



Appeal Decision

Site visit made on 29 September 2020 by Scott Britnell MSc FdA MRTPI

Decision by R C Kirby BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/T0355/D/20/3253412

17 Ray Mill Road East, Maidenhead SL6 8SW

- 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 Dr David Fan against the decision of the Council of The Royal Borough of Windsor & Maidenhead.
 - The application Ref 19/03413, dated 2 December 2019, was refused by notice dated 17 March 2020.
 - The development proposed is rear single storey extension with roof lantern replacing existing conservatory and internal alterations.
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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.

Procedural Matters

3. The application form names the applicants as Mr and Mrs David and Rachel Fan. The name of the appellant in the banner header above has been taken from the appeal form.

Main Issue

4. The main issue in this case is the effect of the proposal on flood risk.

Reasons for the Recommendation

5. The appeal site lies in Flood Zone 3 where there is high probability of the risk of flooding. In such areas, amongst others, Saved Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003) (LP) seeks to limit the amount of development to maintain adequate flood storage capacity, to ensure that the flow of flood water is not impeded and to ensure that development does not increase the risk to people and properties.
6. The new extension would be larger than the existing conservatory which is to be demolished and would exceed the floor area threshold set out in LP Policy F1 and in this regard there is conflict with this policy.

7. However, since the policy was adopted in September 1978, flood defences¹ have been installed which afford protection from flooding to the appeal site. Although these defences have not changed the flood zone rating of the appeal site, the Environment Agency² has indicated the likelihood of it flooding to be low. I have also been provided with a map that appears to show the flood risk in terms of the extent of flooding at the site to be very low.
8. Whilst this may be the case, paragraph 163 of the National Planning Policy Framework (the Framework) and footnote 50 require that a site-specific flood risk assessment is provided for all development in Flood Zones 2 and 3. Although the appellant has provided certain details that should be contained within such an assessment, other important factors that should be addressed as set out in the Planning Practice Guidance (PPG) have not. Accordingly, I am unable to assess the cumulative impact of the proposal on local flood storage capacity, flood flows and whether the proposal would increase flood risk elsewhere, as required by LP Policy F1 and national planning policy and guidance set out in the Framework and the PPG.
9. The appellant has referred me to the planning application considered by the Council in respect of land adjacent to 22 Ray Mill Road East³. This relates to the erection of two 4-bedroom houses on a nearby site that lies in Flood Zones 2 and 3. I note that the officer's report in that matter states that no Flood Risk Assessment was provided with the application. However, I am mindful that the application pre-dates the Framework. Moreover, each case must be considered on its own merits. As such, I afford only limited weight to this matter and do not consider that it justifies the proposed development, given the absence of a site-specific flood risk assessment.
10. I conclude that there would be a high probability that the proposed extension would, in the absence of evidence to indicate otherwise, increase flood risk in the locality in conflict with LP Policy F1. There also would be conflict with Paragraph 163 of the Framework, which states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Other Matters

11. The proposals include changes to fenestration to the host dwelling. Although not referred to by the appellant in his description of development, these changes are referred to by the Council in their report. I consider that these changes are acceptable in design and form and would not result in any adverse effects on the living conditions of the occupants of neighbouring dwellings. I also note that the Council have not objected to these changes. My findings in this regard do not alter my findings above.

¹ the Maidenhead, Windsor and Eton Flood Alleviation Scheme

² In a letter to the appellants dated 10/01/2020

³ Application Ref 09/01425

Conclusion and Recommendation

12. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR