



Appeal Decision

Site visit made on 28 February 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/Q3630/W/21/3279719

56 Station Road, Egham TW20 9LF

- 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 A Andersson against the decision of Runnymede Borough Council.
 - The application Ref RU.21/0125, dated 18 January 2021, was refused by notice dated 24 May 2021.
 - The development proposed is the change of use from office to residential to the rear of the ground floor and the first and second floors into a 2 bed flat and a 1 bed house, erection of side and rear dormers and reconfiguration of windows at ground and first floor level with bicycle, bin storage and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the appeal stage, amended plans were submitted. These show revised bin and cycle storage details and provide clarifications around the siting of existing air conditioning units. In addition, an amended site location plan has been submitted to correct previous errors. Whilst these plans did not form part of the original planning application, and an appeal should not be used to evolve a scheme, the changes are minor, are largely corrections, and do not fundamentally change the development proposed. There has been the opportunity for comment on the plans at appeal, and I have taken them into account. I am satisfied no parties would be prejudiced by me doing so.

Main Issues

3. The main issues are:
 - whether the proposed development would provide adequate living conditions for future occupants, with particular regard to outlook and private amenity space; and
 - the effect of the development on the living conditions of neighbouring occupants in Heritage Court, with particular regard to noise and disturbance.

Reasons

Living Conditions of Future Occupants

4. The private amenity space proposed to serve the 1-bedroom dwelling would be positioned under an existing undercroft, facing onto the car park to the rear of the building and near to the air conditioning units and waste bin that serve adjacent commercial unit.
5. Whilst the location of the amenity space would be limited in size, its position at the edge of the private car park is such that members of the public and users of adjoining buildings would not pass it. From that perspective, the amenity space would be relatively private. Standing in the location of the proposed amenity space, I found that the existing air conditioning units were audible. However, this was a low-level sound that contributed to a range of background noises in this urban location, including vehicle movements on nearby roads and aircraft overhead. In addition, I note that the Council's Environmental Health Manager was consulted on the planning application and made no objection, subject to conditions. From that perspective, the users of the amenity space would not experience unacceptable levels of noise or disturbance.
6. The nearby waste bin serves the adjoining office, which would decrease in size as part of the proposed development. This is set away from the proposed amenity space and would be enclosed as part of the proposed development. From that perspective, the position of existing bins would unlikely cause any unpleasant odours that would be detrimental to the users of the amenity space.
7. Both bedrooms of the proposed two-bedroom flat would be located at second floor level. The main bedroom would be served by a rear-facing dormer window and two roof lights in the front roofslope. The second bedroom would be served by an angled dormer window.
8. The outlook from the main bedroom would be limited by reason of the angled nature of the rooflights and partly constricted dormer window. Although the appellant has submitted further imagery to demonstrate that outlook would be possible to the rear, I am not convinced that this would be to a good standard and would likely mean that users of this room would experience an unacceptable sense of enclosure. I do not agree with the appellant's position that when the level of outlook is considered unacceptable that this is normally considered in conjunction with light levels and internal space standards. Regardless of light levels and internal space standards, I find the outlook here to be unacceptable.
9. The dormer window in the second bedroom is angled both in the direction it faces and in the shape of its glass. In addition, this window appears to be at a high level. I have no evidence before me to convince me that users of this room would be able to benefit from any outlook from this window given the position of the window relative to the floor levels annotated on the submitted plans. A similar window exists on the second floor of the 1-bedroom dwelling, however this room is served by multiple windows, providing an acceptable level of outlook.
10. In conclusion, although I find the proposed amenity space for the 1-bedroom unit to be satisfactory, the living conditions for future occupants of the 2-bedroom flat would be unacceptable in terms of outlook. This would be

contrary to the relevant provisions of Policy EE1 of the Runneymede 2030 Local Plan, which in summary seeks that development provides a good standard of accommodation. This is consistent with design objectives of the National Planning Policy Framework (2021).

Living Conditions of Existing Occupants

11. Additional refuse storage and cycle parking would be provided to serve the development. These would be installed to the west side of Heritage Court in the location of existing air conditioning units and refuse storage for the neighbouring building.
12. Due to the fact that refuse bins and air conditioning units already exist here, and given that there are no ground floor residential units in this location, any increase in noise and disturbance to neighbouring occupants is likely to be minimal. As above, the Council's Environmental Health Manager was consulted on the planning application and made no objection, subject to conditions.
13. Consequently, I conclude that the living conditions of neighbouring occupants of Heritage Court would be acceptable in terms of noise and disturbance, in accordance with the relevant provisions of Policy EE1 of the Runneymede 2030 Local Plan, which in summary seeks to ensure that development has no adverse impact on the amenities of neighbouring occupants. This is consistent with design objectives of the National Planning Policy Framework (2021).

Other Matters

14. The appellant has set out that the proposed development has been designed in response to Council officer advice. The design of the scheme, as far as it effects character and appearance, is not a matter of contention between the main parties. However, this being the case does not overcome the harm identified above in respect of living conditions.
15. The appellant also contends that they could pursue alternative routes for the change of use of the building to residential, namely via prior approval procedures. Be that as it may, I have seen nothing to suggest that they would genuinely pursue this option if the appeal failed, or that such a scheme would be similar to, or worse than, what is currently proposed. As such, I give this matter negligible weight. The appeal has been determined based on the information before me.

Conclusion

16. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR