



Appeal Decision

Site visit made on 20 June 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/Q3630/W/19/3226039

96-97 Runnymede House, High Street, Egham TW20 9HQ

- 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 Mr N Beard of CDN Consular Services Ltd against the decision of Runnymede Borough Council.
 - The application Ref RU.18/1432, dated 3 September 2018, was refused by notice dated 16 February 2019.
 - The development proposed is Residential development comprising a total of 14 flats (7 x 1-bed & 7 x 2-bed) involving retention of the existing 3 flats, conversion of the existing offices, alterations to the building with a 3-storey extension fronting Denham Road, and the provision of 9no. parking spaces with access from Denham Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During its determination, the application was amended to provide 9 x 1-bed & 5 x 2-bed flats (still 14 in total) and other amendments to address some of the Council's concerns. It is apparent from the appeal form, the Council's description and the appeal plans listed on the decision notice that 9 x 1-bed & 5 x 2-bed flats are proposed. I have determined the appeal on this basis, notwithstanding the description above, which I have taken from the application form.
3. Since the appeal was lodged the appellant has submitted 4 plans¹ to correct draughting errors, which the Council referred to in its Officer delegated report. The Council is aware of these plans and as no parties would be prejudiced by my acceptance of them, I have taken them into account in my decision.

Main Issues

4. The main issues are:
 - The effect of the proposal on the living conditions of future occupiers of proposed flats 8, 9, 10 and 12 with regard to outlook.
 - The effect of the proposal on the living conditions of future occupiers of proposed flats 5, 7, 9 and 10 and ground floor flats with regard to privacy.

¹ Plans PO1 Rev F; P20 Rev I; P30 Rev C, and P33

Reasons

5. The appeal site is a modern three-storey L-shaped office block that occupies a prominent corner location on the junction by a small roundabout with High Street, Denham Road and Vicarage Road in the centre of Egham close to services and facilities. It lies outside but adjacent to the Egham Conservation Area (CA) which is on the opposite side of Denham Road and includes properties to the east of the site along High Street. The building sits close to the back of the pavement and presents its front entrance to the roundabout. Denham Road is predominantly residential and there are a mix of building styles and designs nearby, including a modern block of flats (Henley Court) on the opposite side of Denham Road.
6. The proposal involves converting the existing office building into flats, with the retention of the 3 existing flats. A three storey extension would also be built on the rear of the building, fronting onto Denham Road, to provide more flats. The existing vehicular access to the office car park off Denham Road would be retained and 9 on-site parking spaces would be provided for residents, together with cycle parking, a vehicle turntable, bin storage and a central landscaped communal amenity area. The roof would be altered to remove the existing mansard roof and increase the height of the eaves above first floor, with a second floor set back with a flat roof. Associated internal and external alterations, including new fenestration, would be carried out.
7. An extant planning permission² exists for the retention of the offices on the ground floor and the existing flats and the erection of a three-storey extension for 5 flats. The appellant says that this permission has been implemented and the Council has not contested this. Two Prior Approval schemes have also been granted. One would see the retention of the ground floor offices and conversion of the upper floors into 8 flats³ and the other would see the entire office building converted to 11 flats and the existing flats retained⁴. Both schemes must be completed within 3 years of their grant.
8. These consents represent a 'fallback' position which the appellant regards as being a 'significant' material consideration. The appellant compares the number of flats for the proposal (14 flats) with the combined fallback schemes yielding 18 flats on the site. The appellant has confirmed that if the appeal should fail, he has every intention of carrying out the conversion and building works. Therefore, there is a more than a theoretical possibility that any of the fallback consents would be progressed and implemented. They are therefore a material consideration in the overall balance.
9. However, the appellant also states at paragraph 5.8 of his Statement that the appeal scheme would 'provide a materially significant improvement over the fallback position, in terms of its appearance in the street scene, the site layout and external amenity area provided for future occupants, and the sustainability benefits, with huge improvements to the appeal site's drainage regime by soft landscaping and the installation of a green sedum roof'. I concur with the appellant and there is no dispute between the parties regarding these matters. Therefore, in my view, the fallback schemes are a material consideration but not 'significant'.

² LPA ref: RU.09/0237 granted 23 April 2009

³ LPA ref: RU.17/1100 granted 22 August 2017

⁴ LPA ref: RU.17/1098 granted 22 August 2017

Living conditions - outlook

10. Flats 8 and 9 are existing. Flat 8 on the ground floor currently has three windows to its living/kitchen/dining area, one of which looks inwards towards the courtyard and two onto Denham Road. The appeal proposal would block up one of the street windows for flat 8. For flat 9 the two end elevation windows would be blocked up and a new window would be inserted overlooking the courtyard. Both of the new courtyard windows would be in close proximity to the proposed new three storey extension that would be built at right angles and would present a blank elevation to these courtyard windows serving habitable rooms. This would result in an unneighbourly, dominant and overbearing effect that would create an unsatisfactory outlook for the existing and future occupiers of flats 8 and 9, particularly for flat 9 as this would be the only window serving this main habitable room.
11. The 2009 fallback planning permission would erect a three storey extension. However, it would be set back behind the curve of the building and hence would be further away from the courtyard windows of these existing flats. In addition, the extension would be smaller and not project out as far. As such, the fallback extension would have less harm on the outlook of these flats than the proposed extension. Flat 10 is on the roof and set-back and the living/dining room would be altered internally to create a large open plan space that would be served by 3 windows. Its outlook would be harmed to a lesser extent.
12. For flat 12, the existing ground floor living/kitchen/dining area has some 4 windows. Its living area window would look south across the courtyard and towards the other flats in the existing building. To overcome the Council's concerns about privacy, the appellant submitted amended plans showing the separation distance would be increased to approximately 9.2m (paragraph 3.24 of the appellant's statement) and that the living room window overlooking the courtyard would be fixed and obscure glazed. However, the obscure glazing would result in an unsatisfactory outlook from a main habitable room for the future occupiers of the flat. Furthermore, the bedroom on the first floor would have 2 windows on the north elevation, with one window in close proximity to the sizeable blank elevation wall of the staircase. This would be overbearing and create an unsatisfactory outlook for the future occupiers.
13. I note the appellant has amended the external amenity area around flat 12 to show the parking turning head would be removed and replaced with soft landscaping. The bin storage area would also be relocated. However, these improvements do not outweigh the harm caused from poor outlook.
14. To conclude, I find that the internal layout, together with the position and type of windows to habitable rooms, would harm the outlook of future occupiers of these flats. Accordingly, the proposal would be contrary to saved Policy HO9 of the Runnymede Borough Local Plan Second Alteration 2001 (RBLP) that seeks to avoid damaging established residential amenity and to provide adequate spaces between existing and proposed residential units. It would also go against the design guidance in the National Planning Policy Framework 2019 (the 'Framework') that promotes a high standard of amenity for existing and future users.

