



Appeal Decisions

Site visit made on 29 June 2024

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2024

Appeal A Ref: APP/Q5300/D/24/3338489 320 Green Street, Enfield EN3 7SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Ali Afsar & Farzana Chowdury against the decision of the London Borough of Enfield Council.
 - The application Ref is 23/03201/HOU.
 - The development proposed is ground floor rear single-storey extension with flat roof.
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Appeal B Ref: APP/Q5300/D/24/3338492 320 Green Street, Enfield EN3 7SB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Ali Afsar & Farzana Chowdury against the decision of the London Borough of Enfield Council.
 - The application Ref is 23/04079/HOU.
 - The development proposed is ground floor rear single-storey extension with flat roof.
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Decisions

Appeal A Ref: APP/Q5300/D/24/3338489

1. The appeal is dismissed.

Appeal B Ref: APP/Q5300/D/24/3338492

2. The appeal is dismissed.

Preliminary Matters

3. The proposed development is the same in both appeals and planning permission was refused for identical reasons. In the interest of brevity, the appeals will be considered together, except where indicated.

Main Issue

4. There are no reasons to disagree with the Council's conclusions that the design and appearance of the proposed extensions would be acceptable and that there would be no harm to the living conditions of neighbouring occupiers. Accordingly, the main issue in both appeals is the effect of the proposed development on flood risk considerations.

Reasons

5. The appeal property lies within Flood Zone 2. The site is at risk of surface water and fluvial flooding for a 1 in 100-year (+17% climate change) event. Planning Practice Guidance (PPG) Paragraph: 051 Reference ID: 7-051-20220825 and footnote 59 of the National Planning Policy Framework (the Framework) state that applications for minor development involving extensions or additions should still meet the requirements to provide a site-specific flood risk assessment (FRA). As a minimum, the assessment needs to show that the development will be safe for its users for the intended lifetime of the development, without increasing flood risk elsewhere, and be sufficiently flood resistant and resilient to the level and nature of the flood risk. Among other things, Policies DMD59 and DMD60 of the Enfield Development Management Document (2014) (DMD) have similar requirements.
6. FRAs accompanied both of the appealed planning applications and some flood risk attenuation measures were identified in the Appeal B scheme. The Council's expert advice concluded that both FRAs were unsatisfactory and that site-specific FRAs were required. The necessary further information was identified in the two consultation responses. Notwithstanding that additional information was provided with the Appeal B application, its FRA does not fully comply with the technical requirements set out in local and national policy and guidance. Accordingly, the submitted FRAs fail to adequately demonstrate that the proposed development would avoid and reduce the risk of flooding and would not increase the risks elsewhere.
7. The appellant identified eight mitigating measures in Appeal B and suggests that any further information could have been required by condition. However, without the necessary assessment, it would not be possible to determine with certainty what further details are required and, consequently, whether planning conditions could meet the relevant tests for imposing them.
8. In conclusion, in the absence of an adequate, site-specific FRA and with information still outstanding, it has not been demonstrated how the known risk of flooding would be managed. Furthermore, in the circumstances of these appeals, conditions could not be used to overcome the failings of the submitted FRAs.
9. For the reasons set out above and having regard to all other matters raised, both appeal proposals are contrary to the PPG and the Framework. They fail to comply with Policy CP28 of the Enfield Core Strategy (2010) and DMD Policies DMD59, DMD60, DMD61, DMD62 and the Enfield Strategic Flood Risk Assessment (2008). Furthermore, the proposals do not accord with the drainage hierarchy set out in the London Plan, including its Policies SI 12 and SI 13. Accordingly, Appeals A and B are dismissed.

Elaine Benson

INSPECTOR