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## Appeal Decision

Site visit made on 17 September 2019

**by Tim Crouch DipUD MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: Friday, 11 October 2019**

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**Appeal Ref: APP/Q3630/W/19/3231776**

**Flat 48 Guildford Street, Chertsey KT16 9BE**

- 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 Ms Diep Lieu against the decision of Runnymede Borough Council.
  - The application Ref RU.18/1571, dated 22 September 2018, was refused by notice dated 25 March 2019.
  - The development proposed is the subdivision of existing flat to create two separate flats.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The proposal is described by the appellant as retrospective and I saw on my site visit that these are now two separate units. I have considered the appeal on this basis.
3. In addition I saw that there were some differences between the flats and the plans provided. I do not have the information relating to these. In any event I must consider the plans as submitted with the application.

### Main Issue

4. The main issue is the effect of the proposal on the living conditions of future occupiers.

### Reasons

5. The development covers the subdivision of the top two storeys of the building which fronts Guildford Street. These are set above the ground floor restaurant and accessed separately from the side via an area of flat roof above the restaurant.
6. The development has divided the two storeys into two flats, one on each floor, with separate front door accesses onto the flat roof. The Council identifies that the units would be below the floorspace standards set out within the Nationally Described Space Standards (2015), the guidance which it is proposing to adopt in the emerging Runnymede 2030 Local Plan. This has been submitted for examination. The appellant considers this guidance to relate to new dwellings and therefore would not to apply in this case as a conversion of an 'old stock' existing building.

7. Given that the Runnymede 2030 Local Plan has not been adopted and has yet to complete examination I cannot give this guidance significant weight. However, the quality of the space is important as well as the quantity.
8. The first floor flat is shown as having a large bedroom within the submitted plans, which could comfortably accommodate 2 people, with a much smaller living space in comparison to the front. This living space is compromised by the angled wall and inward opening door reducing the usable space. Given the small size of the kitchen, the living space would be required for eating as well as day to day living. As set out the space would not provide the quality in terms of usable space required for 2 occupants, despite the floor to ceiling heights.
9. On my site visit I saw that the smaller room was being used as a single bed space, with the larger room being used as the living space. This relationship and ratio appeared less pressured. However, that arrangement is not as submitted within the plans, and other future occupiers may wish use it as applied for. Therefore, I consider that the first floor unit would not provide an appropriate living environment.
10. The application plans for the second floor unit show two bedrooms and a combined kitchen and living space. One of the bedrooms would only be served by a roof light in the ceiling. This would create an overly oppressive outlook and cause harm to the living conditions of occupiers, especially as it would be the only area of private space given the shared kitchen and living area.
11. The appellant has suggested that this bedroom could become a kitchen, to address the issue of outlook and provide greater living space for a one bedroom unit. This again is not what is contained on the application plans and I must consider the appeal before me.
12. Given the restricted living areas, the Council has placed importance on the quality of the outdoor living space. The appellant suggests that the existing flat roof alongside the entrances serves as amenity space for both units. Whilst containing some planters, this area is directly overlooked by neighbouring properties, is undulating and contains freestanding air conditioning units, with a large commercial flue discharging in the area from below. Moreover, no details have been provided of how this might create suitable private spaces or enclosure. Cumulatively these factors would not create an appropriate amenity area and would not provide adequate privacy.
13. I recognise that there is a local park within the vicinity however this does not outweigh the need for the amenity space provided to be of an appropriate standard.
14. Therefore, the development as submitted would not result in an adequate living environment for future occupiers. Consequently, it would be contrary to saved policies HO2 and HO9 of the Runnymede Borough Local Plan Second Alteration (2001) and the National Planning Policy Framework (2019) (the Framework). Taken together, and amongst other objectives, these require development to provide appropriate amenity areas, adequate daylight to all habitable rooms and adequate privacy for existing and proposed properties.

15. Whilst Policy EE19 of the Runnymede 2030 Local Plan Submission version (2018) was included on the Council's reason for refusal, this appears to be less relevant to the development.

*Other matters*

16. The Council has confirmed that it does not have an up to date 5 year supply of housing, as required by the Framework. The proposal would contribute to this shortfall of housing, but given the scale of the development this would be a very minor addition. The harmful effects of the development would be significant and long lasting. Therefore, I consider that the adverse impacts allowing the development would significantly and demonstrably outweigh the benefits in this case.
17. My attention has been drawn to other decisions which the appellant considers to represent precedents in favour of the appeal. However, the first of these<sup>1</sup> includes a bedsit which is a different form to the appeal units and included an area suitable only for a single bed, restricting occupancy. The second of these<sup>2</sup> relates to listed building consent for a conversion. This has different legislation and focuses primarily on the effects of the works on the heritage asset rather than resultant living conditions. I therefore do not find that these offer direct comparisons and do not lead me to a different overall conclusion.
18. The appellant has identified that the Framework promotes effective use of land, supports using brownfield land and the airspace above existing premises for the provision of new homes. However, given the harm that I have found to the living conditions of future occupiers, and having regard to the Framework's clear emphasis on good design and ensuring that development has a high standard of amenity, I do not consider the development acceptable overall.

**Conclusion**

19. For the reasons given above, I conclude that the appeal is dismissed.

*Tim Crouch*

INSPECTOR

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<sup>1</sup> Council Planning Ref RU.06/1275

<sup>2</sup> Council Planning Ref RU.16/0475