
Appeal Decision

Site visit made on 28 August 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 September 2025

Appeal Ref: APP/L2250/D/25/3368441

4 Canongate Gardens, Hythe, Kent CT21 5PU

- 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 Ms Kay Barrie against the decision of Folkestone & Hythe District Council.
 - The application Ref. is 25/0443/FH.
 - The development proposed is for the provision of a residential annex.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the dwelling and local area; and
 - whether the scheme would be a residential annexe ancillary to the use of the host property, or whether a separate unit would be created.

Reasons

Character and appearance

3. The appeal site comprises a detached bungalow with off-street parking on the driveway to the front. Local topography slopes steeply upwards from the road to the dwelling. The surrounding neighbourhood is predominantly residential in nature and consists of properties of varying scale and design.
4. The front garden of the appeal site cascades down the hill and is an attractive feature of the street scene, with established and mature planting. Whilst the existing block plan states that the 2 metre high evergreen hedge is to remain, the proposed block plan clearly shows that new parking spaces would be formed in a disparate location to the remainder of the site; these would result in the removal of a section of mature hedgerow in a prominent position along Canongate Gardens. Although no other details are provided as part of the application particulars, due to the sloping nature of the land it is likely that the spaces would require some excavation works and retaining walls to ensure their stability and usability.
5. To my mind the parking area would represent a discordant feature within the vicinity, creating a swathe of hardscaping in a highly visible position that would

detract from local character and appearance. The harm would be exacerbated through the loss of the vegetation on the border of the residential garden, and the presence of parked vehicles that would be facilitated thereon. This would be severely detrimental to the verdant nature of the site and surrounds.

6. The layout of the new annex would incorporate a number of staggered elements, created in an attempt to respond to the fall in the land. The large expanse of shallow pitched roof would be particularly noticeable within the neighbourhood, visible over the local planting from Canongate Road. Its elongated nature would dominate the front of the site and the approach up Canongate Gardens, lacking visual subordination and appearing as a contrived and discordant element within the neighbouring context.
7. I appreciate that that appropriate innovation or change should not be prevented or discouraged as set out in the National Planning Policy Framework. However, development should also be sympathetic to local character and history, including the built environment and landscape setting; I consider that the annexe fails to achieve this. Overall, in my view the scheme would lack architectural subtlety, which would be deleterious to the surrounding environs.
8. I therefore conclude that the scheme would be injurious to with the character and appearance of the dwelling and local area. It would contravene Policies HB1, HB8 and HB9 of the Folkestone & Hythe Places and Policies Local Plan September 2020 (LP), which seek to secure new development of acceptable scale and appearance.

Whether ancillary

9. Policy HB9 of the LP contains a number of criteria by which annexe accommodation should be assessed. Given the topography, I am satisfied that the proposal cannot be attached to the main house. The existing property enjoys a lawful residential use, and the development would not materially harm any neighbouring uses. Evidence has been submitted to justify the need for the annexe accommodation, and section 8) is not applicable. However, as I have reasoned above, the scheme would fail criteria 4), 6) and the first part of 7) due to the adverse impacts in relation to scale, appearance, design and character.
10. This leaves 5), which states that an annexe should have a clear dependency in terms of siting and function with the main dwelling. In this respect, I am aware that no separate dwelling is proposed, and no subdivision of the land is indicated. The application was registered, validated and advertised as an annexe in general accordance with the description of the proposal on the application form. The red edge on the location plan surrounds the whole residential site of 4 Canongate Gardens.
11. Moreover, the land would remain in the appellant's ownership; there is no evidence before me that separate titles, bills or postal addresses would be established. Whilst the parking and garden areas would be separate, the scheme would have an intimate association with the driveway and pedestrian access of the existing property. Finally, a condition to ensure the accommodation is not occupied or used at any time other than for purposes ancillary to the residential use of the primary dwelling would accord with the appellant's intentions and prevent any subdivision of the site. On balance, whilst I recognise that any occupiers may experience a

degree of independence, this is not untypical of annexes and would not undermine the ancillary purpose.

12. I conclude on this matter that the scheme would be a residential annexe ancillary to the use of the host property insofar as it relates to criterion 5) of Policy HB9 of the LP.

Other matters

13. I sympathise with the appellant's personal circumstances and appreciate that this is a stressful situation. Moreover, I acknowledge that the proposal would allow for multi-generational living on site; the footprint of the annex would be less than the existing dwelling and others in the neighbourhood; it is single storey in nature; the opportunity to extend no.4 itself would be limited, expensive and impractical; there are no highway safety concerns; external materials would be sympathetic to the local vernacular; and the structure would be well-insulated with solar panels to reduce energy bills. Nevertheless, the development remains unacceptable for the reasons outlined above.

Conclusion

14. Having regard to the foregoing and all other issues, I dismiss the appeal.

C Hall

INSPECTOR