The Planning Inspectorate

Appeal Decision

Site visit made on 18 January 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 30th January 2017

Appeal Ref: APP/M5450/D/16/3163682
123 Christchurch Avenue, Harrow, HA3 8NS

- 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 Kevin Coffey against the decision of the Council of the London Borough of Harrow.
- The application Ref P/3802/16, dated 8 August 2016, was refused by notice dated 3 October 2016.
- The development proposed is the erection of a single-storey side/front extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and flood risk.

Reasons

Character and Appearance

3. The appeal property is an end of terrace, two-storey dwelling set on a corner, 'wedge-shaped' plot at the acutely angled junction where Kenmore Avenue meets Christchurch Avenue. The plot has a wide frontage onto Christchurch Avenue and tapers significantly to the rear. The proposal is for a single-storey side extension that would measure 4m wide at its maximum, wrapping around the front elevation where it would link to a new porch, and with its side elevation chamfered at its rear corner to follow the splayed line of the plot's side boundary.

4. When seen from the front the extension would appear well proportioned and integrated with the form of the original dwelling, which would remain dominant. It would be well separated from the side boundary at this point and would sit comfortably in the street scene.

5. When viewed from Kenmore Avenue the extension would be more prominent due to its proximity to the boundary in part. However, its single-storey height would ensure that it would not appear overly intrusive above the existing

approximate 2m high close boarded fence which runs along this boundary and which already imposes a fairly strong degree of enclosure to the street scene at this point. Despite this, and some other examples of fairly high boundary enclosures along the back edge of the footpaths in the immediate area, I found there to be a reasonable sense of space around the highway junction. This was due principally to the roads' widths at this intersection and the largely open fronted gardens which face onto them, all of which would be unaffected by the proposal.

6. The chamfered rear corner of the extension would follow a logical design solution to address the constraints of the site towards the rear of the property and would not create an extension that would appear overly complex or incongruous in its form.

7. Overall I am satisfied that there would be no harm to the character or appearance of the area. I can detect no direct conflict with the specific part of the adopted Harrow Residential Design Guide Supplementary Planning Document (December 2010) which deals with front and side extensions, or with its overall purpose for helping to achieve a consistently high standard of design and layout in residential development. Neither do I find conflict with the aims and objectives of Policy CS1 of the Harrow Core Strategy (CS), adopted in 2012, Policy DM1 of the Harrow Development Management Policies Local Plan (DMPLP), adopted in 2013, or with Policies 7.4 and 7.6 of the London Plan (2016), insofar as they all seek to achieve a high standard of design in all development and respect for an area's local character.

Flood Risk

8. The appellant has submitted a Flood Risk Assessment (FRA). This confirms that the site is within Flood Zone 3, which is an area with a high probability of flooding as defined by the national Planning Practice Guidance (PPG). The National Planning Policy Framework (the Framework) states in paragraph 103 that site specific flood risk assessments are required for all new development, including minor development, in Flood Zones 2 and 3. The PPG clarifies that 'minor development' includes householder development such as extensions to dwellings.

9. I accept that the proposed extension would have a relatively small footprint. Nevertheless it would increase the amount of impermeable surface around the dwelling within a location which has a high probability of flooding. Paragraphs 4.3 to 4.5 of the DMPLP highlight the risk associated with flooding in urban areas which typically contain a greater amount of impermeable surfaces. Furthermore, the PPG identifies that the cumulative impact of minor developments can have a significant effect on local flood storage capacity or flows. In these circumstances I find that the development could increase the risk of flooding locally, as well as be at risk of flooding itself.

10. DMPLP Policy DM9 deals with managing flood risk and makes clear that proposals requiring a flood risk assessment must demonstrate that the development will be resistant and resilient to all relevant sources of flooding including surface water. It goes on to list 5 criteria that any development proposal must satisfy including providing a dry means of escape for occupiers

of residential development and finished floors levels of at least 300mm above the modelled 1 in 100 year plus climate change flood level.

11. The appellant's FRA merely states that the finished floor levels within the extension would be the same as the existing dwelling. However, the appeal plans do not show the finished floor levels in relation to Ordnance Datum or the estimated flood levels for the area. I cannot therefore be certain that the finished floor level for the extension would be appropriate or that a dry means of escape would be achieved in the event of a flood, both as specifically required by Policy DM9.

12. I am mindful of the need to ensure that any FRA is proportionate to the scale of the proposed development. However, bearing in mind the high risk of surface water flooding in this particular location, which is acknowledged within the FRA, and the cumulative impact minor development can potentially have, I am unconvinced by the FRA's conclusion that future users of the development would be adequately protected from the dangers of flooding without clear and substantive evidence to support this. Neither am I persuaded that local flood storage capacity would not be detrimentally impacted.

13. Overall, I cannot be certain that the proposed development would have an acceptable effect on flood risk or upon the safety of future occupants. There would be clear conflict with Policy DM9, particularly criteria b and c of part A, as well as with Policy 5.12 of The London Plan, which requires development proposals to comply with the flood risk assessment and management requirements set out in the Framework. In addition, it would not accord with part U of CS Policy CS1, which seeks an overall reduction in flood risk and an increased resilience to flood events.

14. The Council refer to DMPLP Policy DM10 and London Plan Policy 5.13 in their second reason for refusal. These deal with sustainable drainage measures and the officer's report states that such matters would have been addressed by an informative had the planning application been considered to be otherwise acceptable. I do not disagree.

Conclusion

15. For the reasons given I find that the proposed development would not harm the character or appearance of the area. Nevertheless, I am not satisfied that the proposal would have an acceptable effect on flood risk or the safety of future occupants. I appreciate the appellant's desire to provide facilities for his elderly mother but these personal circumstances do not outweigh the harm identified. I understand the appellant's frustration in witnessing other extensions of similar sizes being erected to properties nearby. However, I do not know the precise location of these in relation to the mapped flood zone and neither am I familiar with their planning histories. As such, these other examples do not alter my conclusion overall that the appeal should be dismissed.

John D Allan

INSPECTOR