



Appeal Decision

Site visit made on 13 June 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/Q3630/W/22/3303532

32B St. Judes Road, Englefield Green TW20 0BY

- 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 Surinder Bains against the decision of Runnymede Borough Council.
 - The application Ref RU.21/1882, dated 3 November 2021, was refused by notice dated 25 February 2022.
 - The development proposed is change of use from unused retail storage area to a residential studio / bedsit for student letting purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. As such I rely upon the description of development as contained on the application form for the purposes of the heading above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of future occupiers with regard to outlook, privacy and location of the refuse store and collection arrangements.

Reasons

Living conditions

4. The appeal site is an unused retail storage area, which is located at the rear of 32 St. Judes Road in Englefield Green. There is access to the site from St. Judes Road via a stepped alleyway running along the southern flank of the donor property. Alternatively, the site can be accessed from the rear from Alexandra Road via Alexandra Court, a mixed-use estate consisting of small residential and commercial units interspersed with associated unallocated parking. The immediate area has a utilitarian feel.
5. From the details before me, the proposed dwelling would include a full height window serving the kitchen/living/study area, which would provide the main outlook for the proposed dwelling. A high-level window and glazed lantern would provide further natural light for the potential residential unit, albeit these would be unopenable limiting ventilation, and any outlook from these units would be limited to oblique views of the sky only. There would be two further

ground floor windows, which would also provide a natural light source but no outlook, as these would be obscured glazed, given they serve a w/c and shower.

6. The rear of the appeal site consists of a tight courtyard area which includes parked vehicles. From my site observations, the modest separation distance across the courtyard and lack of parking bays and parking restrictions enables vehicles to park in close proximity to the appeal site. As the full height window would provide the only meaningful outlook from the proposed dwelling, any views from this window would be dominated by parked vehicles at close quarters, providing an overbearing impact and poor outlook for future occupiers.
7. The appellant indicates that cars within the courtyard area are illegally parked. However, from my site observations there appeared to be no parking restrictions at the site, and vehicles were able to park unfettered and in close proximity to the appeal site. The appellant has suggested that the courtyard could be gated to limit access. However, these details are not before me and no mechanism has been suggested to ensure controls are put in place. I have therefore determined this appeal on its own merits based on all the evidence presented and my observations.
8. In addition, the access to St. Judes Road via the stepped alleyway, would pass directly in front of this primary window serving the kitchen/living/study area which would not be very satisfactory for occupiers of the proposed dwelling and would lead to a loss of privacy. To overcome this, in line with guidance in the SPD, a condition could be imposed were the appeal to be allowed to require the windows on this elevation to be obscured glazed. However, this would not overcome the above concerns regarding outlook, and would in fact lead to a heightened sense of enclosure and a feeling of being hemmed in.
9. The proposed refuse store is located some distance away from both St. Judes Road and Alexandra Road. Both parties highlight that the current refuse collection lorry cannot access Alexandra Court, and as with existing occupants, any future occupiers would need to drag their refuse and recycling bins down to the collection point at Alexandra Road. The route to St. Judes Road, whilst shorter, is not viable given the stepped accessway. Whilst the refuse and recycling drag distance is some way (approximately 95m) it is not uncommon in the area, and notably the occupants of Alexandra Court drag their bins a comparable distance. As such, I am therefore satisfied that the distance would not be inconvenient or contrary to what other occupants nearby are already doing and thus would not be harmful in this regard, and the provision of a refuse store can be secured through a condition.
10. Consequently, the proposed development would have an unacceptably harmful effect upon the living conditions of its future occupiers, with particular reference to outlook and privacy. The proposal is therefore contrary to the relevant provisions of Policy EE1 of the Runnymede 2030 Local Plan, adopted July 2020 (RLP); Design Standard 24 of the Runnymede Design Supplementary Planning Document (SPD), adopted July 2021 and the National Planning Policy Framework (the Framework) which, amongst other things, expects planning decisions to ensure healthy living conditions and create better places to live, indicating that higher densities should not be at the expense of acceptable living standards.

Other matters

11. RLP Policy EE10 highlights that mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within 5km of the SPA boundary. The appeal site falls within 5km of the Thames Basin Heath SPA, which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended ('the Habitats Regulations'). The Habitats Regulations impose a duty on me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA, either alone or in combination with other plans and projects.
12. The appellant's statement suggests they are prepared to submit a planning obligation to secure any financial contribution should this be considered an appropriate mitigation measure. However, there is no planning obligation before me. Nevertheless, as I'm dismissing the appeal due to the harm of the living conditions of future occupants, I do not need to consider this matter further, as no significant likely effects on the SPA would arise from my decision.
13. I have been referred to planning permissions¹ at the adjoining site of Ashdene House, for a five-storey development consisting of 26 residential units. However, I have been presented with limited details in respect to this case. It is unclear how outlook, privacy and amenity issues have been considered and whether or not it would be as detrimental to the living conditions of future occupants in the way that the appeal scheme is.
14. The appellant also refers to an approved scheme² for a similar development at No 5 Alexandra Court to show inconsistency in decision making by the Council. From the limited information I have been provided, this scheme is a prior approval application for which planning permission would not have been required. In any case, each scheme must be considered on its own merits. While consistency in decision making is important, ultimately, each application needs to be determined in the light of the specific circumstances and context of each case. I am not therefore persuaded that these examples are directly comparable to the proposal before me. As such, I afford them limited weight.
15. The appellant draws my attention to the principle of the development being acceptable, and other benefits of the scheme including the re-introduction of a vacant building in an area identified where there is a demand for student lets. However, given the size of the development these benefits would be limited in scale and I apportion this only moderate weight.
16. The development would meet the minimum internal space requirements for new dwellings contained in the Government's nationally described space standard, March 2015. The appellant further highlights that there are no objections from the neighbouring residents to the proposed development. Nevertheless, none of these matters are in dispute, and in any case would be neutral in the planning balance, and thus would not outweigh the identified harm to the living conditions of the future occupants I have identified above.
17. I note the appellants desire to enhance the existing appearance of the site and to deter any further anti-social behaviour including fly tipping. However, I am

¹ Runnymede Borough Council Planning Refs: RU.18/1908 and RU.22/1933

² Runnymede Borough Council Planning Ref: RU.22/1106

not satisfied that the proposed development would be the only way to achieve those outcomes. Overall, these matters do not outweigh the harm identified to the living conditions of future occupiers arising for the reasons as set out above.

Conclusion

18. Notwithstanding my conclusions about the refuse storage and collection, I have still found there to be unacceptable harm to the living conditions of future occupants. The proposal would therefore conflict with the development plan taken as a whole. There are no material considerations that would indicate a decision should be made other than in accordance with the development plan.
19. For the reasons given above, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR