
Appeal Decision

Site visit made on 8 September 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2020

Appeal Ref: APP/Y1110/W/20/3252845

Land and buildings at Pocombe Grange House, Pocombe Bridge, Exeter EX2 9SX

- 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 and Mrs J Tucker of Radmore and Tucker Ltd against the decision of Exeter City Council.
 - The application Ref 18/0580/FUL, dated 11 April 2018, was refused by notice dated 22 November 2019.
 - The development proposed is extensions and alterations to existing accommodation to create 1no. additional dwelling and the construction of 2no. new build dwellings with associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the site represents a suitable location for housing having regard to flood risk;
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect of the proposal upon highway safety.

Reasons

Flood risk

3. Both parties agree that the appeal site is located within Flood Zone 3. For the type of development proposed, Paragraphs 157 and 158 of the National Planning Policy Framework (the Framework) identify that a Sequential Test is necessary to steer new development to locations that are at the lowest risk of flooding. The Planning Practice Guidance (PPG) also states that the suitability of sites in Flood Zone 3 should only be considered where there are no reasonably available sites in Flood Zones 1 or 2. In these instances, the Exception Test may then be applied, if needed, which requires an assessment of the wider sustainability benefits of a proposal and the flood resilience of the proposed development during its lifetime. The Exception Test is carried out only after the Sequential Test is satisfied.

4. Policy CP12 of the Core Strategy (adopted 2012) (Core Strategy) establishes a precautionary approach to flooding and flood risk and seeks to avoid inappropriate development in areas of flood risk. Policy EN4 of the Exeter Local Plan First Review (adopted 2005) (Local Plan) states that permission should not be granted for development at risk of flooding.
5. It has been put to me that in undertaking the Sequential Test, the search area for available sites should be focused around the Pocombe Bridge community. The PPG refers to a pragmatic approach being taken on the availability of alternatives. The Sequential Test in this case should consider the comparative flooding risks of reasonably available candidate sites capable of accommodating housing development of a similar type to the appeal scheme. In this regard, given that any new housing would contribute to wider housing targets, it is more appropriate that any search area should encompass the wider local authority area, as opposed to a more focused search.
6. As part of their housing monitoring, the Council have completed a Strategic Housing Land Availability Assessment (SHLAA). This SHLAA has demonstrated that, within Exeter, there are a number of available sites, which are at a lesser risk of flooding, that are capable of accommodating a development of a similar type to the appeal scheme. From their evidence, the appellant accepts that there are likely to be sites that can accommodate the proposed development within Exeter. From my own review of the evidence, given the modest size of the site, it seems reasonable to assume that there is a good likelihood that such alternative sites do exist. Given this evidence, it has not been demonstrated that the proposal would satisfy the Sequential Test.
7. As identified in the PPG, given the Sequential Test has not been passed, it is not necessary to consider the appeal scheme against the Exception Test. In this regard, I have however noted the proposed detailed flood mitigation measures, the submissions with regards to the overall likelihood of flooding occurring on the site and the wider sustainability benefits of the proposal highlighted by the appellant. However, these factors do not overcome the sequential requirement, established by the Framework and the development plan, that the type of development proposed by the appeal scheme should avoid locations of high flood risk.
8. The appellant has referred me to the recent development of three detached dwellings on what was the former paddock of the appeal site. As with the appeal site, it falls within Flood Zone 3 and, in this instance, the Council considered the Sequential Test to have been met. Reference has also been made to an ombudsman report into the determination of the application, which concluded that the Council's decision was not flawed in relation to flooding issues. Be that as it may, I am required to assess the appeal proposal against the development plan and on its own merits. Therefore, whilst there may be an inconsistent approach taken by the Council in the determination of the appeal scheme and those on the former paddock area, this does not remove the requirement upon me to consider the suitability of the proposal against the sequential test established in the Framework. On this basis, I have therefore given this permission limited weight in my assessment of this issue.
9. I have been referred to a recent appeal decision concerning the need for a sequential approach in relation to the subdivision element of the proposal. I am however, required to consider the totality of the proposed development.

10. For the above reasons, I therefore conclude that the site does not represent a suitable location for housing having regard to flood risk. The proposal would therefore, in this respect, be contrary to Policy CP12 of the Core Strategy and Policy EN4 of the Local Plan and Paragraphs 157 and 158 of the Framework. These policies, amongst other things, seek to avoid inappropriate development in areas at risk of flooding, and direct it towards locations of least flood risk.

