
Appeal Decision

Site visit made on 31 January 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 31 February 2017

Appeal Ref: APP/D0515/W/16/3162347

14 Garden Lane, Wisbech St Mary, Cambridgeshire PE13 4RZ

- 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 Anthony Bullion against the decision of Fenland District Council.
 - The application Ref F/YR16/0300/O, dated 22 March 2016, was refused by notice dated 15 June 2016.
 - The development proposed is erection of one detached dwelling with three bedrooms and own entrance drive. The dwelling is to replace former 8m x 4.4m workshop building now demolished.
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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 Issues

3. The main issues are the effect of the proposed development on:
 - flood risk;
 - the character and appearance of the area.

Reasons

Flood risk

4. The appeal site is within Flood Zone 3 as identified on the Environment Agency 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 high probability of flooding and buildings used for dwelling houses are defined in the Technical Guidance on Flood Risk¹ as a more vulnerable use which is only appropriate development in Flood Zone 3, subject to passing the Sequential Test and the Exception Test. Furthermore,

¹ Technical Guidance to the National Planning Policy Framework, DCLG, March 2012

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 difficulties in engaging with the Environment Agency and I have considered the FRA provided in support of the appeal. However, even if I did find the submitted FRA to be acceptable there is no substantive evidence before me which takes the form of what could be considered as a detailed Sequential Test as required by paragraph 100 of the Framework. Without such I am not satisfied that alternative sites are not available which would avoid the need to develop in Flood Zone 3. These requirements apply irrespective as to whether the proposal is in outline or with full details.
7. 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 Policies LP2, LP14 and LP16 of the Fenland Local Plan (2014) (LP) which seeks to ensure new homes are safe from flooding and reduce flood risk overall.

Character and appearance

8. The appeal property is on the end of a row of semi-detached properties surrounded by open countryside. All of the dwellings in the row are set a similar distance back from the road with relatively equal spaces between each building and set in relatively spacious plots. Even though there is some variation in the size of the dwellings in the area, overall I find the area has a uniform and spacious character and appearance.
9. The illustrative details show that the proposed dwelling would be accessed by a driveway to the side of No 14 Green Lane (No 14) and would be positioned in the existing rear garden. The garden of No 14 would be reduced in size to accommodate the proposed dwelling.
10. The proposed dwelling positioned to the rear of No 14 with a limited road frontage would contrast with the uniform and linear pattern of development nearby. Located at the end of the row of dwellings, even with a landscaping screen, the proposed dwelling would be noticeably at odds with the prevailing pattern of development in the area. Furthermore, the proposed dwelling squeezed into a comparatively small plot, together with the reduced plot size of No 14 would result in a form of development that would appear cramped and in contrast with the spacious character of the area.
11. I note the appellant's comment that the proposed dwelling could be positioned in line with No 14 Green Lane. However, the space to the side of No 14 is such that a dwelling in this location would also appear cramped when compared with the space between other buildings nearby.
12. In reaching these conclusions, I have noted that a large workshop building previously stood in the location where the dwelling is proposed. However, this has now gone and in any event the presence of such a building would not

justify a new dwelling. I have also considered the examples ² in the district where the Council have granted planning permission for development. However, all of those examples are some distance from the appeal site such that they have no influence on the character and appearance of the area which is relevant to this case. Furthermore, the full details of those cases are not before me and I have assessed the appeal proposal on its planning merits with regard to bespoke site specific circumstances.

13. Thus, overall I find the proposed development all subject to detailed design would inevitably be an incongruous feature of the area which would be harmful to the uniform and spacious character and appearance of the area. For these reasons the proposal would be in conflict with Policies LP3, LP12 and LP16 of the LP which aim to ensure good design.

Other Matters

14. I acknowledge that the appeal proposal would provide a new home in a rural location. I also acknowledge the housing related challenges faced by rural communities and the overall need to ensure the vitality of rural communities is maintained and enhanced. I also note the appellant's desire to move to a smaller property. However, these matters do not outweigh the harm I have identified.

Conclusion

15. 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

² Council references F/YR06/0169/F, F/YR16/0534/F, F/YR12/0681/F & F/YR11/0334/F