



Appeal Decision

Site visit made on 22 November 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/D0121/W/22/3298613

287 High Street, Worle, WESTON-SUPER-MARE, Somerset, BS22 6JW

- 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 Sam Brown against the decision of North Somerset Council.
 - The application Ref 21/P/3532/FUL, dated 23 December 2021, was refused by notice dated 23 February 2022.
 - The development proposed is the erection of a semi-detached two storey dwelling with associated works including the demolition of a garage and workshop.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (1) the effect of the development on the character and appearance of the area; and (2) the effect on flood risk.

Reasons

Character

3. The proposal would be for a single additional two-storey dwelling to infill much of the gap between Nos 287 and 285 High Street. This area is currently a parking area with single storey garaging set well back in the plot, serving No 287.
4. This part of High Street does have variety in that there are bungalows and houses, some detached and some semi-detached. However, the street scene is characterised by clear spaces between dwellings (or between sets of semi-detached dwellings), particularly to this northern side of High Street. In some cases, there are smaller buildings in-between, but these are usually well set back from dwellings either side. There are some examples where a space or gap has been largely closed off, but this is not typical of the street scene.
5. In my view, the space between Nos 285 and 287 along with the single storey garaging provides a sense of openness between these dwellings which is characteristic of the street.
6. The proposed dwelling would fill much of this gap over two storeys, with only a very narrow gap remaining between the proposed house and the side of No 285. This closing of most of this gap with a two storey building would be uncharacteristic of the street and out of keeping with its typical built form. As such, the proposed dwelling would appear cramped within the street scene due to it being so close to the side of 285, whilst attached to 287, to the detriment

of the character of the area. The existing garaging is not of any particular visual merit, but they are well set back and not very prominent. The proposed dwelling would be more prominent and its cramped form more harmful to the character of the street than existing.

7. I note that No 285 has been extended in the past over two storeys up to this boundary, but this seems to have been developed many years ago and is established. There still remains a gap also (other than the single storey set back garage) between Nos 285 and 287, which would be largely lost with the proposed development.
8. The cramped nature of the proposed development is also demonstrated with the very small garden area that would be available for the proposed new dwelling, especially as this would serve a three bedroom house. Whilst there are some other small garden areas nearby, the proposed garden for the new dwelling would be smaller than most.
9. The undercroft parking would be an unusual feature in this street, but there is variety in dwelling type and design, which means that this aspect of the proposals would not be harmful to the visual amenities of the area.
10. There are some examples of infill dwellings nearby that have closed off gaps between dwellings, but I do not have full details of the planning permissions for these. Furthermore, the prevailing character of the street scene is for more space between dwellings, even if there are some examples to the contrary.
11. Due to the cramped form of development the proposed design and scale of the proposal would be harmful to the character of the area and street scene, thereby being contrary to policies CS12 and CS28 of the North Somerset Core Strategy and policies DM32 and DM37 of the North Somerset Sites and Policies Plan (Part 1 - Development Management Policies). These policies require that development demonstrates sensitivity to local character and that the siting of the buildings on the new plots and their layout respects the existing street scene, amongst other things.

Flood Risk

12. The site is within the defined Flood Zone 3 on the Environment Agency Flood Maps, which is an area of high flood risk. The Planning Practice Guidance (PPG) states that dwellings are regarded as being 'more vulnerable' of flood risk. The proposal would see a net increase of one additional dwelling on the site. This proposed intensification of the site use by increasing the number of residential units would result in an increase in the number of households to be affected by any future flooding.
13. Firstly, the Flood Risk Assessment dated July 2020 stated that the site benefits from the protection of existing coastal flood defences and that therefore the site is not currently at risk of tidal flooding. However, the site is still within Flood Zone 3 and this document also proposed mitigation such as subscription to the EA flood warning service. In these circumstances I have assessed the proposal on the basis it is in Flood Zone 3 with a flood risk to address.
14. The suitability of sites in Flood Zone 3 should only be considered if there are no reasonably available sites in Flood Zones 1 or 2 (areas of low and medium probability of flooding). This is referred to as the Sequential Test. The purpose of the sequential test is "*to steer new development to areas with the lowest*

risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.” (Paragraph 162). As set out by the PPG, the process starts with trying to avoid development within the flood risk area, rather than mitigating the flood risk for the proposed development. The PPG states that where the sequential and the exception tests have been applied as necessary and not met, development should not be allowed.

15. A Sequential Test has been submitted with the appeal documentation. It considered the District of North Somerset, with the Development Plan allocations, and also contacted local estate agents. As the proposal is for a single dwelling it is understood that strategic sites may not be suitable. However, there did not appear to be a thorough search of sites with planning permission for a single dwelling or possible windfall sites. Council planning website searches could have been beneficial with such a search, for example.
16. Furthermore, the search criteria appeared overly restrictive. It is not clear why it had to be an end of terrace for example, or why the £150,000 cost was used. I note that a three bedroom house in this area usually costs much more. There is also a lack of evidence as regards the responses from the estate agents.
17. Considering the above, it is not possible from the evidence before me to conclude that there are no more suitable alternatives to this site away from high flood risk areas which are reasonably available. The Sequential Test has not been passed and therefore there is no need for me to consider the Exception Test in these circumstances, as set out within the Framework.
18. There is a site-specific Flood Risk Assessment (FRA). Some evidence has been submitted with the appellant’s submission which suggests that a drainage strategy may mean that future occupants would be safe for the lifetime of the dwelling. However, as the sequential test is not past, based on the evidence before me I am not satisfied that the new development could not be located in an area of lesser flood risk or that there are no reasonably available alternative locations which could accommodate a dwelling similar to that proposed. I understand that the proposed house is for family members who want to live close by, but there may be other sites within the area available with a low flood risk. I cannot discount possible nearby sequentially preferable availability from the evidence provided.
19. As such, the proposal does not meet with the requirements of the Framework to avoid, where possible, flood risk to people and property. The proposal is also contrary to policy CS3 of the North Somerset Core Strategy, and policy DM1 of the North Somerset Sites and Policies Plan (Part 1). These policies require that all development must consider its vulnerability to flooding, taking account of all sources of flood risk and the impacts of climate change, and for all development in Flood Zone 3 to comply with the sequential test, as set out in the Framework, amongst other things.

Planning Balance

20. All parties agree that the Council is unable to demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up-to-date according to the Framework. In these circumstances, the tilted balance as described by paragraph 11 should

therefore be applied. Paragraph 11 of the Framework states that where the development plan is out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.

21. There would be benefits to the proposal, such as providing a new dwelling to housing supply in a reasonably accessible area of Worle, where there might be a demand for 3-bedroom houses. The appellant states that it is an efficient use of land on already developed land. I also note that the proposal would be for relatives of the appellant, who would benefit from living close by. There would be economic benefits, from the construction of the dwelling and afterwards through local spending by future occupiers. There could also be improved drainage. The dwelling could be built to a high standard with landscaping which incorporates biodiversity net gain, amongst other potential benefits. However, as the proposal is for a single dwelling only these benefits are limited.
22. Whilst the benefits are considered, the proposal would not accord satisfactorily with the Framework on the passing of the sequential test (paragraph 162), even though the site is in flood zone 3, and the proposal would be harmful to the character and appearance of the street scene, conflicting with the policies of Framework Chapter 12.
23. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

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

Mr S Rennie

INSPECTOR