



Appeal Decision

Site visit made on 4 December 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/L2250/W/25/3373818

Land rear of 112/112A High Street, Hythe, Kent CT21 5LE

- 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 Mr Roger Ward against the decision of Folkestone and Hythe District Council.
 - The application Ref is 25/1176/FH.
 - The development proposed is two storey three bedroom detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the appeal form rather than the application form as it more clearly identifies the location of the site. I have added the postcode given on the application form in the interests of clarity.
3. As the proposal is in a conservation area and relates to the setting of a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area including whether the proposal would preserve or enhance the character or appearance of the Hythe Conservation Area (CA) and the setting of the Grade II listed 112 and 112A High Street; and
 - the effect on protected trees.

Reasons

Character and appearance – conservation area and setting of listed building

5. The appeal site comprises an area of vacant land with frontage onto Prospect Road, currently fenced off, located to the rear of 112 and 112A High Street, which is a Grade II listed building. Along the eastern boundary are two trees protected by Tree Preservation Order No. 9 of 2020 (TPO). Along the southern side of Prospect Road, there are a variety of dwelling types, all of which are two storey. The appeal site forms part of a more open area that sits between the built form.
6. On the opposite side of Prospect Road, the built form appears denser, with a terrace of two storey properties near to the appeal site which sit at the back edge

of the pavement. The end property of this terrace opposite extends fairly far back into its respective plot with the rear projection stepping down. Despite the variation in dwelling types, consistency is provided by the materials used, the scale of built form and the architectural detailing present. This consistency in characteristics contributes positively to the character and appearance of the area.

7. The appeal site is located within the CA, the significance of which is derived from the layout and traditional architecture of the buildings which form the historic townscape and the role of the area as an historic centre. The appeal site currently makes a negative contribution to the significance of the CA given it is a vacant area of land which is enclosed by close boarded fencing and a brick wall along with tall panels of wooden boarding along the boundary with Prospect Road.
8. The Grade II Listed 112 and 112A High Street is an 18th Century red brick two storey building with accommodation in the roofspace, served by two dormer windows in the front elevation. At ground floor level facing the High Street there are two modern shopfronts. The windows in the front elevation are traditional sash windows with glazing bars and there is a moulded brick cornice at eaves level. To the rear are projections of differing heights beyond which is an existing gravelled parking area which is accessed from Prospect Road. The significance of the listed building lies in its historic and architectural merit as well as its role as a building within the historic centre of the town.
9. The proposal would introduce a two storey dwelling with an L shaped plan form. The two storey element to the rear would step down from the main roof and would also have a lower eaves height, it would also be of significantly less depth than the main two storey element, meaning it would appear as a subservient rear projection. This type of built form arrangement is already present in the CA. The roof design would respect others within the locality and would therefore appear in keeping.
10. The side elevations would not appear overly stark in appearance given the presence of windows at both ground and first floor levels and the step down in the roof, which would provide some detailing that would break up the elevations visually. As a result, I do not consider that on its own, the overall scale and massing of the two storey element of the proposed dwelling would be at odds with the surrounding built form.
11. The proposed windows are identified as being sash and they would largely respect the proportions of traditional windows. However, the design of the windows would be different to that approved under a previous scheme and I find the current revised approach would dilute the previous design quality. I accept that the materials proposed for the window frames are not identified, although I find this detail could be secured by planning condition.
12. The proposed porch would not appear balanced given it would be elongated to one side of the front door. There is no evidence provided that suggests this is a traditional approach to porch design, reflective of the era that the design approach intends to take cues from, nor did I witness any similar porches in the vicinity of the site.
13. The siting of a car port with solar panels on the roof attached to one of the side elevations would also be an incongruous feature that would be significantly at odds with the pattern of built form along Prospect Road. Whilst I noted the presence of

single storey projections from neighbouring buildings and single storey outbuildings, I did not witness, nor have I been referred to any similar structures to the car port proposed, that are clearly visible within this part of the CA. No details are provided regarding the solar panels, but I find it likely that they would appear as a dominant and harmful addition.

14. The proposal would be clearly visible from vantage points along Prospect Road and as a result it would appear as a prominent and harmful addition to the streetscene. As a result, it would not preserve or enhance the character or appearance of the CA. Whilst the appeal site is already separated from 112 and 112A given it has been enclosed by boundary treatments, the proposal would still be read alongside the rear elevation of the listed building when looking towards the High Street from Prospect Road. Consequently, the incongruity would also be harmful to the setting of the listed building. Given the scale of the proposal, the level of harm it would cause to the CA and the setting of 112 and 112A High Street as designated heritage assets would be less than substantial.
15. I therefore find that the proposal would have a harmful effect on the character and appearance of the area and it would not preserve or enhance the character or appearance of the CA or the setting of the Grade II listed 112 and 112A High Street. The proposal would be contrary to Policy HB1 of the Folkestone and Hythe District Places and Policies Local Plan Adopted September 2020 (LP), which seeks, amongst other things, that a proposal makes a positive contribution to its location and surroundings and that it enhances and integrates heritage assets.

Trees

16. The two TPO trees along the eastern boundary of the site contribute positively to the character and appearance of the streetscene of Prospect Road and to the CA, providing a green and softer feature within the built up area. The appellant has confirmed through the submitted details that these trees would be retained as part of the proposal.
17. However, the submitted Tree Survey (TS) is of some age being dated April 2020. Whilst I understand the concerns of the appellant that this report was accepted previously by the Council in the recent past, I do find that certain information, such as root protection areas for example, could alter over a period of nearly six years given that the trees will have grown in that timeframe. Whilst I note the TS states that the proposal will be built using piled foundations and a suspended floor which may ensure the health of the trees, this refers to the previous proposal which had a smaller footprint than that now proposed.
18. I note that the Council's Arboricultural and Grounds Manager found that the TS was acceptable and that subject to planning conditions there would be no objections to the proposal submitted at that time, but that correspondence was dated June 2020. Whilst the previous approach to construction may remain an acceptable method when considering the revised proposal, I cannot be sure, based on the TS before me, because no update has been provided.
19. I therefore find that there is insufficient information before me to confirm that the proposal would not have a harmful effect on trees within the CA which are also protected by a TPO. It would be contrary to Policy HB1 of the LP which seeks, amongst other things, that a proposal should enhance and integrate green infrastructure assets.

Other Matters

20. I note that there has been a previous approval on the appeal site for a dwelling granted by the Council. However, whilst there may be some similarities I find that the proposal before me now is a different design to that previously approved. For example, the previous scheme did not include a car port or a porch. I must consider the appeal proposal based on its individual merits.
21. I note the appellant has been frustrated by a lack of engagement by the Council in terms of raising issues during the assessment of the planning application including not requesting an update to the TS. However, I am unable to take this into account in my consideration of the appeal.

Heritage Balance

22. Paragraph 212 of the National Planning Policy Framework (the Framework) is clear that with regard to designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. I have found in this case the proposal would lead to less than substantial harm. Paragraph 215 of the Framework requires this harm to be weighed against the public benefits of the proposal.
23. The proposal would result in the addition of a dwelling on a vacant and underused site which would bring social benefits as well as adding to the housing supply. There would also be economic benefits during the construction phase and after with future occupants supporting the local economy. Environmental benefits would be provided through biodiversity enhancements. Nevertheless, given the scale of the proposal, these benefits would be limited. Therefore, set against the great weight afforded to the conservation of the designated heritage assets, the public benefits would not outweigh the harm I have identified.

Conclusion

24. The proposal conflicts with the development plan as a whole and the other considerations, including the Framework, do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

G Dring

INSPECTOR