
Appeal Decision

Site visit made on 31 May 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/G5180/D/17/3172330

1 Montcalm Close, Hayes, Bromley BR2 7LZ

- 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 Pawel Polowiec against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/16/01090/FULL6 was refused by notice dated 14 February 2017.
 - The development proposed is side and rear extension and internal remodelling of an existing dwelling.
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Decision

1. The appeal is dismissed.

Main issue

2. I consider the main issue to be whether the proposal would affect essential maintenance and emergency access to the adjacent culvert of the River Ravensbourne.

Reasons

3. The River Ravensbourne, is a designated 'main river' and under the jurisdiction of the Environment Agency for its land drainage functions. In a letter dated 29 December 2016, the Environment Agency objected to the proposal because it would involve building within one metre of the existing culverted River Ravensbourne watercourse. The Council's decision specifically states this one metre distance in the reason for refusal.
 4. It is unfortunate that the Environment Agency was not aware that the proposed side extension would leave a gap of some 1.084 metres, (hence over one metre), between the proposed side wall and the existing culvert. Even so, in the letter from the Environment Agency, it goes on to state that the Environment Agency are against encroachment within the eight metre bylaw of a watercourse. The reason given is that the permanent retention of a continuous, unobstructed area is an essential requirement for future maintenance and /or improvement works. In these circumstances, I have determined the appeal before me on the basis of whether the proposal would affect essential maintenance and emergency access to the adjacent culvert of the River Ravensbourne, irrespective of the fact that the gap would be over one metre.
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5. I realise that there is existing development within eight metres of the culvert. However, this is not a good reason to exacerbate the extent of development in the area required for access by the Environment Agency. I note that the proposed foundation design would have little, if any, impact on the culvert, but the position of the proposed side extension would not allow for adequate access and maintenance of the culvert. In my opinion, due to the position of the proposed side extension, it would adversely affect essential maintenance and emergency access to the adjacent culvert of the River Ravensbourne.
6. In reaching my conclusion, I have had regard to all matters raised. For the above reasons, I conclude that the proposal would adversely affect the ability of the Environment Agency to affect essential maintenance and emergency access to the adjacent culvert of the River Ravensbourne. Thus, the proposal would be contrary to Policy 5.12 in The London Plan (2016), where it seeks to minimise flood risk.
7. As the siting of the proposed side extension would create a layout that would further restrict access for the Environment Agency, I consider that the proposal would be contrary to Policy BE1 in the London Borough of Bromley Unitary Development Plan (UDP) (2006) where it seeks a high standard of design and layout. As this policy precedes the National Planning Policy Framework, it is necessary for me to determine whether this policy is in accordance with the Framework. I consider that this policy is broadly in accordance with the Framework as far as it meets the Framework's core principles; particularly that planning should be seeking to secure high quality design.

J L Cheesley

INSPECTOR