
Appeal Decision

Site visit made on 18 July 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 28 July 2018

Appeal Ref: APP/E2001/W/17/3173146

33 Hook Road, Goole, East Yorkshire, DN14 5JB

- 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 C Reid Smith against the decision of East Riding of Yorkshire Council.
 - The application Ref DC/16/01868/PLF/WESTWW, dated 26 May 2016, was refused by notice dated 20 January 2017.
 - The development proposed is alterations to existing house to form 4 self-contained flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr C Reid Smith against East Riding of Yorkshire Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the development would provide satisfactory living conditions for the future occupants of the ground floor flat, with regard to flood risk.

Reasons

4. The site is within Flood Zone 3a and is in a "Danger for All" hazard zone. Whilst the appellant accepts that the site lies within this zone, his FRA points out the existence of flood defences and proposes various measures to mitigate the risk to future occupants. However, whilst there are flood defences in the town, the risk of flooding still exists as these defences can be breached.
5. The Council's Strategic Flood Risk Assessment (SFRA) indicates that in "Danger to All" areas more vulnerable uses (i.e., residential accommodation) should not be located at ground floor level.
6. Nevertheless, in spite of this advice in the SFRA, the Council's statement indicates that where residential uses already take place on the ground floor, such as in this case; residential development may be supported providing that it does not incorporate sleeping accommodation without provision to a safe and convenient access to a place of refuge at first floor level.

7. The SFRA indicates that safe refuges should provide an immediate route of escape which does not divert evacuees onto a "dry island" upon which essential supplies (i.e. food, shelter and medical treatment) will not be available for the duration of the flood event.
8. The ground floor flat would have a place of refuge at first floor level on a communal landing. However, in my assessment, this landing would constitute a "dry island" because it would not provide an immediate, direct or safe access out of the building because in order to get out, the person seeking rescue would have to get into another flat. This could not happen if nobody was inside the other flats at the time of the flood. Furthermore, it is not reasonable to allow a refuge which depends on access to another person's home.
9. There would also be an accessible landing on the second floor where there is a roof-light on the rear roof slope. However, even if the person needing rescue were to be successful in attracting attention from the roof, the landing area would still remain an unsuitable place to be stranded, for an unknown period of time, as there would be no access to basic necessities.
10. I note the appellant's comments that the proposal would reduce the number of potential residents in the building. However, as a single dwelling, all residents would have access throughout the upper floors so the problems I describe above would not occur.
11. I also acknowledge the appellant's comments that there are other ground floor flats in properties nearby but the existence of these does not provide justification for me to allow further harmful development. I also note comments that the future occupants would receive prior notice of a flood but in the case of a breach of the town's flood defences, this may not be possible.
12. The appellant has drawn my attention to two appeals. However, one was in North Somerset¹ and the exact local circumstances surrounding that case are not before me. Also, as it was in a different geographical area, it is not directly comparable to the appeal proposal. The other appeal, in Goole,² was determined in January 2012. This was before the publication of the National Planning Policy Guidance (NPPF) and the adoption of the East Riding Local Plan Strategy 2016 (LP) against which I have determined this proposal.
13. I therefore conclude that the proposed development would not provide satisfactory living conditions for the future occupants of the ground floor flat, with regard to flood risk. Consequently, there would be conflict with ENV6 and A4 of the LP which, in combination, seek to ensure that development does not result in unacceptable consequences to its users, including from flood risk, and that regard should be had to the SFRA. The proposal would also conflict with Paragraphs 100 and 103 of the NPPF which seeks to avoid inappropriate development in areas at high risk of flooding but where development is allowed, it should be appropriately flood resilient and resistant which includes safe access and escape routes.

¹ APP/D0121/W/16/3164889

² APP/E2001/A/11/2162218

Other Matters

14. The site is within the Goole (Hook Road) Conservation Area which is characterised by Victorian town houses. These houses are complemented by the contrasting green embankment opposite them. There is one Listed Building in the area, the Windmill Tower, near the junction of Hook Road and Axolme Street. The area is densely built up with buildings between the appeal site and the Windmill Tower. The proposal would reduce the height of two of the chimneys on the house but as these are minor alterations, which would not be obvious within the context of the listed building, they would not affect its setting.
15. The chimney pots to be lowered are overly tall and look heavy and disproportionate to the building. Therefore, I do not consider that their lowering would cause visual harm. I therefore consider that the proposal would preserve the character and appearance of the conservation area.

Conclusion

16. The proposal would not provide adequate provision for refuge and escape in the event of a flood and consequently, I dismiss the appeal.

Siobhan Watson

INSPECTOR