

---

## Appeal Decision

Site visit made on 11 July 2017

**by David Cliff BA Hons MSc MRTPI**

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

**Decision date: 1<sup>st</sup> August 2017**

---

**Appeal Ref: APP/K3605/W/17/3172489**

**Land adjacent to 32a and 34 Station Road, Stoke d'Abernon, Cobham, Surrey KT11 3BN**

- 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 E Mistretta against the decision of Elmbridge Borough Council.
  - The application Ref. 2016/2794, dated 23 August 2016, was refused by notice dated 25 November 2016.
  - The development proposed is detached car barn and driveway gates.
- 

### Decision

1. The appeal is allowed and planning permission is granted for detached car barn and driveway gates at land adjacent to 32a and 34 Station Road, Stoke d'Abernon, Cobham, Surrey KT11 3BN in accordance with the terms of the application Ref. 2016/2794 , dated 23 August 2016, subject to the following conditions:
  - 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 drawings: Location Plan, 13904(S)301, 13904(PL)302 Rev B, 13904(PL)303 Rev A, 13904(PL)304 Rev B, TMC-13036-L Rev A (Tree Survey).
  - 3) The car barn hereby permitted shall remain open fronted in perpetuity.
  - 4) The finished floor level of the car barn shall not exceed that of the adjoining ground level.

### Preliminary Matter

2. At my site visit I noted that a pair of entrance gates are in existence at the site (although they are of a different design to those shown in the application drawings). I have considered the appeal on the basis of the drawings submitted with the application.

### Main Issue

3. The main issues are whether the proposal would be safe from flooding and whether it would increase the risk of flooding at and around the site.

## Reasons

4. The flood risk assessment (FRA) submitted with the application is the same as that submitted for an earlier application in 2014 for the dwelling house that has now been erected on the site. The Council states that the extent of hardstanding has been extended from that originally proposed and considered in the original FRA.
5. The front driveway/hardstanding has already been constructed, presumably in conjunction with the previously approved dwellinghouse and, from the information provided, I understand it to be a permeable surface. However, I note that the driveway/hardstanding as constructed is not the same as that shown on the current appeal drawings. For the avoidance of doubt, I have considered the appeal proposals on the basis of the information provided with the current application. Any additional hard surface constructed beyond that shown on the application drawings would be a separate matter between the Council and the appellant outside of this appeal.
6. The proposed car barn would be open fronted and therefore would not significantly impede the flow of water in the event of a flood. Whilst it is intended for the parking of domestic vehicles it would not be suitable for habitation. If it were not to be built then it is likely that cars would be parked on the driveway and so the net impact on flooding would not be significantly greater.
7. The 2014 FRA provided evidence to demonstrate that, subject to mitigation, the dwellinghouse itself would not result in harm in relation to flooding. The Environment Agency, though not consulted on the current application, did not raise objection on this basis to the original application. The FRA assessment states that the site would not flood in a 1:100 year scenario and that flooding would only occur as an 1:1000 event if the culvert opposite (the Fairmile Ditch) was blocked. In its response to the 2014 application, the Environment Agency confirmed that the dwelling house would not have an impact on flood plain storage.
8. The Planning Practice Guidance 'Flood Risk and Coastal Change' advises that site specific FRAs should be proportionate to the degree of flood risk. Whilst a specific bespoke FRA has not been provided for the appeal proposal, I consider that in this case the original FRA along with the additional information provided by the appellant, including the proposed flood risk alleviation measures are acceptable to assess the degree of risk from flooding.
9. The appellant has proposed that the car barn would remain open fronted as shown in the drawings and that the floor level would not be raised above the adjacent ground level. Such measures could be secured by conditions.
10. On this basis, I do not consider that the car barn or gates would be likely to result in any significant flood risk at the site or an increased flood risk elsewhere. The proposal satisfactorily accords with the flood prevention aims of policy CS26 of the Elmbridge Core Strategy, the Flood Risk Supplementary Planning Document 2016 and the National Planning Policy Framework.

### **Other matters**

11. Given the modest height, bulk and size of the proposed car barn, I do not consider that it would result in any adverse impacts upon either living conditions of any neighbouring property or the character and appearance of the area.
12. Matters raised by interested parties regarding possible breaches of the original planning permission for the dwellinghouse are separate matters outside of this appeal.

### **Conditions**

13. Both the Council and the appellant have provided lists of suggested conditions. I have requested further information from the Council regarding the conditions suggested but no response has been received. I have therefore proceeded on the basis of the information already provided.
14. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions requiring that the car barn shall remain open fronted in perpetuity and to ensure that the floor level is not higher than the surrounding ground level are necessary in order to ensure the proposal does not increase the risk of flooding. I have also attached the standard time limit condition. Whilst a pair of gates has already been erected at the site as noted earlier in this decision, it is not clear that these are the same as those proposed in the application. Moreover, both the Council and the appellant have also suggested this condition.
15. I have not imposed a condition requiring surface water details to be submitted for approval as suggested by the appellant as it is not clear from the evidence before me that this is required in this instance and such a condition has not been suggested by the Council. I have not attached any condition relating to tree protection. The Council has not provided detailed wording of such conditions or a persuasive explanation of why such conditions are required for this development. I also note that the car barn would be located outside of the root protection area of existing trees so the risk to existing trees does not appear to be significant.

### **Conclusion**

16. For the above reasons, and having regard to all other matters, I conclude that the appeal should be allowed.

*David Cliff*

INSPECTOR