



Appeal Decision

Site visit made on 15 October 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

appointed by the Secretary of State

Decision date: 19th November 2019

Appeal Ref: APP/C1435/W/19/3234223

204 Coast Road, Pevensey Bay BN24 6NR

- 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 Graham Head against the decision of Wealden District Council.
 - The application Ref WD/2018/2204/F, dated 15 October 2018, was refused by notice dated 18 February 2019.
 - The development proposed is the use of annex as a one-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues in the appeal are:
 - whether the proposal is acceptable having regard to the probability of flooding;
 - the impact of the proposed development on the Ashdown Forest and Lewes Downs Special Conservation Areas (SACs) in relation to increased vehicular movements.

Reasons for the Recommendation

Flooding

4. The appeal site is occupied by a single-storey detached dwelling with a single storey annex building located to the front, adjacent to the access track and at a lower ground level. The annex is served by a living room, kitchen, bedroom and bathroom with one car parking space to the front. The appeal site is located in an area with a high probability of flooding (Flood Zone 3a). A Flood Risk Assessment (FRA) was submitted with the application and the Environment Agency (EA) was consulted on the proposal prior to its determination by the Council. The Council have stated that the proposal constitutes a basement dwelling and therefore the vulnerability classification as set out in the Planning Practice Guidance (PPG) would be 'highly vulnerable'. As

the main house is not subterranean, and the annex is currently part of the same unit, it is presently classified as 'more vulnerable'. The change from 'more' to 'highly' is an increase in its vulnerability. The PPG states that highly vulnerable development within Flood Zone 3a should not be permitted.

5. The appellant maintains that the proposal is not a basement dwelling, as it has access directly onto the adjacent track, and therefore would be considered to remain under the 'more vulnerable' classification where it would be subject to an exception test. However the building is set partially within the bank. The building regulation definition provided by the Council states that a basement storey is a storey with a floor which at some point is more than 1,200mm below the highest level of ground adjacent to the outside walls. The floor level at the rear of the building is considerably in excess of this figure. In the absence of any contrary definition, the proposal can be considered for a basement dwelling which, in line with the guidance, should not be permitted within Flood Zone 3a.
6. In addition, I give weight to the fact that if the current functional connection between the annex and the main dwelling, which is located on a higher ground level, is removed it would not be possible for the occupants of the proposed dwelling to seek refuge within the main dwelling should flooding occur and therefore the occupants may not be safe from a flood event.
7. It is noted that the EA have not objected to the proposed development and that the submitted FRA states that the dwelling would be above flood levels in defended flood events, and highlights the use of a window as an escape route. However, as it has been found that residential development in this located should not be permitted, as supported by the PPG, the comments from the EA and the findings of the FRA are only be given minimal weight.
8. Therefore, the proposal would not be acceptable in principle with regard to the probability of flooding and would be contrary to Policy NE4 of the Submission Wealden Local Plan (2019) which seeks to ensure that development will not be permitted where the occupants are at risk from flooding, along with the flood risk objectives within the National Planning Policy Framework.

Special Conservation Area

9. The Council's second reason for refusal relates to the impact on Special Conservation Areas within the District from an increased level of vehicular movements generated by the additional dwelling. However it is unlikely that the number of people using the development would increase from that using the annex and, as it currently has its own car parking space which would remain as part of the proposed development, it is unlikely that there would be an increase in the amount of traffic generated by the site as a whole. It was also noted during the site visit that there are both bus and train services available to the occupiers of and visitors to the dwelling in close proximity to the appeal site. Therefore it is not considered that the proposed change of use would result in an increase in vehicular movements which would impact upon the SACs referred to by the Council.
10. Therefore, the proposed would not have a detrimental impact upon the Ashdown Forest and Lewes Downs SACs and would not be contrary to Policies AF1 and WLP7 of the Submission Wealden Local Plan (2019) which seek to ensure that development not identified within the plan does not adversely

affect the integrity of the SACs within the District and the biodiversity objectives within the National Planning Policy Framework.

Other Considerations

11. It is not considered that the wider economic or social benefits to the community, by the provision of one additional dwelling, or the lack of harm to the SACs, would outweigh the flood risk identified.
12. The Council have included Policies WLP3 and BED1 of the Submission Wealden Local Plan (2019) within their reason for refusal. These relate to development boundaries and design. Although these factors must be taken into consideration when assessing the proposed development, they are not considered to directly relate to the reasons for refusal.

Conclusions and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR