



Appeal Decision

Site visit made on 16 April 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 May 2024

Appeal Ref: APP/Q3630/W/23/3327870

8 Manorcrofts Road, Egham TW20 9LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr Jane Alderton against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/0547.
 - The development proposed is described as 'conversion and change of use of existing HMO into seven flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of the proposed development as given on the application form. The longer description on the decision notice includes the proposed extensions detailed on the application drawings and I have had regard to these when considering the appeal.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
4. My attention has been drawn to previous appeals relating to subdivision of the property or its increased occupation as an HMO, all of which were dismissed. I have not been provided with full details of those previous proposals or the Inspectors' reasoning and I have considered the appeal on its own merits. However, where relevant, I have had regard to the limited evidence I have been given about any similarities or differences with the current proposal.

Main Issue

5. The main issue is the effect of the proposed development on living conditions for occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

6. The appeal site currently contains a substantial semi-detached property used as a house of multiple occupation (HMO) for up to six residents. It is in a residential area close to the town centre. At the front there is off-street parking

for three vehicles and a small front garden, as well as a wide, landscaped pavement including additional parking bays. At the rear is a larger garden. The adjoining properties are the attached dwelling (no. 7) on one side and a bungalow (no. 8A) on the other.

7. The site is on a relatively busy road. The M25 motorway and a railway line are nearby and there is background noise from traffic, trains and over-flying aircraft. At times this includes standing traffic outside the site, on the approach to the nearby level crossing, as seen during my site visit. Generally, there are peaks and troughs in the noise environment, depending on whether aircraft are passing overhead and whether traffic is flowing or stationary.
8. Since there is no dispute that the current use of the site is as an HMO for a maximum of 6 people, the proposal would accommodate more than double the number of occupiers currently permitted. If converted back to a single dwelling, the building might house a large extended family, but the likelihood is that this would involve a more limited number of comings and goings than the seven separate households proposed. Future flat-dwellers might have less transient lifestyles than the current HMO residents, but the level of activity would nevertheless be significantly greater than that of the single households which occupy nearby dwellings.
9. Most of the flats would include a home office, which would be a beneficial facility for any future occupiers working or studying from home. While these would be below the minimum space standard for a single bedroom¹, in most cases there would be only a slight shortfall. This would not, in practice, prevent these rooms being used by future occupiers as an additional small bedroom, if required. Therefore, the level of occupation would potentially be greater than the 13 people the Appellant suggests. Furthermore, a limit on occupation could not realistically be controlled or enforced through planning conditions, once the property had been subdivided into seven self-contained private dwellings.
10. In the Noise Impact Assessment² (NIA), modelled noise levels for use of the rear garden are based on a maximum of four residents talking, during a limited proportion of the day and night. In practice, use of the garden by several households could generate longer and more intensive periods of activity, particularly in fine weather, which would be likely to disturb those using the adjacent gardens. Although the proposed access to the garden would be more central, two of the small private gardens would be right next to the site boundaries, close to areas likely to be used for sitting out in the adjacent gardens. As such, I am not persuaded that the NIA fully reflects the potential level of disturbance likely to be caused by use of the rear garden.
11. Despite modifications in response to the most recent appeal decision, the front entrance, bike store and bin store would still be concentrated within the rather confined front garden. Activity associated with these uses would take place close to the front windows of the attached dwelling. While the NIA concludes that noise arising from each type of activity would be within relevant guidelines, this is based on consideration of averaged and peak noise levels, both of which are influenced by the intermittent aircraft noise described above. While I accept that aircraft noise is part of the current noise environment, the NIA does not fully consider the extent to which activity in this area would be perceived as

¹ As defined in DCLG Technical Housing Standards – Nationally Described Space Standard, March 2015

² Gillieron Scott Noise Impact Assessment Planning Rev2, 6 April 2023

intrusive by neighbouring occupiers during periods when traffic noise is low, and planes are not audible.

12. The noise of arrivals and departures and car doors banging would be a contributory factor in the level of activity within the site frontage. However, on the basis that the three parking spaces would be allocated to specific flats, the level of disturbance from this source is likely to be broadly as existing.
13. Nevertheless, in my view, the overall level of activity in and around the site would lead to a harmful level of disturbance beyond the site boundaries, having a particularly disruptive effect on living conditions within 7 and 8A Manorcrofts Road. This would not be adequately masked or mitigated by the fluctuating background noise.
14. For the above reasons, I conclude that the proposed development would have a harmful effect on living conditions for occupiers of neighbouring properties, with particular regard to noise and disturbance. As such, it conflicts with relevant requirements in Policies EE1 and EE2 of the Runnymede 2030 Local Plan, adopted 2020, and relevant paragraphs in the Framework. Amongst other things, these policies require that development avoids adverse impacts on the amenities of occupiers of neighbouring properties and that adequate avoidance, mitigation or reduction measures are deployed to address noise impacts.

Other Matters

15. The Council did not allege any harm to the character and appearance of the area as a result of the proposal, including the side extension. However, this is a neutral factor which weighs neither for nor against the proposal.
16. The proposal includes an amended ground floor layout and improved acoustic insulation internally, responding to points in the most recent appeal decision regarding the quality of the internal environment. However, the amended layout does not adequately address the harm to living conditions for neighbouring occupiers, for the reasons given above.
17. There would be an opportunity to modernise the existing building and improve its energy efficiency. However, it has not been clearly demonstrated that this would go beyond the requirements of other legislation or that the building is incapable of internal refurbishment in its existing use. I have therefore given this limited weight.
18. The proposal would increase the supply of housing generally, and smaller units in particular. It would contribute to housing delivery on windfall sites, making more efficient use of urban land which is not affected by other policy constraints. The location provides good access to local services and public transport, so occupiers need not be reliant on travel by car. The appellant has also drawn my attention to other flats in the surrounding area, although none of these have a comparable relationship with neighbouring properties.
19. However, while the proposed flats would be modest in size, and therefore more affordable than the existing large dwelling, there is no evidence that the proposal would deliver affordable housing as defined in the Framework. Nor have I been presented with any evidence that there is a shortfall against the housing land supply required by the Framework or that the Council is otherwise failing to meet its targets for the delivery of housing in urban areas.

20. In that context, while the proposal would have some benefits, these would not outweigh the harm I have identified to the living conditions of neighbouring occupiers, or the associated conflict with the development plan.

Conclusion

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

Jane Smith

INSPECTOR