
Appeal Decision

Site visit made on 1 March 2022

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/Q3630/W/21/3283503

Land to the rear of 30/38 Conquest Road, Addlestone, Surrey, KT15 1SN

- 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 Elliot Mistretta against the decision of Runnymede Borough Council.
 - The application Ref RU.21/0550, dated 27 November 2020, was refused by notice dated 14 September 2021.
 - The development proposed is the erection of 6 dwellings following demolition of the existing dwelling at 34 Conquest Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site lies within 5km of the Thames Basin Heaths Special Protection Area (the SPA). During the course of the appeal, the appellant submitted an updated unilateral undertaking (UU) taking into account the updated charging schedule in respect of contributions towards Suitable Alternative Natural Green Space (SANGS) and Strategic Access Management and Monitoring (SAMM) measures as mitigation for the likely significant effects of the proposed development on the SPA. After receipt of this document, the Council no longer contests that reason for refusal.

Main Issues

3. The main issues are the effects of the proposal on the living conditions of occupiers of No's 30 and 32 Conquest Road, and whether the proposed dwellings would provide suitable living conditions to potential future occupiers.

Reasons

4. The appeal site comprises the existing rear garden areas of several properties which would be sub-divided to accommodate 6 new dwellings with gardens and off-street parking. One of these new dwellings would replace No.34 Conquest Road, which is proposed to be demolished. The remaining 5 would front Fernbank Road to the rear, which is a service lane that provides access to the rear gardens and garages of properties on Conquest Road and Liberty Hall Road.

Living Conditions of Occupiers of Existing Properties

5. Proposed plots 2 and 3 would be located to the rears of 30 and 32 Conquest Road. The submitted elevation plan for these plots shows bedroom windows at first floor level to the rear. Evidently, the distance between these windows and the rear ground floor windows of 30 and 32 would be 18m.
6. Design Standard 24 of the Runnymede Design Supplementary Planning Document (the SPD) advises that the Council will normally expect a minimum garden length of 11m. This accords with the general character of the area and affords a back-to-back distance between traditional housing layouts (2 storey houses fronting streets) of approximately 22 metres to address the impact the development has on the privacy of others. This distance is advised for flats as well as housing.
7. The distance between the rear first floor windows of the proposed dwellings and the rear ground floor windows of No's 30 and 32 would fall short of the 22m separation distance recommended in the SPD. Although this is described as a 'rule of thumb' I see no reason to discount this distance as a reasonable method of determining the impacts of a development on privacy.
8. I note the contention that the rear ground floor windows of 30 and 32 do not serve habitable rooms and are part of a rear extension. Be that as it may, the windows of plots 2 and 3 would offer clear views at an elevated height into the gardens of 30 and 32. This would result in significant overlooking and result in reduced privacy for occupiers of these properties which would diminish the enjoyment of these spaces.
9. My attention is drawn to an appeal¹ which allowed 3 dwellings on Fernbank Road. It is claimed the separation distance of the rear of these dwellings to the rear of properties facing Conquest Road is similar. The appeal decision states that the Council's report concluded this distance was sufficient to negate any loss of privacy in this regard. However, this decision was made in 2012 and predates the adoption of the current development plan and the SPD. In any event, it is incumbent on me to form my own judgement and I have assessed the proposal on its own merits.
10. Although boundary planting is mentioned as mitigation, there is little detail on the submitted plans other than one proposed tree near the boundary of plots 2 and 3 and No.32. In any event, this this would take considerable time to mature. In the meantime, the harm I have identified would diminish the living conditions of occupiers of these properties.
11. There is further concern from the Council with regard to the resulting garden sizes of 30 and 32, and the impact that this loss of space would have on the living conditions of occupiers of these properties. The SPD does not offer a minimum garden size, although it does advise through Design Standard 24 that all new houses and flats / apartments should have access to usable outdoor space, be it private or communal. It goes on to state that communal and private gardens should benefit from direct sunlight for some part of the day for all the year and have some access to the ground floor.
12. From my observations on the site visit, roughly half of the garden areas of these two properties were overgrown and did not appear to be 'usable' due to a

¹ APP/Q3630/A/12/2177485

lack of maintenance and the storage of machinery. Moreover, the remaining space closer to the buildings, which provided most of the usable external space, would remain in use and their sizes would be reflective of other garden areas in the vicinity.

13. Notwithstanding a lack of harm with respect to garden areas for 30 and 32 Conquest Road, the proposal would harm the living conditions of occupiers of these properties due to overlooking and a loss of privacy. This would be contrary to Policy EE1 of the Runnymede 2030 Local Plan (LP) (adopted July 2020) which states development should ensure no adverse impact on the amenities of occupiers of the development proposed or to neighbouring property. The proposal would also be contrary to the SPD and guidance in the National Planning Policy Framework (the Framework) which seeks to encourage development with a high standard of amenity for existing and future users.

Living Conditions of Future Occupiers

14. Design Standard 12 of the SPD states development plots should be large enough to accommodate the proposed built development and the requirements associated with it (such as amenity space, parking, servicing, waste and recycling collection) in an arrangement that is practical and attractive.
15. The submitted 'Coloured Site Layout' and 'Site Plan Ground Level' drawings indicates one off-street parking space for each of plots 2-6 which would be in front of single-storey side extensions that would be used for storage and utility rooms while also affording access to the rear gardens.
16. However, there is nothing before me to indicate that parking cars in front of these extensions would hinder their use in a practical manner for bin or bicycle storage. The submitted 'Coloured Street Scenes' drawing demonstrates that there would be space to either side of a vehicle to move bins or bikes past. Moreover, the Council agrees that the parking spaces meet national and local standards in terms of their sizes, while access to the rear garden through an extension would not be unusual, impractical or inconvenient.
17. As such, the proposal would provide suitable living conditions to potential future occupiers of the dwellings in respect of parking and access layouts. This would accord with Policy EE1 of the LP, which states development should ensure no adverse impact on the amenities of occupiers of the development proposed or to neighbouring property. The proposal would also accord with advice in the SPD and guidance in the Framework which seeks to encourage development with a high standard of amenity for existing and future users.

Other Matters

18. Although the appellant has expressed concern regarding the handling of the application by the Council, including the advice offered in a pre-application enquiry, I have had regard only to the planning merits of the proposal.

Planning Balance

19. The appellant contends that the LP makes a provision for 7507 net additional dwellings over the plan period (2015-2030) to accommodate a shortfall in housing supply for the first 4 years of the plan. This requires an annual delivery of 703 dwellings to be supplied per year. However, I have nothing before me which would indicate the Council cannot currently demonstrate a 5-year

housing land supply. In any event, even if the application of paragraph 11(d) of the Framework was necessary, consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

20. That being said, the Government's objective is to significantly boost the supply of housing and the proposal would provide 6 new dwellings on a windfall/small site and bring forth associated socio-economic benefits to local services and facilities. This attracts some positive weight in favour of the proposal.
21. Conversely, the harm to the living conditions of current and future occupiers of 30 and 32 Conquest Road which would be caused by a loss of privacy weighs substantially against the proposal.
22. Biodiversity improvements, such as native planting, have been suggested by the appellant. However, there is nothing noted on any of the plans for this in the submission documents and the appellant advises future occupiers would be responsible for this. Without further information I cannot be certain that this would be forthcoming to aid in the enhancement of biodiversity on the site. As such I attribute little weight to this argument.
23. The appellant has also raised that the proposal would not harm highway safety and is in a suitable location with regards to access to services and facilities. Furthermore, the Council has not objected to the proposal in terms of its design insofar as it relates to the character and appearance of the area and the houses themselves. These matters are not disputed, and a lack of harm would be neutral in the planning balance rather than weighing in favour.
24. Therefore, taking into account all these matters, the adverse impacts of the development would significantly outweigh the benefits when assessed against the policies in the LP and the aims of the Framework.

Conclusion

25. The proposal would harm the living conditions of existing and future occupiers of 30 and 32 Conquest Road with regards to overlooking and a loss of privacy. As such it would conflict with the development plan taken as a whole, despite adherence to other policies. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR