
Appeal Decision

Site visit made on 6 January 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 16th January 2020

Appeal Ref: APP/H2265/W/19/3236803

14 Forstal Road, Aylesford ME20 7AU

- 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 D Collins against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/19/01353/FL, dated 7 June 2019, was refused by notice dated 25 July 2019.
 - The development proposed is described as, 'retrospective conversion of barn into a dwelling, with single storey side extension'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note that the description of development indicates that the work or change of use has already started, however from my observations during the site visit, the proposed works as indicated in the drawings did not appear to have been carried out. In any event, I have assessed the appeal based on the evidence before me.

Main Issue

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

Reasons

4. The appeal site is located within Flood Zone 3 which has a high probability of flooding and the proposed change of use would result in the vulnerability classification increasing to 'more vulnerable'. As part of the planning application the appellant submitted a Flood Risk Assessment dated May 2019 (FRA) which the Environment Agency (EA) found to be insufficient for a number of reasons. While the proposed finished floor level for the building was not provided, the ground level was significantly below the design flood level which indicated a potential for significant internal flooding. In addition, being a single storey building, the sleeping accommodation is proposed at ground floor, providing greater concerns regarding flooding. Furthermore, there were concerns that the fluvial risk from the Aylesford Stream was not properly considered.
5. As part of the appeal, a revised FRA dated August 2019 was submitted which sought to address these issues. With regard to the floor levels, the proposed finished floor level is proposed to be similar to the existing floor level as well as

the ground level which is still significantly below the design flood level. The proposed finished floor level for non-sleeping and sleeping accommodation also does not meet the EA's recommended minimum levels of 300mm and 600mm respectively, above the estimated flood level. Therefore, while I acknowledge the design constraints posed by the existing building, given the proposed finished floor level and that all accommodation would be at ground level, there would nevertheless be a significant risk of internal flooding.

6. I note that a number of flood resistant and resilience measures including external flood doors as well as a flood evacuation plan and a recommendation that the occupiers sign up to receive flood warnings have been proposed. However, since the revised FRA accepts that floodwater may enter the building, and all accommodation is proposed at ground floor, the proposed resistance and resilience measures would be unlikely to sufficiently mitigate the risks that may result from the development.
7. I note that the Council's Strategic Flood Risk Assessment (SFRA) shows that the site is located within Flood Zone 3a (+35%) River Medway only. However, the Council has confirmed that the SFRA does not model or consider the Aylesford Stream as it is intended as a strategic level assessment to inform the Local Plan evidence base and does not provide accurate site-specific modelling. Therefore, the classification of the site within Flood Zone 3a does not preclude fluvial flood risks from Aylesford Stream. Consequently, while I acknowledge the flood defences in the wider area and historic records of flooding, for the foregoing reasons and from the evidence before me, there has not been a demonstration that the fluvial flood risk posed to the site from the Aylesford Stream has been adequately considered.
8. On this basis there is a reasonable prospect that the proposal would have an adverse effect on flood risk and would conflict with Policy CP10 of the Local Development Framework Core Strategy September 2007 which requires among other things development to be designed and controlled to mitigate the effects of flooding on the site. It would also conflict with paragraph 163 of the National Planning Policy Framework in this particular regard.

Other Matters

9. I acknowledge concerns regarding the service provided by the Council. However, I have assessed the appeal based on its planning merits and this has not altered my overall decision.

Conclusion

10. For the reasons given above the appeal is dismissed.

RSabu

INSPECTOR