

Appeal Decision

Site visit made on 19 November 2019

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2020

Appeal Ref: APP/W0530/W/19/3227112

37 Cambridge Road, Oakington and Westwick CB24 3BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by C H Neal and Sons against South Cambridgeshire District Council.
 - The application Ref S/3279/18/FL, is dated 7 August 2018.
 - The development proposed is the erection of two dwellings following demolition of existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has stated that an identical planning application¹ has been submitted to the Council. However, they have confirmed that it will not be determined during the appeal process.
3. The appellant submitted amended plans as part of their final comments for the appeal. However, given the late stage they were submitted in the appeal process, it is not clear to what extent interested parties have been able to consider these plans. Therefore, I have determined the appeal on the plans as submitted.

Main Issues

4. The Council's Statement sets out what would have constituted the reasons for refusal had it been in a position to determine the application. On this basis the main issues are:
 - whether the proposal represents an acceptable form of development having regard to its flood zone location and the provisions of local and national planning policy; and
 - the effect of the development on the living conditions of future occupants, with particular reference to room sizes.

¹ S/0438/19/FL

Reasons

Flood zone location

5. The appeal site is a bungalow on Cambridge Road and sits within the development framework of Oakington. The site is within a linear row of existing properties of varying design, ages and types. Outside of the residential curtilages, the area is predominately fields. The appeal proposal seeks to demolish the existing dwelling on the site and erect 2 semi-detached dwellings.
6. The proposal has been accompanied by a Flood Risk Assessment² (FRA). The site lies within Flood Zone 3, as shown by the flood boundaries provided by the Environment Agency (page 5 of the FRA Report). Flood Zone 3 has a high probability of flooding (Planning Practice Guidance (PPG) Table 1: Flood Zones³). The FRA identifies the proposal as being classified as 'more vulnerable', and the PPG states that such development would require sequential and exception tests to be applied.
7. Paragraph 155 of the Framework states 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). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
8. Paragraph 158 of the Framework states that, the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
9. The proposal has not been accompanied by evidence of the sequential or exception tests. Consequently, the proposal would represent development in an area at the highest risk of flooding. The development would be a net gain of one dwelling and would require a sequential test to demonstrate that other alternative sites have been assessed within development frameworks.
10. The appellant has suggested that a pragmatic approach should be taken as the proposal is for the replacement of an existing detached bungalow, with a pair of semi-detached two storey dwellings. However, this would still lead to a net increase on the site. Whilst I note the mitigation outlined by the appellant in the FRA, such as the raised floor levels and the change from a bungalow to houses, the sequential test is a necessary part of the assessment of sites.
11. I note the appellant has suggested that flood water has never entered the property. However, I do not have any substantive evidence to support this claim, therefore, I only afford this limited weight.
12. For the above reasons, the proposal would cause harm to the flood risk of the site and would be contrary to Policy CC/9 of the South Cambridgeshire Local

² Flood risk assessment for proposed redevelopment 37 Cambridge road, Oakington CB24 3BG - Prior Associates (July 2018)

³ PPG Reference ID: 7-065-20140306

Plan (SCLP) (2018). This policy seeks to minimise flood risk and only allow development to be permitted once the necessary tests have been met.

Living conditions

13. The Nationally Described Space Standards, adopted under policy H/12 of the SCLP (2018), set out the required minimum space standards for residential dwellings. Based on the plans submitted, the internal areas of bedrooms 2, 3 and the 'box room', would not meet the minimum standards. As a result, there would be limited space for circulation and storage for the future occupants, which would be harmful to their quality of life.
14. Consequently, the proposed development would result in harm to the living conditions of future residents as it would provide insufficient room sizes. Therefore, it would be contrary to Policy H/12 of the SCLP, which seeks new development to have internal floor areas that meet or exceed the Government's Technical Housing Standards.

Other Matters

15. I note that the appellant has highlighted that there were no objections from statutory consultees. However, this does not necessarily mean that harm does not exist. I have assessed the appeal on its merits and made my own judgement on the evidence that is before me.
16. I also note the appellant has suggested that the proposed development would improve the appearance of the site and would create 2 modern, efficient and sustainable properties. However, this does not outweigh the harm that I have identified above.
17. I acknowledge the issues raised by the appellant in terms of the Council's dealing with the application. However, these are not determinative matters for this appeal.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

D Peppitt

INSPECTOR