
Appeal Decision

Site visit made on 24 June 2019

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/J2210/W/19/3222804
59 High Street, Bridge, Canterbury CT4 5LA

- 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 Michael Aaronovitch against the decision of Canterbury City Council.
 - The application Ref 18/01348, dated 27 June 2018, was refused by notice dated 29 January 2019.
 - The development proposed is the change of use of shop to dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on flood risk and the safety of future occupiers; and
 - whether the development would provide suitable living conditions for future occupiers.

Reasons

Flood Risk

3. The appeal site comprises a single storey building on High Street. It was formerly used as a shop and is now vacant. The proposed development would involve the change of use to a dwelling comprising a lounge and kitchen area to the front of the building and two bedrooms and a bathroom to the rear part. Some works to convert the property have been carried out.
4. The appeal site is located within Flood Zone 3 which is a high-risk area for flooding. Section 14 of the National Planning Policy Framework (2019) (the Framework) identifies that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future) and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
5. Paragraph 164 of the Framework states that applications for some minor development and changes of use should not be subject to the sequential or

- exceptions tests but should still meet the requirements for site-specific flood risk assessments. Footnote 50 identifies that this should be for all development in Flood Zones 2 and 3.
6. The appeal proposal has been accompanied by a site-specific flood risk assessment. This assessment considers the potential sources of flooding, the displacement of flood waters and flood mitigation measures. It identifies that the primary source of potential flooding would be from the Nail Bourne Watercourse. The assessment concludes that the most appropriate mitigation measures for the development should involve flood barriers to the doorways, automatic closing airbricks, vaxseal waterproofing to a level of 800mm high on all walls around the building and the installation of a non-return valve on all plumbing works. In addition, it is suggested that future occupiers of the building would sign up to the Environment Agency's Flood Warning service.
 7. On the basis of the evidence before me, I find that the Appellant has demonstrated that the proposed mitigation measures would be appropriate in terms of ensuring the development is resilient to flooding to a degree. However, paragraph 163 of the Framework lists a number of points which should be met in order to allow development in areas at risk of flooding. This includes that within the site, the most vulnerable development is located in areas of lowest flood risk and safe access and escape routes are included where appropriate.
 8. The Council have highlighted that the proposed bedrooms would be located within the functional floodplain in Zone 3b. Although the appeal building is existing and the proposed development would be a change of use only, the sleeping areas would be classed as the more vulnerable part of the development and therefore this would be located within the highest risk zone. In addition, within the mitigation measures, safe access and escape routes have not been fully identified. I note the insertion of the additional windows in the building, however in the absence of specific details on safe escape routes, and taking a precautionary approach, I find that it has not been sufficiently demonstrated that the proposed development would not pose a risk to future occupiers in flood risk terms.
 9. The development would therefore fail to comply with Policies CC4 and CC6 of the Canterbury Local Plan (2017) (Local Plan) and the provisions of the Framework, which seek to protect areas at risk of flooding and ensure that suitable mitigation measures are installed, amongst other things.

Living Conditions

10. The building would provide an open plan living and kitchen area, two bedrooms and a bathroom. The building is set adjacent to an access roadway and is set to the back edge of the footpath. It adjoins a two-storey property and further dwellings are located to the rear of the building. There would be no private amenity space provided for the property.
11. The Appellant states that there are many flat conversions that do not have any private amenity space, however I have not been presented with any examples of these or the circumstances behind them. I note that some properties in general have very little amenity space however I do not find this to be a positive aspect.

12. I note the presence of public open space within proximity to the appeal site and whilst this would provide opportunity for outdoor activities and fresh air, it would not provide any privacy and could not be used for domestic activities such as drying washing. The presence of the nearby park therefore fails to mitigate the absence of any private outdoor space for the future occupiers of the development.
13. Consequently, the proposal would not provide suitable living conditions for future occupiers and would therefore be contrary to Policy DBE4 of the Local Plan which requires new housing to provide suitable outdoor space for private and/or communal use, amongst other things.

Other Matters

14. The appeal site is located within the Bridge Conservation Area and is adjacent to a Grade II Listed Building, No 61 High Street. The development involves external alterations including replacement windows and doors and the insertion of new windows. The surrounding area is mixed in character with some residential properties and some commercial present. Designs and scales are mixed. The external alterations would not be out of keeping with the nearby terrace of residential properties and would therefore preserve the character or appearance of the Conservation Area and would not harm the setting of the nearby Listed Building.
15. Local objections have been received concerning, in addition to the above matters, the loss of a local business, lack of parking and lack of bin storage. However, given my findings in relation to the above main issues it is not necessary for me to conclude on these matters.

Conclusion

16. For the reasons given above, and having regard to all matters raised including the local letter of support, I conclude that the appeal should be dismissed.

R Norman

INSPECTOR