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## Appeal Decision

Site visit made on 8 September 2020

**by L Page BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> September 2020**

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**Appeal Ref: APP/T0355/W/20/3251790**

**Datchet Village Pharmacy, The Green, Datchet, Slough SL3 9JH**

- 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 Simon Carter of Datchet Village Pharmacy against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 19/02645, dated 20 September 2019, was refused by notice dated 22 November 2019.
  - The development proposed is the conversion of a first floor office space into No. 3, 1 bedroom apartments including a single storey rear extension and an external staircase with internal reconfiguration.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal includes a safe access and escape route for future occupiers in times of flood.

### Reasons

3. The site is located in Datchet, within Flood Zone 3, which is a zone at highest risk of flooding. The proposal is for residential development, which is classed as being more vulnerable to the effects of flooding. Paragraph 163 of the National Planning Policy Framework (the Framework) requires that safe access and escape routes are included where appropriate. Given the combination of risk (flood zone) and baseline vulnerability (residential development where people sleep in the building), in addition to the potential added vulnerability of some future occupiers (such as the elderly or disabled who may have mobility needs), it is appropriate to ensure that safe access and escape routes are provided as part of the proposal.
4. Planning Practice Guidance<sup>1</sup> states that routes should allow occupants to safely access and exit their property in design flood conditions. That is, during design flood conditions. The ability to evacuate prior to extreme flood conditions does not necessarily remove this requirement or influence whether it is appropriate or not. Limited depths of flooding along the route may be acceptable, but only where such depths are not dangerous. The Flood Warning and Evacuation Plan clearly demonstrates that the route associated with the proposal would be at risk of flooding to depths that would cause danger to future occupiers. This would be for an appreciable distance along the route before reaching safety.

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<sup>1</sup> 039 Reference ID: 7-039-20140306

5. Consequently, future occupiers would need to rely on an early warning system almost in isolation, and if this failed or if flooding occurred whilst they were asleep, they could potentially become stranded and require emergency assistance. Without access or escape routes that could be used safely during design flood conditions, the risk posed to future occupiers would not be fully mitigated and there would be unacceptable residual effects.
6. The proposal may fall within the floorspace criteria required by Policy F1 of the Royal Borough of Windsor & Maidenhead Local Plan 2003 (RBWMLP), but it would still increase the number of people at risk from flooding. Furthermore, these people would be from a more vulnerable use compared to potential occupants under the existing use which is less vulnerable. Although habitable spaces would be on the first floor, means of access would be on the ground floor and occupiers' ability to enter or exit the property would be affected at times of flood and therefore people would still be at risk.
7. References to other applications approved by the Council are noted. However, these appear in relation to replacement dwellings or extensions of existing dwellings where there would be no increase in the people at risk of flooding. Furthermore, although references are provided, the details of each case are not in front of me in order to undertake a robust comparison with the proposal. Notwithstanding the appellant's contention that from their own experience the property has not flooded during recent flood events, the site is still within Flood Zone 3 and at risk of flooding for the purposes of determining the appeal.
8. Policy NR1 of the Borough Local Plan Submission Version 2017 (BLPSV) has not been adopted and therefore carries reduced weight because it is not yet part of the development plan but is still a material consideration. In any event, it covers similar ground to Policy F1 of the RBWMLP.
9. Overall, the proposal would not include a safe access and escape route for future occupiers in times of flood and would be contrary to Policy F1 of the RBWMLP, Policy NR1 of the BLPSV, and Paragraph 163 of the Framework. Among other things, these seek to ensure that development comes forward in acceptable manner in areas at risk of flooding.

### **Other Matters**

10. The appellant initially states that business is good, but that funding has also been reduced, creating viability concerns. In the absence of a detailed viability report, it is not clear what viability issues may exist or how the proposal would be of benefit in this context. It is acknowledged that the proposal would put underutilised space to good use by converting it for residential development, and that there would be a contribution to the area's mix of housing in an accessible location. However, the unacceptable residual effects of flooding would still remain.

### **Conclusion**

11. For the reasons given, the appeal is dismissed.

*Liam Page*

INSPECTOR