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## Appeal Decisions

Site visit made on 25 April 2017

**by Clive Sproule BSc MSc MSc MRTPI MEnvSci CEnv**

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

**Decision date: 24.07.2017**

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**Appeal A Ref: APP/R5510/W/16/3164947**  
**14 Moorfield Road, Uxbridge UB8 3SL**

- 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 Amrik Singh against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 69313/APP/2016/1283, dated 1 April 2016, was refused by notice dated 4 November 2016.
  - The development proposed is conversion of existing building into two self-contained dwellings.
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**Appeal B Ref: APP/R5510/W/16/3164948**  
**14 Moorfield Road, Uxbridge UB8 3SL**

- 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 Amrik Singh against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 69313/APP/2016/2731, dated 14 July 2016, was refused by notice dated 22 November 2016.
  - The development proposed is first floor rear extension and ground floor rear extension.
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### Decisions

**Appeal A - Ref: APP/R5510/W/16/3164947**

1. The appeal is allowed and planning permission is granted for conversion of existing building into two self-contained dwellings at 14 Moorfield Road, Uxbridge UB8 3SL in accordance with the terms of the application, Ref 69313/APP/2016/1283, dated 1 April 2016, subject to the conditions in the attached schedule.

**Appeal B - Ref: APP/R5510/W/16/3164948**

2. The appeal is allowed and planning permission is granted for first floor rear extension and ground floor rear extension at 14 Moorfield Road, Uxbridge UB8 3SL in accordance with the terms of the application, Ref 69313/APP/2016/2731, dated 14 July 2016, subject to the conditions in the attached schedule.

## Application for costs

3. An application for costs was made by Mr Amrik Singh against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

## Main Issues

4. Within the context of the Council's reasons for refusal and the evidence in these cases, the main issues are considered to be as follows. For Appeal A the main issues are the effect of the development proposed on: a) flood risk; and, b) highway safety. For Appeal B the main issues are the effect of the development proposed on: a) flood risk; and, b) the living conditions of the occupiers of 12 Moorfield Road in relation to visual impact.

## Reasons

### *Flood risk*

5. Development plan policy includes the Hillingdon Local Plan ('LP'): Part 1 – Strategic Policies (Adopted November 2012) Policy EM6, which requires all new development to be directed away from Flood Zones 2 and 3 in accordance with the principles in the National Planning Policy Framework ('the Framework').
6. Part 2 of the LP has within it saved policies from the London Borough of Hillingdon Unitary Development Plan (1998) ('UDP'). These include LP Saved UDP Policy OE7 which is not permissive of new development, or intensification of existing development, unless the developer is prepared to implement flood protection measures to an appropriate standard as part of the proposal. Also, LP Saved UDP Policy OE8 is not permissive of new development that would result in an increased flood risk due to additional surface water run-off, unless the proposal includes appropriate attenuation measures.
7. Policy 5.12 of the London Plan requires development proposals to comply with the flood risk and management requirements set out in the Framework and associated guidance.
8. Paragraph 99 of the Framework states that *"...Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere..."*. Footnote 19 of the Framework indicates that technical guidance on flood risk published alongside the Framework sets out how this policy should be implemented. This technical guidance on flood risk now lies within Planning Policy Guidance ('PPG').
9. Framework paragraph 103 then states that *"...When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that..."*, in addition to measures that include flood resilience and resistance, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location.
10. Land levels fall very gently away from Moorfield Road south eastwards toward the back of the appeals site, and beyond this the course of the River Pinn lies

approximately 180m to the south east. The appeals site is at risk of river based (fluvial) flooding, and there is a low risk of surface water (overland flow) flooding. Only one instance of flooding has been recorded, which was in 1988 and it only affected the rear of the appeals site.<sup>1</sup> Even so, the appeals site lies within Flood Zones 2 and 3.<sup>2</sup>

11. PPG states that: the Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow; and, where these tests are not met, national policy is clear that new development should not be allowed.
12. PPG sets out the main steps to be followed when considering development and flood risk, which are to: assess flood risk; avoid flood risk; and, manage and mitigate flood risk.<sup>3</sup> In relation to individual planning applications, PPG states that *"...The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test, or for applications for minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)..."*<sup>4</sup>
13. In regard to flood risk, PPG defines minor development as including householder development in the curtilage of an existing dwelling and physical extensions to the dwelling itself. The Appeal B scheme involves the physical extension of the dwelling and would therefore be a form of minor development.
14. Minor development in relation to flood risk does not include the creation of a separate dwelling through the subdivision of a house.<sup>5</sup> Rather, the appellant highlights the Appeal A scheme to be a 'change of use' that involves the subdivision of an existing dwelling, and the Council has not suggested it to be otherwise.

#### Appeal A

15. The Appeal A scheme would introduce an additional dwelling into an area at risk of flooding, and in that respect would intensify the existing residential use of the appeal site. The Council Officer's report on the proposal notes this locality to be the subject of an Article 4 Direction that removes permitted development rights for the conversion of dwellings into Houses in Multiple Occupation. Full details on the background and reason for the Direction have not been provided.
16. PPG confirms the dwelling house at no.14 to be classified as a 'more vulnerable' form of development.<sup>6</sup> PPG indicates that a change of use may involve an increase in flood risk if the vulnerability classification of the development is changed.<sup>7</sup> Although the Appeal A scheme would increase the number of dwellings on the appeal site, the subdivision change of use would not cause the vulnerability classification to change.<sup>8</sup>

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<sup>1</sup> Paragraphs including 2.2, 3.1 and 4.1 of the Appeal A scheme's Flood Risk Assessment ('FRA')

<sup>2</sup> Confirmed by detailed flood mapping from the Environment Agency provided within Appendix B of the FRA, with potential flood levels referred to within paragraph 2.21 of the Council's Appeal B statement

<sup>3</sup> PPG Reference ID: 7-001-20140306

<sup>4</sup> PPG Reference ID: 7-033-20140306

<sup>5</sup> PPG Reference ID: 7-046-20140306

<sup>6</sup> PPG Reference ID: 7-066-20140306

<sup>7</sup> PPG Reference ID: 7-048-20140306

<sup>8</sup> PPG Reference ID: 7-007-20140306

17. PPG also states that, depending on the risk, mitigation measures may be needed and it is for the applicant to show that the change of use meets the Framework's policy on flood risk.<sup>9</sup> This would include how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.
18. In regard to Framework paragraph 103, the associated Footnote 20 states that a site-specific flood risk assessment ('FRA') is required for all proposals for new development in Flood Zones 2 and 3, including minor development and change of use. The FRA, dated August 2016, accompanying the Appeal A proposal addresses flood mitigation and evacuation measures. Mitigation measures set out within the Appeal A FRA include a number of flood resilience measures incorporated into the building's design, and a system to warn of flooding in the rear gardens to enable flood barriers to be installed on doorways into the dwellings. Although it is suggested that the River Pinn rises rapidly, it has not been shown that it would be likely to do so in a manner that would negate the proposed mitigation measures.
19. The appeal site is on the edge of the flood zone and the FRA clearly addresses both internal refuge and the means of escape in the event of flood. Given the nature of the existing and proposed use and the building, flood mitigation and resilience could be secured and retained through a planning condition.<sup>10</sup> There is no evidence to suggest that the scope of such a planning condition would be unable to secure the most appropriate flood resilience and resistance measures.
20. Nor is it apparent that the proposed subdivision would be likely to cause increased flood risk due to additional surface water run-off for there to be conflict with LP Policy OE8.
21. LP Policy EM6 is a strategic policy that deals with, amongst other things, future site specific allocations. The Council Officer's report states that LP Policy EM6 requires all proposals for new development within Flood Zone 3 to be accompanied by a Flood Risk Assessment that provides evidence of the Sequential Test for such development in accordance with the Framework. The part of LP Policy EM6 that is relevant to this case does not say that.
22. The Sequential Test is referred to in the supporting text to LP Policy EM6, but it is the first part of LP Policy EM6 that is relevant to this matter and its requirement is set out at the beginning of this decision letter. It requires new development to be directed away from Flood Zones 2 and 3 in accordance with the principles of the Framework. Relevant principles include those within Framework paragraphs 99 and 103, which are set out above along with relevant parts of PPG.
23. The proposed change of use does not involve a change to a caravan, camping or chalet site, or to a mobile home or park home site. As such, for the reasons above and contrary to the Council's first reason for refusal, PPG indicates that the Sequential Test (and Exception Test) does not need to be applied in relation to the Appeal A proposal.<sup>11</sup>

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<sup>9</sup> PPG Reference ID: 7-048-20140306

<sup>10</sup> Such an approach was proposed for the Appeal B scheme by the Council Officer's report on that proposal

<sup>11</sup> PPG Reference ID: 7-033-20140306

24. In seeking to address the Council's first reason for refusal in regard to the Sequential Test (and Exception Test), Appendix A to the appellant's appeal statement considers the proposed subdivided dwellings to be affordable homes. However, it has not been explained how they would meet the definition of affordable housing.<sup>12</sup>
25. PPG summarises the main steps in the general planning approach to development and flood risk. It indicates they are designed to ensure that if there are better sites in terms of flood risk, or the proposed development cannot be made safe, it should not be permitted.
26. By creating an additional dwelling, the Appeal A scheme would result in the occupiers of the two resulting dwellings being exposed to flood risk. However, it is not apparent that, given the size of the existing dwelling on the appeal site and the numbers of potential occupiers both now and in the proposed dwellings, the Appeal A scheme would be likely to expose more people to flood risk. Nor would it increase the likelihood of flooding elsewhere.
27. Therefore, in this regard the Appeal A scheme accords with the relevant policies of the Framework and PPG, and complies with LP Policies EM6, OE7 and OE8, and Policy 5.12 of the London Plan.

#### Appeal B

28. The Appeal B scheme includes a ground floor extension to the existing dwelling that the FRA (dated August 2016) notes would increase the building's floor area by approximately 50m<sup>2</sup>. An extension of this scale would be a form of minor development.
29. The Council's first reason for refusal states that the application failed to adequately demonstrate suitable mitigation measures and safeguards could be provided to prevent the increased footprint of the building resulting in a greater risk of flooding to the site and adjoining areas.
30. The Appeal B FRA indicates the proposed ground floor extension would have a finished floor level 29.320m Above Ordnance Datum ('AOD').<sup>13</sup> The Council Officer's report on the application noted the finished ground floor level would be above the 1 in 100 year flood level plus 20% for climate change flood levels. The 1 in 1000 year plus climate change modelled flood level being 29.810m AOD. Therefore the extension, along with the remainder of the existing ground floor, would be vulnerable to flooding.
31. The Council's Statement of Case seeks to add the 220mm climate change allowance within the application's FRA to the 1 in 100 without adequate explanation of why it would be appropriate to do this, rather than to the 1 in 1000 year level in the FRA.<sup>14</sup>
32. Mitigation measures set out within the Appeal B FRA include a number of flood resilience measures incorporated into the building's design, and a system to warn of flooding in the rear garden to enable flood barriers to be installed on doorways into the dwelling.

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<sup>12</sup> Including that within Annex 2 of the Framework

<sup>13</sup> Which is also the finished ground floor level in the Appeal A scheme

<sup>14</sup> Paragraph 2.21 of the Council's Appeal B Statement of Case, and page 8 of the Appeal B FRA (August 2016)

33. The Council's first reason for refusal in relation to Appeal B refers to London Plan Policy 5.13, which states that development should: use sustainable urban drainage systems ('SUDS') unless there are practical reasons for not doing so; and, aim to have greenfield run-off rates. It has not been shown that such requirements are necessary or practical for a domestic extension, of the scale proposed, to a dwelling with existing drainage facilities and the specific circumstances of the proposed extension's location on the appeal site.
34. It has not been shown that the proposed ground floor extension would be likely to cause increased flood risk due to additional surface water run-off for there to be conflict with LP Policy OE8.
35. Increasing the footprint of the building would reduce flood storage capacity in this location. However, it has not been shown that its effect would be significant within the context of the site, the locality and the matters raised within the relevant part of PPG.<sup>15</sup>
36. Indeed, the Council Officer's report on the planning application noted there to be no objection to the proposal from the Council's Floodwater Management Officer, subject to the imposition of a planning condition to address the provision of mitigation measures included within the Appeal B FRA.<sup>16</sup> Also, in coming to a conclusion that differed from its professional officers, the Council has not addressed the potential for the large appeal site to accommodate measures (or levels) to address its concerns.
37. Paragraph 103 of the Framework refers to Footnote 20, which states that a site-specific FRA is required for all proposals for new development in Flood Zones 2 and 3, including minor development and change of use. The FRA, dated August 2016, accompanying the Appeal B proposal addresses flood mitigation and evacuation measures. Mitigation measures set out within the Appeal B FRA include a number of flood resilience measures incorporated into the building's design, and a system to warn of flooding in the rear garden to enable flood barriers to be installed on doorways into the dwelling. While it is suggested that the River Pinn rises rapidly, it has not been shown that it would be likely to do so in a manner that would negate the proposed mitigation measures.
38. The FRA also addresses both internal refuge and the means of escape in the event of flood, which should be straightforward due the appeal site's location on the edge of the flood zone. Given the nature of the existing use and the building that would be extended, flood mitigation and resilience could be secured and retained through a planning condition.<sup>17</sup>
39. Within the context of the matters set out above, convincing evidence has not been provided to support the Council's first reason for refusal. For the reasons set out above, the Appeal B scheme adequately demonstrates that suitable mitigation measures and safeguards could be provided. Also and within the context of the PPG and Framework, the proposed addition to the building footprint would not be sufficient to appreciably increase flood risk elsewhere.

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<sup>15</sup> Reference ID: 7-047-20150415

<sup>16</sup> Report to Central & South Planning Committee – 1 November 2016

<sup>17</sup> As indicated in the Council Officer's report for the Appeal B proposal

40. Therefore, in this regard the Appeal B scheme accords with the relevant policies of the Framework and PPG, and complies with LP Policies EM6, OE7 and OE8, and Policies 5.12 and 5.13 of the London Plan.

*Highway safety - Appeal A*

41. This section of Moorfield Road has predominantly residential development along it, but it lies in close proximity to commercial land uses and Brunel University is in the wider locality.
42. The Appeal A scheme would provide a car parking space for the occupiers of one dwelling and a garage for the other dwelling. The garage is shown to have sufficient width for it to be a functional parking space. Saved UDP Policy AM14 refers to the Council's adopted car parking standards in 'Annex 1', and for houses of the type proposed the adopted car parking standard is a maximum of 2 spaces per dwelling. The Appeal A scheme would be in accordance with the car parking standard for this type of development and therefore, LP Part Two - Saved UDP Policy AM14.
43. The Council Officer's report on the application notes the appeal site to have a Public Transport Accessibility Level ('PTAL') rating of '1b' on a scale of 1 to 6, where 6 represents a high level of accessibility. Such a score would be likely to result in the occupiers of the proposed dwellings being car owners, and it is possible that there would be more than one car per household.
44. The Council and interested parties have referred to Moorfield Road being regularly parked to capacity. However, there is insufficient detail to confirm the nature and timing of this parking activity, the extent to which it is residential parking and whether additional parking controls would be likely to ease pressure on on-street spaces. As a consequence it is not apparent that, if Appeal A were to be allowed subject to a condition to ensure the availability of the garage and parking space, the Appeal A scheme would be likely to result in on-street parking pressures that would be unacceptably harmful to highway safety. As such and in this respect, the Appeal A scheme also complies with the *Hillingdon Design and Accessibility Statement Supplementary Planning Document* (2006) ('the SPD').

*Living conditions - Appeal B*

45. The Council Officer's report on the Appeal B application notes that a petition of objection had been received that raised concerns regarding matters including loss of outlook and that development had already been carried out. The Appeal B scheme does not seek retrospective planning permission, nor had the proposed extensions been constructed when the site visit took place.
46. The *Planning History* section of the Council Officer's report confirms that a first floor rear extension of no.14 was approved in June 2016. The report notes that the planning permission would extend the first floor rearwards by 3.65m, and the Appeal B scheme would add 0.35m to this approved depth.
47. The proposed ground floor extension would be next to an existing single storey element of no.14 (that has a double pitch roof) and projects from the rear elevation of the two storey part of the dwelling. The proposed extensions would result in a single storey, and in part two storey, rearward projection across the full width of no.14. Given the nature, position and design of the

- proposed ground floor extension, it would not be harmful to the living conditions of neighbours.
48. Residential amenity was one of the 'main planning issues' identified in the Council Officer's report. The report noted that the first floor extension would have a hip roof set 1m below the main ridgeline of the dwelling. Such a roof form would significantly reduce the visual impact of the built form when viewed from neighbouring properties.
49. The first floor extension would add to the gable wall next to no.12. However, there is sufficient width between the gable of no.14 and the property boundary with no.12 for a vehicle to be parked, with another 1.1m between the boundary and no.12.<sup>18</sup> In addition, these dwellings have a significant depth of amenity space to the rear, with the Council Officer's Report to Committee noting the rear garden of no.14 to be 44m deep. Its length is comparable to that at no.12.<sup>19</sup>
50. The Council seeks to draw support for its position from appeal decision ref: APP/R5510/A/13/2207780. That appeal considered the effect on living conditions of a proposal that would increase the scale and massing of development next to an existing dwelling. However, it concerned a different site in the Borough.
51. The considerations relevant to this issue concern matters of judgement on which the individual decision maker must come to a view. Each application and appeal is determined on its individual merits within the context of the specific circumstances and planning policies that pertain to it. It is not apparent that the circumstances of the Appeal B scheme and the other case referred to are so alike that appeal ref: APP/R5510/A/13/2207780 might act as a precedent in the determination of Appeal B.
52. Extending the first floor of no.14 as proposed would add to the bulk and massing of the dwelling when viewed from no.12. However, the extended gable on that side of no.14 has windows within it and so is not a 'blank' side wall. The first floor extension would add to the area of the wall, but it would be noticeably subordinate to the main ridge height of the dwelling and its hip roof form, along with the separation distance to no.12, would significantly reduce its visual impact.
53. Within the context of the circumstances that apply to no.12 and its occupiers, the scale of the proposed first floor extension, its position on the building, along with the space between it and the (internal and external) locations at no.12 where it would be seen, confirm that it would be unlikely to be unacceptably visually intrusive or overbearing. Nor is it apparent that it would result in a significant loss of light at no.12, which lies to the south west of no.14.
54. For these reasons, the Appeal B scheme complies with: LP Policy BE19 which seeks new development to complement or improve the amenity and character of a residential area; LP Policy BE21 which is not permissive of new development that through its siting, bulk and proximity would cause significant loss of residential amenity; and, the relevant parts of the SPD.

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<sup>18</sup> The Council Officer's Report to Committee - page 32

<sup>19</sup> Page 27 of the Council Officer's Report to Committee

### *Other matters*

55. The Council has not objected to the proposal in relation to 'Lifetime Homes' requirements and it has not been shown that they apply to appeals that concern proposals in regard to an existing house.
56. It is suggested that the Appeal B scheme would result in the overdevelopment of the site. This is an area with dwellings of differing types and size. The scale of development on the appeal site has increased in recent years. However and as noted above, Appeal B concerns a dwelling on a large site.
57. It is not evident that the appeal scheme would cause the resulting scale of the dwelling at no.14 to depart from the character and appearance of the area, or cause harm to local living conditions. The planning system seeks to prevent harm in relation to such matters, rather than setting a maximum size or number of rooms within a dwelling, or seeking to predict its marketability. It does not seek to control how a party would maintain a wall in close proximity to, or on, a boundary. Nor does the planning system seek to limit the number of planning permissions or development options on a site.
58. Concerns have been raised that the Appeal A and Appeal B schemes would set a precedent for future proposals. Each application and appeal is considered on its own merits within the context of the planning policies and other considerations that are relevant to it. Consequently, if either of these appeals were to be allowed, they would not set a precedent.
59. There would be economic and social benefits from the proposed creation of the two dwellings and modification of the house, and their occupation, through the Appeal A and B schemes.

### **Conclusions**

#### Appeal A - Ref: APP/R5510/W/16/3164947

60. All representations have been taken into account. For the reasons above, the Appeal A scheme would be a sustainable form of development that complies with: LP Policies EM6, AM14, OE7, and OE8; the SPD; and, Policy 5.12 of the London Plan. It also accords with the relevant policies of the Framework and PPG. No other considerations have been found to outweigh the policy compliance and lack of significant harm.
61. A condition shall be imposed to address the timescale for the commencement of development. For the avoidance of doubt and to ensure an appropriate form of development, a condition shall be imposed regarding the approved drawings. In the interests of highway safety, a condition shall be imposed to ensure the continued availability of the vehicle parking. In the interests of providing a sustainable form of development that encourages the use of alternative forms of transport to the private car, a condition shall be imposed for the provision of cycle storage. In the interests of the character and appearance of the site and the locality, a condition shall be imposed in regard to the materials to be used for the external alterations that this decision permits. In the interests of the character and appearance of the site and the locality, and in providing a sustainable form of development, a condition shall be imposed in relation to screened storage for refuse bins.

62. In the interests of protecting the natural environment, and future users of the appeal site, a condition shall be imposed for the provision of a scheme to address flood risk. Due to nature of the matters addressed by the scheme it is necessary for it to be a pre-commencement condition.
63. In the interests of the character and appearance of the development and the living conditions of local residents, a condition shall be imposed for a scheme to provide boundary fencing. As it would include the means of subdividing the plot, it is necessarily a pre-commencement condition.
64. The Council has suggested a condition to address noise transmission between each floor. However, it has not been explained why such a condition would be necessary for the proposed semi-detached block. As such, it would not meet the tests of a condition within Framework paragraph 206 and PPG, and the suggested condition shall not be imposed.<sup>20</sup>
65. A suggested condition would also require a system of sustainable urban drainage. As the Appeal A scheme concerns the subdivision of an existing dwelling, it has not been shown why within the context of the site and its circumstances (and Policy 5.15 of the London Plan) such a condition would be necessary. Therefore, it would not meet the tests of a condition and the suggested condition shall not be imposed.

Appeal B - Ref: APP/R5510/W/16/3164948

66. All representations have been taken into account. For the reasons above, the Appeal B scheme would be a sustainable form of development that complies with: LP Policies EM6, OE7, OE8, BE19 and BE21; (the SPD) and, Policies 5.12 and 5.13 of the London Plan. It also accords with the relevant policies of the Framework and PPG. No other considerations have been found to outweigh the policy compliance and lack of significant harm.
67. A condition shall be imposed to address the timescale for the commencement of development. For the avoidance of doubt and to ensure an appropriate form of development, a condition shall be imposed regarding the approved drawings. In the interests of protecting the character and appearance of the building and locality, a condition shall be imposed to address the materials to be used on the external surfaces of the extensions. In the interests of protecting the natural environment, and future users of the appeal site, a condition shall be imposed for the provision of a scheme to address flood risk, and due to nature of the matters addressed by the scheme it is necessary for it to be a pre-commencement condition.
68. The Council Officer's report recommended a condition to restrict the use of the garage. The Appeal B scheme would enlarge the dwelling by providing an additional (fifth) bedroom, and another room that could be used as a bedroom. Given the level of potential occupancy in the enlarged dwelling, ensuring the continued availability of the vehicle parking on the appeal site would be in the interests of highway safety and for this reason the condition shall be imposed.
69. The Council Officer's report on the proposal recommended that planning permission be granted subject to a condition to control permitted development rights for the provision of additional doors, windows or other openings. PPG is clear that permitted development rights should only be controlled in

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<sup>20</sup> PPG Reference ID: 21a-003-20140306

exceptional circumstances.<sup>21</sup> It has not been explained why the circumstances of this site and location would cause such a condition to be necessary and constitute the exceptional circumstances required to justify it. Accordingly, the suggested condition controlling permitted development rights shall not be imposed.

70. A recommended condition would also require a system of sustainable urban drainage. As the Appeal B scheme concerns the extension of an existing dwelling, it has not been shown why within the context of the site and its circumstances (and Policy 5.15 of the London Plan) such a condition would be necessary. Therefore, it would not meet the tests of a condition and the suggested condition shall not be imposed.

*Clive Sproule*

INSPECTOR

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<sup>21</sup> PPG Reference ID: 21a-017-20140306

**SCHEDULE OF CONDITIONS - APPEAL A - Ref: APP/R5510/W/16/3164947**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drg.No.: M PA 04 Rev. A – Existing Floor Plans & Elevations  
Drg.No.: M PA 05 Rev. B – Proposed Floor Plans & Elevations  
Drg.No.: M PA 06 Rev. A – Location Plan & Site Plan
- 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and thereafter shall be retained as such.
- 4) The garage and parking space for the dwellings hereby permitted shall be kept available at all times for the parking of motor vehicles used by the occupants of the dwellings and their visitors and for no other purpose.
- 5) No development shall take place until a flood risk scheme, that shall include a timetable, to implement the findings of the Flood Risk Assessment Report (Document Number: C1675) prepared by Nimbus Engineering Consultants Ltd, and dated August 2016, for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The flood risk scheme shall be implemented as approved and retained thereafter.
- 6) No development shall take place until a scheme for provision of boundary treatment has been submitted to and approved in writing by the local planning authority. The approved scheme for provision of boundary treatment shall be implemented as approved prior to the first occupation of the dwellings hereby permitted and retained thereafter.
- 7) Prior to the first occupation of the dwellings hereby permitted a scheme for the screened storage of refuse bins shall be submitted to and approved in writing by the local planning authority. The approved scheme for the screened storage of refuse bins shall be implemented as approved prior to the first occupation of the dwellings hereby permitted and retained thereafter.
- 8) Prior to the first occupation of the dwellings hereby permitted a scheme for the provision of covered cycle storage shall be submitted to and approved in writing by the local planning authority. The approved scheme for the provision of covered cycle storage shall be implemented as approved prior to the first occupation of the dwellings hereby permitted and retained thereafter.

**SCHEDULE OF CONDITIONS - APPEAL B - Ref: APP/R5510/W/16/3164948**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Number: PL/ASB/A2AMD2  
Drawing Number: PL/ASB/B2AMD2
- 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and thereafter shall be retained as such.
- 4) The garage and parking space for the extended dwelling hereby permitted shall be kept available at all times for the parking of motor vehicles used by the occupants of the dwelling and their visitors and for no other purpose.
- 5) No development shall take place until a flood risk scheme, that shall include a timetable, to implement the findings of the Flood Risk Assessment Report (Document Number: C1696) prepared by Nimbus Engineering Consultants Ltd, and dated August 2016, for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The flood risk scheme shall be implemented as approved and retained thereafter.