
Appeal Decision

Site visit made on 20 October 2025 by S Manson DipTP

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2025

Appeal Ref: APP/A2335/D/25/3371876

63 Canterbury Avenue, Lancaster, Lancashire LA1 4AU

- 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 and Mrs Kolev against the decision of Lancaster City Council.
 - The application Ref is 25/00295/FUL.
 - The development proposed is the erection of a two storey extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the proposal would result in an increased risk of flooding.

Reasons for the Recommendation

4. Burrow Beck, a designated main river, runs along the eastern boundary of the appeal site. This results in its majority being within flood zone 3b which is functional flood plain. In accordance with the requirements of Policy DM33 of the Local Plan Development Management Development Plan Document 2025 (DPD), a site specific Flood Risk Assessment (FRA) has been completed.
5. The FRA outlines some mitigation measures, but it does not address how the proposed extension would avoid impeding water flow or reducing flood storage capacity. Despite the modest scale of the development, it would nonetheless increase built form and surface runoff, thereby occupying land that currently serves a flood storage function. Without a sufficiently clear understanding of how excess water would be managed or drained, the proposal fails to demonstrate that it would not increase the risk of flooding. The scale of the development does not diminish the importance of assessing its potential impact in flood risk terms.
6. As such, the proposals would conflict with Policy DM33 of the DPD which seeks to ensure, amongst other things, that new development does not impede the flow of water or reduce the volume available for floodwater storage.

Other Matters

7. A previous planning permission for a similar scheme was not implemented due to concerns raised by the Environment Agency (EA). The EA is currently designing a flood defence scheme for this section of Burrow Beck, and although raise no objection in principle to the proposals, this is based on no development taking place until the flood defences are completed. There is no date for when these works will be carried out. The scheme remains in the design phase and still requires public consultation and the necessary permissions to do the work.
8. While the appellant has confirmed that construction would not begin until the flood defences are complete, the uncertainty surrounding the EA's timeline means that it would be unreasonable to impose a standard three-year commencement condition. Planning conditions must meet the six tests in the Framework, including being reasonable and enforceable. In this case, a condition reliant on third-party works would not satisfy these tests. Therefore, even if the proposal were acceptable in planning terms, planning permission could not be granted due to the inability to secure an appropriate and enforceable condition to manage the timing of development.
9. It is also possible that the dwelling could be extended under permitted development rights. This might not require the input of the EA and works may be able to take place without the need for a FRA or mitigation measures. However, I do not have a scheme for an extension as an alternative under permitted development before me to compare it to the appeal scheme. In addition, it might be possible that my concerns under the main issue, with specific regard to impeding water flow and reducing storage capacity, could be overcome with further assessment and/or a solution. This is not before me either and to request it would deny the ability of any other interested parties, the Council and/or the EA specifically, from making comment thereon. My findings do not therefore change.

Conclusion and Recommendation

10. For the reasons given above, the appeal proposals would conflict with the development plan and there are no sufficiently weighty material considerations to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

S Manson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR