-sac.
 4. Whilst infilling development within established residential areas can make a useful contribution to the supply of dwellings in a sustainable location, the proposed siting and resulting building in this case would be likely to appear as somewhat contrived, rather than in keeping with the existing grain and pattern of development.
 5. Firstly, whilst the terraced houses of Churchill Court present a conventional street frontage, the appeal site would gain access from a communal parking court and adjoin the existing refuse bin storage and collection area for Churchill Court. This would be an unsatisfactory setting for the appearance of the dwelling's frontage.
 6. The site would also be of a modest size and somewhat awkward shape. And with two of its boundaries being the residual rear gardens of Nos. 13 & 14 Wakefield Way, the land would have very much a backland character. In addition, the parking and refuse areas would comprise unsuitable neighbours in terms of residential amenity. With these points in mind and when assessed
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against provisos 1, 2 & 3 of Policy HB10 of the Council's Places and Policies Local Plan 2020 ('the Local Plan'), the proposal does not fare at all well.

7. This is particularly the case given the suggestion that the building would be a single storey in height. I consider that the Council is correct to argue that a single storey property in close proximity to the two-storey Nos. 13 & 14 would be at odds with its surroundings, whilst the relatively larger footprint of a bungalow compared to a two storey house would result in a cramped development on the site. Moreover, it is reasonable to assume there may well be logistical problems as regards both the refuse collection and the continued use of the site for car parking, albeit with the application being in outline form I would not entirely rule out a solution on these particular aspects of the scheme.
8. I have considered the points made in the grounds of appeal but nothing I have read, or indeed seen on my visit to the site, suggests that the Council's decision to refuse permission was flawed. And as the Council explains, the infill development to the rear of Nos. 16 & 17 Wakefield Way is quite different on several counts to this appeal proposal.
9. Accordingly, the development would have a noticeably adverse effect on the character and appearance of the area. This would be in conflict with Policies HB1 & HB10 of the Local Plan and Government policy in Section 12 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.

Other Matter

10. There is a second reason for refusal relating to flood risk having regard to this location and in particular the increased hazard of a single storey building. In this appeal the onus is on the appellant to demonstrate that future occupiers of the development would not be at risk from flooding and the grounds of appeal are incomplete in this respect. With that said, because the first reason for refusal effectively rules out the principle of this development, I do not regard potential flooding as the deciding issue in this appeal.

Martin Andrews

INSPECTOR