The Planning Inspectorate

Appeal Decision

Site visit made on 17 November 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/Q3630/W/20/3253656
1 Mount Lee Lodge, 27 Egham Hill, Egham TW20 0EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr David McCarthy against the decision of Runnymede Borough Council.
- The application Ref RU.20/0198, dated 29 January 2020, was approved on 26 March 2020 and planning permission was granted subject to conditions.
- The development permitted is subdivision of flat 1 as approved under RU.16/0354 to create 1 x 3 bedroom flat at first floor and 1 x 2 bedroom flat at second floor (amended description).
- The condition in dispute is No 3 which states that: The proposed second floor flat hereby approved shall be tenanted by no more than two persons at any one time, and the tenancies shall only be let to students or staff of the Royal Holloway University of London (RHUL).
- The reason given for the condition is: To ensure that the second floor flat provides a good standard of amenity for occupants of the accommodation and to ensure sustainable development, and to comply with Saved policies HO2, HO9 and MV4 of the Runnymede Borough Local Plan Second Alteration 2001, Policy SL19 of the Runnymede 2030 Local Plan as submitted to the Secretary of State July 2018 and the requirements of the NPPF.

Decision

1. The appeal is allowed and the planning permission Ref RU.20/0198 for the subdivision of flat 1 as approved under RU.16/0354 to create 1 x 3 bedroom flat at first floor and 1 x 2 bedroom flat at second floor (amended description) at 1 Mount Lee Lodge, 27 Egham Hill, Egham TW20 0EU on 26 March 2020 by Runnymede Borough Council, is varied, by deleting condition No 3 and substituting it with the following condition:

   3. The proposed second floor flat hereby approved shall be tenanted by no more than two persons at any one time.

Application for costs

2. An application for costs was made by Mr David McCarthy against Runnymede Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal relates to Mount Lee Lodge, which is a four-storey property that has been divided into flats. The top floor accommodation is provided in a mansard extension, that was granted planning permission under RU.16/0354. Within the

building there are currently 2 x 3 bedroom flats in the property, along with a 1 x 7 bedroom flat occupying the first and second floors.

4. The appeal application sought to subdivide the existing 7 bedroom flat to create a single three bedroom flat on the first floor, with a further two bedroom flat on the second floor.

5. In approving the application, the Council imposed a condition which restricted the occupancy of the 2-bed flat to no more than 2 persons at anyone time and for the flat to be only let to students or staff of Royal Holloway University of London (RHUL). This condition was attached to ensure the flat provided a good standard of amenity for future occupiers and delivered sustainable development.

6. The appeal seeks the removal of this condition.

7. Since the determination of the appeal application, the Council have adopted the Runnymede 2030 Local Plan (LP). Policies SL19, EE1 and SD4 of the LP now form part of the development plan. I have therefore determined the appeal on this basis.

Main Issue

8. Taking the above into account, the main issue is whether the condition is reasonable or necessary in the interests of the living conditions of future occupiers and to deliver sustainable development.

Reasons

9. Policy SL19 of the LP sets out minimum internal space standards for new residential accommodation. In terms of the development proposed there is no standard with regard to the provision of a two person, 2-bedroomed property.

10. The second floor flat would include the provision of two bedrooms, both with ensuites, a kitchen/dining room and a separate lounge. The lounge would also be served by a further ensuite. In total, the flat would have a gross internal floor space (GIA) of approximately 52sqm. However due to its position within the mansard roof, there would be parts of the flat where the headroom would be restricted. Therefore, given the restricted headroom and the overall size of the flat, to ensure that future residents have suitable living conditions, a restriction on the number of occupants would, in this instance, appear to be a reasonable and necessary condition.

11. Turning to the second aspect of the condition which requires the flat to only be let to students or staff of RHUL, the Council's justification for such a restriction is that students would live within the flat differently to non-students, with each student occupying a bedroom. I do not agree with this position. From the evidence before me, I can see no reasonable reason, why, for example, the flat could not be occupied by two individuals with no connection to RHUL. For this reason, the restriction of the occupancy of the flat to students or staff of RHUL, would appear to be unnecessary. Furthermore, I do not consider that such a condition is necessary to make the proposal acceptable.

12. For the above reasons, I therefore conclude that it would not be necessary in the interests of the living conditions of future occupiers or to deliver

sustainable development, to restrict the occupancy of the flat to that of students or staff of RHUL.

Conclusion

13. For the reasons given above, I conclude that the appeal should succeed but only in respect of removing the requirement for the flat to be occupied by students or staff of RHUL. As a result, I will vary the planning permission by deleting the disputed condition and substituting it with another.

Adrian Hunter

INSPECTOR