



Appeal Decision

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 Ref: APP/Q3630/W/20/3263767

Willow Mews, Pinewood Park, New Haw, Addlestone KT15 3AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Elmdon Real Estate LLP against the decision of Runnymede Borough Council.
 - The application Ref RU.20/1071, dated 1 August 2020, was refused by notice dated 25 September 2020.
 - The development proposed is 'Prior Approval Application for an extension to the existing building to provide an additional storey to create an additional 2 no. 1 bedroom flats, under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 20, Class A (New dwellinghouses on detached blocks of flats)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as detailed on the application form has been amended in subsequent documents. I have adopted the description included within the decision notice, which details the appeal proposal more concisely.
3. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, subject to limitations and conditions.
4. As detailed within the GPDO¹, development under Class A is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for prior approval. The Local Planning Authority may refuse the application where it considers that the proposal does not comply with the limitations or restrictions that are applicable to such permitted development.
5. The provisions of the GPDO require the Local Planning Authority to assess the development proposed solely on the basis of a limited number of considerations. The Council has raised concerns regarding flooding risks in

¹ Part 20, Class A, paragraph A.2.

relation to the building, the external appearance of the building and the impact on the amenity of neighbouring premises. My consideration of the appeal shall therefore focus on these matters.

6. Although the effect of the proposal on the surrounding area was also found objectionable by the Council, this matter falls outside of my remit, as it does not form part of the considerations set out in the GPDO in respect of proposals for new dwellinghouses on detached blocks of flats (Part 20, Class A).
7. Development plan policies and the National Planning Policy Framework (the Framework) can be considered relevant in prior approval cases, but only insofar as they relate to the development and prior approval matters. I have proceeded on this basis.

Main Issue

8. The main issue is whether or not the proposal would accord with the provisions of Part 20, Class A, having particular regard to the external appearance of the building, the impact on the amenity of neighbouring premises, and flooding risks in relation to the building.

Reasons

External appearance of the building

9. Located within an area of primarily residential character, the appeal relates to a three-storey purpose-built block of flats, which comprises a brick outer skin and a relatively shallow pitched roof. The area to the side of the building includes a number of garages and parking spaces for the existing flats, as well as a small enclosure for cycle and refuse storage.
10. The proposed development has been designed to appear as a mansard roof to the front elevation to minimise its overall scale whilst, to the rear, the extension would be flush with the walls, and thus appear as a continuation of the existing building. However, and despite the use of contrasting materials, this would result in a hybrid form of development, which would detract from the appearance of the host building. By virtue of the excessive bulk required to accommodate two additional dwellings, the extension would make the existing block of flats top heavy. It would thus unduly stand out as an incongruous and boxy addition, which would dominate the host building.
11. The bulk of the extension, together with the lack of recess which typically characterises mansard roofs, would fail to maintain an appropriate level of subservience to the host building. This would be exacerbated by the box-like design and size of the dormer windows to the front elevation and the extensive glazing proposed to the rear, which would only emphasise further the incongruous and awkward nature of the addition. For these reasons, the proposed roof extension would cause unacceptable harm to the external appearance of the building.

Amenity of neighbouring premises

12. The concerns raised by the Council in that regard relate to the loss of privacy which would be experienced by properties located on Kings Road, to the rear of the appeal site. The distance between the rear elevations of the appeal

buildings and these neighbouring properties would ensure that a reasonable degree of privacy within the dwellings is preserved.

13. The proposed development would include four additional windows at third floor level, two of which would be full-height openings, and thus increase the level of fenestration on the rear elevation of the appeal building considerably. Being at third floor level, the proposed windows would, due to the relatively limited depth of the appeal site, enable direct views into the gardens of nos 67 and 67a Kings Road in particular, thus increasing levels of actual and perceived overlooking for the occupiers of these properties. This would result in a harmful loss of privacy for these neighbouring residents, which would adversely affect the enjoyment of their private rear garden.
14. Existing trees may provide some form of screening, but only at times of the year when they are in leaf. Additionally, there is no certainty that, from the available information, these specimens would survive for many more years and could be retained for the lifetime of the development. As such, this consideration does not persuade me to alter my view regarding the loss of privacy which would be experienced by the occupiers of nos 67 and 67a Kings Road.
15. The proposed windows would also provide oblique views into the adjacent gardens of nos 65a and 69 Kings Road, but not to a degree to solely warrant dismissal of the appeal. Nevertheless, it compounds the other issues found in respect of the impact of the development on the living conditions of these neighbouring residents.
16. It is accepted that there often is a degree of mutual overlooking in urban areas such as this. However, to my mind, this makes it all the more important to ensure that new development proposals are designed in a manner which does not lead to an increase in harmful overlooking. Given the above, the appeal proposal would have an adverse impact on the amenity of neighbouring premises, with particular regard to privacy.

Flooding risks

17. Most of the appeal site falls within Flood Zone 3, which places more vulnerable developments such as buildings used for dwellinghouses at a high risk of flooding. This is an area with no flood modelling, but the consultation response provided by the Environment Agency refers to the Council's Strategic Flood Risk Assessment, which indicates that the land surrounding the appeal building may form part of the functional floodplain.
18. Being located on the third floor, the proposed flats would not in themselves be at risk of flooding. However, the Council is concerned that insufficient information has been submitted to ensure safe access and egress to and from the site could be achieved, which could put additional pressure on emergency services, if flooding events were to occur. As detailed within the national Planning Practice Guidance², proposals that are likely to increase the number of people living or working in areas of flood risk require particular consideration, as they could increase the scale of any evacuation required.
19. I have had regard to the appellant's Flood Risk Assessment, which proposes that all residents and owners of the building and any premises management

² Paragraph: 040 Reference ID: 7-040-20140306.

company serving the site are signed up to the Government's Floodline early warning system. However, there is no mechanism before me to secure this suggestion. Additionally, I have been presented with limited information detailing safe access and escape routes to and from the site, which are normally included as part of an agreed emergency plan, in accordance with the requirements of paragraph 163 of the Framework. Although no withholding objection was raised by the Environment Agency, their consultation response nevertheless refers to the need to ensure that the development would remain safe for users in time of flood.

20. In the absence of further evidence to the contrary, it is my view that the flooding risks in relation to the building have not been satisfactorily addressed as part of the proposal for the lifetime of the development.

Other Matters

21. A number of concerns have been expressed by interested parties, notably regarding the transport and highway impacts of the development, which I have noted. However, no objection was raised by the Local Highway Authority, and there are no reasons for me to reach an alternative view.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR