

Appeal Decision

Site visit made on 13 December 2016

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th December 2016

Appeal Ref: APP/K3605/D/16/3157539

7 Brooklands Road, Weybridge, Surrey KT13 0RU

- 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 Christopher Taylor against the decision of Elmbridge Borough Council.
 - The application Ref 2016/0002, dated 22 December 2015, was refused by notice dated 31 May 2016.
 - The development proposed is for the erection of a standalone wooden garden shed and decking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I noted on my site visit that the shed and decking were in situ and I have determined the appeal on this basis.

Main Issue

3. The main issue in this case is the effect of the proposal upon flood risk.

Reasons

4. The shed and decking are situated to the end of the garden serving the host dwelling which is an end of terrace house of modern construction. The site falls within Flood Zone 3b (functional flood plain).
5. The Planning Practice Guidance (PPG) highlights that a Flood Risk Assessment (FRA) is required for developments within Flood Zones 2 and 3, which includes minor development. Minor development is defined by the PPG as, amongst other things, householder development such as sheds erected within the curtilage of an existing dwelling.
6. Whilst there is nothing with the PPG to state that a simple FRA for a minor development cannot be completed by someone other than a suitably qualified person, the FRA submitted with the planning application is rudimentary in its scope. The FRA highlights that the highest river level recorded was 15.04m AOD, however this is at odds with the quoted flood level of 13.03m AOD, which I would expect to be at least equal to if not higher due to the need to accommodate for climate change.

7. The FRA states that the shed and decking are erected between 25 – 30cm above the site level, but not above the estimated flood level. Therefore, it is not clear whether the development would be at risk of fluvial flooding due to the apparent inconsistencies highlighted in the preceding paragraph. Further, the FRA does not demonstrate that the proposal would not increase the risks of fluvial flooding elsewhere, either by impeding flow or reducing flood storage capacity, as required by the Council's Flood Risk Supplementary Planning Document (2016) (SPD).
8. The PPG also highlights that plans need to show how efforts have been made to ensure that the development would not be flooded by surface water run-off, although the FRA contains very little information in this respect. Being in an area of high probability of surface water flooding, this also falls against the proposal.
9. Permitted development rights were removed for the erection of outbuildings on the grant of the original planning permission for the erection of the host dwelling, with one of the reasons being to prevent the increased risk of flooding due to impedance of flood flow and reduction of flood storage capacity. Reference is made within the appellant's submissions with regard to a previous grant of planning permission for an outbuilding, although I have been provided with little information on this, and therefore I can only give this limited weight. However, in any event, each case can only be determined on its own merits.
10. I therefore find that it has not been adequately demonstrated that the proposal would not give rise to increased flood risk, in conflict with Policy CS26 of the Elmbridge Core Strategy (2011) which requires development to be located, designed and laid out to ensure that it is safe, the risk from flooding is minimised, whilst not increasing the risk of flooding elsewhere.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR