



Appeal Decision

Site visit made on 16 July 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2024

Appeal Ref: APP/V1260/D/24/3340229

16 Avon Wharf, Bridge Street, Christchurch BH23 1DJ

- 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 Ms Hilary Durbin against the decision of BCP Council.
 - The application reference is 8/23/0622/HOU.
 - The development proposed is the partial extension of balcony and replacement of glass balustrade.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal property is within the Christchurch Central Conservation Area and Waterloo Bridge is a grade I listed building. As required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and of preserving or enhancing the character or appearance of a conservation area.

Main Issue

3. The main issue in this case is whether the scheme would comply with national and local policy to reduce flood risk.

Reasons

4. 16 Avon Wharf (No 16) is part of a terraced row of houses within a gated residential estate off Bridge Street. The River Avon borders the eastern side of the estate, with some of the houses, including the appeal property, having balconies that look out over the river. Close to these houses is a flood defence wall which has a metal walkway attached to it, and below this there is a row of floating timber moorings.
5. The houses within the estate have a harmonious form, being constructed of a limited palette of materials, with deep sweeping roofs. Those near to the river have balconies mostly at ground floor level creating undercrofts beneath them, many of which are being used for miscellaneous storage. The balconies are mostly glass walled, and as they are constructed of repeated materials and are

similar depths away from the flank walls of their hosts, they are a feature that enhances the cohesive appearance of the estate.

6. No 16 is within an area of high flood risk, and in such areas residential properties are considered to be highly vulnerable uses. The Planning Practice Guidance (the Guidance) makes it clear that minor developments, such as the appeal scheme, could affect flood risk within or beyond the property, particularly in areas susceptible to flooding. Although minor developments are unlikely to raise significant flood risk issues, one instance in which this could occur is if the development would impede access to flood defence facilities.
7. The balcony serving No 16 wraps around the house, having an L-shaped plan form. It is set back from that of 17 Avon Wharf (No 17), thereby maintaining privacy for the occupiers of this property as well as the cohesive appearance of these terraced houses. Unlike the balconies upon No 17 and 18 Avon Wharf, that upon No 16 is set away from the flood defence wall.
8. The proposed balcony would be partially set back from the neighbouring one, but would extend over the flood defence wall. The Environment Agency have advised that the balcony would make future maintenance of the flood defence wall or any upgrade to it problematic. Although the balcony would not be attached to the wall, it would be very close to it, and would restrict views of it and impede access to it. Given that the Guidance requires minor development not to impede access to flood defence facilities, even the modest extension proposed could be responsible for unacceptably increasing flood risk, both to the host property and elsewhere.
9. The appellant has pointed out that the neighbouring balconies also partially extend over the flood defence wall thereby forming a local precedent for such works. However, the flood defence wall was constructed after the dwellings, and current requirements of national policy are to minimise flood risk, including that resulting from minor development. Moreover, in such a location development needs to demonstrate that it will be safe for users without increasing flood risk elsewhere. The extended balcony would not restrict access to the flood defence's metal walkway, but it cannot be assumed that all inspection, upgrade and maintenance of the flood defence could occur from the walkway. As the balcony would extend over the top of the flood defence wall, it would not only restrict access, but would also hinder inspection and any future upgrade, and particularly so if storage was occurring within the undercroft.
10. Whilst there is support from local residents for the scheme, the National Planning Policy Framework (the Framework) requires that when determining any application, that flood risk is not increased elsewhere. The appellant describes the extension of the balcony as only a small change which could include the possible use of solar glazing to provide a renewable energy source for the property. However, such glazing could be installed irrespective of the appeal proposal, and the modest benefits arising from it would not outweigh the significant public harm that could occur from impeding views and access to the flood defence wall. The extended balcony would provide the appellant with more functional space, but this would be a personal benefit for the occupiers of the property. Despite the time-limited economic benefit arising from construction works, it would not negate the significant harm that could arise

from the failure of even a small section of flood defences that is in place to protect people and property from flooding.

11. For these reasons the scheme would fail to accord with the requirements of national policy that seek to prevent increasing flood risk. The suggested conditions would not overcome these fundamental harms, and the scheme would fail to accord with Policy ME6 of the Christchurch and East Dorset Core Strategy (2014). This policy seeks amongst other things, that flood risk is not increased as a result of the development proposed, thereby reflecting objectives of the Framework.

Other Matters

12. Avon Wharf is a discrete cluster of similarly styled and aged dwellings within the Christchurch Central Conservation Area, and within the setting of the listed Waterloo Bridge. The proposed balcony would harmonise with the cohesive style and materials of these dwellings. Given this and the modest size of the extension, the balcony would have a neutral impact upon the setting of the bridge and upon the character and appearance of the conservation area.
13. Some local residents have raised concerns regarding a loss of privacy. However, as I am dismissing the appeal for other reasons, I have no need to consider this matter further.
14. Finally, the appellant's concerns regarding the Environment Agency's consideration of the case relate to procedural matters and fall to be pursued by other means separate from the appeal process.

Conclusion

15. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

JJ Evans

INSPECTOR