
Appeal Decision

Site visit made on 16 September 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/D0121/W/25/3364934

2 North Lane, Weston-super-Mare, North Somerset BS23 1QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent to details required by a condition of a planning permission.
 - The appeal is made by Mr M Gauntlett against the decision of North Somerset Council.
 - The application Ref 25/P/0155/AOC sought approval of details pursuant to condition No 10 of a planning permission Ref 24/P/0126/FUL, granted on 20 March 2024.
 - The application was refused by notice dated 20 March 2025.
 - The development proposed is the proposed installation of 2no. ground floor windows on south elevation, a rooflight on rear (East) roof sloping roof plane and a flat rooflight on the flat roof to the East. Retrospective application for the rebuild of property comprising the removal of 2no. existing fire damaged pitched roofs, erection of 1no. replacement pitched roof including an increase in ridge height and 1no. flat roof. Replacement wall on 1st floor rear elevation. Replacement windows and alterations to window sizes on south (side) elevation (4 in total), re-instatement of 1no. door opening and reduction of barge board depth on south (side) elevation. Replacement window on first floor front elevation. Installation of 1no. window on first floor north (side) elevation and 1no. replacement window and alteration to window size of 1no. first floor window on North (side) elevation. Re-rendering of external walls. 2no. rooflights
 - The details for which approval is sought are: *appropriate flood resilience and resistance measures, together with a programme of implementation and a programme of maintenance for the lifetime of the development.*
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council has granted permission for the rebuilding of, and alterations to, the appeal building after it was damaged by fire (reference 24/P/0123/FUL) and the appellant has already sought the deletion of various conditions by appeal (reference APP/D0121/W/24/334697). This appeal relates to an application for the discharge of conditions 3, 4, 5, and 10 of 24/P/0123/FUL.
3. As the Council has only refused the details submitted to discharge condition 10, the main issue is whether the details pertaining to flood resilience and resistance would reduce the risk of surface water flooding.

Reasons

4. The appeal building is a 2 storey, semi-detached, commercial property. It is central to Weston-super-Mare accessible by a narrow passageway. It is surrounded by buildings on all side with little open space in the immediate vicinity.
5. Although the appeal building site is in Flood Zone 1, the information submitted confirms it is also within Strategic Flood Zone 3a, an area identified as having

increased flood risk in the future. It is noted the appeal building is over 100 years old, so it is reasonable to conclude that after the permitted works are completed it would be usable for a considerable period of time after. Therefore, it is reasonable to further secure the longevity of the appeal building by seeking to protect it from future flood risk. As such, the inclusion of condition 10 on the original permission is relevant to the development and is supported by development plan policy.

6. The details submitted by the appellant are limited. They would maintain all existing ground floor doors and windows, install new ground floor windows at a minimum of 1200mm from ground level, and ensure electrics are a minimum height of 0.90m above ground level in the approved extension. Although these measures may provide some flood proofing, they are largely passive and whether they would be appropriate flood resilience or resistance measures has not been substantiated.
7. The limited nature of that proposed is further emphasised by the appellant conceding that additional flood protection could be provided by the installation of demountable flood barriers frames and by the internal wall and floor treatments proposed. Nevertheless, I cannot take these into account as this type of appeal limits considerations to those details submitted at the application stage. Accordingly, the details submitted are not sufficient to constitute adequate flood resilience and resistance measures.
8. Further the appellant has described the programme of implementation as prior to the planning expiring. However, the implementation of the measures would need to be more specific as if works have started on site the planning permission will remain extant and so will not expire. Therefore, this is not controllable in terms of ensuring implementation in a timely manner. The proposed maintenance programme is also somewhat passive with few details as to when or how maintenance would be undertaken.
9. It is acknowledged that the appellant could not find the CIRIA Property Flood Resilience guidance (C790) to support their submission. Although unfortunate, this does not alter the quality of the details submitted to discharge condition 10, which my considerations must be limited too. The appellant has also drawn my attention to various other permissions, but their circumstances are not so similar to alter my findings.
10. Accordingly, the details pertaining to flood resilience and resistance are not sufficient to allow me to conclude that they would reduce the risk of surface water flooding, so are not adequate to discharge condition 10.

Other Matters

11. The appellant considers the Council has not behaved proactively to the extent that they felt it necessary to submit a request under the Freedom of Information Act. Communication at an early stage may have negated the need for this appeal. However, this does not alter the planning merits of the case before me.

Conclusion

12. For the reasons given above the appeal should be dismissed.

RJ Redford

INSPECTOR