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## Appeal Decision

Site visit made on 24 June 2025

**By Terrence Kemmann-Lane JP DipTP FRTPI MCMI**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

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**Appeal Ref: APP/L2250/W/25/3362571**

**Land rear of Imogene, Station Approach, Littlestone, New Romney, TN28 8LU**

- 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 Richard Wood against the decision of Folkestone and Hythe District Council.
  - The application Ref is 24/1190/FH.
  - The development proposed is change of use from holiday let to residential dwelling including single storey side extension.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is whether the proposal would provide suitable living conditions for future occupiers, particularly in terms of external amenity space.

### Reasons

3. The appeal site is a plot of land approximately 0.02 hectares in size formed from part of the rear curtilage of the semi-detached house known as Imogene. Imogene is located on a corner plot with the dwelling facing Station Approach, while the holiday accommodation faces Queens Road. The holiday accommodation consists of a two-storey building with front facing dormers at first floor level and an area of amenity space to the rear and side of the building. The right hand part of the frontage and part of the side garden is used as parking. The site is surrounded by a residential neighbourhood to the north and east, with some residential dwellings located to the south, and the railway located west of the site.
4. The appeal proposal is for a change of use of the holiday let to a dwellinghouse for permanent residential use, along with the construction of a single storey side extension to create a garden room. The proposed site layout includes the provision of two parking spaces, an area of amenity space behind the parking spaces and at the rear, and a cycle store. Core Strategy policies SS1 and SS3 require proposals for new residential development to be focused within the most sustainable towns and villages. The site sits within the settlement boundary of New Romney. In policy SS1 New Romney is identified as being an area where future development should be given priority.
5. Under Policy HB3 of the Places and Policies Local Plan, new dwellings must meet the nationally described internal space standards. The proposal would meet these standards. In addition to the internal space standards, HB3 also sets out external

- space standards for dwellings. This should consist of a private amenity space at least 10m in depth with a width equal to that of the dwelling; variations to these standards will only be considered where such an approach is needed to reflect the character of the area.
6. Due to the shape and size of the site, the proposal cannot provide 10m of amenity space directly to the rear of the property. The maximum depth of the amenity space would reach 10m, but this would only be at one point and when measured from the rear of the parking spaces, not the rear elevation of the dwelling. When measured from the rear of the dwelling, the maximum depth of the external amenity space would only reach about 5.19m dropping to 1.48m at its shortest, well below the policy requirement.
  7. I note that recent appeal decisions (APP/L2250/W/23/3331658 & APP/L2250/W/23/3331394) dealt with a similar issue, and concluded that the proposal would have a harmful effect on the living conditions of future occupiers with particular regard to private external amenity space, in conflict with Policy HB3. It appears, and as far as I could see, gardens of this size and awkward shape are not characteristic in the local area.
  8. The appellant considers that the proposed area of rear garden would be more than sufficient for a one-bedroom dwelling and that occupiers would enjoy a wholly acceptable level of amenity. The total area of the rear garden would be approximately 70m<sup>2</sup>. An area of 70m<sup>2</sup> may be adequate where the garden is at the rear of the house and of a regular shape, but in this case much of the area at the rear is squeezed down to the eastern end, so that it does not provide the level of amenity that Policy HB3 reasonably seeks. I note that the garden faces south, but that does not make up for lack of size and suitable shape.
  9. The appellant refers to a recent grant of permission for residential development by the council (ref. 23/0769/FH), some 400m away, stating that a quarter of the dwellings in that scheme feature rear gardens smaller in size than in the proposed development, whilst those dwellings are larger and far more likely to accommodate families. Additionally, Plots 1, 50 and 75 of that scheme all featuring rear gardens which wrap around the dwelling in a similar manner to that of the proposed development.
  10. From the information given, I am unable to verify the size of gardens in the scheme referred to, but it is clear to me that the 3 plots picked out have gardens of a suitable shape to provide reasonable amenity. The appellant also refers to an appeal decision (ref. APP/L2250/W/24/3347607) which included a 2 bedroom house with a rear garden of approximately 50m<sup>2</sup> that was allowed. However, I see that the Inspector in that case specifically referred to the 'useable shape' of the rear garden, which differentiates it from the present case.
  11. In conclusion, the proposed private amenity space to serve the proposed dwelling, whilst acceptable for a holiday let, is not sufficient in shape or size to provide suitable living conditions for future occupiers with regard to this important element of permanent occupancy. The examples put forward in support of the proposal are not persuasive. For these reasons, the proposed development would be contrary to Policy HB3 of the Places and Policies Local Plan. Therefore the appeal will be dismissed.

*Terrence Kemmann-Lane*

INSPECTOR