
Appeal Decision

Site visit made on 21 June 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2021

Appeal Ref: APP/Q5300/W/21/3266203

28 Deepdene Court, Southgate N21 2NH

- 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 Martin D'Arcy against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/03604/FUL, dated 19 October 2019, was refused by notice dated 12 November 2020.
 - The development proposed is demolition of existing bungalow and erection of two 3 bedroom detached house with attached garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal differs from the application form to the decision notice. However, the application form adequately describes the proposal and I have determined the appeal on this basis. The proposal relates to the erection of two houses.
3. The London Plan (2021) (LP) was adopted after the Council issued its decision. Both parties have had the opportunity to comment on its implications for this proposal but no policies have been put before me. I must determine the appeal based on the policies in place at the time of my decision.

Main Issue

4. The main issue is whether the proposal would comply with development plan policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

5. The appeal site sits within a notable depression in the townscape with the land rising in most directions away from it. The site is positioned on the southern bank of the Houndsden Gutter which has the appearance of a stream running closely to the north of the site. This represents a source of fluvial flood risk, while the appellants evidence also suggests that the site is at high risk from surface water flooding. The Council and the Environment Agency suggest the site is within flood zone 3b, therefore forming the functional floodplain, the appellants evidence referring to the site being within flood zone 3. Therefore,

- at a minimum, the site would have a high probability of suffering from flooding and residential dwellings are classified as being 'more vulnerable'.
6. Core Policy 28 of the Core Strategy (CS) (2010) states that the Council will take a risk based approach to development and flood risk, directing development to areas of lowest risk. It indicates that the sequential approach will need to be applied to individual developments.
 7. The National Planning Policy Framework (the Framework) advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The sequential approach should be applied in order to direct development appropriately.
 8. The overall aim of the sequential test is to steer new development to areas with the lowest risk of flooding, and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
 9. The appellant has supplied a Flood Risk Assessment (FRA), which proposes mitigation measures such as the raising of finished floor levels and the inclusion of floodable basements. Concerningly, it acknowledges that the development cannot provide safe access and egress during an extreme flood event.
 10. Regardless of these matters, critically, in relation to the main issue of the appeal, the FRA does not contain any evidence to allow me to apply the sequential test. Given this, I am not persuaded that there are not other more suitable sites for the proposed development, at lower risk of flooding, for example, elsewhere in the borough.
 11. The proposal would fail to minimise flood risk as it would locate new housing in an area of flood risk contrary to the aims of the sequential test. Subsequently, the proposal would be contrary to Core Policy 28 of the CS and Policies DMD 59, 60, 61 and 62 of Enfield's Development Management Document (2014) which seek to steer new development away from areas at the highest risk of flooding and minimise flood risk in its various forms. The proposal would also be at odds with the aims of the Framework which seeks to limit flood risk.

Other Matters

12. The appellant draws my attention to flood alleviation measures stated to have taken place over the last decade within the area. However, no technical evidence is provided to show that the site is not at high risk from flooding, and I therefore afford this matter limited weight.
13. I have also considered the possibility that significant extension could be made to the existing bungalow without the need to obtain further planning permission. However, the appeal proposal would result in a net increase in the number of residential units when compared to any fallback position which relates to a single existing bungalow. Therefore, even if the suggested fallback position could be built out, there would be a greater flood risk associated with the appeal development.

Planning Balance

14. The Government's objective is to significantly boost the supply of housing and the proposal would make a positive contribution to housing supply. However, given the small scale of the proposal, the provision of an additional house would only attract modest weight.
15. Conversely, the proposal would fail to minimise flood risk as it would locate new housing in an area of high risk from flooding, a matter which I have afforded significant weight. The proposal would therefore conflict with the development plan taken as a whole and there are no other material considerations that outweigh this conflict.

Conclusion

16. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR