



Appeal Decision

Site visit made on 24 September 2020

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/Q3630/W/20/3250200

Land to rear of 2 Clarence Street, Egham, Surrey, TW20 9RW

- 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 S Marshall against the decision of the Runnymede Borough Council.
 - The application Ref RU.19/1397, dated 16 September 2019, was refused by notice dated 31 December 2019.
 - The proposed development is the demolition of garage/ storage building (Class B8) and erection of single storey detached dwelling with associated amenity space provision, landscaping and front boundary fence with pedestrian gate.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage/ storage building (Class B8) and erection of single storey detached dwelling with associated amenity space provision, landscaping and front boundary fence with pedestrian gate on land to rear of 2 Clarence Street, Egham, Surrey, TW20 9RW in accordance with the terms of the application Ref RU.19/1397, dated 16 September 2019, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The determination of the original application was based on policies contained in the Runnymede Borough Local Plan Second Alteration 2001(RBLP). However, since the determination, the Council has adopted The Runnymede 2030 Local Plan (RLP), which replaced the RBLP. The Council considers the relevant policy of the RLP in this case is policy EE1, and the appellant does not disagree. I shall therefore proceed on this basis.
3. The applicant has submitted amended plans for consideration as part of the appeal. The Council does not object to my considering the amended plans, although it is clear that the amendments, had they been submitted during the course of the determination of the application, would not have changed the Council's view of the proposal. Given the minor nature of the amendments proposed, it would cause no injustice to any party were I to consider them as part of the appeal documentation.
4. Reference has been made to the planning history of the site. Of particular note are the previous refusals of planning permission for residential development on the site. One other relevant aspect in the context of this appeal is the certificate of lawfulness granted by the Council¹ (the Certificate). This provides

¹ Ref RU.19/0857, dated 9 August 2019.

that on the specified date the use of the appeal site was lawful for use class B8 storage and distribution purposes.

5. The appellant has submitted an application for costs against the Council. This is the subject of a separate decision.

Main issues

6. The main issues are the effects of the proposed development on the character and appearance of its surroundings and whether future residents of the property would enjoy acceptable living conditions.

Reasons

7. The appeal site is set within a pleasant residential area, and appears to have once been part of 2 Clarence Street's rear garden. However, it is now divorced from that property in terms of ownership and use, and forms a separate and independent planning unit. The site is comprised of a building and a forecourt opening directly onto Clarence Street. The building has the appearance of a set of 3 lock-up garages, and I note that planning permission was granted for such a development in 1963. A skip and a large storage container occupied most of the forecourt when I visited. I also saw that the current use of the site was consistent with the lawful use set out in the Certificate.
8. The proposal involves the demolition of the extant building and its replacement by a flat-roofed building of similar proportions. The replacement building is described as a single storey dwelling, being comprised internally of a bedroom, bathroom and a combined living room/kitchen. In terms of its layout, it resembles a one-bed flat. The forecourt would be replaced by an amenity area, providing bicycle storage space, with a pedestrian access onto the footway outside. Fencing would be provided around the site.
9. The Council's main concerns stem largely from the modest size and location of the site. The proposed building would, in part, be set against the site's fenced boundaries and the external amenity space provided, in the Council's view, would be minimal and substandard. Concerns are also expressed in the officer report as to the adequacy of internal natural lighting, and outlook from the dwelling. The Council also expresses concern that the form of building proposed on a small plot would be harmfully at odds with the character and appearance of the surrounding area, which is comprised of a fairly standard or traditional form of housing layout.
10. I do not share all the Council's concerns, particularly in respect of the availability of internal natural lighting and outlook, which in my judgment would be acceptable. Moreover, the external amenity space proposed almost matches the internal space created, and this to my mind is more than adequate to serve such a modest development, meeting the requirement set out in RLP policy EE1 to provide an appropriate standard of private amenity space.
11. However, the concern expressed in respect of the effect of the development on the character and appearance of the locality would, in normal circumstances, provide justification for rejecting this appeal. But these, in my view, are not normal circumstances. Whilst the officer report makes reference to the

existing lawful use of the site, little or no weight appears to have been given to this aspect in the assessment of the proposal.

12. I saw that the existing lawful use of the site is damaging to the appearance of the locality, and to local residential character in view of the un-neighbourly impact of the use, both actual and potentially. In this regard I note that the Certificate contains no limitations on hours or days of operation; on the nature of the goods/materials that could be stored, or on whether storage should be confined to the building. Moreover, the Council has provided no realistic evidence to convince me that the lawful use of the site could be reasonably expected to cease in the foreseeable future.
13. The proposal, if permitted, would enable an un-neighbourly, non-conforming and unsightly form of development to be removed in perpetuity. I consider this to be a significant advantage of the scheme, attracting substantial weight, overcoming its shortcomings in other respects.
14. I therefore conclude that whilst the proposed development would not fully meet the objective of RLP policy EE1 requiring all development proposals to achieve high quality inclusive design, this is a case where, in view of the exceptional circumstances, I consider that the material considerations indicate that the provisions of the development plan should not take precedence.

Conditions

15. The Council has suggested the imposition of several conditions, upon which the appellant has been given the opportunity to comment. I consider that all, bar one, of the proposed suggested conditions to be necessary, for the reasons provided by the Council, albeit that the form of wording is subject to modest change. The exception is the condition relating to biodiversity – there is no apparent evidence that the site contains anything of interest in this regard.

Other matters

16. I have taken account of all other matters raised in the representations including the representations submitted by local residents both in support and in objecting to the proposal. I am satisfied that the development would have no material impact on the living conditions of any neighbouring resident, or given the lawful use of the site and the sustainable location of the site, that car parking should prove problematical in terms of highway safety.
17. Accordingly, for the reasons set out above, the appeal is allowed.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: the Location Plan & Drawing Nos. 2a-11a and 2a-020b.
3. The development hereby permitted shall not commence (excluding any site clearance, demolition or ground investigation works) until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.

The required drainage details shall include:

- a. detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.);
 - b. details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational;
 - c. details of drainage management responsibilities and maintenance regimes for the drainage system;
 - d. a plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
4. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the drainage system has been constructed in accordance with the agreed scheme pursuant to condition 4 (or detail any minor variations).
 5. No above ground development shall take place until details of all external and surfacing materials, including:
 - Roof materials
 - Elevational materials (including texture and colour of render)
 - Hard surfacing materials for path and hard standing
 - Details of materials for boundary treatmenthave been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 6. Prior to demolition, details of sustainable construction and demolition techniques to provide for the efficient use of minerals and encourage the re-

- use of construction and demolition waste at source or its separation and collection for recycling, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
7. Prior to the first use/occupation of the development hereby permitted, details of the water efficiency measures and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. Such details as shall be approved shall be implemented and retained for the lifetime of the development.
 8. No burning shall take place on site during the demolition or construction phases of the development and any waste arisings shall be removed from site for recycling or disposal.
 9.
 - a. No above ground development shall take place until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include indications of all hard surfaces, walls, fences, access features, minor structures, any existing landscaping to be retained, together with the new planting to be carried out and details of the measures to be taken to protect existing features during the construction of the development.
 - b. All hard and soft landscaping works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance to a timetable previously agreed with the LPA in writing. Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or defective, shall be replaced as soon as practicable with others of similar size and species, following consultation with the LPA, unless the LPA gives written consent to any variation.
 10. Prior to the commencement of the above ground construction of the development hereby permitted, details of the siting, size and design of the refuse and recycling bin storage area shall be submitted to and approved in writing by the Local Planning Authority. The refuse and recycling bin store and facilities shall then be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter.
 11. Prior to first occupation of the development, details of the siting, size and design of a secure and covered cycle storage area shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage area shall be provided in accordance with the approved details prior to the first occupation of the development and retained thereafter.
 12. Notwithstanding the provisions of Classes A, B, C, D and E of Schedule 2, Part 1 and of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any orders amending or re-enacting that Order with or without modification, no development following within the descriptions of Classes A, B, C, D and E shall be constructed or carried out, without the prior written permission of the Local Planning Authority.