
Appeal Decision

Site visit made on 25 January 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2022

Appeal Ref: APP/Q3630/W/21/3274082
24 Bousley Rise, Ottershaw KT16 0JX

- 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 Ashby against the decision of Runnymede Borough Council.
 - The application Ref RU.20/1676, dated 27 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is the conversion of a detached garage and alterations to roof to create residential dwelling with associated parking and garden. Insertion of dormer window.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the living conditions of (a) the occupiers of neighbouring dwellings, having regard to privacy, (b) the future occupiers of the new dwelling, having regard to the provision of private outdoor space and outlook, and (c) the integrity of the Thames Basin Heaths Special Protection Area (TBHSPA).

Reasons

Living conditions

3. The appeal site comprises the back end of a rear garden which serves a dwelling at 24 Bousley Rise. It contains a detached garage that has a hipped pitched roof, with a flat crown, which is accessed by a lane between No 24 and its neighbour at 18 Bousley Rise. The lane also serves two dwellings sited behind the road frontage.
4. The converted and altered garage would result in a first floor within a pitched and gabled roof. First floor gabled windows would serve two separate bedrooms and they would face onto the rear gardens of the neighbouring dwellings. At 26 Bousley Rise, there is an outbuilding immediately adjacent to the new dwelling whilst at No 18, there would be separation provided by the lane and hardstanding areas. Both neighbouring properties have long rear gardens and the windows would not face the garden space immediately behind these dwellings, which would be more valued by occupiers.
5. Nevertheless, both the affected garden areas are maintained and used, and the window would result in elevated and close views into these garden areas where

previously occupants could have enjoyed a high level of privacy. The bedrooms are moderate sized spaces where use would occur during the day and not just at night-time. Any measure to obscure glaze these windows would result in an unsatisfactory living environment for the occupants through poor light and outlook. For all these reasons, the proposal would fail to provide a high quality design, adversely affecting neighbour amenities, contrary to Policy EE1 of the Runnymede 2030 Local Plan (LP).

Living conditions of future residents

6. Occupants of the proposed dwelling would be served by an area of private garden between it and a new fence subdivision with the remainder of the rear garden serving No 24. Two vehicular parking spaces would encroach into this area close to the access into the site and would be adjacent to extensive glazed doors serving an open plan living area.
7. The amount of private outside space serving the new residents would be acceptable because of the small two bedroom nature of the dwelling. However, from this glazed opening, the outlook for residents would be the close proximity of parked vehicles. This opening would be the principle way that residents would look out from the internal living space, and come and go into it. Given this, such a layout design feature would be detrimental to the living conditions of future residents through poor outlook. For all these reasons, the living conditions of the occupiers of the dwelling would be harmed in conflict with Policy EE1 of the LP.

Special Protection Area

8. The application site is within 5km of the TBHSPA. Future residents would be able to access the TBHSPA for recreation. The qualifying features of the SPA are ground bird nesting species in heathland habitats which are affected by increased disturbance and degradation from pollution deposition.
9. The Council's TBHSPA Supplementary Planning Document (SPD) 2021 details the adverse effects of recreation, such as dog walking and urbanisation, on the nesting of these birds. The proposal would have a significant effect, either alone, or in combination with other plans or projects on the internationally important features of the SPA. The National Site Network objectives require maintaining or where appropriate the restoration of species and habitats listed in the Conservation of Species and Habitats Regulations 2017 to a Favourable Conservation Status. It cannot be ascertained that the proposal would not affect the integrity of the SPA.
10. The SPD sets out avoidance and mitigation measures, Suitable Alternative Natural Spaces (SANGS) and Strategic Access Management and Monitoring (SAMM). The SANGS mitigation covers the provision of new space infrastructure and the maintenance, administration, and facilitation costs of those spaces. The SAMM contribution would be for the promotion of SANGS for recreation, wardens, the provision of volunteers, and visitor monitoring and best practice. Despite the appellant's willingness to enter into an agreement, there is no mechanism before me to secure these or alternative mitigation measures. No alternative solutions have been put forward that would result in a lesser effect, or avoid an adverse effect, on the integrity of the SPA, and nor do I consider any possible based on the nature of the proposal and the appeal documentation.

11. Priority species would be adversely affected by the proposal and there are no imperative reasons of overriding public interest for such a small-scale proposal. On this basis, the development would adversely affect the integrity of the SPA alone or in combination with other projects coming forward. For all these reasons, the proposal would conflict with Policy EE10 of the LP.

Conclusion

12. The proposal would provide a dwelling to boost housing supply. However, it would harm the living conditions of the neighbouring and future residents, and to the integrity of an SPA in conflict with policies of LP, and the development plan taken as a whole. There are no material considerations to outweigh that finding. Therefore, for the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR