



Appeal Decision

Site Visit made on 2 March 2021

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2021

Appeal Ref: APP/K3605/D/20/3264763

Harecroft, Raleigh Drive, Claygate, Esher KT10 9DE

- 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 John Warren against the decision of Elmbridge Borough Council.
 - The application Ref 2020/1727, dated 15 July 2020, was refused by notice dated 6 November 2020.
 - The development proposed is construction of a residential garage.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a residential garage at Harecroft, Raleigh Drive, Claygate, Esher KT10 9DE in accordance with the terms of the application, Ref 2020/1727, dated 15 July 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 drawing: DRG No. 2016.2d APR.2017.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) All flood mitigation measures shall be carried out in accordance with the approved details set out in the flood risk assessment prepared by Three Counties Flood Risk Assessment received on 15th July 2020.

Main Issue

2. The main issue is whether or not the proposed development would result in unacceptable flood risk.

Reasons

3. The proposed development comprises a detached garage for the storage of cars, that would be positioned close to The Rytte river.
4. The appeal site is located in Flood Zones 2 and 3, which is within an area of higher risk to flooding. Accordingly, even in the case of small scale developments, the Council's Supplementary Planning Document (SPD)¹, requires a site-specific Flood Risk Assessment (FRA) to demonstrate that the

¹ Flood Risk Supplementary Planning Document, May 2016

development is not at risk of flooding and there is no increase in flood risk elsewhere as a result of the development. Where there is a risk of flooding caused by the development, a range of mitigation measures are suggested in order to mitigate and manage flood risk. Moreover, Policy CS26 of the Core Strategy², amongst other things, requires the risk from flooding to be minimised.

5. The Council was not satisfied with the appellant's FRA, in that it fails to demonstrate that the proposal is safe, does not increase flood risk elsewhere, or that the proposal will not constrain the natural function of the flood plain.
6. The FRA has recommended that the walls of the building are raised by 300mm from the concrete base by removing three shiplap slats to allow flood water to enter the building should the need arise. Electrical installations would also be raised above anticipated flood levels. The effectiveness of this solution would require the opening of the garage doors during the flood event for the water to egress.
7. Allowing water to enter the building in the way proposed would ensure that the garage does not significantly impede the flow of water during flood events, resulting in flood risk elsewhere. Also, this method would be beneficial to help minimise the impact of the development on the displacement of floodwater and storage capacity in the area. Moreover, given that the building proposed is a domestic garage to be used for the storage of vehicles this would be within the less vulnerable category, while the resilience measures proposed would be consistent with the suggested mitigation in the SPD.
8. The Environment Agency has indicated that the garage would be within 8 metres of a main river. Due to the proposal's proximity to the river, they would be unlikely to grant a flood risk activity permit for the proposal as it would restrict essential maintenance and emergency access to the watercourse. However, the EA's permitting regime sits outside of the planning system and the relevant permit would need to be assessed outside of this appeal. Moreover, to date the outcome of that process is not before me in the evidence and there is no definitive information submitted by the EA to indicate that the permit would not be issued. I therefore give this matter limited weight.
9. Therefore, in view of the above, I am satisfied that the proposal would not have an unacceptable effect on flood risk. It would accord with Policy CS26 of the Core Strategy, along with the SPD, where it requires proposals to minimise the risk of flooding elsewhere and incorporate flood mitigation measures. The proposal would also meet the aims of the National Planning Policy Framework, insofar as requiring appropriate flood resistant and resilient measures.

Conditions

10. In addition to the standard time limit condition I have considered it necessary to include a schedule of plans that the development relates to, for the avoidance of doubt and in the interests of certainty. A condition relating to the construction of the extension in materials to match the existing dwelling is necessary to safeguard the character and appearance of the area. Lastly, it is necessary to provide the flood mitigation measures proposed, in the FRA, including

² Elmbridge Core Strategy, July 2011

the resilience measures, in order to reduce the risk from flooding and ensure the safety of nearby occupiers.

Conclusion

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

RE Jones

INSPECTOR