



Appeal Decision

Site visit made on 20 January 2026

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th March 2026

Appeal Ref: APP/T0355/W/25/3372058

Maynard Court, Clarence Road, Windsor SL4 5BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Haz Sran against the decision of Royal Borough of Windsor and Maidenhead.
 - The application Ref is 25/01446
 - The development proposed is construction of one additional storey to building to provide 4no. additional flats.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of one additional storey to building to provide 4no. additional flats at Maynard Court, Clarence Road, Windsor SL4 5BG in accordance with the application 25/01446 and the details submitted with it.

Preliminary Matters

2. I have used the Council's description of the development in the banner header above and in my formal decision, as this is a more concise description of the proposal and removes superfluous text from that set out in the application form.
3. Paragraph B. (6) 'Procedure for applications for prior approval under Part 20' sets out that where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency (the EA) where the development is, amongst other things, (a) in an area within Flood Zone 2 or Flood Zone 3.
4. There is agreement between the main parties that the site falls within Flood Zone 2. The Council had not consulted with the EA during the application process. The EA was consulted as part of the appeal process and the main parties were given the opportunity to comment on its response.

Background and Main Issue

5. Schedule 2, Part 20, Class A of the GPDO permits development consisting of works for the construction of up to 2 additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, subject to limitations and conditions. The Council does not dispute that the development would meet the limitations in

paragraphs A. and A.1. Based on the evidence before me, I see no reason to disagree.

6. The conditions in paragraph A.2 (1) require that an application is made for a determination as to whether prior approval is required for the development as to various matters listed (a) to (j). There is no dispute between the parties that the development is acceptable in respect of the matters listed in paragraph A.2 (1) except for (d) flooding risks in relation to the building. Based on the evidence before me, I see no reason to disagree.
7. The main issue is therefore whether prior approval should be granted for the development, with particular regard to the flooding risks in relation to the building.

Reasons

8. The appeal site consists of a purpose-built 3-storey block in a predominantly residential area with a petrol filling station and shop to its immediate west.
9. The proposal would involve the addition of four flats to the block within a new fourth floor of accommodation, as well as the upward extension of the stairwell, 5 additional car parking spaces, a new bike store and enlarged bin store to the rear.
10. A previous proposal for the same development was dismissed at appeal¹ last year where the Inspector concluded that the proposal had not demonstrated that safe access and escape routes are included in an emergency plan. Consequently, it was determined that there would be an unacceptable effect on flood risk and the safety of future occupiers.
11. Flood Zone 2 has a medium probability of flooding² and the proposed residential accommodation has a 'more vulnerable' flood risk vulnerability classification³. The PPG sets out that a 'design flood' includes river flooding that is likely to occur with a 1% annual probability (a 1 in 100 chance each year) plus an appropriate allowance for climate change⁴. An 'extreme flood' is a 0.1% annual probability of flooding (a 1 in 1000 chance each year) with allowance for climate change⁵.
12. When assessing whether a proposed development will be safe for its lifetime, the PPG adds that this includes the ability of residents and users to safely access and exit a building during a 'design flood' and to evacuate before an 'extreme flood'.
13. There is no disagreement between the parties that the site and the surrounding area is outside the 1% annual probability plus 35% climate change allowance floodplain. Therefore, continuous safe and dry access would be available within and around the appeal site during a 'design flood'. A pedestrian route to dry land during an 'extreme flood', at a distance in the region of 200m, is contained in a Site Evacuation Plan⁶ (SEP) submitted with the current appeal scheme. I observed that this route, along the public footpath on Clarence Road towards Dedworth Road, is direct, level and generally free of physical barriers.
14. An undisputed claim before me emphasises that the River Thames is a slow responding watercourse. Moreover, the latest EA modelling indicates that there

¹ Appeal Ref: APP/T0355/W/24/3346611

² Planning Practice Guidance Paragraph: 078 Reference ID: 7-078-20220825

³ National Planning Policy Framework Annex 3

⁴ Planning Practice Guidance Paragraph: 002 Reference ID: 7-002-20220825

⁵ Planning Practice Guidance Paragraph: 005 Reference ID: 7-005-20220825

⁶ Site Evacuation Plan Project Ref: 332612695 Rev :1 Date: May 2025

would be a notable period running into many days of slowly rising river levels before an 'extreme flood'.

15. I recognise concerns raised in terms of placing reliance on, amongst other things, an individual's judgement and physical ability, the effectiveness of communication systems and the lack of a mechanism to guarantee that residents would evacuate in time. However, there is a flood warning area covering the site and it is inevitable that there would be widespread public awareness and media coverage of flooding across vast areas of the Thames Valley over a prolonged period before levels reached that of an 'extreme flood'. In view of these factors and the nature of the route to dry land, I am satisfied that advance warning would be available to enable people, including those with mobility issues, to evacuate in plenty of time before the site is impacted by an 'extreme flood'.
16. Moreover, the proposal represents a very modest increase in additional residents within a populated urban area where it is reasonable to anticipate that the appropriate authorities would be advising residents in the area affected, with plenty of warning, when evacuation was required. I also have no reason to doubt that residents with mobility issues would be assisted by other residents, any voluntary response and the authorities to evacuate during the notable run-up period to an extreme flood. There is not a compelling case that emergency assistance to evacuate would be called upon under these circumstances.
17. The submitted SEP sets out site evacuation procedures and routes as well as details on when reoccupation of the site could take place. It is also rational that residents would be aware of the flood risk and familiarise themselves with the SEP, which amongst other things, provides details of subscribing to an emergency flood warning that provides an alert to a user's mobile device. There is nothing before me to indicate that the relevant authorities and communication systems would not suitably respond to an extreme flood and provide sufficient advance warning.
18. Consequently, I have found that suitable measures to manage the residual risk associated with an 'extreme flood' at the site have been provided and that the development would be safe for its lifetime.
19. My attention has been drawn to an appeal decision in Eton⁷, which I have found to be materially different to the current appeal scheme as that site was located in Flood Zone 3. In that case, predictions for the 100 year event, once an allowance for climate change was added, showed flooding on the High Street and part of the pedestrian evacuation route indicated as 'danger for some'. As such, a comparison is of limited relevance in this instance, and I have considered the appeal before me on its own individual merits.
20. For the above reasons, the proposed development would have an acceptable effect on flood risk and the safety of future occupants, satisfying the matter listed at paragraph A.2 (1) (d), and prior approval should be granted.

Other Matters

21. A number of concerns were raised in relation to the proposal by interested parties, including, but not limited to, living conditions, highway safety, parking pressure,

⁷ Appeal Ref: APP/T0355/W/23/3329638

traffic congestion, and character and appearance. The Council did not refuse the application on these matters, and I note that some of these have previously been considered at appeal. There are no reasons before me, and from my own observations, to reach a different conclusion on these matters.

22. Paragraph A.2 (3) requires that before beginning the development, the developer must provide the local planning authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated.
23. The EA has requested that, in the event the appeal is allowed, a number of advisories are attached. However, as the effect on flood risk has been assessed, these have not been attached.

Conclusion

24. For the reasons given above the appeal should be allowed and prior approval is granted.

P Barton

INSPECTOR