Living conditions - privacy

15. Flats 5 and 9 on the first floor and flats 7 and 10 on the second floor would all have bedrooms at right angles to each other in close proximity. Whilst views would be oblique to some degree, the closeness of the windows would allow clear views between these rooms and compromise privacy for future occupiers. The appellant refers to window-to-window relationships from the fallback schemes. Such a relationship would not arise with the extant 2009 planning permission scheme, as it presents a different layout and arrangement of flats and rooms. Furthermore, the Prior Approval fallback schemes do not indicate any internal layouts, but the schemes would need to be mindful of respecting the privacy of the existing flats should they be implemented. Therefore, the fallback positions are not so significant to justify the current scheme. I note the appellant's examples of other residential schemes with bedrooms looking towards each other. However, none present the same relationship as some have greater separation distances and some have more open-aspect courtyards. As such, they are not directly comparable to the appeal proposal, which I must consider on its own merits.
16. The Council also has concerns about bedroom windows to the ground floor flats that front onto Denham Road and that this would give rise to harm to the amenities of future occupiers being affected by being close to the pavement outside. The existing ground floor flat already has a bedroom fronting Denham Road. The appellant has included examples of new developments the Council has granted over the years that have ground floor bedrooms close to roads and pavements, including the flats of Henley Court opposite. It is not uncommon to find this relationship. I saw that Denham Road, whilst close to the High Street and roundabout, was predominantly residential. The Council's Environmental Health officer has not objected and considers that a condition would address ventilation and acoustic requirements. I am therefore not persuaded that ground floor bedrooms fronting onto the street would result in significant harm to the privacy of future occupiers.
17. Nevertheless, I find that the internal layout, together with the position of bedroom windows in close proximity to each other would result in overlooking and harm the living conditions of further occupiers. The proposal would be contrary to Policy HO9 of the RBLP and the Framework, whose aims are outlined above.

Other Matters

18. In its delegated report the Council refers to inadequate internal floor space for some of the flats. The amended plans show that some of the 1-bed flats would be 1-person flats and as such would comply with the national space standards⁵. The Council considers the changes are contrived, as the flats could be occupied by two persons and the flats would not then comply with national space standards that would be set out in the emerging Local Plan Policy SL19. However, inadequate internal floor space does not form part of the Council's reason for refusal, which specifically refers to poor outlook, overbearing and privacy matters in relation to living conditions of future occupiers. Nonetheless, the appellant has commented on the matter in his Statement.

⁵ DCLG: Technical housing standards – nationally described space standards (published March 2015)

19. When comparing the initial plans, I note that the flats in question would stay the same size overall, but some show a single bed instead of the previous double bed, and some show bathrooms would be made larger and bedrooms smaller accordingly. I therefore concur with the Council that the changes appear to be contrived. I consider it likely that the 1-person flats could be occupied by 2 persons sharing and as such those units would not comply with the national space standards. Whilst I accept that only limited weight could be attached to the emerging Local Plan Policy SL19, the space standards are national and already known about.
20. I accept the maximum combined fallback scheme would result in a greater number of flats, but they would be smaller units. However, the 2009 consent was granted before the national space standards were published and the Prior Approval schemes would not have required the submission of floor plans for approval. In my view, it would be a retrograde step to build residential units below these standards but that would be the appellant's choice. Nevertheless, even if I were to conclude differently and find that all of the flats would have adequate internal floor space, my findings in relation to the main issues would be unaltered.
21. I have had regard to the proximity of the appeal site to the adjacent CA, a designated heritage asset, and I am mindful that there may be an effect on the setting of a designated heritage asset. However, the Council has not raised any concerns that the proposal would harm the character or appearance of the CA. Because of my findings on the main issues, this is not a matter I need to consider any further.
22. The appeal proposal would result in the loss of office employment floor space. The Council has confirmed it does not have a 5 year housing land supply, the emerging Draft Runnymede 2030 Local Plan is subject to Examination, but that any benefits of housing are outweighed by the loss of employment and impact on amenities of future occupiers. The fallback positions are material as one Prior Approval scheme would see the total loss of the employment floor space. In the absence of any substantive evidence from the Council on this matter, I attach limited weight to the loss of employment floorspace. On the other side of the balance, as both the proposed and fallback schemes would provide similar numbers of new dwellings, the proposal does not have much of an impact.

Conclusion

23. Drawing all the above points together and having regard to all matters raised, I conclude that the appeal should be dismissed

K Stephens
INSPECTOR