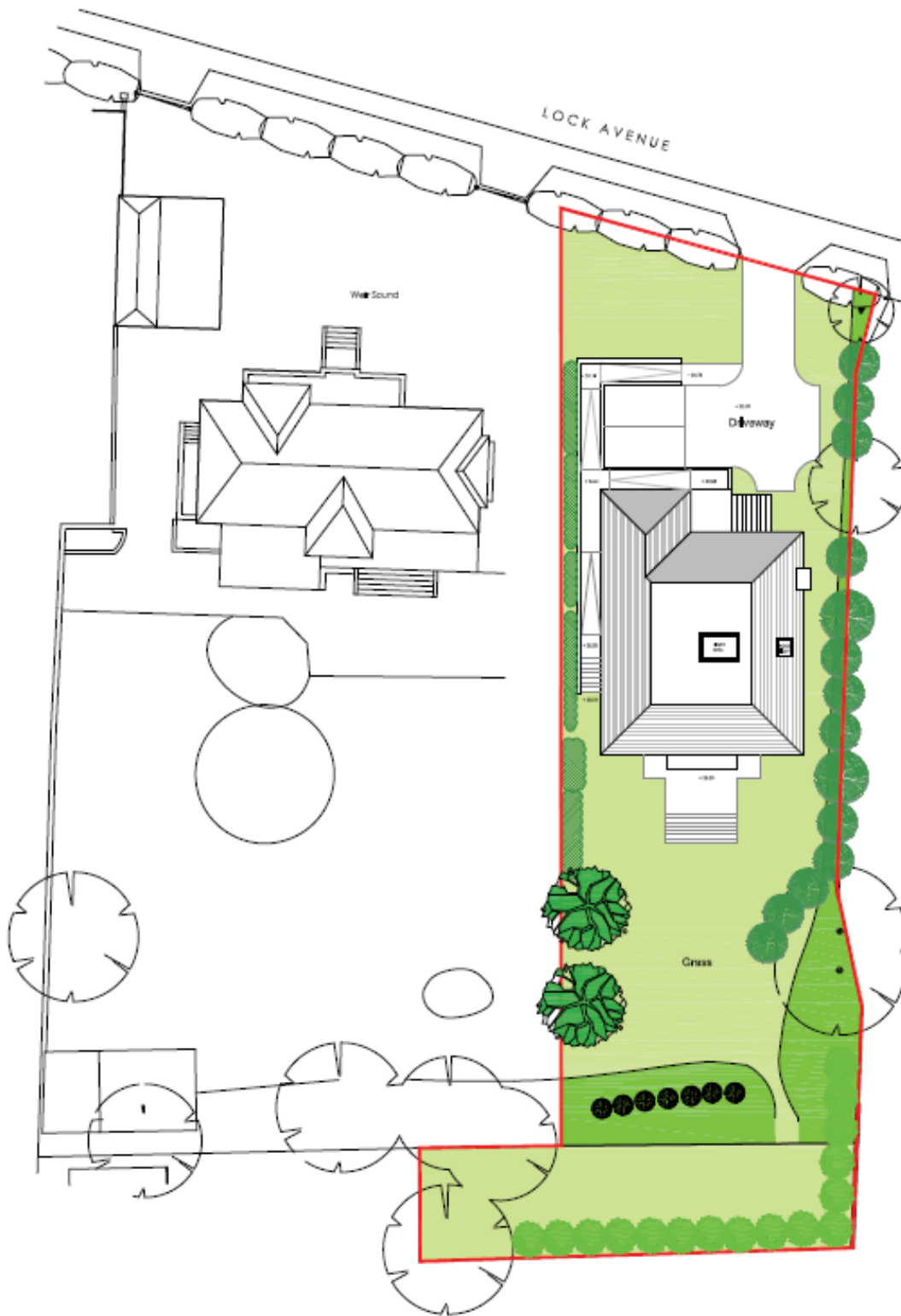
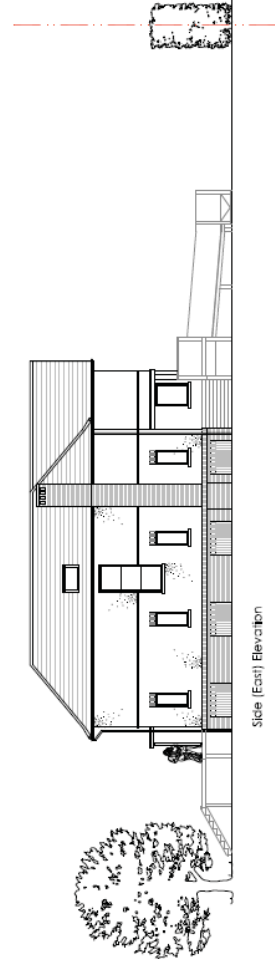
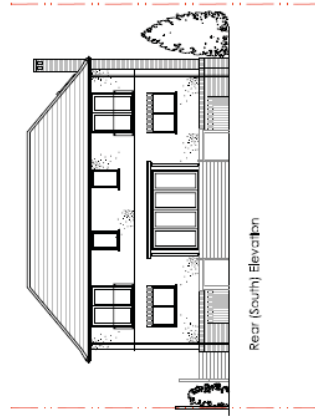
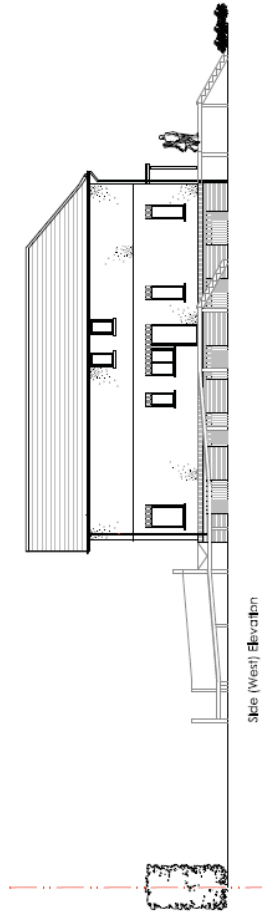
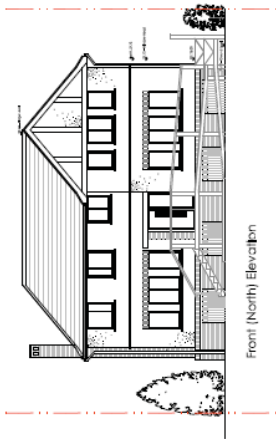


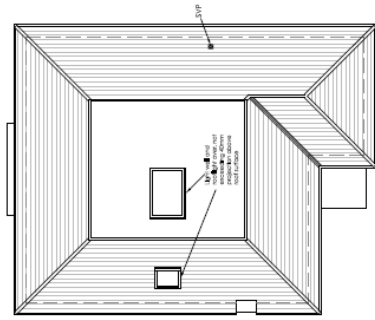
APPENDIX A – LOCATION PLAN



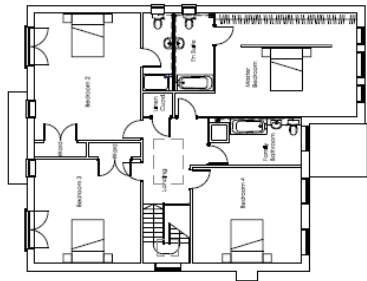
APPENDIX B – PROPOSED SITE LAYOUT



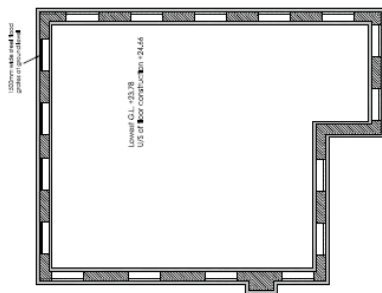
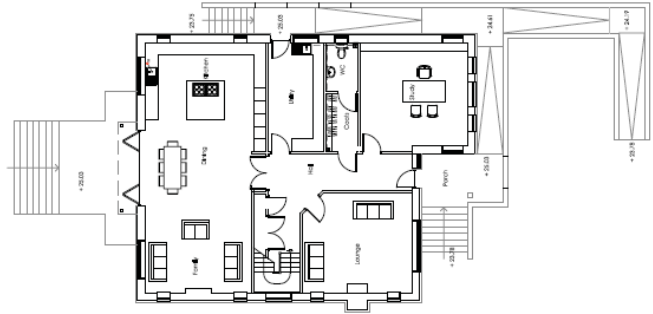
APPENDIX C – PROPOSED ELEVATIONS



Roof Plan



First floor Plan



APPENDIX D – PROPOSED FLOOR PLANS



Appeal Decision

Site visit made on 29 December 2015

by **Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 February 2016

Appeal Ref: APP/T0355/W/15/3133609

Four Gables, 62 Lower Cookham Road, Maidenhead SL6 8JZ

- 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 Mrs Jackie Roberts against the decision of the Council of the Royal Borough of Windsor & Maidenhead
 - The application Ref 15/01667, dated 18 May 2015, was refused by notice dated 19 August 2015.
 - The development proposed is the conversion of existing annexe at 62 Lower Cookham Road, Maidenhead to independent semi-detached dwelling with rear extension, entrance porch and pitched roof.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The agent has confirmed that the appellant's name is Mrs Jackie Roberts and not Mr Jackie Roberts. I have therefore used this name in the banner heading.

Main Issue

3. The main issue is whether the proposal represents an acceptable form of development, having regard to national and local planning policies relating to development in areas at risk of flooding.

Reasons

Policy considerations

4. The site lies in a residential area in Flood Risk Zone 2 (medium probability of flooding) but is surrounded by land in Flood Risk Zone 3a (high probability of flooding). The Council's Strategic Flood Risk Assessment 2014 (SFRA) describes such an area as a 'dry island', and recommends that it is categorised as falling within the flood zone which encircles it, in this case Flood Risk Zone 3a. *Document 4: Exception Test* of the appellant's appeal statement shares the view of the Council; that the site is in Flood Risk Zone 3a.
 5. The National Planning Policy Framework 2012 (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in areas at risk of flooding, it should be made safe, without increasing flood risk elsewhere. To achieve this, the Framework advocates a
-

Sequential Test to steer new development to areas with the lowest probability of flooding. If, after the application of the Sequential Test, it is not possible for development to be located in zones with a lower probability of flooding, an Exception Test can be applied comprising two elements:

- *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a SFRA where one has been prepared; and,*
 - *A site-specific Flood Risk Assessment (FRA) must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.*
6. For a development to be permitted, both elements of the Exception Test must be passed, and it has to be demonstrated that, amongst other things, the development is appropriately flood resilient and resistant, including having safe access and escape routes where required, and that any residual risk can be safely managed.
 7. Policy F1 of the The Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations adopted in 2003 (LP) seeks to prevent new residential development in areas liable to flood, which would increase the number of people at risk.
 8. The Council considers that the proposal does not need to pass the Sequential Test, but concludes that it fails the Exception Test.

The Sequential Test

9. The Framework states that local planning authorities should only consider development appropriate in areas at risk of flooding following the Sequential Test. The FRA of May 2015 accompanying the application, includes an assessment against the Sequential Test, concluding that there are no reasonably available sites with a lower probability of flooding that would be appropriate for the development proposed.
10. The assessment does not include any alternative sites. However, given the approach advocated in the Planning Practice Guidance (PPG) to the availability of alternative sites, as well as the scale of the proposal, and that it relates to the subdivision of an existing dwelling and plot of land, it would not be irrational to conclude that there is no reasonably available site appropriate for the proposed development with a lower risk of flooding than the proposed site. Notwithstanding the conclusion of the Council regarding the need for the Sequential Test, I consider that it has been passed.

The Exception Test

11. Regarding the first element of the Exception Test, while I appreciate that the proposal is in a residential area and I note the pressure for development in the wider area, the provision of one additional house does not amount to the level of wider sustainability benefit that would outweigh the flood risk.
12. With regard to the second part of the Exception Test, the Council points out that during a flood event, the dry island may be surrounded by flood water for a considerable time, and that future occupiers would be unlikely to have access

to medicines, food, water and utilities. The SFRA advises that it is essential that any future development within areas like this considers carefully the emergency response in the event of flooding. The PPG advises that the emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe.

13. There are no details provided in the FRA accompanying the planning application to demonstrate that the development would provide safe access and egress for people during a flood. On this basis, I am unable to conclude that the proposal would provide safe access and egress; it has therefore not been demonstrated that the proposal would be safe for its lifetime. The proposal thus fails both criteria of the Exception Test.
14. I acknowledge that the appellant's FRA suggests that the vulnerability of the occupiers of the independent dwelling proposed, likely to be a young, able couple or family, may be less than the vulnerability of the occupiers of the existing dwelling including the annexe, more likely to be occupied by older people. However, the size of a dwelling does not determine the age of its occupiers, which in any event, is a poor indicator of frailty or fitness. More significantly, the PPG does not distinguish between types of residential occupier – a dwelling is classed as 'more vulnerable' regardless of the age of its occupiers. Moreover, an independent house occupied by a family would be a more intensive living environment than the occupation of an annexe, with the potential for a greater number of visitors, trips, and access for servicing.
15. I have had regard to the appellant's reference to planning permissions for housing developments granted at 33 and 35 Lower Cookham Road, as well as the site of the Chef Peking restaurant on Ray Mead Road, with the implication regarding the Council's consideration of risk in the planning balance. However, as the first application concerned the redevelopment of a vacant gym and workshop and the latter the change of use from a restaurant, any parallels to this case are limited. Moreover, I have determined this proposal on its own merits.
16. I conclude that the proposal would represent an unacceptable form of development, having regard to national and local planning policies relating to development in areas at risk of flooding. It would conflict with the approach to managing flood risk as set out in the Framework, and would be contrary to policy F1 of the LP, where it accords with the Framework. Whilst it would provide a modest benefit of one additional house to local housing supply, this is outweighed by the unacceptable risk to future occupiers from flooding, which is in clear conflict with the policies of the development plan and with the Framework.

Conclusion

17. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR