

Appeal Decision

Site Visit made on 9 February 2021

by Alexander O'Doherty LLB(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/T0355/D/20/3261260

67 Lower Cookham Road, Maidenhead SL6 8JY

- 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 Walker-Beagle against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 20/01756, dated 16 July 2020, was refused by notice dated 10 September 2020.
 - The development proposed is a front porch extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed development would be at an unacceptable risk of flooding.

Reasons

3. The appeal site comprises a two storey detached dwelling which has previously been extended to the side and the rear and through connecting the garage to it. The proposed extension would be within Flood Zone 3, which is a high risk area. It is common ground that the proposal, cumulatively in conjunction with previous development on site, would breach the 30 square metres provision found in Policy F1 of the Local Plan¹ which, amongst other things, aims to prevent development in excess of 30 square metres, except in specific circumstances, in the interests of reducing the impacts of river flooding.
4. The parties disagree on the extent to which the host property has already breached the 30 square metres requirement. The Council have provided figures of approximately 19 and 32 square metres in relation to previous planning permissions, which would result in a ground covered area of approximately 51 square metres. The appellants' figure, of approximately 80 square metres, is well over double that provided for by Policy F1. On the information before me, it is not possible to definitively confirm which figure is correct, but whichever is used, it is clear that the 30 square metres requirement has already been substantially exceeded by previous extensions to the host dwelling.
5. Policy F1 does provide 3 criteria, which if met, may allow cumulative development in excess of the 30 square metres requirement to proceed. In this regard, the appellants have referred to PPG25 and a Supplementary Planning Guidance document issued in 2004 but have provided little specific evidence to

¹ The Royal Borough of Windsor and Maidenhead Local Plan 1999, including alterations 2003

demonstrate that the proposal, in conjunction with previous development on site, 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. Notwithstanding this, the advice in PPG25 has since been superseded by the Framework².

6. The proposal would have a small footprint, and would enclose a previously existing external step and canopy roof. As such, it would not involve a significant increase in built form over that previously approved. However, I note that the supporting text to Policy F1 advocates a strong objection to new development when the requirements of Policy F1 are not met in the interests of reducing the effects of flooding and accordingly the risk. The evidence provided does not persuade me that the proposal, in conjunction with previous development on site, would not cause further or greater risk with respect to flooding. Also, the evidence does not demonstrate that the proposal would be *de minimis* in its own right, with respect to flood risk.
7. The appellants have put forward a condition to specify the method of construction for the entrance step. It would require it to be constructed as a reinforced concrete slab not more than 200mm thick poured over the existing external ground levels on a permeable sub base. However, little evidence has been provided to demonstrate to what extent this would alleviate the harm that would arise through the apparent excessive increase in floor space. Accordingly, it does not alter my findings.
8. In light of the above, the proposal would have an unacceptable and harmful effect with respect to flood risk, not decreasing the risk and not making it sufficiently clear that the risk would be at an acceptable level in regard to the requirements of the development plan. The proposal would conflict with Policy F1 of the Local Plan, which provides that within areas liable to flood, the size of extensions will be controlled to reduce the risk of flooding.

Other Matters

9. The proposal would entail a modest increase in density and space, which could be argued as an efficient use of land. Moderate weight has been given to this matter. The proposal would improve the security of the property and enhance the living conditions of its occupants. However, as these would mainly be private benefits, they would attract limited weight when taken together. Although it may have been the case that Policy F1 was considered when previous applications relating to the appeal site were approved, my assessment is based on the proposal and the evidence before me.
10. Reference has been made to paragraph 11 d) ii of the Framework, but it has not been made clear on what basis the presumption in favour of sustainable development is engaged. Further, as the proposal conflicts with an up-to-date development plan, paragraph 12 of the Framework is applicable, which provides that planning permission should not usually be granted in such circumstances.
11. Overall, I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan I have found.

² National Planning Policy Framework 2019

Conclusion

12. The appeal is therefore dismissed.

Alexander O'Doherty

INSPECTOR