The Planning Inspectorate

Appeal Decision

Site Visit made on 1 October 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/T0355/D/20/3255779
12 Cannock Close, Maidenhead, SL6 1XB

- 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 Hardial & Manpreet Shergill against the decision of Royal Borough of Windsor and Maidenhead.
- The application Ref 20/00956, dated 21 April 2020, was refused by notice dated 17 June 2020.
- The development proposed is Erection of a first-floor side extension and a part single-storey part two-storey rear extension and associated roof alterations; external alterations to the front elevation and the front porch.

Decision

1. The appeal is allowed and planning permission is granted for Erection of a first-floor side extension and a part single-storey part two-storey rear extension and associated roof alterations; external alterations to the front elevation and the front porch at 12 Cannock Close, Maidenhead, SL6 1XB in accordance with the terms of the application, Ref 20/00956, dated 21 April 2020, 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 plans: S16219-SP01 site plan dated Jan 20, S16219-BP01 block plan dated Jan 20, S16219/01 existing and proposed floor plans and elevations dated July 19.

    3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is whether the proposal would be acceptable in respect of the risk of flooding, having regard to local and national planning policy.

Reasons

3. The appeal site comprises a large detached residential dwelling, with a double garage to the side, located within a residential cul-de-sac. The appeal proposal is for a first floor side extension which would extend above the side garage, and a rear extension. The rear extension would be part single storey, part two storey, with the single storey element being slightly deeper. The total extension would comprise an approximate increase of 61sqm of floorspace.

4. It is not disputed between the parties that the site is located within Flood Zone 3. Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (LP) pertains to development within areas at risk of flooding. This states that within areas liable to flood, development will not be permitted for new residential or non-residential, including extensions in excess of 30sqm, unless it can be demonstrated to the satisfaction of the Borough Council, that the proposal would not of itself, or cumulatively in conjunction with other development: 1) impeded the flow of flood water; or 2) reduce the capacity of the flood plain to store flood water; or 3) increase the number of people or properties at risk from flooding. The proposed extension exceeds 30sqm and thus Policy F1 is relevant in this instance.

5. Paragraph 163 of the National Planning Policy Framework (the Framework) states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by site specific flood-risk assessment (FRA). National Planning Policy Guidance (NPPG) provides further details in respect of the site specific flood risk assessment.

6. Paragraph 031[1] states that a FRA should be appropriate to the scale, nature and location of the development. For example, where the development is an extension to an existing house which would not significantly increase the number of people present in an area at risk of flooding, the local planning authority would generally need a less detailed assessment to be able to reach an informed decision on the planning application.

7. The application is supported by a FRA[2], however the Council has raised concerns that this does not adequately demonstrate that the proposal would not increase the risk of flooding, and is therefore contrary to Policy F1. The submitted FRA considers how the proposed extension would be flood resilient, however there is no consideration as to whether the development would impede the flow of flood water, or whether it would reduce the capacity of the flood plain to store water. In this respect, the proposal does not comply with Policy F1 nor paragraph 163 of the Framework.

8. The appellant contends that the property benefits from permitted development rights, which would allow the construction of a single storey extension which could extend 4 metres from the property. This fallback position could have the same footprint as the appeal proposal. I appreciate the Council's position that the appeal proposal is larger than could be constructed through permitted development, as it includes two storeys. However, policy F1 is clear that the concerns in respect of flooding relate to the flow of flood water being impeded and reductions in capacity of the flood plain to store water. Furthermore, proposals should not increase the number of people or properties at risk from flooding.

9. In this respect, the proposal would not impede the flow of flood water nor reduce the capacity of the flood plain anymore than the fallback position outlined above. Furthermore, whilst the proposal would introduce a new bedroom into the property, this does not automatically mean it would increase the number of people in the property who would be at risk to flooding. This fallback position carries significant weight in favour of the proposals.

[1] Paragraph 031 reference ID 7-031-20140306 revision date 06 03 2014
[2] Flood Risk Assessment prepared by GCPP Town Planning Consultants dated April 2020

10. The FRA includes mapping from the Environment Agency, which indicates that whilst the site falls within Flood Zone 3, it is within an area benefiting from flood defences. As such, their mapping considers that the appeal site falls within an area which is considered a low risk from flooding. This is a material consideration which I attach weight in favour of the appeal.

11. I note that interested parties have raised concerns that the size of the proposal is extensive and would set a precedent in the local area. I have not been provided with any examples of specific sites which could be developed in the locality. Furthermore, each appeal and application must be judged on its own merits, and I have not been provided with any compelling evidence to indicate that should the appeal be allowed this would encourage similar development in the area.

12. Concerns have been raised by the occupiers of 3 Newbury Drive that the proposal would harm their living conditions in respect of privacy. However, the proposed extension would be located a sufficient distance away from this neighbouring property to ensure there would be no undue harm to their living conditions. I note that the Council have not raised any concerns in respect of this.

13. Consequently, taking into account the existing flood defences, and having regard to the fallback position described above, despite the element of conflict with the development plan I have identified, I find that the proposal would not result in unacceptable risk to flooding.

Conditions

14. In addition to the standard time limit condition I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. A condition relating to external materials is necessary to ensure that the appearance of the proposal would be satisfactory.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

S Shapland

INSPECTOR