
Appeal Decision

Site visit made on 24 June 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2020

Appeal Ref: APP/D2510/W/19/3242678

38 Grosvenor Road, Skegness PE25 2DD

- 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 Chinkalben Joshi against the decision of East Lindsey District Council.
 - The application Ref S/153/00591/19, dated 14 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is Change of Use of existing dwelling to provide a house in multiple occupancy (HMO) and retain loft conversion.
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Decision

1. The appeal is dismissed

Main Issue

2. Whether the proposed development would be acceptable in respect of the risk of flooding having regard to the advice in the National planning Policy Framework (the Framework) and Planning Practice Guidance (PPG).

Reasons

3. There is no dispute between the main parties that the appeal site lies within Flood Zone 3a as defined within the Environment Agency Flood Maps nor is there a dispute in respect of it being in an area identified as risk to all.
4. The PPG on flood risk and coastal change states that the Framework sets strict tests to protect people and property from river and sea flooding and where these tests are not met new development should not be allowed. It is also clear that in both plan making and decision taking it needs to be demonstrated that the development proposed would be safe for its lifetime. In residential proposals this is deemed to be 100 years.
5. In the Framework, paragraph 155 advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The East Lindsey Local Plan Core Strategy (2018) identifies the area of Skegness in which the appeal site is located as an area of restraint in line with paragraph 155.
6. The Framework at paragraph 164 advises that in cases where only minor development or changes of use are proposed it will not normally be necessary to pass the sequential and exceptions tests, nevertheless they should still meet

the requirements of a site specific flood risk assessment, no such assessment has been carried out in this case, the development cannot therefore be shown to meet the requirements of the Framework or to pass the tests set out in paragraph 163.

7. The current authorised use of the property is as a single dwelling and I accept that it is difficult to control how each room within the property might be used, nevertheless, the proposal would be likely to increase both the level of residential occupation and the number of people sleeping on the ground floor. This in my view would represent an increase in risk to the occupants in the event a flooding event occurred, and this goes against the thrust of the government policy which seeks to protect both people and property.
8. The appellant advises that a place of safety would be available for all residents within the property in the event a flooding incident occurred, but that as it may it does not resolve the fundamental issue of increasing the potential for more people being at risk, particularly those sleeping at ground floor level.
9. Consequently, I must conclude the proposal would not meet the requirements of the Framework or policies SP3 and SP18 of the East Lindsey Local Plan Core Strategy (2018) which amongst other things seek to limit development in areas at risk of flooding and avoid ground floor sleeping accommodation.

Other Matters

10. The dormer extension was not an area of dispute between the parties has been already carried out, I have however not issued a split decision in this case as to do so would not be pragmatic.
11. Skegness Town Council also object to the intensification of HMOs in the locality, but this is not an issue before me or one which goes to the heart of the decision.
12. Other permissions at 39 and 23 Grosvenor Road have been referred to by the appellant and while I can see there are some similarities between the appeal scheme and these properties I do not have the full information before me to fully understand the circumstances that pertained at the time those decisions were made in any event I must consider the appeal scheme on its own merits.
13. I appreciate that a License has been granted to use the site as an HMO for 10 people, this though is to meet other legislative requirements and does not overcome the need to obtain a specific planning permission.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Edwin Maund

INSPECTOR