The Planning Inspectorate

Appeal Decision

Site visit made on 18 June 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/Q3630/W/19/3223011
33 Friars Way, Chertsey KT16 8PW

- 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 Kirkby Homes against the decision of Runnymede Borough Council.
- The application Ref RU.18/1014, dated 13 June 2018, was refused by notice dated 28 September 2018.
- The development proposed is redevelopment of site to provide a terrace of 5no. dwellings, with associated access, car parking and landscaping.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was revised on 19 February 2019 and this post-dates the Council's refusal notice. I have considered the Framework as part of the determination of this appeal.

Main Issues

3. The main issues are the effect of the development on (i) the living conditions of the adjoining and future occupiers and (ii) the character and appearance of the area.

Reasons

Living Conditions

4. The appeal site is centrally positioned within an area that has a mix of dwellings delivering different densities on the edge of the Conservation Area. The houses within Friars Way are arranged around a cul-de-sac layout, the entrance to which is characterised by detached dwellings in modest sized plots. Progressing into the site, higher densities prevail in the form of neat compact rows of terraced houses which are purposely laid out with parking areas, footways and extensive landscaping.

5. The proposal would replace a two-storey dwelling, albeit positioned further back in the site, closing the gap between some of the surrounding dwellings. It is acknowledged there is already a degree of overlooking but this would be worsened by both the proximity to neighbours and by the intensified use of the building. The occupiers of neighbouring dwellings along Herrings Lane would be particularly harmed as the proposed building would be significantly closer to

these properties, some of which are single storey. The closeness of the building would allow for views from upper floor windows directly into the private gardens and rear windows of these properties. This would be harmful to the living conditions of the occupiers of these existing dwellings.

6. Additionally, the proposed building would be larger and would impact upon the living conditions of occupiers of neighbouring properties within Friars Way. The flank wall of Plot 1 would be very close to the boundary with Nos 31 and 32 Friars Way. Because of its height and position, immediately to the southwest, the proposed building would be dominant and overbearing and would be harmful to the outlook of the occupiers of Nos 31 and 32.

7. The layout of the terrace within the plot and the size of the entire building dictate the individual private outdoor space of each individual unit for future residents. While the gardens to Plots 1 to 3 are relatively narrow, the depth is close to 10.6 metres defined by Policy H09 of the Local Plan as a minimum. Although the Council has raised objection to the substandard garden depth, I consider that these areas would provide reasonable private spaces.

8. Turning to the remaining plots, the garden to Plot 4 is awkward and narrow and does not reflect the width of the individual dwelling. Although it offers some outdoor space, it is restricted and poor in comparison to the space provided by the other units. The wedge-shaped garden to Plot 5 extends to the side and tapers towards the rear boundary providing a more spacious outdoor area. The garden includes one of the groups of trees protected by a TPO (G1). The spread of the trees within the garden of Plot 5 is likely to cause overshadowing particularly because the trees are to the southwest of the dwelling and, as indicated on the layout plan, they cover a large area of the garden.

9. Policies NE12 (Protection of Trees) and NE14 (Trees and Development Proposals) of the Runnymede Borough Local Plan Second Alteration 2001 (the Local Plan) seek to protect and retain significant trees. Although I acknowledge the proposal does not involve the loss of any protected trees, I concur with the Council regarding concerns that overshadowing could arise and may lead to trees being removed to accommodate the development and/or improve the living conditions of future occupiers, despite the TPO that is place.

10. Policy HO9 of the Local Plan requires, among other things, sensitively designed proposals that do not damage the amenity of established residential areas, allow for generous private outdoor space and adequate privacy for existing and proposed properties. As detailed above, the appeal proposal would be harmful to the living conditions for both existing and future occupants because of the layout and design and as such would be contrary to Policy HO9 of the Local Plan. It is also contrary to the Framework which promotes sympathetic development with a high standard of amenity for existing and future users.

Character and Appearance

11. The appeal site comprises a large detached house set in a triangular shaped plot. The property shares access and has an open frontage, mainly laid to hardstanding, with the neighbouring property. To the front of the site the proposed layout displays three separate areas for the parking of 10 vehicles on-site. This frontage parking is not dissimilar to the layout of the other terraces in the area, however, those other areas are generously landscaped

and have grassed areas to the front of the houses. This softens the impact of those parking areas and complements the character and appearance of the area. Within the rear garden are trees which are protected by three individual group Tree Preservation Orders (G1, G2 and G3). There have been some losses to the groups but the trees, particularly within the south west corner of the site, within Plot 5, form a significant feature within the wider landscape and should be preserved. Any further loss of trees would be detrimental to the character and appearance of the area which benefits significantly from its mature landscaping.

12. The proposed terrace would have a similar sized footprint to the other terraces in Friars Way but would not have the sense of space around the building, which is characteristic of the area. Although the proposed terrace would not be an unfamiliar feature within this residential area, it would be an unsympathetic replacement in this location due to its layout and design. Although the Council felt the impact on the street scene would be reduced due to the terrace being set back from the road, I believe the proposal would dominate the site, due to its height and mass and would impact negatively on the character and appearance of the area. The layout is not compatible with the adjoining development and does not make a positive contribution to the existing character, appearance and local distinctiveness of the immediate area.

13. The Council has referred to saved Policies BE2 (Townscape Character) and HO9 (New Housing Development) of the Local Plan. These policies require, among other things, sensitively designed proposals that do not damage the character of established areas, retain appropriate trees and provide a high standard of landscaping and ensure appropriate space between existing and proposed units. For the reasons set out above, I consider the proposal would harm the established character and appearance of the area and is in conflict with Policies BE2 and HO9 of the Local Plan. It is also contrary to the Framework which, among other things, requires development to be sympathetic to local character and to protect or enhance the character and appearance of the area.

Other matters

14. I have taken into account representations about traffic generation, highway safety, the noise environment, ecology and flooding but these are matters which do not affect my findings on the main issues.

15. The net increase of 4 dwellings would bring economic and social benefits and would indeed make the most efficient use of land. However, the proposal would not outweigh the environmental and social harm as reasoned above. Therefore, the proposal would not represent sustainable development.

16. I have considered the proposal and its proximity to the Conservation Area (CA). Taking into account the fact that the proposal replaces existing development on the site, and the relatively limited views into and out of the CA at this point, I am satisfied that the proposal would preserve the setting of the CA. This is an issue which does not form part of the Council's reasons for refusal and given my views above is a matter of neutral consequence in the overall planning balance and does not outweigh or alter my conclusions on the main issues.

Conclusion

17. For the above reasons the appeal should be dismissed.

S Hanson

INSPECTOR