
Appeal Decision

Site visit made on 12 November 2019

by Andrew Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 November 2019

Appeal Ref: APP/P0119/W/19/3234497

115 Beach Road, Severn Beach BS35 4PQ

- 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 Ms Coulbert against the decision of South Gloucestershire Council.
 - The application Ref P19/0868/F, dated 23 January 2019, was refused by notice dated 30 April 2019.
 - The development proposed is conversion of part of the ground floor and erection of a first floor extension to create 1 no. residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are
 - a) whether the site would be a suitable location for the proposed development having regard to the risk of flooding, and
 - b) whether the proposal would provide acceptable living conditions for future residents in terms of the provision of internal living space, private outdoor space and outlook.

Reasons

Flooding

3. The proposal relates to the small rear wing of an existing building. The parties agree that the site is within Flood Zone 3, however they disagree that a sequential test should be applied to the proposal. The National Planning Policy Framework (the Framework) establishes that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding, however at paragraph 164 it states that applications for a change of use should not be subject to a sequential test.
4. There can be no doubt that the ground floor of the proposal would be a change of use, as it would occupy the existing rear wing of the building, without any extension. However, the first-floor accommodation would be provided within an area that is primarily a new addition to the existing building, apart from the area currently occupied by a small first floor store room. Based on the small size of the existing ground floor wing it would appear to be unlikely that a scheme could be brought forward without a first-floor extension.

5. However, the building would be extended vertically, which would not increase its footprint, and more than half of the proposed floor area currently exists. I therefore find it reasonable to take the view that the proposal is in effect a change of use in the context of paragraph 164 of the Framework. On this basis a sequential test need not be applied.
6. However, footnote 50 of the Framework makes it clear that a Flood Risk Assessment (FRA) is still required. The appellant included a FRA in her appeal submissions. The proposal would involve an increase in flood risk as the vulnerability classification would change from less vulnerable to more vulnerable. In such cases the Planning Practice Guidance advises that it will be necessary to demonstrate in the FRA that future users of the development will not be placed in danger from flood hazards throughout its lifetime.
7. The submitted FRA is brief and falls significantly short of the advice on FRAs contained within the Planning Practice Guidance¹. Although it refers to existing strategic flood defences and further improvements currently taking place, it fails to identify the site-specific flood risk by taking into account maps, level surveys and flood datasets, the characteristics of a possible flood event, or to demonstrate how the development will be made safe from flooding. No information has been submitted to consider the potential depth of flooding or how the building could be converted to be more flood resistant or resilient. Without information relating to the characteristics of a possible flood event or the potential depth of flood water it is not possible to evaluate whether the potential for future occupants to seek refuge on the first floor, as set out in the submitted emergency plan, would ensure that they would be away from danger. I am therefore not satisfied that the FRA is credible, fit for purpose or proportionate to the degree of flood risk.
8. No comments have been received from the Environment Agency. I accept that the Lead Local Flood Authority did not object to the proposal, however some of the further details included within their suggested condition should have been included within the FRA.
9. Comments before me in relation to the sequential and exception test do not need to be considered further as I am satisfied that neither test is necessary. Similarly, comments submitted relating to potential fallback scenarios also do not need to be considered further as these are put forward in relation to the need for a sequential test. In a fallback scenario for a change of use a FRA would still be required.
10. In summary, it has not been demonstrated that the site would be a suitable location for the proposed development having regard to the risk of flooding, and would therefore not accord with Policies CS4A, CS5, CS9 and CS34 of the South Gloucestershire Local Plan: Core Strategy adopted 2013 (LP), Policy PSP20 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted 2017 (PSPP) which seek, amongst other things, to direct development to areas of least flood risk and to ensure that submissions demonstrate how flood risk will be managed.

