



Appeal Decision

Site visit made on 5 March 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th March 2025

Appeal Ref: APP/T0355/T/25/3359906

Strathmore, 62 Forlease Road, Maidenhead, Windsor and Maidenhead, SL6 1SD

- 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 Kaveh Samani against the decision of Royal Borough of Windsor and Maidenhead Council.
 - The application reference is 24/02763.
 - The development proposed is single storey front 'porch' extension replacing existing porch.
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Decision

1. The appeal is allowed, and planning permission is granted for single storey front 'porch' extension replacing existing porch at Strathmore, 62 Forlease Road, Maidenhead, Windsor and Maidenhead, SL6 1SD in accordance with application ref: 24/02763 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans (combined plans) drawing no. SL61SD.01 Rev A;
 - 3) The external materials used within the development hereby permitted shall match those of the existing dwelling. Materials will be maintained for the lifetime of the development and any changes shall be submitted to, and approved in writing by, the Local Planning Authority.

Main Issues

2. The main issues are the impact of the proposal upon flood risk.

Reasons

3. The appeal site is a semi-detached residential dwelling with the proposal before me seeking to replace, with some limited extension, an existing single storey front porch. The proposed infill extension would measure in the region of 0.94 metres in depth from the front/side wall, 2.8 metres wide and would have a mono pitched roof with an overall height of 3.48 metres (in the region of 2.63 sq./m) following removal of the existing canopy which can be seen on the submitted plans.
4. Royal Borough of Windsor and Maidenhead Borough Local Plan 2022 (LP) Policy NR1 advises that within designated Flood Zones 2 and 3 development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.

5. The Council's delegated report, in the planning balance and conclusion, notes that in their view the proposals cannot be carried out under Article 3 and Schedule 2, Part 1, Class D of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GDPO) as the proposal would fail to comply with Section D.1. This states that development is not permitted by Class D if – (c) any part of the structure would be more than 3 metres above ground level.
6. On the basis of this acknowledgement by the Council it therefore follows that, for example, as a relevant fallback position within this appeal that should the appellant amend the proposal to reduce the height (by 0.48 metres) to 3 metres then a similar proposal in terms of floor area could be constructed under permitted development, beyond the control of the Council, under Class D of the GDPO. Such a development I find would result in the same impacts, in terms of flood risk, as the proposal that is before me with the only difference to comply with the GDPO realistically being 0.48m in height.
7. Whilst I acknowledge that, as submitted, the proposal is not compliant with the GDPO and requires planning permission due to its height as outlined I attribute significant weight to the capability of the appellant in this case to construct something of the same floor area beyond the control of the Council should this appeal fail on the basis of flood risk. The appellant has provided a Flood Risk Assessment (FRA) and whilst it does not wholly satisfy the requirements set out in the Environment Agency (EA) standing advice I find that, in this case, the proposal is supported by an appropriate FRA taking into account the nature and minor scale of the proposal which, ultimately, seeks to replace an existing porch structure.
8. The proposal would add in the region of an additional 0.5 sq./m of non-permeable structure to the host dwelling and I find it is unlikely that the extension would cause significant impact on the locality in terms of flood risk. The proposal would maintain the existing building floor level and it would be wholly disproportionate, and impractical, to raise the floor level by 0.6 metres above the flood level given such a minimal increase in footprint and the use and function of the space remaining unchanged as a porch for the host dwelling. I am also mindful that the appeal site does have the benefit of the Jubilee Flood Alleviation Scheme.
9. Within this assessment I do not, by any means, underestimate the importance of appropriately applying flood risk measures to new development, however, in light of the proposal being a replacement for an existing porch, as minor householder development, and given the capability of the appellant to construct a porch of the same floor area, of reduced height, within the scope of permitted development as a fallback position in the event this appeal failed I find that a refusal reason based upon a lack of relevant flood risk assessment details cannot be reasonably substantiated in this case based upon the circumstances. I have no evidence to suggest that the proposal would increase flood risk elsewhere, nor create a development any more vulnerable to flood risk than the existing porch to the host dwelling, sufficient to warrant refusal.
10. Overall, LP Policy NR1 is clear that proposals will only be supported where an appropriate FRA has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms. I find that based upon the scale of the proposal, and the circumstances for this case, that the proposal is supported by an appropriate FRA. Whilst the proposal would be contrary to LP Policy NR1 insofar

as it has not, for example, been designed to raise the floor level to the flood level as suggested by the Council I attribute significant weight to the presence of a fallback position and the proposal being a replacement, of a similar footprint, for the same use and function.

11. The appellant would have the ability in the event this appeal failed to construct a porch, with exactly the same floor area, but with a reduced height, beyond the control of the Council which would, in turn, not require additional documents such as a FRA in accordance with LP Policy HR1 as is utilised as the basis of refusal by the Council in this case.

Conditions

12. The Council's questionnaire suggests three conditions in the event this appeal is allowed which I have considered and applied as appropriate. Whilst the questionnaire does allude to other conditions being regarded as necessary by the Council any suggested conditions do not appear to have been completed in the relevant questionnaire box prior to lodging the Council's questionnaire.
13. A time condition is attached to comply with Section 51 of The Planning and Compulsory Purchase Act 2004. A condition requiring development to be in accordance with the approved plans is required to control and define the development which is granted consent, and a materials condition is required to ensure an appropriate finish in accordance with the details submitted – to match the host dwelling.

Conclusion

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Marshall

INSPECTOR