

Appeal Decision

Site visit made on 9 July 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/H3320/W/19/3225821

Inverell, 9 Blenheim Road, Minehead TA24 5PZ

- 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 Piers Wrangham against the decision of West Somerset Council.
 - The application Ref 3/21/18/085, dated 19 November 2018, was refused by notice dated 28 January 2019.
 - The development proposed is to change the use of the existing basement office into a 1no bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be safe from flooding for its lifetime; and,
 - whether the proposed development would provide adequate living conditions for future occupants, with particular regard to light.

Reasons

Flood risk

3. The Planning Practice Guidance (PPG) identifies basement dwellings to be highly vulnerable to flood risk. The appeal site is within Flood Zone 2, which is defined by the PPG as having medium probability of flooding. Policy CC2 of the West Somerset Local Plan to 2032 (adopted 2016) (WSLP) advises that this type of development in this location must be designed to mitigate any adverse flooding impact pursuant to the Exception Test, which is set out within paragraph 160 of the National Planning Policy Framework (the Framework). The Exception Test, amongst other things, requires the proposal to be safe from flooding for its lifetime.
4. Maps which show the location of various flood defences within Minehead have been provided within the appellant's Flood Risk Assessment (FRA). However, no direct relationship between existing defences and the appeal site has been established, and the Environment Agency flood map clearly identifies it to be outside of any defended area.
5. The Blenheim Road terrace is elevated above the highway and there is no evidence before me to show why the appeal site was modelled within Flood

Zone 2, nor details of any previous flood event. However, it is not disputed that the Minehead Flood Mapping Study Update Model indicates that the flood level at this location for the 1 in 100-year event plus 25%, taking into account Climate Change, would be 12.54 metres Above Ordnance Datum (AOD).

6. Without a topographic survey, the site's AOD is unidentified, and the FRA, which incorrectly classifies the vulnerability level of the basement flat, does not accurately ascertain the depth or velocity of flooding that would occur. I cannot therefore establish the actual flood risk at the site, nor that the development would have safe access or a safe refuge from a flood event. It is consequently not possible to conclude that the flood resilience measures identified within the FRA would be successful. I note that the parties agree that surface water can be adequately dealt with without causing flood risk elsewhere. However, this does not establish that the site is safe from existing flood risk.
7. As such, it has not been demonstrated that the proposed development would be safe from flooding for its lifetime. I conclude on this basis that the proposal would conflict with Policy CC2 of the WSLP and the Framework insofar as they seek to prevent inappropriate development in areas at risk of flooding pursuant to the Exceptions Test. As there is no evidence that the proposal would have an adverse effect on water management, I find no conflict with Policy CC4 of the WSLP.

Living conditions

8. The basement flat would have three windows providing a single aspect immediately towards a retaining wall. Two of the windows would serve secondary spaces, such as the bathroom, with the other window to the living room. The bedroom would have no direct access to a window, reliant instead on natural light via open doors connecting to adjacent rooms.
9. Although I appreciate that the appellant has endeavoured to provide windows where possible, there remains a requirement for the standard of the living accommodation to be acceptable regardless of the constraints of the site. Given the limited extent of window openings, combined with the layout of the flat, it is likely that the internal space would be devoid of natural light to an extent which would significantly prejudice the living conditions of future occupants.
10. I therefore conclude on this issue that the proposed development would not provide adequate living conditions for future occupants, with particular regard to light. It would conflict with Policy NH13 of the WSCS and paragraph 127 of the Framework insofar as they require the design of development to achieve a satisfactory standard of amenity for residents.

Other Matters

11. The site is within the Wellington Square Conservation Area (CA). The significance of this part of the CA is defined by its attractive, planned terrace development along Blenheim Road, which has its principal aspect across the public space Blenheim Park. As such, I have a duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
12. As the physical alterations to the already modified rear elevation of 9 Blenheim Road would be modest, discretely located at ground floor level and largely screened by the retaining wall, I am satisfied that the proposal would preserve the character and appearance of the CA.

Conclusion

13. The appellant has identified a number of design benefits of the proposal. However, these would not justify the approval of a home which is not safe from flooding nor of an adequate living standard. I therefore find that the proposal would conflict with the Development Plan when read as a whole. There are no other matters, including the Framework, that outweigh this conflict.
14. For the reasons outlined above, and taking into account all matters raised, the appeal should be dismissed.

Matthew Jones

INSPECTOR