
Appeal Decision

Site visit made on 8 September 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/D0121/W/25/3366446

8 Charlton Avenue, Weston super Mare, North Somerset BS23 4HN

- 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 LPMG Property Holdings Ltd against the decision of North Somerset Council.
 - The application Ref is 24/P/2378/FUL.
 - The development proposed is described as 'replace existing detached garage with new dwelling.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed development passes the Sequential Test for flooding;
 - the effect of the proposed development on highway safety having regard to the provision of parking; and
 - whether the proposed development would provide acceptable living conditions for future occupiers having regard to internal living space.

Reasons

Sequential Test

3. The appeal relates to an existing single storey garage and courtyard area located in a predominantly residential area. The site is in Flood Zone 1 of the Environment Agency's Flood Map for Planning which is described in Planning Practice Guidance (PPG) as land having a less than 0.1% annual probability of river or sea flooding.
4. Notwithstanding this, PPG advises that the Environment Agency's Flood Map for Planning does not take account of the possible impacts of climate change and consequent changes in the future probability of flooding. It goes on to say that reference should therefore also be made to the Strategic Flood Risk Assessment when considering location and potential future flood risks to developments and land uses.
5. I am advised that the appeal site falls within Strategic Flood Zone 3a which is land identified at risk of future flooding, according to the Council's Level 1 Strategic Flood Risk Assessment.

6. Paragraph 173 of the Framework confirms that 'a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding'. It goes on to say in paragraph 174 'Within this context the aim 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. The strategic flood risk assessment will provide the basis for applying this test.'
7. Paragraph 175 of the Framework makes exceptions to the application of the sequential test. Relevant to this appeal, these include where a flood risk assessment demonstrates that no built development within the site boundary would be within an area at risk of flooding, now or in the future. In this case, there would be built development within the site boundary, which is located within an area at risk of future flooding, so this exception does not apply.
8. Paragraph 176 of the Framework indicates that applications for some minor development and changes of use should not be subject to the sequential test. Under Footnote 62 of the Framework, this includes householder development, small non-residential extensions (with a footprint of less than 250 sq. m) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park. The proposal does not fall within any of these exceptions.
9. Consequently, the proposal does not meet the exceptions for the application of the sequential test as set out in paragraphs 175 and 176 of the Framework, and a sequential test is thus required.
10. The appellant's Flood Risk Assessment (dated 6 March 2025) (FRA) indicates that the proposed development would be safe and that flood risk would not be increased. Based on an assessment of low or negligible risk from all sources of flooding, the FRA asserts that a sequential test is not required. However, the conclusion fails to sufficiently take account that the site lies within Strategic Flood Zone 3a, which is identified as land at risk of future flooding.
11. Furthermore, a FRA and sequential test serve distinct purposes and should not be conflated. The FRA does not negate the requirement for a sequential test. As a sequential test has not been submitted, I cannot be certain that the site complies with the requirements for locating development in areas with the lowest risk of flooding. Insufficient information has been submitted to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
12. Consequently, the proposed development does not pass the Sequential Test for flooding, conflicting with Policy CS3 of the North Somerset Core Strategy (January 2017) (the CS) and Policy DM1 of the North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (July 2016) (the DMP) which seeks to reduce flood risk and requires development to consider all sources of flood risk and the impact of climate change. The proposal would also be contrary to Section 14 of the Framework.

Parking provision

13. The North Somerset Council Parking Standards Supplementary Planning Document (November 2021) (the SPD) sets a minimum standard of two vehicle parking spaces for a two-bedroom dwelling. The SPD also states that garages will only count toward the car parking standard where they meet the minimum dimensions, which are 3 metres in width and 6 metres in length for a garage space.
14. The appeal scheme provides one parking space within the integral garage of the proposed dwelling. Drawing Number A002 indicates the proposed parking bay measures 2.4 metres in width and 4.8 metres in length. The Council's Officer Report notes the parking bay would be 2.4 metres in width and 5.4 metres in length. Both measurements fall below the required minimum dimensions set out in the SPD. As such, the proposed parking space cannot be counted towards the overall parking provision for the development due to its sub-standard dimensions.
15. Even if one off-site parking space could be secured via a legal agreement – which, in any case is not currently before me - there would still be a shortfall in parking provision as the proposed garage space cannot be counted due to its inadequate size.
16. During my site visit at midday on a weekday, I observed a high level of on-street parking along Charlton Avenue and nearby streets. Given the lack of sufficient parking within the proposed development, it is likely that future occupants would rely on on-street parking, exacerbating existing pressures. This could obstruct visibility, narrow carriageways, and lead to unsafe manoeuvres, thereby compromising highway safety.
17. For the reasons given, the proposed development would have an unacceptable adverse impact on highway safety due to inadequate parking provision and therefore conflicts with Policy CS11 of the CS and Policies DM24, DM28 and DM37 of the DMP insofar as they require development proposals to meet the Council's parking standards and not to prejudice highway safety.

Living conditions

18. Policy DM42 of the DMP requires proposals for new dwellings, where practical and viable, to comply with the Nationally Described Space Standards (NDSS). The minimum floor space required for a two-bedroom two storey house is 79 sq. m.
19. According to the submitted floor plans, the Council advise that the proposed dwelling measures 68 sq. m overall. Consequently, the proposed development falls short of the minimum requirements and would result in a cramped and constrained living environment that falls significantly below the minimum standards required to ensure acceptable living conditions.
20. The appellant contends that the proposed dwelling complies with the NDSS but has not provided conclusive evidence to support this claim. For example, the floor area has not been stated. In the absence of substantive evidence to the contrary, the floor space, based on the submitted plans, indicate the proposed dwelling would not meet the NDSS.
21. For the reasons given, the proposed development would fail to provide acceptable living conditions for future occupiers due to the insufficient internal floor space. As

such, there is conflict with Policies DM32, DM37 and DM42 of the DMP insofar as they require all new dwellings, where practical and viable, to meet the NDSS, and to be of a functional design that does not prejudice the living conditions of its occupiers.

Other Matters

22. The appeal site is within the Great Weston Conservation Area (the CA). Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA.
23. The proposal seeks to replace an existing garage structure with a new dwelling that draws on the design characteristics of the surrounding character and appearance of the area. The Council considers that the proposed development would not harm the significance of the CA. I agree. Therefore, the proposal would preserve the character and appearance of the CA, in accordance with the LBCA.
24. The Council's handling of the case has not factored into my decision, and I have determined the appeal only on the planning merits of the case.

Planning Balance and Conclusion

18. The Council is understood to be unable to demonstrate a five-year supply of deliverable housing sites with only an estimated supply 2.79 years. In this circumstance, paragraph 11 d) ii) of the Framework is engaged and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. Compliance with the development plan in relation to character, appearance, heritage and drainage are expectations for all development that would weigh neither for nor against the proposal and is therefore considered neutral.
26. The proposal fails to pass the Sequential Test for flooding and would result in an unacceptable adverse impact on highway safety due to inadequate parking provision. In addition, the proposed dwelling would not provide acceptable living conditions for future occupiers owing to insufficient internal floor space. Taken together, these shortcomings bring the proposed development into conflict with the development plan when considered as a whole and weigh heavily against the proposal.
27. The identified policies from the CS and the DMP are, in the circumstances of this case, broadly consistent with the Framework in seeking to steer new development to areas with the lowest risk of flooding, prevent unacceptable impacts on highway safety and ensure high standards of amenity for existing and future users. I therefore attach significant weight to the conflict with these policies and to the associated harms.
28. The proposal would deliver one additional house, contributing to the Government's objective of boosting the supply of homes, which is in shortage in the area. It would also make efficient use of previously developed land within an established residential area, supported by existing infrastructure and with good access to local services and facilities. However, given the small scale of the development, the benefits would be modest and carry moderate weight in the planning balance.

29. Consequently, the adverse impacts of the proposal would, in my consideration, significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
30. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan.
31. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR