

Appeal Decision

Site visit made on 20 June 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2022

Appeal Ref: APP/U1620/D/22/3291337
248 Cheltenham Road, Gloucester GL2 0JW

- 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 and Mrs Walsh against the decision of Gloucester City Council.
 - The application Ref 21/00802/FUL, dated 30 June 2021, was refused by notice dated 24 November 2021.
 - The development proposed is for a single storey side and rear extension with raised summer room to prevent losing flood water storage capacity.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council had highlighted within their reasons for refusal and Officer report that the appeal site fell within Flood Zone 3b, whereas the appellants claimed that the site was in Flood Zone 2. I requested that the Council re-check their claim to which they submitted 2no flood maps, one from the Environment Agency and one from Gloucestershire County Council which confirmed that the site does fall within the former zone. I therefore gave the appellants the opportunity to comment on this additional information and which they did not dispute. Therefore I consider that the appeal site falls within Flood Zone 3b and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the appeal proposal upon flood risk.

Reasons

4. The National Planning Policy Framework (the 'Framework') in paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The Framework is backed up the Government's Planning Practice Guidance (PPG) and specifically within its section entitled 'Flood Risk and Coastal Change' it sets out flood zone and flood risk tables which categorise buildings used for dwellinghouses as 'more vulnerable', development that should not be permitted within Flood Zone 3b.

5. Indeed, this stance is reiterated within the Government's guidance entitled 'Preparing a Flood Risk Assessment: Standing Advice' and specifically within its advice for minor extensions highlights that development should not be permitted in such zones if its vulnerability classification is, amongst other things, 'more vulnerable'.
6. I note that the appellants have provided calculations to determine possible flood water levels on the site and I have been given no reason to doubt their accuracy. I accept that the proposed single storey side/rear extension has been designed so that there would be no net loss of flood plain following the demolition of the existing garage. However whilst the finished floor area of the proposed garden room beyond would be elevated 350mm above ground level, this would only be through its construction on a number of pads, which themselves could effectively impede flood flows.
7. I acknowledge that no contact was made by the Local Authority Planning Officers or Drainage Engineers. However it is quite clear that as a matter of principle the development is inappropriate in Flood Zone 3b; and which could potentially result in the loss of functional flood storage contrary to the Framework, the PPG and Policy INF2 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017. These development plan policies state that development proposals must avoid areas at risk of flooding and not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment, either on the site or elsewhere; and require new development to, where possible, contribute to a reduction of existing flood risk.

Conclusion

8. Therefore, having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR