



Appeal Decision

Site visit made on 1 February 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2022

Appeal Ref: APP/E2001/W/21/3282681

69 Colonel's Walk, Goole, East Yorkshire DN14 6HJ

- 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 Kamil Rashinski against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/01322/PLF, dated 28 March 2021, was refused by notice dated 20 August 2021.
 - The development proposed is the sub-division of existing house to form two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. From the information presented and what I observed at my site visit, the change of use including the external alterations have taken place. The reason for refusal on the Council's decision notice refers to the appeal site's location being within a Rapid Inundation Zone. Its statement of case clarifies that the appeal property and garden is within a Breach Region and only a small part of the existing outbuilding is within a Rapid Inundation Zone. I have considered the appeal scheme accordingly.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for the development with reference to its vulnerability to flooding.

Reasons

4. The appeal site is a residential property that lies at the end of a row of two storey terraced dwellings within a predominantly residential area. The development involved the conversion of what was a single dwelling into two dwellings. The external changes to enable this development are an additional door on the front elevation and the subdivision of the rear garden with a 2m fence. An existing gated access from Mount Pleasant Road serves the garden of one dwelling with a gate on the rear boundary serving the garden of the second dwelling.
5. The site is located in flood zone 3, with a high probability of flooding from rivers and/or the sea. It lies within a Breach Region as identified in the Council's Level 2 Strategic Flood Risk Assessment for Goole (the SFRA). These

Regions are defined as areas that would be expected to flood following a breach of defences in a 0.5% AEP¹ plus climate change event.

6. Policy ENV6 of the East Riding Local Plan 2012 – 2029 Strategy Document, adopted 2016 (the ERLPSD) seeks to direct development to areas at the lowest risk of flooding. The policy also sets out measures to proactively manage flood risk including incorporating high levels of flood resistant and resilient design, having a safe access/egress route or a place of safety within a development, and adhering to relevant SFRA recommendations. Policy A4 of the ERLPSD also seeks to avoid areas of highest flood risk for housing development.
7. Paragraph 167 of the National Planning Policy Framework (the Framework) and associated footnote 55 specify that a flood risk assessment is required for developments in flood zone 3, and that development should only be allowed in areas at risk of flooding where, in the light of this assessment, it can be demonstrated that certain criteria are met. These include demonstrating that the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; any residual risk can be safely managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
8. The SFRA sets out expectations for development to mitigate risk of flooding. This includes changes of use where additional residential units would be created. I note the lack of planning history about the property being used as a single dwelling. However, the fact that an application has been submitted for its subdivision to form two dwellings indicates that it was being used as a single dwelling, and as such an additional residential unit has been created. Although the property is existing and the development has not increased the floor area or number of rooms, its use as two dwellings has the potential to increase occupancy levels.
9. An additional residential unit with the potential for more occupants has therefore been created in an area that is at a high risk of flooding. Consequently, although a sequential test is not required, a flood risk assessment is, and the SFRA expectations apply.
10. A Flood Risk Assessment has been prepared to support the development. This sets out a number of mitigation measures. However, no information is provided on flood levels in the area currently or taking account of climate change, or what other flood hazards could arise. Without this understanding of flood risk, it is not possible to confirm if the mitigation measures proposed in the Flood Risk Assessment are sufficient or what other mitigation measures are required to safely manage flood risk and ensure that the development is appropriately flood resistant and resilient. This includes those measures recommended in the SFRA, such as the height of accommodation in relation to the greatest flood depths, the demonstration that a place of safety can be provided and other guidance in the Environment Agency National Flood Risk Standing Advice.
11. The property is in an area which is at high risk of flooding. In line with national and local planning policy, it is important to ensure that the risks are fully considered so that appropriate mitigation is put in place. The information within the Flood Risk Assessment is not sufficient to adequately consider the flood

¹ annual exceedance probability

risks and so I cannot conclude that appropriate mitigation is in place to safely manage the risk of flooding.

12. It has not therefore been demonstrated that the site is an appropriate location for the development with reference to its vulnerability to flooding. Consequently, the development conflicts with Policies ENV6 and A4 of the ERLPSD, the aims of chapter 14 of the Framework and the guidance in the National Flood Risk Standing Advice which have been summarised above. Furthermore, the requirements of the SFRA have not been met.

Conclusion

13. The proposed development would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR