

Appeal Decisions

Site visit made on 6 April 2021

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal A Ref: APP/Q3630/W/20/3262112

The George, Chertsey Road, Addlestone KT15 2EA

- 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 Barrett (BB Portfolio Ltd) against the decision of Runnymede Borough Council.
 - The application Ref RU.20/0497, dated 15 March 2020, was refused by notice dated 7 August 2020.
 - The development proposed is demolition of a single storey flat roof later addition (circa 1970) storage area to the existing pub building and the erection of 2 No part 1 and part 2 storey self-contained dwellings (cottages – C3 Use Class – Residential) with associated landscaped front and rear gardens.
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Appeal B Ref: APP/Q3630/Y/20/3262111

The George, Chertsey Road, Addlestone KT15 2EA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Barrett (BB Portfolio Ltd) against the decision of Runnymede Borough Council.
 - The application Ref RU.20/0496, dated 15 March 2020, was refused by notice dated 7 August 2020.
 - The works proposed are demolition of a single storey flat roof later addition (circa 1970) storage area to the existing pub building and the erection of 2 No part 1 and part 2 storey self-contained dwellings (cottages – C3 Use Class – Residential) with associated landscaped front and rear gardens.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The proposed development and works affect a listed building, and I have therefore had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Both appeals relate to the same site and raise similar issues, and I shall therefore consider them in a single document, in the interests of brevity.
4. Amended plans were submitted as part of the appeal, which did not form part of the original planning and listed building consent applications. Being mindful

of the Wheatcroft principles¹, I consider that, in the interests of fairness, this appeal must be determined on the basis of the plans submitted to the Council, which have been subject to consultation and upon which it based its decisions. Furthermore, as detailed within the Planning Inspectorate's Procedural Guide, the appeal process should not be used as a means to progress alternatives to proposals which have been refused. Given the above, and whilst I have had regard to the comments of the appellant in that regard, my findings relate to the scheme as determined by the Council.

Main Issues

5. The main issues are:

- Whether the proposed development and works would preserve the special architectural and historic interest of the Grade II listed building known as The George Inn; and
- In respect of Appeal A, the effect of the proposal on the living conditions of neighbouring residents in respect of privacy, and whether the proposed dwellings would provide satisfactory living conditions for future occupiers, having particular regard to outdoor amenity space, outlook, noise and disturbance.

Reasons

Listed building

6. Located within an area of mixed character, the appeal site comprises an attractive public house building, which lies prominently along one of the main thoroughfares running through Addlestone. The public house is no longer operational and remained vacant at the time of my site visit. The car parking area to the rear of the building has been formally severed from the appeal site, and now falls under a different ownership.
7. The appeal building, which dates from the 16th century, is listed at Grade II. Despite a number of subsequent alterations and additions, this imposing two-storey building retains much of its historic character. With its three gables fronting the road, sweeping tiled roof and prominent chimney stacks, the significance of this listed building does not solely reside in the vernacular interest of its architecture, but also its historic and communal use as a public house.
8. The proposed development and works seek to demolish an existing single storey rear extension with flat roof, which is of no particular architectural or historic interest. It would however be replaced by a substantial addition to the public house building which, by reason of its excessive bulk, depth and overall scale, would dominate the rear aspect of this designated heritage asset. The extension would exceed the height of the lower rear facing gable (addition) of the appeal building and thus appear as an awkward and disjointed addition, which would fail to preserve the special interest of this Grade II listed building.
9. The harm caused by the proposal would also be exemplified by the additions of large gable features to the front and rear elevations of the extension, which would exacerbate its overall scale. Although the new addition would not be

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

widely prominent within the street scene, it would nevertheless be visible from neighbouring properties. Moreover, I am mindful that listed buildings are safeguarded for their inherent architectural and/or historic interest, irrespective of whether or not public views of the building can be obtained.

10. The appeal scheme would cause less than substantial harm to the significance of the listed building, to which I ascribe considerable importance and weight. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
11. The removal of the existing single storey addition would preserve the significance of the Grade II listed building. However, the impact resulting from its replacement with the proposed extension would override any public benefit gained from its loss. Whilst the appeal scheme would make a contribution towards housing supply and choice, the harm which I have identified would not be outweighed by the public benefits derived from the proposal.
12. For the foregoing reasons, the appeal scheme would fail to preserve the significance of the Grade II listed building. It would therefore be contrary to Policy EE4 of the Runnymede 2030 Local Plan² (LP) and section 16 of the Framework. These notably seek to ensure that proposals maintain, sustain and enhance the significance and special architectural and historic interest of listed buildings.

Living conditions

13. By reason of the restricted size of the plot, the proposed development would leave relatively limited space to provide private rear gardens, especially for Cottage 1. The size of the garden would be inadequate for a three-bed property which could legitimately provide living accommodation for a family.
14. Furthermore, the usability of the proposed outdoor areas would be compromised by the mature evergreens situated along the site's southern boundary, as the gardens would in all likelihood be affected by the shade of the trees for prolonged periods of time. Although they are not protected, these tall trees are substantial in size and widely visible within the street scene. Consequently, they make an important and positive contribution to the setting of the listed public house and the visual amenity of the locality.
15. It is of particular note that this area is predominantly made of pine trees, which are known to not responding well to recurrent tree works. By reason of the limited depth of the garden for Cottage 1, and the orientation of the two plots, the appeal scheme would subject the existing trees to additional pressure for pruning works or even felling, in order to bring more sunlight into the amenity areas of the proposed dwellings.
16. The loss of trees would not only erode the contribution they presently make to the area, which could not be satisfactorily mitigated by the proposed landscaping scheme. It would also in turn lead to harmful overlooking from the first floor windows situated to the rear elevation of the proposed dwellings, which would enable direct views into the neighbouring garden of no 105 Chertsey Road. It would not be considered appropriate to impose a

² Adopted 16 July 2020.

condition requiring these windows to remain obscure glazed to protect the privacy of these neighbouring residents, as the new openings would serve habitable rooms.

17. The proposed dwellings would be located within walking distance of Victoria Park. However, this would not satisfactorily compensate for the size of the garden of Cottage 1, particularly as this area of open space would not provide the same convenience that a private amenity would offer to meet the day to day requirements of future occupiers.
18. I note the concerns raised by the Council in respect of the proximity of the new dwellings to a commercial yard on one side and a drinking establishment on the other, which could give rise to noise and disturbance, thus failing to provide a satisfactory living environment for future occupiers of the development. In that regard, my attention has been drawn to planning and listed building consent applications³ for the change of use of the existing public house into residential accommodation, which have been recently granted by the Council, and I have no reason to doubt that these permissions will be implemented.
19. As the public house appears to have remained vacant for approximately two years, and in light of the recent approvals, it is unlikely that the use of the premises as a drinking establishment would resume, and therefore cause unacceptable levels of noise and disturbance. Nevertheless, and even if the use of the public house is not reinstated, I have not been provided with substantive evidence, which would suggest that the use of the commercial yard would also stop in the foreseeable future.
20. Whilst there are other residential properties in proximity to the commercial yard, I have to have regard to the development plan and paragraph 182 of the Framework in particular. In circumstances where the operation of an existing business of community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. In the absence of substantive evidence to demonstrate how this would be addressed as part of the development, I find that the living conditions of future occupiers could be adversely affected by noise and disturbance generated by the site's proximity to the commercial yard in particular.
21. For the foregoing reasons, the appeal scheme would fail to create a satisfactory living environment for future occupiers, with regard to outdoor amenity space, outlook, noise and disturbance, in a manner which would also safeguard the privacy of neighbouring occupiers of the development. The proposal would therefore conflict with LP Policy EE1 which, amongst other things, seeks to ensure no adverse impact on the amenities of occupiers of the development proposed or to neighbouring property or uses and provide an appropriate standard of private amenity space.

Other matters

22. The appellant's submissions suggest that the Council can only demonstrate 2.98 years of deliverable housing sites. This is not contested by the Council. In such circumstances, paragraph 11 d) of the Framework, as directed by Footnote 7, advises that the policies which are most important for determining

³ Local Planning Authority References RU.21/0071 and RU.21/0072.

the application are considered out-of-date, and planning permission should be granted.

23. This presumption does not however apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed in Footnote 6 to the Framework, such areas or assets of particular importance include designated heritage assets. The appeal scheme would fail to preserve the significance of the Grade II listed building, and the policies of the Framework in that regard provide a clear reason for refusing the appeal scheme. The tilted balance set out in paragraph 11 of the Framework is therefore not engaged in this instance.

Conclusion

24. The appeal scheme would make a contribution to housing supply and choice. However, there are no considerations which indicate that the appeals should be determined other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR