



Appeal Decision

Site visit made on 31 August 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022.

Appeal Ref: APP/Q3630/W/22/3290449

5 Tempest Road, Egham, TW20 8HX

- 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 & Mrs L Peci against the decision of Runnymede Borough Council.
 - The application Ref RU.21/1436, dated 12 August 2021, was refused by notice dated 24 November 2021.
 - The development proposed is proposed new two storey attached 1-bedroom dwellinghouse with outdoor amenity space, cycle and waste storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would comply with local and national planning policy with regard to flood risk; and
 - the effect of the proposed development on the living conditions of occupiers of the proposed dwelling, with particular regard to external space.

Reasons

Flood risk

3. The appeal site is on the corner of Tempest Road and Medlock Road. The Thames River is less than a mile from the site and Meadlake Ditch, described as a main river in the Council's Strategic Flood Risk Assessment (2018) (SFRA), is approximately 150m to the southwest of the site. The site is in Flood Risk Zone 2.
4. The appellant's Flood Risk Assessment (FRA) concluded that the appeal site had a low to medium risk of fluvial (river) and pluvial (surface water) flooding, noting that the Council's SFRA identified the area as an area most at risk of sewer flooding.
5. Paragraph 167 of the National Planning Policy Framework (the Framework) only allows development in areas at risk of flooding where it can be demonstrated that safe access and egress routes are included as part of an agreed emergency plan. The Council's SFRA requires that for access and egress to be considered

safe the flood hazard must be no greater than very low with a flood hazard rating (HR) of less than 0.75 along the full length of the route.

6. The appellant's FRA includes an emergency plan with 2 evacuation routes. The southern route is approximately 2.8 miles long with an extreme danger for all hazard rating (2.6) close to the appeal site near the junction of Medlock Road and Thorpe Lea Road, falling to 1.5 or less along the remainder of the route. The northern route to the M25 near Staines-upon-Thames is approximately 2.9 miles long with an HR of less than 1.5, and the appeal site has a maximum HR of 1.45. According to the Council's SFRA hazard to people classification, in the event of an extreme flood the evacuation routes and site would present a 'danger to most' as they fall within an HR range of 1.25 to 2.00. The appellant's SFA has different HR ranges for assessing the hazard to people, although no justification for that approach is provided.
7. The appellant's FRA suggests that in some instances emergency plans may be acceptable where the hazard rating is higher than a very low rating. However, no justification has been provided, regarding the proposal, for taking a less cautious approach than is set out in the Council's SFRA.
8. Overall, I conclude on this main issue that the proposal has failed to demonstrate that flood risk can be safely managed over the lifetime of the development as required by Policy EE13 of The Runnymede 2030 Local Plan (2020) (LP) or that safe access and egress can be provided and agreed in a management plan as required by the Framework.

Living conditions

9. The proposed development would replace an existing single storey store attached to the side of the house with a two storey one bedroom house. The existing house is on a corner plot and is set back from the road behind a lawned front garden with garden space to the side and rear. The proposed development would retain part of the front garden with a depth of between 3 and 5 metres. There would be some garden space to the side and a back garden extending approximately 11 metres to the rear. However, because of the angle of the adjacent road and pavement, the rear garden would be wedge shaped tapering down to a width of approximately 1 metre at the far end.
10. The Runnymede Design SPD (2021) requires rear gardens to be proportionate to the dwelling size and regular in shape, where possible, to accommodate activities such as drying clothes, outdoor play, and storage. Although the rear garden would be limited in terms of play space, the proposed development is a one bedroom property and less likely to be occupied by families with children. Despite the limitations of the plot shape there would be enough space at the rear of the house for activities such as barbecues and clothes drying. In combination with the side and front garden, I am satisfied that the amount of external space would be sufficient to meet the day to day requirements of future occupiers without causing any harm to their living conditions.
11. I therefore conclude on this main issue that the proposed development would meet the requirements of Policy EE1 of the LP and guidance in the Framework which requires development to provide a high standard of amenity for future users and an appropriate standard of private amenity space.

Other matters

12. Subsequent to the refusal of permission for the proposed development Planning Policy Guidance on Flood Risk and Coastal Change was updated on 25 August 2022. Both parties were given the opportunity to comment on the changes in relation to the sequential test. No further comments were received.
13. Concerns regarding parking and traffic and the intensification of use at the site raised in a representation do not add to my reasons for dismissing the appeal.

Conclusion

14. The proposal has failed to demonstrate that flood risk can be safely managed and therefore conflicts with the Development Plan and the Framework. The contribution the proposed development would make towards meeting local housing requirements does not outweigh the harm. Therefore, for the reasons given above, I conclude the appeal should be dismissed.

P D Sedgwick

INSPECTOR