



Appeal Decision

Site visit made on 15 August 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2023

Appeal Ref: APP/Q3630/W/23/3316820

40 Guildford Street, Chertsey KT16 9BE

- 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 Mrs Jennie Moss against the decision of Runnymede Borough Council.
 - The application Ref RU.22/1109, dated 8 July 2022, was refused by notice dated 28 October 2022.
 - The development proposed is 3 New apartments following demolition of outbuildings with B1 Use class.
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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. There is no evidence any change was formally agreed. For the purposes of the appeal and in the interest of clarity I rely upon the description on the application form for the purposes of the appeal as detailed in the banner heading above.

Main Issue

3. The main issue in this appeal is the living conditions for future occupiers of Flats 2 and 3 with specific regard to outlook.

Reasons

Living conditions

4. The proposal would provide 3 adequately sized flats at the rear of 40 Guildford Street in Chertsey, with the southern elevation adjoining a small informal utilitarian parking area associated with the neighbouring property, outside the control of the appellant. From the details before me, all 3 of the proposed flats would have windows in the southern elevation overlooking the car park area. At the ground floor, these would consist of the living/kitchen room and bedroom of Flat 2, and the main bedroom of Flat 1, whilst at first-floor level both the living/kitchen room and bedroom of Flat 3 would be provided with views over this area.
5. The appellant highlights that all the proposed flats are dual aspect, however the openings on the northern elevation of Flat 2 would consist of a high-level kitchen window at approximately 1.7m above floor level, an obscured glazed window serving a bathroom and the front door, while the northern elevation of Flat 3 would consist of a front door only. Whilst these openings would provide a degree of light and ventilation, any outlook from these openings would be

severely restricted. As such the main outlook for these flats would be via the southern aspect adjoining the car park area.

6. Parking within the car park area is unrestricted as there are no allocated bays, although the appellant highlights that there is a right of way to the rear of 36 Guildford Street. However, the limited separation distance between the proposal and the car park would enable vehicles to park in close proximity to the appeal site, and in particular the ground floor windows. Given that the only meaningful outlook from Flats 2 and 3 would be via the southern facing windows, any views from these units, particularly the ground floor windows of Flat 2 would be dominated by parked vehicles at close quarters. Furthermore, vehicle users would have direct views into the ground floor windows which could also lead to a loss of privacy.
7. It is acknowledged that given the town centre location, this provides an established and distinct townscape, and that future occupants are more likely to expect an outlook consisting of a developed and built-up environment given its urban setting. Nevertheless, this should not undermine the quality of life or be at the expense of acceptable living standards. In my view, the inadequate outlook from the ground floor windows would be significantly below the standard of living conditions that future occupiers could reasonably expect from their main habitable rooms.
8. The appellant draws my attention to a recently approved scheme¹ at the appeal site for a similar development consisting of the erection of a 2-storey building for 2 flats. The appellant highlights that the approved scheme also contains windows in the southern elevation adjoining the car park. However, from the approved plans and the officers report these units differ from the appeal proposal, in that they are clearly dual aspect units with larger windows providing an outlook onto a private amenity space at the front of the flats, alongside the windows in the southern flank. Therefore, I consider that the approved planning permission would be demonstrably different to the appeal scheme and would not be as harmful to the living conditions for future occupiers than the scheme before me, and therefore I have given it limited weight.
9. Consequently, the proposed development would have an unacceptably harmful effect upon the living conditions of its future occupiers, with reference to outlook. The proposal is therefore contrary to the relevant provisions of Policy EE1 of the Runnymede 2030 Local Plan, adopted July 2020; Design Standard 24 of the Runnymede Design Supplementary Planning Document, 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

10. During my site observations, the appellant drew my attention to another development in the vicinity of the proposed scheme (Ludwell House, 2 Guildford Street) also a flatted scheme located close to a car park. However, I have been presented with little substantive evidence relating to its planning history or any planning policy in place at the time when the scheme was

¹ Runnymede District Council Planning Ref: RU.23/0485

granted planning permission, thus I am unable to directly compare this example. In any event, I have determined this appeal on its own merits based on all the evidence presented.

11. I note the appellants desire to create a safe and inclusive environment, with visual surveillance of the proposal highlighted as a deterrent to existing anti-social behaviour such as arson and theft. I have no substantive evidence regarding any anti-social behaviour at the site, and in any event this matter is a neutral factor neither weighing in favour nor against the proposal.
12. The appellant also draws my attention to the visual improvements of the scheme and its proximity to a conservation area. However, neither of these matters are in dispute. Overall, there are no other matters that would outweigh the harm identified to the living conditions of future occupiers arising for the reasons as set out above.

Conclusion

13. The proposal would 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. For the reasons given above, I conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR