
Appeal Decision

Site visit made on 16 March 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2020

Appeal Ref: APP/V3310/W/19/3238110

34 Church Road, East Huntspill, Highbridge, Somerset TA9 3PL

- 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 Mrs Manley against the decision of Sedgemoor District Council.
 - The application Ref: 25/19/00012 DRT, dated 1 July 2019, was refused by notice dated 22 August 2019.
 - The development proposed is to demolish existing shed, and on same foot print proposed single storey building with 2 x 1 Bedsits, with shared access and utility area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, (2) the living conditions of both neighbours and future occupants of the proposed bed-sits, and (3) the potential increased flood risk.

Procedural Matter

3. The Council has confirmed that the policies referred to in the Decision Notice relate to the Local Plan and not the superseded Core Strategy. Furthermore, the Council confirm that Policies D24 and D14 are "superfluous" to this proposal.

Reasons

4. For clarity, I have considered the proposal as being for two self-contained bed-sit dwellings, rather than an annex to the existing house. This is clearly how the Council has considered matters and from the evidence I would agree. I recognise that the units would be for members of the appellant's family, but this does not mean the development would necessarily be annexed to the house at No 34 Church Road.

Character and Appearance

5. Currently, there is a storage building on the site, which is set within a carpark area with garage block opposite. The site is to the rear of 34 Church Road and its neighbouring houses along Church Road, but the access to the carpark is off Harkness Road.

6. The proposal would be to replace this storage building with a pair of bedsits within a single building. The proposed building would be on approximately the same footprint and have the same ridge height as existing, although it would clearly have a different residential use.
7. Presently, the storage building appears as appropriate and typical for its setting, to the side of a small carpark in the village. However, whilst the proposed new building may in some ways be more aesthetically pleasing with better quality materials, it would be a residential bed-sit development which would appear as incongruous in such a location, within a carpark setting. The wider area is more residential, but the site itself is within a carpark and would have no frontage onto a street. Furthermore, in its context I do not find the existing building as having a particularly adverse visual impact.
8. Furthermore, as a form of dwelling, the proposal would not reflect the typical characteristics of the village, which is typified by mainly detached and semi-detached dwellings in spacious plots. In this case, the proposal would appear as a small bungalow with no outdoor space or garden. Therefore, whilst there is some variety in the style of housing within the village, the proposed bed-sits would appear at odds with the character of the area, in a cramped plot. The proposal with its residential use would not be visually compatible with its setting and would not reflect the prevailing character of residential development in the area.
9. My attention has been drawn to recent planning permission for a detached house adjacent to the site (ref: 25/18/00015), but this plot fronts the road and is not directly comparable to this proposed scheme. As such, I have given this matter little weight.
10. In conclusion, although the building would not be larger than existing, the proposed bed-sits would be harmful to the character and appearance of the area. As such, the proposed bed-sits would be contrary to policy D2 of the Sedgemoor Local Plan (2011-2032), which require development to be of a high quality design that responds positively to local characteristics, amongst other things.

Living Conditions – Future Occupiers

11. Occupants of the proposed bed-sits would have the car park (essentially an area of concrete) directly outside of their windows, with a garage block opposite. There is no existing landscaping or much space for any future landscaping to soften the appearance of the setting of the proposed bed-sits. The level of outlook quality for these occupants would be low, especially if there were cars parked immediately adjacent to the front elevation also.
12. The Council also states that the 'Technical housing standards – nationally described space standard' document requires that the two bed-sits should have a combined area of 74sqm, but the bed-sits would only have a combined area of 53.83 sqm. These figures have not been contested by the appellant. In any case, it is clear from the plans that the bed-sits would be very small. Whilst it could be argued that bed-sits are often small, in this case the development would include no outdoor amenity space and poor levels of outlook. Combined, this is a strong indication of poor living conditions for future occupiers.

13. For these reasons, the proposal is contrary to policy D25 of the Sedgemoor Local Plan (2011-2032), which require development to ensure against unacceptable impacts relating to the living conditions of future occupiers.

