

Appeal Decision

Site visit made on 28 November 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/Q3630/W/16/3158024

Chertsey Boulevard, Hanworth Lane, Chertsey, Surrey KT16 9JX

- 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 Marchdown Residential Limited against the decision of Runnymede Borough Council.
 - The application Ref RU.16/0549, dated 30 March 2016, was refused by notice dated 29 July 2016.
 - The proposal is the development of one apartment block to provide 4 dwellings, comprising two 1 bed flats and two 2 bed flats with associated landscaping and car parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Marchdown Residential Limited against Runnymede Borough Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The application was originally made for two blocks of accommodation on this site; Block A and Block B. The scheme was amended before the Council's decision by the deletion of Block A and so the decision relates to a single block of flats and the description of the proposal is taken from the appeal form.

Main Issue

4. The main issue in this case is whether the design and layout proposed would provide adequate living conditions for existing and future occupiers, with particular regard to outlook and privacy.

Reasons

5. The appeal proposal would be located within Chertsey Boulevard, a courtyard development of four quite substantial 2/3-storey office blocks purpose-built in the late 1980s. This cul-de-sac development is off Hanworth Lane which continues for a distance further to the east, serving a trading estate along its north side and with Green Belt countryside beyond and to the south. Chertsey Boulevard faces onto Hanworth Lane and its other sides are bound by neighbouring blocks of commercial development.
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6. The block of four flats would occupy an area containing car parking spaces situated between two of these units. A large proportion of this development has changed from office to residential use. To the north of the proposal is Roman House, which has been converted into 10 flats, and to the south is Montrose House, which remains in commercial use.
7. The proposal is for a three-storey block of four flats, where the third-floor accommodation is provided within the roof space. The block would be of a rectangular plan with a hipped roof, with end dormer windows and rooflights to the sides.
8. Chertsey Boulevard comprises well-designed office blocks which are spaciouly arranged, both in relation to each other and the surrounding commercial buildings, and separated by hard-surfaced areas incorporating planting which respond appropriately to the scale of the buildings. This open character would appear to provide a good quality external environment for the occupiers of these buildings.
9. The introduction of the block of four flats would not reflect the grain of the current layout and would appear cramped and out-of-keeping in relation to the buildings that surround it. This development would materially detract from the acceptable living conditions provided within Chertsey Boulevard as a whole by diminishing significantly its pleasant, open character.
10. In particular, the siting of the flats would be around 12 metres from Roman House and sufficiently close to be visually obtrusive from, and have an overbearing effect upon, the outlook of these adjacent flats. This would materially harm the living conditions for these residents as a consequence. Although the Council has not referred to any specific standards for separation, 12 metres would not be an adequate distance relative to the scale, design and orientation of the respective buildings.
11. The proximity of the proposal to Roman House has necessitated that the facing windows in the proposed flats are of a high-level. This would avoid any mutual overlooking between the existing and proposed flats and result in no material loss of privacy but provide future occupiers with a sub-standard level of outlook as a consequence. This is indicative of the proposed flats being unacceptably close to these neighbouring apartments, whose occupiers would have the somewhat oppressive view of a rather blank elevation.
12. The new flats would provide future occupiers with main outlooks from windows facing towards Montrose House, and each unit would have a small outside private terrace area. The separation between the proposed flats and Montrose House is not much more than that from Roman House. However, Montrose House remains an office and its fenestration is such that the occupiers of the new flats would retain a reasonable amount of privacy. However, I agree with the Council that this would be less than ideal, particularly if this adjacent building changed to a residential use.
13. The siting and design of the flats proposed would appear both cramped and contrived, incongruous with the attractively unified design and appropriate degree of spacing provided by the current development. Whilst the Council's view is that this would result in no aesthetic harm externally in views of the street-scene, this proposal would, internally to this development, result in

significant harm to the living and working conditions provided, most notably in respect of the outlook from the existing flats in Roman House.

14. Paragraph 61 of the National Planning Policy Framework (the Framework) states that, although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and that decisions should address the connections between people and places and the integration of new development into the built environment. These flats would not integrate well into this site and would provide unsatisfactory connections between the present and proposed uses. As a consequence, this proposal would conflict with the core planning principle of the Framework to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
15. The development plan comprises the saved policies in the Runnymede Borough Local Plan Second Alteration of April 2001 (LP). This proposal would conflict with the aims of LP Policy HOU 9 which seeks that new housing does not damage the character and amenity of established residential areas and provides appropriate space between existing and proposed residential units. LP Policy BE2 refers to townscape character and this proposal would also conflict with this with regard to the failure of the proposed flats to respect the pattern provided by the existing buildings. These policies are broadly consistent with the aforementioned parts of the Framework and are consequently afforded significant weight.

Planning Balance

16. The Council cannot demonstrate a five-year supply of deliverable housing sites. LP policies HOU9 and BE2 are in this case clearly relevant to the supply of housing and, under paragraph 49 of the Framework, should not be considered up-to-date.
17. In such cases, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is invoked. Where relevant development plan policies are out-of-date this would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
19. This proposal would contribute to the economic role of sustainable development through the jobs and investment involved in construction and through future occupiers supporting local shops and services. A social role would be provided through the support these four flats would provide to addressing the under-supply of housing in this Borough.

20. An environmental role would be provided by making effective use of previously-developed land, reducing pressure on environmentally more sensitive areas, in a location with convenient access to public transport and regularly required facilities which would reduce the need for long journeys and an over-reliance on private car use. The development would apply passive design and efficiency measures, with photovoltaics, to save energy.
21. However, the contribution made by four flats to housing supply, and the further economic, social and environmental benefits, would be relatively small. The adverse impacts of this proposal, in regard to the harm caused to the living conditions of existing and future occupiers from the resulting design and layout of buildings would significantly and demonstrably outweigh the benefits provided by this development.

Conclusion

22. For the reasons set out above, material considerations would not indicate that this appeal be determined other than in accordance with the development plan. The proposed flats would result in a design and layout that would not provide for acceptable living conditions for existing and future occupiers. This would conflict with LP policies HOU9 and BE2 and with the Framework as a consequence. Therefore, having taken into consideration all other matters raised, I conclude that this appeal should be dismissed.

Jonathan Price

INSPECTOR