



Appeal Decision

Site visit made on 16 December 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 DECEMBER 2024

Appeal Ref: APP/D2510/W/24/3346452

Rear of 12 Seaview Road, Skegness, Lincolnshire, PE25 1BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Scott McLean against the decision of East Lindsey District Council.
 - The application Ref is S/153/02276/23.
 - The development proposed is demolition of garage to be replaced by 2 bed apartment over 3 storeys.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Any reference to the Framework in this decision is to the most recent version and its new paragraph numbers.

Main Issues

3. The main issues are i) whether the site is a suitable location for a new dwelling having regard to its risk of flooding; ii) the effect of the development on the character and appearance of the area; and iii) the effect of the development on the living conditions of occupiers of adjoining dwellings with regard to privacy and outlook.

Reasons

Flood risk

4. The site is located in flood zone 3 (high probability) and an area of 'Danger for All' as defined by the Environment Agency flood hazard maps. Policy SP17 of the East Lindsey Local Plan Core Strategy July 2018 (the local plan) defines Skegness as a coastal settlement. Policy SP18 of the local plan restricts new open market housing in coastal settlements to brownfield sites that are causing unacceptable harm, that have been marketed for alternative uses, and where it has been demonstrated the site has no other viable use. Affordable and other forms of specialist housing are also supported provided there is an evidenced local need.
5. The proposal does not relate to affordable housing or brownfield land as defined by Annex 2 of the Framework. The site, despite having been fenced off from the two existing flats, is not causing any unacceptable harm and could continue to be used for ancillary parking, garden and storage. Accordingly, the proposal fails to meet the criteria for new dwellings in coastal flood risk areas.

6. In addition to the above, the Framework states that development should only be allowed in flood zone 3, if it has been demonstrated by a sequential test that there is no other suitable land available on which the development could be located, which would be at lower probability of flooding. Regardless of any mitigation measures that could potentially be incorporated into the development to reduce the risk of flooding to future occupiers of it, the starting point is to direct new development to areas at the lowest risk of flooding, i.e. to flood zone 1 first, and where this is not possible, to flood zone 2. The onus is on the applicant to demonstrate that there are no reasonably available sites on which the development could be located in lower risk flood zones.
7. Where it can be demonstrated that it is not possible for development to be located in an area at lower risk of flooding, the exception test would then have to be applied. To pass the exception test it must be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the risk of flooding, and that the development will be safe for its lifetime without increasing flood risk elsewhere, and where possible reducing flood risk overall.
8. In this case no evidence has been submitted to demonstrate that the sequential test would be passed or that if it was, the exception test would be passed. The development of a single dwelling in this location would not provide any wider sustainability benefits to the community that would outweigh flood risk. The proposal is also not supported by a site-specific flood risk assessment that meets the basic requirements set out in the National Planning Practice Guidance checklist.
9. I therefore conclude that the site is not a suitable location for new residential development having regard to flood risk. The proposal would be contrary to Policies SP3, SP17 and SP18 of the local plan and paragraphs 170-181 of the Framework. These policies seek to steer new residential development away from those areas at the highest risk of flooding, applying a sequential approach to its location.

Character and appearance

10. The site is currently occupied by a single storey, brick and tile built, hipped roof, domestic double garage, which sits behind an area of concrete hardstanding served by a vehicular access from Hoylake Drive. A new two-metre-high solid timber fence separates the site from flats 1 and 2, 12 Sea View Road.
11. The immediate surrounding area is characterised by traditional residential properties of similar age, design and materials, which are laid out in a linear pattern with gardens to the front and rear. Rear extensions and outbuildings are predominantly single storey and sub-ordinate in scale and height to the frontage dwellings.
12. The proposed 3 storey, mono pitch roof dwelling, would be sited close to the rear elevation of 12 Sea View Road and would project beyond its side elevation, closer to Hoylake Drive, making it visually prominent in views across the open corner plot. The dwelling would also be sited very close to 34 Hoylake Drive, with its front balcony projecting forward of the established building line.
13. Due to its scale, siting and proximity to adjacent buildings and boundaries, the dwelling would appear cramped and would harmfully detract from the more spacious pattern of development in the immediate surrounding area.

14. I therefore conclude that the proposal would fail to respect the character and appearance of the area and accordingly it would be contrary to Policy SP10 of the local plan, which seeks amongst other things to ensure new development reflects the layout, scale, massing, height and density of the surrounding area.

Living conditions

15. The dwelling would be sited close to the rear of Nos.12 and 14 Sea View Road, both of which have habitable room windows facing the site. The living accommodation would be located on the first and second floors of the proposed dwelling and would have habitable room windows in its rear elevation, which would directly overlook the rear of No.14 and would have oblique views towards its side elevation windows.
16. Due to its height, proximity, and position directly to the south of the rear elevation of No.12, the proposed dwelling would result in a significant loss of daylight, sunlight and outlook to this property. The proposed dwelling would also result in loss of privacy to No.14 and would appear overbearing when viewed from the windows and garden areas of both Nos. 12 and 14.
17. I therefore conclude that the proposed dwelling would result in unacceptable harm to the living conditions of occupiers of 12 and 14 Sea View Road. Accordingly, it would be contrary to Policy SP10 of the local plan and paragraph 135 of the Framework, which seek to ensure high standards of amenity.

Other Matters

18. I acknowledge that the site comprises an existing building, vehicular access and hardstanding and that it is located close to a wide range of services and facilities that would be easily accessible to future occupiers without the need to rely upon private motor vehicles. However, residential curtilage in built up areas is excluded from the definition of brownfield land, and I see no reason why the site could not continue to provide valuable garden and parking space to occupiers and visitors of the existing flats, particularly given the parking restrictions in the area. Even if the site was brownfield land, this would not outweigh the other concerns raised above.
19. Although the proposal would have no living accommodation at ground floor level, national and local planning policies are very clear that new development should only take place in flood risk areas where no alternative options are available.
20. I am advised that the proposed building would remain in the same ownership as the existing two flats at No.12 and would be let out under the same business. Nevertheless, the proposal would create a new self-contained unit of residential accommodation on a segregated part of the plot and would not be an extension to an existing dwelling.
21. As all new dwellings must meet building regulation standards of insulation and energy efficiency, this is a neutral matter and does not outweigh conflicts with the development plan and national planning policy.

Conclusion

22. The proposal conflicts with the development plan and there are no material considerations that indicate that the appeal should be decided other than in accordance with this. Accordingly, for the reasons given above, the appeal is dismissed.

R Bartlett

INSPECTOR