



Appeal Decision

Site visit made on 27 July 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/Q3630/W/19/3242229

Chertsey Boulevard, Hanworth Lane, Chertsey KT16 9JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rory Gleeson (Marchdown Residential Ltd) against the decision of Runnymede Borough Council.
 - The application Ref RU.19/0218, dated 16 November 2018, was refused by notice dated 11 June 2019.
 - The development proposed is described as 'Development of the site to provide 3 residential units on a 2 storey building with associated car parking and landscaping of the wider site'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In July 2020, the Runnymede 2030 Local Plan (LP) was adopted by the Council, and the Runnymede Borough Local Plan Second Alteration 2001 has been superseded. Accordingly, I shall determine the appeal in accordance with the most up-to-date policies, on which the parties have had the opportunity to comment during the course of the appeal.
3. The appellant submitted a number of amended plans with the appeal (Drawing Nos PL02 Rev A, PL03 Rev A, PL04 Rev B, PL05 Rev A, PL07 Rev A, PL08 Rev A), which did not form part of the original planning application. Having regard to the Wheatcroft principles¹, the revised details were not considered by the Council in their determination of the planning application and were not subject to a period of public consultation. In addition, I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. In the interests of fairness and natural justice, I consider that the Council and interested parties in particular would be prejudiced if I were to consider the proposed amendments. My findings therefore relate to the scheme as determined by the Council.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of existing and future occupiers of the development, having particular regard to outlook, privacy and noise.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Reasons

Site description

5. The appeal site comprises an area providing access, parking and landscaping for Chertsey Boulevard, a courtyard development made of large purpose-built office blocks, all of which have been recently converted to residential use. The development has a relatively spacious and open feel, particularly by reason of the site's layout and the reasonable degree of separation which exists between the various buildings. Chertsey Boulevard forms part of an area of otherwise primarily commercial character and lies within proximity to the Green Belt, which is situated on the opposite side of the road.

Living conditions of existing and future occupiers – Outlook and privacy

6. The appeal proposal is for the erection of a three-storey block of flats (the third level of accommodation being provided within the roof) on part of the car parking area, which is now viewed as redundant. The development also seeks to rationalise the existing car parking arrangements within Chertsey Boulevard, and provide additional landscaping. The current proposal follows a previous scheme for a block of four flats, which was refused by the Council and subsequently dismissed on appeal².
7. By reason of its scale and proximity to other blocks within Chertsey Boulevard, but also on the adjacent site, the appeal building would appear unduly cramped. As a result, the proposed block would not sit comfortably within the site, and harmfully erode the spacious and open character which presently defines this courtyard development, to the detriment of the living conditions of existing occupiers of Chertsey Boulevard.
8. Roman House and Montrose House have windows which appear to serve habitable rooms and look directly onto the appeal site. By reason of its scale and proximity to these neighbouring properties, the new building would appear as a dominant and visually obtrusive feature, which would have an adverse effect on the outlook currently enjoyed from these neighbouring windows. Additionally, whilst it would be obscure glazed, the large bay windows of the ground and first floor flats in particular would lead to harmful levels of perceived overlooking for the occupiers of Roman House. This would negatively impact on the enjoyment of their property
9. The proposed flats would be surrounded by residential accommodation, with many windows looking onto the proposed development. The appellant has therefore sought to address the concerns previously raised by the Council and the Inspector, to improve the living environment which would be provided for future occupiers of the development. In order to protect the privacy of neighbouring residents, the development would include vast expanses of obscure glazing, which would in turn provide the future occupiers of the proposed flats with a poor outlook.
10. Daylight levels within the proposed dwellings, which would be served by a number of windows and rooflights, would be adequate. However, as well as reasonable levels of daylight, development proposals should ensure that appropriate outlooks are provided, as they form an integral component of a high-quality living environment. The bedroom of the second floor flat would be

² APP/Q3630/W/16/3158024.

solely served by a large window to the western elevation, which would be obscure glazed, thus creating an unpleasant sense of enclosure, and restricting the outlook to this habitable room to an unacceptable degree.

11. The ground and first floor flats would be provided with large two-storey bay windows which would serve bedrooms, but their main aspect would be obscure glazed, to prevent harmful overlooking onto residents of Roman House. Whilst the side windows of the bay would remain clear glazed, this would do little to compensate for the severely restricted outlook to these bedrooms, particularly by reason of their position.
12. Although it is accepted that the separation distances between the proposed block and neighbouring buildings has been increased compared with the previous appeal scheme, the issues identified are in my opinion symptomatic of a development, which would remain too close to Roman House and Montrose House. The provision of additional landscaping would make a positive contribution to the overall appearance of the development and its living environment, but this would not outweigh the significant harm which the proposal would cause to the living conditions of existing residents. Additionally, it would not provide justification for the deficiencies in respect of the living environment which would be created for future occupiers.
13. Consequently, the appeal proposal would be contrary to LP Policy EE1 which, amongst other things, seeks to ensure that no adverse impact on the amenities of occupiers of the development proposed or to neighbouring property or uses. For these reasons, the proposal would also not accord with paragraph 127 of the National Planning Policy Framework (the Framework), which requires developments to promote health and well-being, with a high standard of amenity for existing and future users.
14. Within the reason for refusal, the Council also raised concerns in respect of the effect that noise levels would have on the living conditions of future occupiers of the development, notably by reason of the site's proximity to commercial premises and the road traffic. The appellant has drawn my attention to a Noise and Vibration Report, and a Permitted Development Noise Survey and Assessment, which were carried out by Philip Acoustics Ltd in support of the conversion of some of the office blocks to residential use. Taking into consideration the available evidence, and subject to the imposition of a condition requiring appropriate noise insulation measures, I am satisfied that the living conditions of future occupiers would not be unduly affected by noise. Accordingly, I find no conflict with LP Policy EE1 in that particular regard.

Other Matters

15. The appellant has drawn my attention to high density residential developments, which have been approved by the Council in recent years, despite restricted separation distances between adjacent buildings. Limited information has been provided to establish whether these particular schemes represent a direct parallel to the appeal development, particularly in respect of the relationship between neighbouring buildings. Notwithstanding this, the deficiencies which may affect these developments should not provide justification for the proposal before me, given the harm that I have found.
16. The appeal site lies within proximity to the Thames Basin Heaths Special Protection Area (SPA). It is accepted that the appeal proposal would have, in

combination with other plans and projects, a likely significant effect on the Thames Basin Heaths SPA, by reason of the increased recreational pressure which additional residential development places on this sensitive area. In accordance with the Thames Basin Heaths SPA Supplementary Planning Guidance (2008), residential development proposals are required to make a financial contribution towards mitigation measures.

17. The appellant has submitted a Unilateral Undertaking to provide a financial contribution towards Strategic Access Management and Monitoring (SAMM) and the Council has indicated that mitigation measures towards Suitable Alternative Natural Greenspace (SANG) are normally secured by condition. However, as I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here.

Conclusion

18. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR