
Appeal Decision

Site visit made on 4 February 2020

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2020

Appeal Ref: APP/T0355/D/19/3240841

15 Fairfield Approach, Wraysbury, Staines TW19 5DP

- 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 Sanjeet and Raminder Gill against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 19/01933, dated 15 July 2019, was refused by notice dated 11 October 2019.
 - The development proposed is demolition of existing conservatory and construction of a new single storey side/rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The main parties have not been able to agree on whether the 'existing conservatory' is a lawful development. This is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

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

Reasons

4. The appeal site is occupied by a two-storey house situated within a residential area to the east of the River Thames. The site is therefore designated within Flood Zone 3. Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) (the LP) introduces restraint in relation to new residential development in such areas. This includes extensions to existing dwellings where previous extensions have exceeded 30 square metres, measured cumulatively since 26 September 1978. In such cases, the policy suggests that development will not be permitted, unless it can be demonstrated that proposals would not impede the flow of flood water, or reduce the capacity of the flood plain to store flood water or, increase the number of people or properties at risk from flooding.

5. I note that the proposal is to replace the 'existing conservatory' and that there is a raised floor slab, both currently in situ to the rear of the appeal property. However, as I have alluded to above, it is not my role as part of this appeal to determine whether the 'existing conservatory' is lawful. In any event, the Council suggests that with previous extensions to the appeal proposal, the proposal would exceed threshold referred to above. I note that the appellants do not dispute this point.
6. Paragraphs 163 and 164, and accompanying footnotes 50 and 51, of the National Planning Policy Framework (the Framework) are also relevant as they suggest that applications in Flood Zone 3, including for householder development, should be supported by a site-specific flood-risk assessment (FRA).
7. Although I note that other properties in the vicinity of the site may also have been extended over time, it is the effect on flood risk elsewhere associated with the appeal proposal that is before me. The appeal is not supported by a FRA which addresses this matter, particularly the impact of existing constructions and ground conditions, such as the 'existing conservatory' and the floor slab situated to the rear.
8. The appellants have suggested that they would accept a planning condition that would require the submission of a FRA. However, as a FRA would inform the principle of development, this would not be reasonable as it could lead to development that could not be implemented.
9. In light of the above, I conclude that it has not be satisfactorily demonstrated that the proposed development would not increase the risk of flooding elsewhere. Hence, the proposal would not accord with Policy F1 of the LP and paragraphs 163 and 164 of the Framework.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Thompson

INSPECTOR