



Appeal Decision

Site visit made on 18 March 2025

by SJ Desai BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2025

Appeal Ref: APP/L2250/W/24/3352616

71 Dover Road, Folkestone, Kent CT20 1JZ

- 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 Meir Monderer against the decision of Folkestone & Hythe District Council.
 - The application Ref is 24/0518/FH.
 - The development proposed is described as “conversion from two self-contained flats into 3 x self-contained flats. Provision of cycle and refuse storage”.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Meir Monderer against Folkestone & Hythe District Council and this is the subject of a separate Decision.

Preliminary Matters

4. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views and the revised version has been referenced in this decision.

Main Issues

5. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to external amenity; and
 - whether the proposed development would provide suitable facilities for refuse bin and bicycle storage.

Reasons

Living conditions – external amenity

6. Policy HB3 of the Places and Policies Local Plan 2020 (PPLP) requires that all proposals for new residential development, including conversions, provide a minimum private open space in the form of a private balcony area with a minimum

depth of 1.5m and/or a private garden of at least 10m in depth and the width of the dwelling.

7. I accept that the one-bedroom lower ground and studio ground floor flats would be served by private open space within the subdivided garden. However, no private open space is accessible to the first and second floor flat, which as a two-bedroom dwelling would be more likely to accommodate a family. The lack of external amenity compromises the living conditions of the future occupiers of this dwelling.
8. The appellant has brought to my attention East Cliff Triangle Park and other public open spaces within the wider area. However, these spaces are some distance away, require roads to be crossed and would not provide private open space to serve family sized accommodation.
9. I note the appellant's comments regarding the lack of external amenity for other flats in the area. The lack of external amenity in other locations does not mean that it is acceptable in this instance. Furthermore, I do not have the full details of the circumstances that led to the examples put to me being accepted. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the proposed development. I have, in any event, determined the appeal based on its own planning merits.
10. I therefore find that the proposed development would not provide acceptable living conditions for future occupiers of the first and second floor flat, with particular regard to external amenity and the requirement in Policy HB3 of the PPLP to provide private open space.

Refuse bin and bicycle storage

11. PPLP Policy HB3 requires that adequate space is provided, with discretely designed and accessible storage space, for the different types of refuse bin. No refuse bin storage areas are depicted on the proposed plans.
12. The appellant sets out that refuse bins would be stored in the front of the appeal property, as is typical in the wider area. I observed at my site visit refuse bins, associated with neighbouring properties, being stored within the public highway and obstructing building entrances. It is unclear from the plans provided whether the required refuse bin storage could be accommodated away from the public highway and no calculations or container footprints have been provided. Therefore, I cannot be certain that adequate space for refuse bins would be provided to ensure no visual clutter or obstruction of the public highway would result.
13. PPLP Policy HB3 requires bicycle storage to be provided in accordance with the standards set out in PPLP Policy T5. Four bicycle parking spaces would be needed to meet the minimum requirement under Policy T5, which also sets out that storage is provided either within the curtilage of a dwelling or in a secure communal facility.
14. Only one dedicated bicycle parking space is shown on the lower ground floor plan. In the absence of any additional or alternative provision, I am of the view that the requirements of the development plan would not be met.
15. Having considered the tests of paragraph 57 of the Framework and advice in the Planning Practice Guidance: *Use of planning conditions*, a condition would not provide sufficient certainty in this instance that an area or solution is available that

would be sufficient to accommodate the specific refuse bin and bicycle storage requirements detailed above in a functional, acceptable way.

16. It has been suggested that other developments in the local area have been permitted with similar refuse bin arrangements and details of bicycle storage facilities secured by conditions. Be that as it may, I remain unconvinced that a similar approach should be adopted in this instance because it is unclear whether suitable arrangements could be made in accordance with the development plan.
17. Accordingly, I find that it has not been demonstrated that the proposed development would provide suitable refuse bin or bicycle storage facilities. It would conflict with Policies HB1, HB3 and T5 of the PPLP, which require, amongst other matters, that development does not lead to an adverse impact upon the surrounding area, makes a positive contribution to its location and prioritises active forms of travel. The proposed development would also conflict with the Framework, which seeks to ensure that development results in a high standard of amenity for existing and future users and prioritises sustainable transport modes.

Other Matters

18. The proposed development would make a positive contribution to housing supply. However, this attracts limited weight given the scale of the development and the unsuitable living conditions for future occupiers identified above. It would not outweigh the harm that I have identified.
19. The appellant highlights that the proposed development would satisfy minimum internal space standards and the Council do not disagree. I find no reason to take a different view on the matter. However, compliance with such standards would be a neutral matter in the balance and does not weigh in favour of the appeal scheme.

Conclusion

20. For the reasons given above, the development conflicts with the development plan and there are no material considerations of sufficient weight to indicate that the development should be determined otherwise than in accordance with it. The appeal should therefore be dismissed.

SJ DESAI

INSPECTOR