Living Conditions - Neighbours

14. The proposed bed-sits would be within an area with other dwellings nearby, including No 34 Church Road. However, there would be a sufficient separation distance between the development and existing adjacent houses to avoid any significant direct impacts. Furthermore, the development would be a low-profile building of single storey height and therefore would not significantly overshadow any neighbouring property or result in loss of privacy to any unacceptable degree.
15. There may be some noise and disturbance from the construction phase if built, but this would be a relatively short period of time and so the level of disturbance would be minimal. Furthermore, there is no reason to consider that the level of noise from future occupiers would result in a significant level of disturbance.
16. The proposal would likely result in some additional parking within this car park area. However, there is no substantive evidence before me that any additional parking would not be able to be accommodated within this parking area or in the nearby area to the site. Furthermore, it has not been satisfactorily demonstrated how parking associated with the bed-sits would impinge on the parking provision of anyone else who uses this area, including the owners of the garages opposite.
17. Overall, the proposal would not result in a harmful impact to the living conditions of neighbours to the site. In this regard the proposal is in accordance with policy D25 of the Sedgemoor Local Plan (2011-2032), which seeks to require development to protect residential amenity, such as neighbours to sites, amongst other things.
18. I have not found that the proposal, in relation to living conditions of either future occupiers or neighbours, is particularly relevant to the other Local Plan policies listed in the Council's first reason for refusal.

Flood Risk

19. The site is within the defined Flood Zone 3, which is an area of high flood risk. The Planning Practice Guidance (PPG) states that dwellings, such as the bed-sits proposed, are regarded as being 'more vulnerable' in terms of flood risk than the existing storage building.
20. The proposed development would increase the number of separate residential units on the appeal site (being the two bed-sits). This proposed development would result in the addition of households to be affected by any future flooding and would not fall within minor development as defined by the PPG.
21. Paragraph 163 of the National Planning Policy Framework (the Framework) states that it should be ensured that flood risk is not increased elsewhere, and development should only be considered appropriate in areas at risk of flooding where there is a site-specific Flood Risk Assessment (FRA). The appellant has provided a site-specific FRA, which confirms the site is in Flood Zone 3 and so has a high probability of flooding. The development's surface water would be

- controlled via the existing arrangement or soakaway. There is also some mitigation proposed, such as keeping internal floor levels the same as the existing building.
22. The PPG states that the suitability of sites in Flood Zone 3 should only be considered if there are no reasonably available sites in Flood Zones 1 or 2 (areas of low and medium probability of flooding). This is referred to as the Sequential Test.
23. There is no sequential test submitted, but the Council have accepted that the Sequential Test is passed due to the location of the development within the settlement boundary. Even if this were accepted, the Framework requires an Exception Test to be undertaken if the Sequential Test is passed. To pass this test the development would have to provide wider sustainability benefits to the community that outweigh the flood risk, and the development would need to be safe for its lifetime.
24. In applying this test, firstly there is no substantive evidence before me that the development as proposed would have wider sustainability benefits to the community, other than possibly the provision of new units of accommodation, but this would not outweigh the flood risk or be sufficient to pass the Exception Test in my view.
25. In terms of being safe for the duration of the lifetime of the dwellings, I note that the existing ground level will remain as existing and that electrical sockets would be set at 450mm above floor level, amongst other things. There may also have been some works to help alleviate the local flood risk in the area. However, there is not sufficient detail to satisfy me that the level of flood risk for future occupiers has been taken sufficiently into consideration and that it would be safe for the lifetime of the development in this high risk flood area. Furthermore, there is no clear information regarding a refuge arrangement in the event of a flood, which is particularly important as proposed is a single storey building.
26. The proposal therefore does not sufficiently address the issue of flood risk as part of the development which I regard as greater than a negligible risk. It would not be appropriate to condition further information to address this matter as this is a fundamental issue as to whether planning permission should be granted for the proposal. The proposal is therefore contrary to Policy D1 of the Sedgemoor Local Plan (2011-2032), which relates to flood risk and the application of the Exception Test amongst other things. The proposal also does not accord with the National Planning Policy Framework on this matter.

Other Matters

27. I note that the appellant states the storage buildings are unused and that the proposal would be for family members. Whilst I understand the intentions for the bed-sits to be used initially for the appellant's sons, this does not outweigh the harm I have identified above.
28. As mentioned above at paragraph 4, I have considered this appeal development as a proposal for separate dwellings effectively. The appellant has stated that the building would not be sold separately and would have an ancillary use to No 34 Church Lane. The appellant has raised Local Plan policy D12 (Residential Annexes) in this regard. From this evidence, if I was to

consider the proposal as an annex, I would not regard the bed-sits as compliant with this policy. For example, the development is outside of the curtilage of the main dwelling house and there would be a clear demarcation between No 34's curtilage and the site within the rear carpark. Nonetheless, I have considered the proposal primarily on the basis that the scheme was for self-contained new bed-sit dwellings and found harm due to both the impact to the character and appearance of the area, the living conditions of future occupiers, and also due to flood risk.

Conclusion

29. For the reasons given above, the appeal is dismissed.

S. Rennie

INSPECTOR