Character and appearance

11. The appeal site comprises the property and curtilage of Pocombe Grange House. The dwelling is a relatively large, brick built two-storey dwelling, sitting within a spacious plot. The property has a large open garden on two sides. On the other sides are areas of hardstanding, which serve as parking and turning areas. Within the grounds is a detached outbuilding, also in residential use.
12. The surrounding area is verdant in character, with development being relatively low density, which combines to give the area a semi-rural character. To the north are three modern, detached dwellings. Beyond these are two additional large detached properties. On the opposite side of Alphin Brook, on the western side of Tedburn Road, is a further ribbon of detached properties, of a varied design, but reflecting the overall character of their location.
13. Proposals would involve extensions to the Pocombe Grange House and other external alterations to allow its subdivision into two separate dwellings. A further two, detached dwellings would be erected within the appeal site, both on areas currently used for car parking.
14. The proposed extension to, and the changes to the existing dwelling are relatively minor in nature. Their overall design is in keeping with that of the host property and, whilst the extension would include the provision of a two storey element, this additional bulk and mass would have no significant effect upon the character and appearance of the area.
15. In contrast, the new dwellings would result in the loss of gaps between and around the existing buildings. Whilst there are views of surrounding properties, in particular the recently constructed dwellings on the former paddock area, these existing gaps provide the spatial setting for Pocombe Grange House and the ancillary outbuilding. The development of two detached dwellings would intensify the level of development on the site, introducing additional urban features. These would appear as a cramped form of development, that would be out of keeping, harming the semi-rural character of the area. Furthermore, due to the need to raise the ground floor levels to address the flood risk issue, this would result in an uncomfortable juxtaposition between the proposed and existing buildings, resulting in the creation of disjointed elevations when viewed together. As a result, the proposed new dwellings would appear as a discordant and incongruous form of development.
16. It is recognised that the design and overall height has sought to reflect the buildings on the appeal site, as opposed to those in the wider area. I also note that each dwelling would be provided with their own garden, bin store and parking. Whilst these are benefits of the proposed scheme, they do not outweigh the harm I have found.
17. For the above reasons, I conclude that the proposed development would harm the character and appearance of the area and, in this respect, is contrary to

Objective 9 and Policy CP17 of the Exeter Local Development Framework Core Strategy (2012), Policy DG1 (b, f, g, and h) of the Exeter Local Plan First Review (2005), the Residential Design Guide SPD (2010) and the Framework. These policies, amongst other things, seek to ensure that proposals contribute to the urban design excellence of Exeter.

Highways

18. The Council's Highway Officer objected to the appeal proposal on the basis that, due to obstructions over 600mm, the access would not meet visibility standards. In this regard, reference has been made to a previous consultation response, which raised no highway objections in relation to the development of the three houses on the former paddock. I have not been provided with any traffic information or data with regards to the current level and the speed of traffic travelling along Tedburn Road, or the amount of traffic using the existing access. The previous consultation response, which confirmed that as of 2017, there had been no recorded accidents attributed to vehicles coming in or out of the site access. No evidence has been provided to show that this data has changed, since the occupation of the additional three dwellings.
19. Whilst visibility would appear to be slightly constrained by the presence of the boundary wall, this demands that users pay a greater degree of care and attention whilst positioning vehicles at the junction. I do not consider that the increased use of the junction to serve three additional dwellings would lead to any unacceptable impacts on highway safety. In any event, a suitably worded condition could be added to any planning permission, requiring this boundary wall to be reduced in height to ensure compliance with visibility standards.
20. For the above reasons, I therefore conclude that the proposal would not have a significant effect upon highway safety and, in this regard, complies with Paragraphs 108 and 109 of the Framework. These Paragraphs, amongst other things require proposals to ensure that safe and suitable access to a site can be achieved for all users.

Other Matters

21. It is accepted by both parties that it is not possible for the Council to demonstrate a five year housing land supply at present. Paragraph 11 of the NPPF applies, which states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated.
22. Paragraph 11 of the Framework states that where relevant policies are out of date, permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 of the Framework specifies that an area at risk of flooding is included within such protected areas or assets. As I have already found that the Framework policy relating to flooding in paragraphs 157 and 158 indicates that development should be restricted, such that, notwithstanding the current absence of a Framework compliant supply of housing land, the so-called tilted balance does not apply in this case.
23. The houses would be in an area which has reasonable access to local services and facilities. The development would also involve the partial use of a

previously developed site. However, whilst these are benefits of the scheme, they are not sufficient to outweigh the harm found from the conflict with the development plan.

Conclusion

24. For the above reasons, I therefore conclude that this appeal should be dismissed.

Adrian Hunter

INSPECTOR