¹ Paragraph 068 Reference ID: 7-068-20140306

Living Conditions

11. The proposal is for a small one bedroom dwelling, which would comprise an open plan living area at the ground floor with a staircase that would lead to a double bedroom and bathroom at first floor level. The proposed dwelling would have a floor area which would fall significantly below the 58 square metres set out in the Technical Housing Standards (THS)². Footnote 46 of the Framework establishes that Council's can develop Policies that make use of the THS, where the need for a space standard can be justified. The Planning Practice Guidance clarifies that Council's should only require an internal space standard by reference in their local plan³.
12. The THS have not been embedded in the local plan for the area. Therefore, I am not satisfied that they should be applied to the proposal. Although I accept that the proposed unit would be small, the submitted plans show that the living area provides space for seating, dining and cooking. The first-floor bedroom is an adequate size and has a functional bathroom. Rooms are well proportioned and dedicated storage is provided on both floors. I am therefore satisfied that the layout and size of the dwelling would secure acceptable living conditions for future residents.
13. In terms of outlook, both floors would feature large window openings facing east. The first floor would also receive natural light through two rooflights. As well as the east facing window, the ground floor would utilise an existing window to provide natural light to the Kitchen area. I appreciate that this would need to be obscurely glazed and fixed shut as the area of land immediately outside this window would be retained for the adjacent business. It would also be possible for users of the adjacent external area to store items or carry out alterations in that area that may further restrict the level of daylight to the proposed dwelling. However, the ground floor would comprise a single living room that would not be overly deep. Almost the entire east facing wall would be glazed. On this basis, even if natural light to the Kitchen window was restricted, I am satisfied that the level of daylight would be acceptable.
14. I accept that the outlook from both floors would primarily be in a single direction to the east. Beyond the rear boundary of the site is a parking area, which serves an area of single storey park homes. As such, the outlook to the east would not be restricted significantly by existing structures. Any future development of the parking area would need to take into account neighbouring development. On this basis I am satisfied that the outlook would be acceptable.
15. A small private area of garden would be provided for the unit, alongside an existing parking space. It would be to the south and east of the proposed dwelling, without significant structures further south or east and would therefore benefit from a good level of daylight and sunlight. However, the area would be small and in part would be narrow. Policy PSP43 of the PSPP suggests that private amenity space for a one bedroom house should meet or exceed 40 square metres. I accept that the Policy states that the figures are a guide, however paragraph 8.66 clarifies that a usable external space should be large enough to accommodate several specific functions. I am not satisfied that the proposed space, taking into account its narrow restricted L-shaped layout, would be sufficient to provide an adequate area of usable private garden as it

² Technical housing standards – nationally described space standard March 2015

³ Paragraph 018 Reference ID: 56-018-20150327

would not be large enough to accommodate the items and functions set out under paragraph 8.66, which are listed as a minimum requirement.

16. The Policy makes no exception for a reduced area of private space on account of nearby areas of public open space. Although open space near to the site would be of benefit to future residents of the dwelling, I am not satisfied that it could be used to justify an area of inadequate private usable garden.
17. In summary, although I have found that the layout of the proposed dwelling and its outlook would be acceptable for future occupiers, I have found that the small external area would not be sufficient to provide an adequate area of usable private garden. The proposal would therefore be contrary to Policies CS1, CS16 of the LP and Policies PSP8 and PSP43 of the PSPP, which together seek to ensure that development proposals are well designed and planned, and provide acceptable living conditions, which include adequate levels of private outdoor space.
18. The Council also referred to Policy CS17 in its second refusal reason. I have not found that the proposal would conflict with this Policy, which relates to providing a mix of housing. Although this Policy refers to adequate outdoor space this is in the context of the subdivision of existing dwellings and the development of gardens. The existing building is in a mixed use and the existing external space is not used as a garden. Similarly, Policy PSP39 of the PSPP, as referred to by the Council in this refusal reason, is not relevant as it relates to the sub-division of existing residential buildings.

Other Matters

19. In support of the proposal the appellant suggests that the proposal would boost the supply of housing, re-use a redundant part of an existing building and that future occupants would benefit the local economy. These matters are however not sufficient to outweigh the level of harm identified.

Conclusion

20. For the reasons above, the appeal should be dismissed.

Andrew Tucker

INSPECTOR