
Appeal Decision

Site visit made on 14 July 2021

By R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2021.

Appeal Ref: APP/K3605/D/21/3270945

17 The Island, Thames Ditton KT7 0SH

- 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 Ms Karen Walker against the decision of Elmbridge Borough Council.
 - The application Ref 2020/2287, dated 8 September 2020, was refused by notice dated 23 December 2020.
 - The development proposed is replacement of wood framed garden outbuilding chalet.
-

Decision

1. The appeal is allowed and planning permission is granted for replacement of wood framed garden outbuilding chalet at 17 The Island, Thames Ditton, KT7 0SH in accordance with the terms of the application, Ref 2020/2287, dated 8 September 2020, and the plans submitted with it.

Preliminary Matters

2. The planning application was made retrospectively, and I saw from my site visit that the outbuilding has been constructed on site. The appeal has therefore been determined on this basis.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Because the guidance relevant to flood risk for minor developments has not changed, it is not necessary to seek the views of the main parties on the revised Framework.

Main Issues

4. The main issue is the effect of the outbuilding on flood risk.

Reasons

5. No.17 The Island (No.17) is a single storey house (with non-habitable accommodation in the roofspace) that fronts the River Thames. The outbuilding is of timber frame construction and is located on the non-riverside part of the garden of No.17 which falls within Flood Zone 3a (land having a 1 in 100 year or greater annual probability of river flooding).
6. The Council's *Flood Risk Supplementary Planning Document (2016)* (the SPD) advises that for small scale development, which includes householder developments such as sheds, garages, games rooms etc., a site-specific Flood Risk Assessment (FRA) will be required in medium or high flood risk areas to

demonstrate that the development is not at risk of flooding and there is no increase in flood risk elsewhere. This is consistent with the guidance at paragraph 168 of the Framework. For householder development, the SPD encourages applicants to use the Council's *FRA Small Scale Development Template*. An FRA was submitted with the application using this Template and although the size of the outbuilding was incorrect, there was sufficient information to identify that it related to the application and any inaccuracy could have easily been clarified by the Council with the applicant.

7. The outbuilding measures around 3.95m by 3.25m (12.8sqm) and is set around 610mm above ground level, with open steps providing access. The outbuilding replaces a similar building located in broadly the same position. Whilst the dimensions of this building were slightly smaller than the current outbuilding, it appears, with reference to my site visit and photographs provided in the evidence, that it was slightly lower to the ground. The FRA advises that the outbuilding has been set above the highest flood level recorded in 2014, when the original outbuilding remained dry, and I have no reason or evidence before me to dispute this.
8. The FRA also states that flood levels are known to rise 450mm above garden levels on The Island at times of unusually high and severe flooding. Set at 610mm above ground, the outbuilding would be above this level, and I saw on my site visit that there is a reasonable difference in level between the concrete pontoon and mooring, river frontage and the non-riverside part of the garden. Because of this I am satisfied that the development and users would be safe from flooding, particularly as the outbuilding would only be used as accommodation ancillary to the main house which is set at a higher level. I also note that the appellant receives a flood warning service from the Environment Agency, which you would expect given the proximity to a major river.
9. The outbuilding is set on nine concrete block stilts, raising it above the ground, with open stair access. The resulting void under the outbuilding means that should the garden of No.17 flood, it is unlikely to significantly displace water, reduce storage capacity or prevent flows raising flood risk elsewhere on The Island.
10. Consequently, the outbuilding would not conflict with Policy CS26 of the Elmbridge Core Strategy (2011) because it is located and designed to ensure it is safe, minimises the risk of flooding elsewhere and residual risks can be safely managed. There would also be no conflict with either the Flood Risk SPD or the Framework in so far as it relates to small scale or householder development in areas of flood risk.

Conclusion

11. For the reasons above, the appeal is allowed.

R. Jones

INSPECTOR