



Appeal Decision

Site visit made on 30 November 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/J2210/D/22/3293445

Billmeir, Molehill Road, Chestfield, CT5 3PA

- 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 M Gillies against the decision of Canterbury City Council.
 - The application Ref 21/02854, dated 24 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is erection of home office and residential annex in garden.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of home office and residential annex in garden at Billmeir, Molehill Road, Chestfield, CT5 3PA in accordance with the terms of the application, Ref 21/02854, dated 24 November 2021, subject to the conditions in the attached schedule.

Preliminary Matter

2. Given the size of the proposed building and the facilities within it, the Council maintains that the proposal should be considered as a new dwelling. However, even if the accommodation provided would allow for independent day-to-day living that does not necessarily mean that the annex would be used separately. The appellant explains that it is intended to be a home office, to provide additional space for family members and possibly a home gym. In any event, the application is expressly for an annex and the appeal should also be dealt with on that basis.

Main Issues

3. These are:-
 - Whether users of the proposed annex would be at risk of flooding having regard to local and national policies; and
 - The effect on the integrity of the Thames, Medway and Swale Estuaries and Thanet Coast and Sandwich Bay Special Protection Areas (SPAs).

Reasons

Flooding

4. The proposal would replace an existing garage and would be sited alongside the house at Billmeir on land within Flood Zones 2 and 3a. A ditch runs along the front boundary of the site. The appellant's flood risk assessment (FRA) of July 2020 refers to risks from the surrounding drainage network following an extreme rainfall event.

5. The National Planning Policy Framework establishes that applications for some minor development should not be subject to the sequential or exception tests. According to footnote 56, this includes householder development. The Planning Practice Guidance (PPG) on *Flood Risk and Coastal Change* indicates that minor development means outbuildings within the curtilage of an existing dwelling. As the annex would be incidental or ancillary to the use of Billmeir, it would fall into this category. The PPG also notes that minor developments are generally unlikely to raise significant flood risk issues.
6. The Framework nevertheless confirms that they should still meet the requirements for site specific flood risk assessments. Furthermore, where development takes place in areas of highest risk, it should be made safe for its lifetime without increasing flood risk elsewhere. To that end, the FRA recommends a number of mitigation measures including setting the ground floor level above the maximum predicted flood level, limiting any sleeping accommodation to the upper floor and including an attenuation basin to provide compensatory flood storage. With these in place, the proposed annex would be sufficiently flood resistant and resilient to the level and nature of the flood risk.
7. The appellant highlights developments at Farley Lodge and Tudor Lodge that have been permitted by the Council without providing flood mitigation. Requiring it in this case would give rise to an apparent inconsistency. However, given the importance attached in national policy to meeting the challenge of flood risk and for the safety of users, it is more important to implement the recommendations made in the detailed FRA. Without them in place the criteria in paragraph 167 of the Framework would not be met.
8. In conclusion, an FRA has been undertaken in accordance with Policy CC4 of the Canterbury District Local Plan. Given that the proposal falls within the definition of “minor infill development” there is no conflict with Policy CC6. Subject to the recommended safety measures being secured, any risks from flooding to users of the annex would be within acceptable limits.

Integrity of the SPAs

9. The site is within the zone of influence of the Thames, Medway and Swale Estuaries and Thanet Coast and Sandwich Bay SPAs. However, there is no evidence that pressure on their special character or ecological importance would occur as a result of the proposed annex. As such, there would be no likely significant effect on the SPAs. Given this finding, there is no need to require mitigation by means of a financial contribution or to undertake an appropriate assessment. There would be no conflict with Local Plan Policies SP6 and LB5 as the integrity of the SPAs would not be adversely affected.

Other Matters

10. The proposed annex would be in a similar location to the dwellings that are the subject of separate appeals (Refs: APP/J2210/W/21/3280630 & 3287695). However, the design of the building is not the same and this proposal has to be considered on an individual basis.
11. The site is within the urban area of Whitstable and the building would fit comfortably into the street scene between Billmeir and Farley Lodge. As an adjunct to the existing dwelling the implications for road traffic would be minimal. Using the annex as a home office would be unlikely to be disruptive

to adjacent properties. Because of its location within a row of buildings, any consequences for privacy and light at neighbouring dwellings would be insignificant. These concerns, and other points raised, do not amount to objections to the proposal.

Conditions

12. In the interests of certainty the plans should be specified. The proposal is for an annex and its use as such should be confirmed. This will address concerns about the future use of the building. The mitigation and resilience measures specified in the FRA should be incorporated to minimise the risks of flooding affecting users of the building.

Conclusion

13. The proposed annex would accord with the development plan and there are no other material considerations to the contrary. For the reasons given the proposal is acceptable and the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos MG/21/11/1, 2 & 3.
- 3) The development hereby permitted shall only be used as an annex for purposes ancillary to, or incidental to, the residential use of the dwelling known as Billmeir and shall not be used as a separate unit of living accommodation.
- 4) The finished floor level of the development hereby permitted shall be a minimum of 16.2m AODN. Any sleeping accommodation shall be at first floor level only.
- 5) No development above foundation level shall take place until details of any internal flood resistance and resilience measures have been submitted to and approved in writing by the local planning authority. The details shall also include confirmation that the occupiers of Billmeir have signed up to the Environment Agency's early flood warning service and a flood warning and evacuation plan for the development hereby permitted. The approved details and measures shall be implemented prior to the first use of the building and thereafter retained.
- 6) The compensatory floodplain storage shall be provided prior to the first use of the development hereby permitted in accordance with the Flood Risk Assessment by Herrington Consulting Limited dated July 2020 and the Technical Note: Addendum to Drainage Strategy dated 14 June 2021.