



Appeal Decision

Site visit made on 21 December 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2021

Appeal Ref: APP/Z0116/W/20/3256157

8 St. Andrews Road, Avonmouth, Bristol BS11 9EU

- 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 Helen Meek against the decision of Bristol City Council.
 - The application Ref 19/04397/F, dated 15 October 2019, was refused by notice dated 30 April 2020.
 - The development is conversion of 2 storey 4 bedroom house into 2, 2 bedroom flats.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The application was submitted retrospectively and therefore I have considered this appeal on the same basis.

Main Issue

4. The main issue is whether the development provides acceptable living conditions for occupants with regard to flood risk.

Reasons for the Recommendation

5. The appeal site comprises a two-storey property on the corner of St Andrew's Road and St Brendan's Way. The property has been split into two self-contained flats, one at first floor level and one at ground floor level. It lies within an area with a medium probability of flooding (Flood Zone 2).
 6. Paragraph 164 of the National Planning Policy Framework (the NPPF) states that applications for some minor development and changes of use should not be subject to the sequential or exception tests. Paragraph 4.16.7 of the explanatory text to Policy BCS16 of the Core Strategy 2011 (the 'Core Strategy') also recognises this. As the development has resulted in the change of use of the property from a single family dwellinghouse to two flats, paragraph 164 applies and there is no need for either test to be executed.
 7. Nonetheless, paragraph 163 of the NPPF states any development within any area at risk of flooding should be flood resilient and provide safe access and escape routes as part of an agreed emergency plan. Policy BCS16 also requires
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- that development in areas at risk of flooding will be expected to be resilient to flooding through design and layout, and incorporate sensitively design mitigation measures in order to ensure that development remains safe from flooding over its lifetime.
8. With respect to the first floor flat, it is clear that occupants of that flat would be able to stay in place during the time of a severe flood and so would be kept safe. According to the drawings and the submitted flood risk assessment (FRA), occupants of the ground floor flat would have to seek refuge within the mezzanine level of the detached garage at the end of the rear garden. However, I am not convinced that this space would be adequate as the headroom is restricted by the sloping roof and it has no basic domestic facilities, even for a temporary period. Indeed, without sectional drawings, it is not clear if any of the mezzanine level would have a useable headroom. As such I am unable to be confident that occupiers of the ground floor flat would have an effective safe refuge in a flood event.
 9. Furthermore, the site's position in flood zone 2 means that there is between a 1 in 200 and 1 in 1000 annual probability of sea flooding. The flood levels given in the FRA (10.03m AOD) relate to an undefended 1 in 100 year flood event. As such this flood level figure, and the maximum surface water depth figure of 0.9m AGL, are not robust. Reference is also made to flood defences providing protection against a 1 in 200 year flood, but no details of the scope or location of these defences in relation to the site are provided. Hence little weight can be given to them or the suggestion that if such defences were breached in a 1 in 1000 year event, the flood level would be 0.25m AGL.
 10. Residents of the ground floor flat will no doubt receive automated warnings in the event of an impending flood event, and flood boards at the site may also provide some defence. Nonetheless, this does not wholly mitigate for the lack of a safe refuge and an acceptable emergency plan.
 11. While I do acknowledge the lawful previous use of the building, occupants would have been able to take refuge on their first-floor. This is clearly no longer possible for occupants of the current ground-floor flat. Also I consider it highly unlikely that the previous five bedroom dwellinghouse would have accommodated 10 people, and in my view, the current use of the building as two flats would be more likely to house more individuals than before. Therefore it places more people at risk from flooding.
 12. For the above reasons, I conclude that the development does not provide acceptable living conditions for occupants, with regard to flood risk. The development therefore conflicts with Policy BCS16 of the Core Strategy and the NPPF, as stated above.

Other Matters

13. While I note the sustainable location of the appeal site, this does not overcome the concerns which I have set out above regarding flood risk. Also, the fact that other nearby properties are at a similar risk from flooding does not justify allowing the appeal and placing more people in danger.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR