
Appeal Decision

Site visit made on 21 March 2017

by Jacqueline Wilkinson B. Arch Dip Cons Studies (York) IHBC

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

Decision date: 31 March 2017

Appeal Ref: APP/P0119/W/16/3164280

2 The Lane, Easter Compton, Bristol BS35 5RD

- 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 R Holdsworth against the decision of South Gloucestershire Council.
 - The application Ref PT 16/4574/F, dated 2 August 2016, was refused by notice dated 31 October 2016.
 - The development proposed is the erection of a single dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Bristol Green Belt. The Council has taken the view that the proposed development would be "limited infilling in a village" and as such would not be inappropriate development in the Green Belt as defined by paragraph 89 of the National Planning policy Framework (the Framework). I agree.
3. The main issues are therefore i) the effect on the character and appearance of the area, ii) whether there are reasonably available sites appropriate for the proposed development which would be at a lower risk of flooding, and if so, whether there are other material planning considerations which would justify the grant of planning permission in this case.

Reasons

Character and appearance

4. The proposed dwelling would be very similar to the approved annexe¹, albeit with some minor adjustments to the plan and its depth and the addition of two dormers in the rear roof slope. It would be single storey with a room in the roof in an area where the majority of dwellings are two storeys, but this in itself would not look unacceptably at odds with the mixed character of the area and it would be in a small enclave on a private drive, only partly seen in the context of the dwellings on the main street frontage.
5. The roof would be asymmetrical and the window proportions would be over-horizontal. The resulting composition would fail to be good design in its own

¹ Ref PT14/3301/F approved 11 November 2014, PT 12/1771/F 27 approved July 2012.

right and it would not relate satisfactorily to the broadly balanced roof pitches and vertical window proportions typically found in the area. I cannot therefore conclude that the proposed design is of a high quality as required by Policy CS1 *High quality design*. However, the approved annexe could be built and the fact that it would be a separate dwelling rather than an annexe would make little difference to its visual impact. I therefore conclude that it would be unreasonable to dismiss this appeal on the basis of the design quality of the scheme.

Flooding

6. The appeal site is within the flood zone 3a adjacent to the River Severn estuary, where there is a high probability of tidal flooding and where a new dwelling would be defined as a "more vulnerable" type of development. Notwithstanding this, the appellant makes the case that because the proposed dwelling would be set above the highest likely flood level, then it would be in flood zone 1.
7. However, I have no evidence before me that the Environment Agency flood zone maps are to be interpreted in a vertical plane in this way. The raising of the finished floor level of the development would be part of the mitigation or resilience measures implemented when the building was built, which would follow on after the identification of the zone on the map and the application of the sequential test.
8. I have therefore assessed this case from the starting point that the appeal site is within zone 3a, in which case a sequential test is required. A site specific flood risk assessment (FRA) was submitted and the Council states that this would have been adequate to pass the "exceptions" test, should the sequential test have been found acceptable. However, this does overcome the need for a sequential test to be undertaken.
9. The appellant points out that the Council has not published guidance on the approach to be taken to the sequential test in its area. The policies put before me do not give any information on such tests, but the Planning Practice Guidance suggests a pragmatic approach, taking into account local circumstances in relation to the catchment area for the type of development proposed. The appellant has carried out a sequential test, although the details of the search area or criteria have not been put before me. The appellant states that only one site was found, but because it was 11.4 miles away, it was not considered suitable.
10. The appellant has an extant permission to build an annexe which would satisfy any personal need for additional ancillary accommodation, so there are no reasons why this development should be located at any particular distance from the appeal site or his home. The proposal is for a speculative open market single dwelling, which might be built in any location in the district or even in the nearby adjacent district. Indeed a small builder would be likely to be prepared to travel some distance to build such a dwelling. I am not therefore persuaded by the limited evidence that there are no sites for single dwellings available within the district or within similar distances in the adjacent authority.
11. I therefore conclude that as there would be at least one other reasonably available site in an area with a lower risk of flooding in the district, the proposal

would fail the sequential test. The proposal would therefore be in conflict with the requirements of Policy EP2 of the South Gloucestershire Local Plan 2006 (which accords with the broad requirements of the Framework with respect to flooding, in particular the sequential approach) and Policy CS9 4 *Managing the environment and heritage* of the South Gloucestershire Core Strategy 2013.

Other material considerations

12. As I have stated above, it is a material consideration that the appellant could build an annexe with a very similar layout and design. However, the two planning permissions granted for the annexe were both subject to the condition that the building was used only as ancillary accommodation to the main dwelling. This was on the basis that in such a use, the occupiers of the annexe would not constitute a separate household and so would be likely to be using facilities in the main dwelling on a regular basis. There would be likely to be fewer occupiers than a distinctly separate family and at times of danger or refuge they would share the resources of the larger dwelling. The risk to the safety of the occupiers of an annexe would therefore be less than a separate dwelling.
13. The Council accepts that it cannot demonstrate a 5 year supply of housing land. The appellant suggests that the proposal would benefit the district by increasing housing density, providing better surface water management, flood safety and resilience. Whilst there would be an additional dwelling provided its contribution to the supply of housing would be small. Surface water drainage, flood safety and resilience are matters which would be required by condition in order to mitigate the flood risk and so cannot be regarded as a benefit and similar conditions are also attached to the permission for the annexe.
14. I therefore conclude that there would be no other material planning considerations which would outweigh the harm caused by the location of the proposed new dwelling in the flood zone 3a.

Conclusions

15. I therefore conclude that the harm caused by the location of the proposed new dwelling within the high risk flood zone would significantly and demonstrably outweigh the small benefit to the housing supply of one new dwelling.
16. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR