



Appeal Decision

Site visit made on 23 February 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/T0355/D/22/3312019

2 Simpson Close, Maidenhead SL6 8RZ

- 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 Razwan Khan against the decision of the Royal Borough of Windsor and Maidenhead.
- The application Ref 22/01092, dated 24 April 2022, was refused by notice dated 5 September 2022.
- The development proposed is described as a single storey extension to the west elevation.

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to the west elevation; in accordance with the terms of the application Ref 22/01092, dated 24 April 2022, subject to the following conditions:

1) The proposed single storey rear extension hereby permitted shall begin not later than three [3] years from the date of this decision.

2) The proposed development shall be constructed in accordance with approved plans:

- 'Location and Block Plans,' Drawing Size and No. A3 RK 00 Rev A, Dated 07.07.2022;
- 'Existing & Proposed Floor & Roof Plans,' Drawing Size and No. A3 RK 01, Dated 26.06.2022;
- 'Proposed Elevations,' Drawing Size and No. A3 RK 03, Dated 26.06.2022;

3) The materials to be used in the external surfaces of the proposal shall match those used in the existing building.

Preliminary Matters

2. I have taken the description of the proposed development from the Council's Decision Notice as this more succinctly describes the proposed development.
3. During the appeal process, the appellant has included a Flood Risk Assessment (FRA)¹ in order to accompany their Statement of Case (SoC) and provide further information to the Reason for Refusal. The FRA does not change the nature of the proposal and when judging this information in accordance with

¹ Dated 03/10/2022, Ref No. EG0648_SL6_RBWM_2SimpsonClose_01; By Aegaea

the 'Wheatcroft principles'², I see no prejudice towards either party in accepting this FRA and will base my decision upon it.

4. I note that the Planning Officer Report assesses the proposed development as acceptable in terms of its design and affect on surrounding properties which is consistent with the policies of the development plan. I have no reason to disagree with this assessment, with my focus of this appeal limited to the outstanding issue which is flood risk.

Main Issue

5. Taking the above into account, the main issue is whether the site would be suitable for the proposed residential extension, having regard to its risk from flooding.

Reasons

6. The appeal site is located approximately 250 metres from the Maidenhead Ditch/ York Stream, and also approximately 550 metres from the River Thames. The majority of the appeal site is located within Flood Zone 3a, where this classification as defined by the National Planning Practice Guidance (NPPG) as being a 'high probability' area for flooding.³ The proposal would consist of the erection of a single storey extension to the western façade with lean-to roof.
7. When assessing development within areas of flood risk, Policy NR1 of the Windsor and Maidenhead Borough Local Plan (LP) seeks that a proposal for development will be expected to be constructed with adequate flood resilience and resistance measures suitable for the lifetime of the development, in line with the NPPG and advice contained in the Council's Strategic Flood Risk Assessment. The policy requires that an appropriate FRA is carried out and it has been demonstrated that the development is designed to ensure that flood risk from all sources is acceptable in planning terms.
8. Additionally, Paragraph 168 of the National Planning Policy Framework (The Framework) provides that small developments including householder developments, should not be subject to sequential or exception tests, but should still meet the requirements for site-specific flood risk assessments set out in footnote 55. I agree with the appellant's FRA that this is the most appropriate approach to understanding the flood risk to the appeal site.
9. The submitted Flood Risk Assessment⁴ (FRA) undertakes an analysis of the risks to life as a result of modelled flood events in accordance with relevant policy and guidance. It is noted that the FRA states that the site and locality benefits from flood defences and that the majority of flooding which could cause risk to human life is fluvial flooding from the Thames River. Other sources of flooding, such as ground water, surface water and flooding from artificial sources, are seen to be at a lower risk. The FRA states that during a flood event, the possible height of water would be 0.6 metres, which represents a low-moderate risk. Additionally the FRA analyses flooding from ground water, reservoirs, canals, sewers and climate change which has a

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

³ Paragraph: 078 Reference ID: 7-078-20220825, Revision date: 25/08/2022

⁴ 932-D02: Flood Risk Assessment, By Unda Consulting, Undated

negligible impact and does not result in additional concerns regarding the principle or construction of the proposed scheme.

10. I note the mitigation measures mentioned in the FRA with regards to the design of the scheme and the internal design which is beyond the scope of this application, however the appellant also shows a willingness to implement all measures suggested.
11. Taking the above into account and in conclusion of this matter, the submitted FRA is considered to make a robust assessment for the risk of flooding, which has shown that the development would not cause an increased risk to human life; would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding. The scheme would therefore be made in accordance with LP Policy NR1 as described previously.

Conclusion and Conditions

12. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed in this decision.
13. I refer to the suggested conditions specified by the Council in their questionnaire, which relates to time limit and approved plan conditions which are standard conditions which are necessary to include on the decision notice for the avoidance of doubt. The condition regarding matching materials is also necessary to ensure the proposed scheme is able to blend in with the character and appearance of the area.

J Somers
INSPECTOR