



Appeal Decision

Site visit made on 19 April 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/J3720/D/21/3289867
12A Stowe Drive, Southam, CV47 1NY.

- 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 D Moreby against the decision of Stratford on Avon District Council.
 - The application Ref. 21/01310/FUL, dated 20 April 2021, was refused by notice dated 13 October 2021.
 - The development proposed is the construction of a deck and shed base with steps access to the river bank.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether it has been demonstrated that the proposed development will not exacerbate flooding.

Reasons

Background

3. The appeal site comprises a two storey detached house which fronts Stowe Drive close to the road bridge over the River Stowe which runs alongside the property. The appellant's 'self-drawn' plans indicate that the appeal site extends to the centre of the river and includes the riverbank. This is mainly a grassed bank with willow trees but at the top of the bank are the areas of proposed decking and shed base. The application is therefore partly retrospective, but the proposed steps have not been constructed; only some temporary concrete blocks are in place to allow access to the lower level.

Effect on flooding

4. The appeal site lies within Flood Zone 3 which has the highest risk of flooding. The Council, on the advice of the Environment Agency, says that given the level of risk a Flood Risk Assessment, as recognised in paragraphs 167/168 of the National Planning Policy Framework (the Framework), should be submitted as part of the scheme as operational development is proposed in the flood zone. The appellant had submitted a Flood Report dated 2016 and other evidence but the authorities did not consider that this provided sufficient detailed evidence.

5. At the site visit I noted the relative heights of the road bridge and the culvert beneath it and I saw that the level of the decking is well above the level of the road itself over the bridge. Nevertheless, the decking is supported on some 10 timber legs and these, together with the permanent steps, are sited on the sloping riverbank and could be expected to be within floodwater and affect the flow of the river depending on the nature of the flood and the effect of the bridge abutments. There is also a likelihood of the void below the overhanging structure being used for the storage of garden items and paraphernalia which may impede flood flow. Although the appellant has provided some evidence on local land levels, this information does not model flood levels of the river in detail taking account of climate change.
6. On the evidence provided, and in the absence of an up-to-date site specific Flood Risk Assessment, I am unable to assess whether the development proposed would be likely to exacerbate flooding around the site and elsewhere. As the proposal stands, I conclude that it conflicts with the provisions of Core Strategy Policy CS.4, guidance on flood risk in Planning Practice Guidance and paragraph 167 of the Framework. This conflict is not outweighed by any other consideration and this indicates that the appeal should not be allowed.

Conclusion

7. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR