



Appeal Decision

Site visit made on 13 October 2021

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2021

Appeal Ref: APP/L2250/W/21/3272712

87 Coast Drive, Greatstone, TN28 8NR

- 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 Michael Smith against the decision of Folkestone and Hythe District Council.
 - The application Ref 20/0971/FH, dated 12 July 2020, was refused by notice dated 13 October 2020.
 - The development proposed is described as retention of renovated beach chalet/hut.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building is located to the rear of the dwelling at No 87 which backs onto the dunes and beach at Greatstone. It is the subject of an enforcement notice which alleges that a dwellinghouse has been constructed and which requires its removal by February 2021. An appeal in respect of a lawful development certificate for use of the appeal building as an annex to No 87 has been dismissed (Ref: APP/L2250/X/19/3242030). Access to it can be gained separately from No 87.
3. Various uses have been attributed to the building. The Design and Access Statement says that it will essentially be used by the appellant and members of his family. His appeal statement maintains that it is used in association with No 87 but not as any form of ancillary accommodation. It is also said that it is not an annex. For the purposes of this appeal it should be considered as described in the planning application form.

Main Issue

4. The effect of the building on the character and appearance of the area.

Reasons

Character and appearance

5. The building is finished in weatherboard cladding with a tiled roof and a central flat section. The Design and Access Statement refers to the chalet being restored from its previous dilapidated condition. However, the weight of evidence indicates that this structure was a small shack and that the proposal is a new building that is much larger and on a different footprint.

6. The rear gardens of the properties along Coast Drive that face towards the sea are not free of buildings. However, these are generally modest and ephemeral outbuildings or summerhouses. By contrast, the building at No 87 and the associated works occupy over half of the original garden. It is not the kind of subservient structure that would be expected here and is therefore not well integrated with the prevailing pattern of development.
7. The appellant claims that the building has been reduced from a more elevated position by around one metre. However, the floor level of the building is well above that of the frontage house and the road. This is due to the topography but the visual impact of the building has been accentuated by the works to create the extensive terrace around it. This raised 'table' is surrounded by retaining walls and fencing and gives rise to a harsh and jarring appearance. This is clearly seen from the path that runs alongside the site between Coast Drive and the beach as well as from the road. Overall the building is intrusive and does not respond sympathetically to its surroundings.
8. Therefore the building harms the character and appearance of the area. It is also contrary to Policies HB1 and HB10 of the Places and People Local Plan which are concerned with quality places through design and the development of residential gardens. There is no obvious way to overcome the harm to the locality by means of conditions.

Other considerations

9. It is understandable if the Council is promoting the restoration of beach huts but that is not what this development entails. Indeed, the size and facilities of the building are larger and greater than those typically found in a seaside beach hut. From the information provided it is not clear how the building would function in relation to No 87 and no planning obligation regarding the use of the building has been put forward. There is no specific evidence as to how the building benefits the tourism sector or the economy generally or how it contributes to well-being.
10. Permitted development rights exist for buildings incidental to the enjoyment of a dwellinghouse. However, these do not apply if the building operations involved in the construction of that building are unlawful.
11. Concerns are raised about parking along Coast Drive and overlooking of surrounding gardens. However, use as a beach hut would be unlikely to be all year round. Therefore based on the use proposed these considerations do not add to the objections to the building. Comments are also made about the sequence of events since 2015 and the way that the works were undertaken but they have little bearing on the planning assessment of this development.

Conclusion

12. The appeal building conflicts with the development plan and there are no material considerations that warrant departing from it. Therefore, for the reasons given, the proposal is unacceptable and the appeal should fail.

David Smith

INSPECTOR