



Appeal Decision

Site visit made on 16 September 2022

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2022

Appeal Ref: APP/Q3630/W/22/3294124

74 St Paul's Road, Staines-Upon-Thames TW18 3HH

- 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 Shaid Ahmed against the decision of Runnymede Borough Council.
 - The application Ref RU.21/2014, dated 22 November 2021, was refused by notice dated 17 January 2022.
 - The development proposed is 'Erection of a two storey detached dwelling'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development was amended following submission of the application; I have utilised the amended description.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area,
 - Whether the proposal would provide adequate standards of living conditions for future occupiers of the development, and;
 - Whether the proposal is appropriate development for an area at risk of flooding, and, if it is, whether the development would be safe for its lifetime without the risk of increasing flooding elsewhere.

Reasons

Character and appearance

4. The appeal site is a detached dwelling within a predominantly residential area. The site is located at a transition point within St Paul's Road where a planned estate of detached and semi-detached houses meets newer apartment buildings and smaller dwellings with a tighter grain of development. As such, there is some variance in dwelling types, scale and design.
5. The appeal scheme would subdivide the existing plot at no.74 and would introduce a new dwelling between the existing dwelling and the apartment block adjacent. The appeal scheme attempts to maximise the use of space

within the constrained subdivided plot through its design. The scheme would have a narrow, vertical emphasis with an incongruous dual pitched roof form and varied proportions. Despite the design variance in the vicinity, the appeal scheme would appear entirely discordant with the scale, design features and grain of the area. Whilst the design may be perceived as an innovative attempt to overcome constraint, it would highlight the subdivided plot and fail to integrate with the surrounding development. This effect would be exacerbated by the particularly prominent location of the site at a transition point, on a curve in the road.

6. Whilst the Appellant contends that the design is open to change, the application was made in full and there are no amendments before me for consideration.
7. For these reasons, the appeal proposal would cause harm to the character and appearance of the area, contrary to policy EE1 of the Runnymede Local Plan (LP), adopted in 2020, as well as the National Planning Policy Framework (The Framework). These policies seek, amongst other things, to create a high-quality built environment and high-quality development which integrates well with its surroundings, and to ensure that development provides an appropriate standard of private amenity space.

Living Conditions

8. Both the quantum and quality of the outdoor amenity space is important to ensure an adequate standard of living conditions for future occupiers of the development. The subdivision of the plot will result in a very narrow private garden area, which tapers to an impractical degree. This space would not be particularly useable and would not adequately meet the needs of the occupiers of a two bedroom, three person dwelling.
9. The living conditions of future occupiers of the development would therefore be unacceptable, contrary to policy EE1 of the LP and the Framework.

Flood Risk

10. The appeal site is located in Flood Zones 3a and 2. These are areas more at risk of flooding. The Framework seeks to direct development away from these areas.
11. The appeal scheme is supported by a Flood Risk Assessment (FRA). However, the FRA does not carry out the 'sequential' and 'exception' tests. The appeal scheme is not one of those schemes which may be exempted from the application of these tests.
12. The sequential test is necessary to determine whether any other sites would be available to meet the need for development of this nature, outside of the areas most at risk of flooding, in line with the Framework's spatial aim. The sequential test must be addressed to determine whether the appeal proposal is acceptable in principle, and therefore, the question of sequential testing cannot be overcome by way of a planning condition.
13. Further, even if the sequential test requirements were met, the exception test would also need to be addressed. This must establish that the development would provide wider sustainability benefits to the community that outweigh the flood risk, and that the development would be safe for its lifetime taking into

account the vulnerability of its users, without increasing the risk of flooding elsewhere and, where possible, decrease the flood risk overall. Without exception testing, it is not possible to establish that the appeal scheme would meet these requirements. Whilst some flood mitigation measures could be secured by way of a planning condition, the FRA and exception test thresholds would need to identify the necessity, risk, benefits and mitigations.

14. The limited public benefit arising from the provision of a single additional dwelling would not outweigh the substantial level of harm resulting from development within the flood zone, creating a safety risk.
15. As such, the appeal scheme would be inappropriate development within an area at risk of flooding, and the requirements of sequential and exception tests have not been met. The appeal proposal is therefore unacceptable in principle and contrary to policy EE13 of the LP and the Framework. These policies seek, amongst other things, to direct development away from areas most at risk of flooding in line with local need and public benefits, and to ensure that the risk of flooding is managed to ensure the safety of occupiers of development and the surrounding area.

Conclusions

16. For the reasons stated above, I find that the appeal proposal is contrary to the relevant policies of the Development Plan. The harm arising from the scheme would substantially and demonstrably outweigh the limited public benefit arising from the proposed development. The appeal is accordingly dismissed.

Kim Langford Tejrar

INSPECTOR