



Appeal Decision

Site visit made on 11 March 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2025

Appeal Ref: APP/D2510/W/24/3351996

Hatters Hotel, Drummond Road, Skegness, Lincolnshire PE25 3AB

- 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 and Mrs G Allen against the decision of East Lindsey District Council.
 - The application Ref is S/153/00768/23.
 - The development proposed is Proposed New Dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Two sets of plans were submitted by the appellant as part of the planning application submission. The amended plans (date stamped 12 March 2024) show a pitched roof scheme and from the evidence before me, these are the plans against which the Council made its decision. I have therefore determined the appeal on the same basis.
3. I note that annotations on the proposed plans refer to the development as a new apartment. However, the appellant applied for planning permission for a new dwelling, as set out in the banner heading above, and Council assessed the application as such. Accordingly, I have determined the appeal on this basis.
4. The Council's third reason for refusal refers to the flats at 93 Drummond Road, however the Officer's Report and Council's Appeal Statement confirms that their assessment relates to the flats at 193 Drummond Road. I have proceeded to assess the appeal on this basis, and I am satisfied that the parties would not be prejudiced by this.
5. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and corrected on 7 February 2025. I have had regard to the revised Framework as a material consideration in my decision making.

Main Issues

6. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - whether the site is a suitable location for a new dwelling having regard to its risk of flooding; and
 - the effect of the proposed development on the living conditions of the occupants of the flats at 193 Drummond Road and 1 Drake Road, with particular reference to outlook and privacy.

Reasons

Character and appearance

7. The appeal site relates to the south-western corner of a car park serving a hotel building that occupies a prominent location on the corner of Drummond Road and Shardloes Road. The surrounding area is predominately residential in character where properties vary in age, design and scale. However, despite this, there is a general consistency with the use of red brick and render materials and architectural details such as steep gables, overhanging eaves and bay windows. Properties are mainly two-storeys, however there are occasional two-and-a-half to three-storey properties in the vicinity. Houses are typically set back from the highway behind front garden areas and off-street parking, enclosed by a range of boundary treatments and incorporating landscaping.
8. The hotel building on the wider appeal site is formed by various two and three-storey ranges, has rendered walls and a mix of hipped roofs and steep gables with tall chimneys. The hotel is positioned to the rear of the site, anchored against its boundaries, with the remainder of the hotel car park wrapping around its frontage. Despite its large footprint, the design of the hotel with its various heights and roof forms assists in breaking up the massing of the building and its set-back positioning reduces its prominence in the street scene.
9. In contrast, the proposed four-storey dwelling would be sited close to the boundary with Drummond Road. The design proposes a mix of contemporary and traditional design features, including a wrap-around glazed balcony, four-storey tower and a gable fronted dormer window. The proposed materials are not explicitly stated, however, from the annotations on the plans it would appear that the dwelling would be constructed from brick with the four-storey tower faced with cladding which would be an alien material in this context. Whilst the design of the building appears to have taken some reference from the adjacent hotel building, it would not have a residential scale or character. It would also incorporate a combination of design features that, together with the scale of the building, would fail to respond positively to the surrounding residential context. By virtue of its size, massing and positioning of the dwelling in close proximity to its boundaries and adjacent built form, the development would also appear cramped within the site and overtly prominent in the street scene. Taken together, the combination of these issues would therefore result in an incongruous and dominating form of development that would be harmful to the character and appearance of the area.
10. It is noted that there are some instances of development in close proximity to the highway in the immediate area. However, these do not exceed more than three-storeys in height and have a more domestic scale and design which assists in integrating them into the street scene. Furthermore, I acknowledge that the hotel building itself is a large building, however it is set back into the site with the car park to its frontage which assists in anchoring the built form and reducing its prominence in the street scene. Furthermore, where the building is three-storeys, the design incorporates a lower eaves height with rooms in the roof space which reduces the overall massing. I also note that the design of the dwelling was amended during the application in an attempt to address concerns raised by the Council, however this does not overcome the harm I have identified.

11. For the above reasons, I therefore conclude that the proposed development would be harmful to the character and appearance of the surrounding area. Consequently, it would conflict with Policy SP10 of the East Lindsey Local Plan Core Strategy (2018) (ELLP) which, amongst other things, seeks to ensure high quality design where new development reflects the layout, scale, massing, height and density of the surrounding area and maintains and enhances the character of the district's towns, villages and countryside.

Flood risk

12. The appeal site is located in Flood Zone (FZ) 3. Policy SP17 of the ELLP defines Skegness as a coastal settlement and sets out that development within the Coastal Zone will need to demonstrate that it satisfies the Sequential and Exception Test at Annex 2 of the plan. These tests reflect those set out in the Framework and the Planning Practice Guidance (PPG).
13. Policy SP18 of the ELLP restricts new open market housing in coastal settlements to those which satisfy a number of criteria, including that the site is brownfield; it has become disused or empty and is causing unacceptable harm; it has been actively marketed for a community, economic or leisure use for a period of 12 months and shown that the site is not viable for one of these uses. Affordable and other forms of specialist housing are also supported provided there is an evidenced local need. So too are sites that already have planning permission for housing, provided the number of homes does not increase.
14. The proposal does not relate to affordable housing and the site does not already have planning permission for housing. The site forms part of the car park to the existing hotel and therefore qualifies as brownfield land. However, there is no evidence that the site has been actively marketed in accordance with the requirements of SP18 and shown to be unviable for development for community, economic or leisure use. Accordingly, the proposal fails to meet the criteria for new dwellings in coastal flood risk areas.
15. The appellant has stated that the dwelling is required on this site for use by the owners of the adjacent hotel and therefore should be considered as an extension to it rather than as a market dwelling. However, the appellant's description of the development is for a new dwelling and the proposed plans show this would be served by its own access, parking arrangement, and garden area. The red line on the location plan also excludes the hotel. Apart from the covered link, which takes the form of an external canopy rather than internal floor space, the dwelling would have no physical or functional link with the hotel and would be able to operate independently from it, despite its close relationship.
16. However, even if I were to consider this as a manager's dwelling, no justification has been provided to demonstrate how the business currently operates and why the owners need additional accommodation on the site. The appellants suggest that this dwelling would free up rooms within the hotel, allowing these to be let to customers, increasing the viability of the business. However, there is no business case or evidence before me to support this claim. Consequently, there is little evidence before me to justify why an on-site managers dwelling is necessary in this case.
17. In addition to the above, the Framework states that development should only be permitted in FZ3, 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 a 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 FZ1 first, and where this is not possible, to FZ2 and then FZ3. 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.

18. 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 in this case. 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.
19. No evidence has been submitted that demonstrates the appellant has undertaken the sequential test. Therefore, in the absence of any detailed analysis and background information to inform the Sequential Test, I cannot reach a firm conclusion on the reasonable availability of other sites suitable for the development which are located within an area at lower risk of flooding. In addition, insufficient evidence has been submitted that would justify a reduced catchment area for applying the Sequential Test or to demonstrate that the housing needs of the district cannot be provided other than within land at risk of flooding. Accordingly, in the absence of basic evidence, I cannot be satisfied that there are no sequentially preferable sites available in areas of lower flood risk, and, as a result, I find that the sequential test has not been passed.
20. Furthermore, the proposal is also not supported by a site-specific flood risk assessment (FRA) that meets the requirements set out in the PPG. Therefore, the FRA does not adequately assess the flood risks posed by the development. I note that comments from the Environment Agency state flood defences are present in the locality and consider the risk from actual flood depths in the event of a breach or overtopping of the defences. However, the permanence and ongoing maintenance of flood defences cannot be relied upon as they fall outside of the appellant's control. Furthermore, I note the appellant proposes to use flood resilient construction measures to mitigate flooding associated with the site. However, implementation of mitigation measures does not circumvent the need to pass the sequential test in the first instance.
21. Moreover, although the proposed mitigation measures would be considerations in the exception test, the PPG is clear that the Exception Test should only be applied following application of the Sequential Test. As I have found the proposal does not pass the Sequential Test, it matters not whether it would pass the Exception Test, as this alone would not satisfy the requirements of the Framework and PPG.
22. For the reasons given above, I therefore conclude that the site is not a suitable location for a new dwelling having regard to its risk of flooding. The proposal would therefore be contrary to Policies SP17 and SP18 of the ELLP which collectively seek to steer new residential development away from those areas at the highest risk of flooding, applying a sequential approach to its location, as well as only supporting housing in certain circumstances.

Living conditions

23. The dwelling would be sited close to the southern boundary. It would be immediately to the north of the flats at 193 Drummond Road and 1 Drake Road, a two-storey dwelling with a single storey annexe to the rear.
24. The flats at no 193 are located directly adjacent to the common boundary. The development would be sited in close proximity to the boundary and would be three-storeys in height at its closest part, with windows in the south-west facing elevation. However, the flats at no 193 have no windows in their north or eastern elevations and no private amenity space. Consequently, there would be no adverse impact on the outlook or privacy of the occupiers of this building.
25. The proposed dwelling would be sited close to no 1 which has habitable room windows facing the site and a single storey annexe that sits adjacent to the common boundary. Given the positioning and orientation of the proposed dwelling, the closest windows in the south-east and south-west elevations would be sited at an oblique angle to no 1. However, windows in the three-storey range (closest to the hotel) would have a more direct line of site to the rear of no 1 and its private amenity space.
26. Due to its height, proximity and position, the proposed dwelling would have a significant overbearing impact when viewed from the rear windows of no 1 and its rear garden, resulting in an unacceptable loss of outlook. Furthermore, for the same reasons, the development would result in a significant loss of privacy through overlooking, or at the very least a perception of overlooking, which could not be overcome sufficiently by mitigation measures such as the use of obscure glazing.
27. I note that the existing hotel building has a close relationship with no 1, including windows in its rear elevation. However, this does not currently extend across the full rear boundary of no 1, resulting in a less oppressive and intrusive impact. With the proposed development, the resultant impact would be additional built form spanning the length of the common boundary, enclosing the space that currently exists to the side of the hotel adjacent to this boundary. This would introduce an unacceptable relationship that would be detrimental to the living conditions of no 1. Whilst the design of the dwelling was amended during the application in an attempt to address concerns raised by the Council, this has not overcome the harm I have identified.
28. Interested parties have raised concerns relating to the potential impact of the development through loss of light and impact on the privacy of properties further east along Drake Road. However, given the relative positioning of the dwelling to these properties and separation distances there would be no adverse impact on the living conditions of properties to the east.
29. Nevertheless, I therefore conclude that the proposed development would unacceptably harm the living conditions of the occupants of 1 Drake Road, with particular reference to outlook and privacy. Consequently, it would conflict with Policy SP10 of the ELLP which, amongst other things, seeks to ensure that development does not unacceptably harm nearby residential amenity.

Other Matters

30. The appellant has referenced a past planning decision for a three-storey house in the north-west corner of the former car park which the Council refers to as Opal House (ref. S/153/00725/06). However, I have not been provided with any details of this

permission and I am therefore unable to draw any direct comparisons with the scheme before me. Moreover, each case must be dealt with on its own merits.

31. Reference has also been made to permission having been granted in the 1970's for a two-storey extension to the hotel which extended the building towards Drummond Road in the same location as the proposed dwelling. However, I have not been provided with any details of this permission and whether it remains extant. I am therefore unable to determine how similar the two proposals are. Nevertheless, I have assessed this appeal on its own merits.
32. The appellant puts forward that the development would result in improvements to the access which should be regarded as a benefit of the development. However, there is no evidence before me to suggest that there is a pre-existing highway safety issue that this development would address.
33. As all new dwellings must meet building regulation standards of insulation and energy efficiency, this is a neutral matter.

Planning Balance and Conclusion

34. The proposed development would provide one dwelling which would make an effective use of previously developed land that would contribute towards local housing supply. The re-use of brownfield land for housing attracts substantial weight in favour of this development. However, given the scale of the proposal, any social and economic benefits associated with the proposal would be very modest.
35. The appellant suggests the development would deliver economic and tourism benefits by allowing the appellant to move out of the hotel, releasing bedrooms within the hotel for letting. However, the development proposes an independent unit of accommodation and there is no persuasive evidence before me to support this claim. Even if I were to take this view the benefits associated with this would be limited, given the scale of the development.
36. Overall, having regard to all matters raised, given the scale of the development, I consider the benefits associated with the re-development of the site and delivery of one dwelling would be modest and would not outweigh the harm I have identified in respect of the main issues.
37. Therefore, for the reasons given above, the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude the appeal should be dismissed.

H Whitfield

INSPECTOR