
Appeal Decision

Site visit made on 27 August 2019 by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2019

Appeal Ref: APP/T0355/D/19/3230522

20 Fullbrook Close, Maidenhead SL6 8UE

- 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 & Mrs Hall against the decision of the Council of the Royal Borough of Windsor & Maidenhead.
 - The application Ref 19/00275, dated 24 January 2019, was refused by notice dated 29 April 2019.
 - The development is 'proposed rear ground floor extension and first floor alterations to rear elevation and existing roof terrace'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on flood risk in the area.

Reasons for the Recommendation

4. The appeal site is located within Flood Zone 3 (high probability of flooding). There is disagreement between the parties regarding the increase in the total cumulative Ground Covered Area (GCA) that will occur as a result of the proposed development and previous works at the appeal property. The Council have included the conversion of the original garages and rear 'patio' in their calculation whereas the appellant considers these works did not create new GCA and that the only new floor area is that created by the rear extension now proposed.
5. Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) states that within areas liable or subject to flooding, extensions of more than 30m² will not be allowed unless it can be demonstrated that the proposal would not, in itself or cumulatively, impede the flow of floodwater, reduce the capacity of the flood plain to store water or to increase the number of people at risk of flooding.

6. The appellant has provided evidence relating to extensions at Nos 24 and 6. The development and the dwelling at No 6 are different to the proposal before me and so are not directly comparable. However the dwelling at No. 24 appears to be a very similar in terms of its scale and layout to the house at the appeal site. The proposal referred to there¹ involved the conversion of the rear garage and a rear extension. The Officer's report in that case noted that there was no requirement for the existing garage to remain floodable, however the rear extension plus the 'lost recess' (the 'patio' in this appeal) would total 27m², and therefore it complied with policy F1. I find this approach to be an appropriate one to take in the case before me.
7. Though the garage may have been designed to be floodable, the Council accept there is no mechanism to prevent their conversion. The 'patio' area however was, from the evidence before me, an area open to the garden and, although hardsurfaced, would have been able to accommodate floodwater. The Council state this area totals 7.5m², which is not disputed by the appellant, and the parties agree the extension would measure 27m². On this basis, the proposed extension together with the previous conversion of the 'patio' at the appeal property would result in an increase in GCA, or a decrease in floodable area, greater than 30m². It is acknowledged that the total floor area does not include the existing conservatory which would be demolished as part of the proposed development.
8. Policy F1 does allow for extensions greater than 30m² if it can be demonstrated that the proposal would not, in itself or cumulatively, impede the flow of flood water or reduce the capacity of the flood plain to store water. Whilst the appellant has prepared a flood risk assessment, I agree with the Council that it is limited and lack details in terms of predicted flood levels, internal floor levels and any mitigation or compensation measures that might be necessary. I therefore do not have the evidence before me that demonstrates that the proposed development would not increase flood risk.
9. Other examples of previously approved household extensions within Fullbrook Close (at Nos 9, 10, 12 and 15) have been referred to by the appellant. However, I do not have full details of these cases, the factors considered by the Council and, in particular, any measures they may have incorporated to mitigate against potential flood risk. As such I can only give them very minimal weight, and in any case, the appeal has been primarily considered on its own merits.
10. On the basis of the above, it has not demonstrated that the proposal would not increase the risk of flooding in the area. It would therefore conflict with policy F1 of the Local Plan and the Framework.

Other Matters

11. I acknowledge the improvement to the living accommodation the development would provide, but I give this little weight. Also I recognise the lack of harm to neighbouring residents, parking and its design. But these matters do not outweigh the concerns which I have identified above.
12. The comments from both parties have been noted regarding the consideration of draft Policy NR1 in the Borough Local Plan Submission Document (June

¹ Ref 04/01259/FUL

2017), and in particular I note the appellant's comments that there is no size limit for extensions in the draft policy. However the Council have stated that, due to the extent and nature of objections raised to the policy, less weight should be currently afforded it. I agree that in such circumstances limited weight should be given to it, and I give more weight to the proposal's conflict with policy F1 set out above.

Conclusion and Recommendation

13. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR