



Appeal Decision

Site visit made on 31 January 2025

by **Elizabeth Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th February 2025

Appeal Ref: APP/L2250/D/24/3356146

Strawberry Cottage, Ashley Avenue, Folkstone, CT19 4NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Design-itude assoc Ltd against the decision of Folkstone and Hythe District Council.
 - The application Ref is 24/1387/FH.
 - The development proposed is described as propose a new car parking space to be no wider than 1.7m to avoid overhanging onto the public highway.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2023 has been replaced. Within the current National Planning Policy Framework December 2024 (the Framework) paragraph 115 has been renumbered 116, although its content remains unchanged. As such, this change has not affected the consideration of this appeal. I confirm that in this decision I refer to the 2024 Framework.

Main Issue

3. The main issue is the effect of the proposal on vehicular and pedestrian highway safety and convenience.

Reasons

4. The appeal property is located immediately adjacent to the junction of Ashley Avenue and Old Mill Cottages, which is a narrow private lane with no pavements. To the front of the appeal dwelling is an area of enclosed planting with a narrow pavement to the front of it. The pavement increases in width to the southwest, just beyond the appeal site and there is no pavement on the opposite side of the junction with Old Mill Cottages. Within this part of Ashley Avenue there are double yellow lines in both side of the carriageway.
5. Together and amongst other things policies HB1 and T2 of the Folkstone and Hythe Places and Policies Local Plan 2020 (LP), seek to ensure that proposals facilitate circulation and ease of movement within the locality for all users. Parking spaces should be of sufficient size to comfortably host a larger car and have space around them for the movement of wheeled waste bins to a collection point (as required). Paragraph 116 of the Framework states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety.

6. The description for the development states that the parking space would be no more than 1.7 metres wide. However, Drawing No.0000-DIA-XX-00-DR-A-XX-X131 shows that the proposed parking space would be 2.079 metres wide and would fill the gap between the wall of the house and the pavement kerb. It would include the narrow pavement to the front of the dwelling, which appears to form an integral part of the pavement along this stretch of Ashley Avenue. As this is the only area of pavement immediately adjacent to the road junction, it would result in pedestrians entering and exiting Old Mill Cottages needing to walk within the carriageway.
7. The depth of the proposed hardstanding would range between 4.033 and 4.888 metres deep and so in part falls below the size of a standard parking space. As demonstrated on the submitted general arrangement drawing, this could result in a vehicle overhanging the highway immediately alongside the road junction. Both this drawing and the submitted swept path drawing, which shows a small car, illustrate that any vehicle would need to be parked close to the dwelling, which would prevent exiting the car on that side. On the other side car doors would need to be opened into the carriageway.
8. For these reasons the use of the proposed hardstanding, even for a small car, would unacceptably compromise pedestrian and vehicular highway safety and convenience. This would materially outweigh the benefits for the appellant that would result from having an on-site parking space and is not a matter that could be satisfactorily addressed through the imposition of conditions.
9. I conclude that the proposal would have an unacceptable harmful impact on pedestrian and vehicular road safety and convenience. Accordingly, the proposal conflicts with LP Policies HB1 & HB2 and the objectives of paragraph 116 of the Framework.

Elizabeth Lawrence

INSPECTOR