

---

## Appeal Decision

Site visit made on 24 January 2017

**by L Fleming BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 January 2017**

---

**Appeal Ref: APP/N2535/W/16/3161560**  
**53 High Street, Saxilby, Lincoln LN1 2HA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Stephen Neller against the decision of West Lindsey District Council.
  - The application Ref 134000, dated 4 February 2016, was refused by notice dated 10 May 2016.
  - The development proposed is construction of a bungalow in the garden of 53 High Street.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with all detailed matters reserved. I have dealt with the appeal on that basis, treating the plans as illustrative only.

### Main Issue

3. The main issues are the effect of the proposed development on:
  - flood risk;
  - the living conditions of the occupants of neighbouring residents with particular regard to noise and disturbance and outlook.

### Reasons

#### *Flood risk*

4. The majority of the appeal site would be within Flood Zone 2 as identified on the Environment Agency's Flood Zone Maps. Paragraph 100 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Furthermore, the Framework requires a sequential, risk based approach to the location of development by applying the Sequential Test.
5. Therefore, the appeal site has a medium probability of flooding and buildings used for dwelling houses are defined in the Technical Guidance on Flood Risk<sup>1</sup> as a more vulnerable use which is only appropriate development in Flood Zone

---

<sup>1</sup> Technical Guidance to the National Planning Policy Framework, DCLG, March 2012

---

- 2, subject to passing the Sequential Test. Furthermore, paragraph 103 of the Framework makes clear that development should only be considered appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA).
6. I acknowledge the comments with regard to the accuracy of the Environment Agency Flood Zone Maps. I note that the appeal site increases in level from High Street. I also note any proposed dwelling could have a raised finished floor level and include measures for emergency evacuation all subject to detailed design. I have also considered that the appeal site previously accommodated a dwelling which has since been demolished.
  7. However, there is no substantive evidence before me to demonstrate the appeal site is not in Flood Zone 2. The previous dwelling has gone and without a detailed Sequential Test, I am not satisfied that alternative sites are not available which would avoid the need to develop in Flood Zone 2.
  8. Furthermore, even if the Sequential Test could be passed, a detailed FRA would still be required which would need to not only demonstrate that the proposed development would not be at risk of flooding but also that flood risk would not be increased elsewhere as a result of the development. These requirements apply irrespective as to whether the proposal is in outline or with full details. Whilst the evidence provided relating to site levels and mitigation measures is relevant information, the evidence before me is some way short of a comprehensive FRA.
  9. On this basis, I must conclude that the proposed development would increase the risk of flooding in the area, putting future occupants at risk, without appropriately considering developing in locations of a lower probability of flooding. The proposal would therefore conflict with the aims of the Framework which seeks to direct development away from areas at risk of flooding. It would also conflict with saved Policy STRAT1 of the West Lindsey Local Plan First Review (2006) (LP) which seeks to avoid utilising land subject to flood risk for new development.

#### *Living conditions*

10. Notwithstanding that access details are reserved, the proposed development would be accessed between Nos 53 and 49 High Street (Nos 53 & 49). Even though these properties are both owned by the appellant and the existing narrow point of access could be widened, the proposed development would still result in vehicles coming and going along the length of a driveway and manoeuvring at the end of a driveway to park or turn around.
11. These movements would take place relatively close to the side elevations of Nos 53 & 49. Whilst, landscaping and fencing could be provided without full details of such, I am not satisfied the proposed development would not generate significant noise and disturbance through vehicles coming and going along the length of the driveway in such close proximity to the side elevations of Nos 53 & 49.
12. In reaching these conclusions I note it is intended to convert No 49 High Street to a retail use. However, this would not change the circumstances with regards to the impact on No 53 High Street. Whilst a condition could be imposed to

alter No 53 High Street to mitigate any harm, without the full details of such measures I am not satisfied that the harm I have identified could be overcome.

13. Turning my attention to matters relating to outlook. In my view, the plot is large enough with sufficient space between the surrounding properties for a modest building to be positioned appropriately alongside landscaping for it not to be visually intrusive when viewed from the surrounding dwellings.
14. Thus, for the reasons given whilst I have found the proposed development would not harm the living conditions of nearby residents with regard to outlook, I have found it would be harmful to the living conditions of residents living nearby with regard to noise and disturbance generated by vehicle movements. Therefore, the proposal is in conflict with saved Policies STRAT 1 and RES 3 of the LP which taken together, seek to ensure new development is not significantly detrimental to the amenities of nearby occupiers.

### **Other Matters**

15. I note that the appellant is dissatisfied with the Council's handling of the planning application. However, this is a matter which would need to be pursued with the Council. I confirm that I have had regard only to the planning merits of the proposal.
16. I also note that the proposal would result in the redevelopment of a site which is of relatively poor appearance. However, this matter or any others raised do not outweigh the harm I have identified.

### **Conclusion**

17. For the reasons set out above, I conclude that the proposed development is in conflict with the development plan and the Framework and thus the appeal should be dismissed.

*L Fleming*

INSPECTOR