



Appeal Decision

Site visit made on 6 June 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/Q3630/W/23/3328563

Land to R/O 8 Stepgates, Chertsey KT16 8HX

- 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 Mr N Fletcher against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/0442.
 - The development proposed is the construction of a new detached dwellinghouse with entrance gate, car parking and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Flood Risk Assessment and Flood Warning and Evacuation Plan, along with a Sequential Test document were submitted by the appellant at the outset of the appeal. The Council and third parties have had opportunity to comment on them. Therefore, they would not be prejudiced by me taking them into account in my reasoning and I have done so.
3. Details of a revised flood evacuation route and associated plans were provided with the appellant's final comments. Given the late stage of their submission and that other parties, including third parties would not have had chance to comment on them, they would be prejudice were I to take these into consideration. Therefore, I have not considered them in my reasoning below.

Main Issues

4. The main issues of the appeal are:
 - Whether the proposal would comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding,
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living condition of the occupiers of 5-8 Horsell Court with particular regard to privacy and outlook.

Reasons

Flood Risk

5. The appeal site is located within Flood Zone 2 and Flood Zone 3 for fluvial flooding. The National Planning Policy Framework (Framework) states that

inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This is achieved by steering development to the lowest flood risk areas through the application of a sequential test.

6. Planning Policy Guidance (PPG) states that this sequential approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas. It states where there are no reasonably available sites in Flood Zone 1, to consider reasonably available sites in Flood Zone 2 (medium probability). Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered.
7. Consequently, planning applications, such as the appeal proposal, are required to apply a sequential test to establish whether there are other reasonably available sites for the proposed development in areas with a lower probability of flooding. Policy EE13 of the Runnymede 2030 Local Plan (Local Plan) similarly seeks to guide development to areas of lowest flood risk and sets out a sequential approach.
8. The Sequential Test document has not looked at potential sites greater than 0.1ha as they were considered not to be similar in size or scale to the proposed development site. However, PPG states that reasonably available sites could include part of a larger site if these would be capable of accommodating the proposed development. Therefore, larger sites should not have been discounted on size. While it is said that it is unknown when larger sites would come forward quickly and would take longer to develop, they have not been included in the search. In the absence of any detailed evidence on these and the timescale of when they may come forward, there is insufficient information to rule them out.
9. Investigations into available 'smaller sites' used the Runnymede Strategic Land Availability Assessment 2022 (SLAA) and Runnymede Brownfield Register 2022 as the basis for identifying alternative sites. However, the evidence before me indicates that the SLAA does not identify smaller windfall sites, including ones of the size of the appeal site. It is, therefore, not clear whether all reasonably available smaller sites have been looked at. In addition, lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.
10. Therefore, I cannot be certain that the search has considered all reasonably sequentially preferable locations and that there are no other sites that could accommodate the proposed development in areas of lesser flood risk.
11. Policy EE13 of the Local Plan states the exception test will continue to be applied where national planning policy advises that this is necessary. PPG states that even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. As the sequential test has not been passed, I would not need to consider the acceptability of the scheme with regard to the exception test.
12. Consequently, the proposal would not comply with local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding. The scheme would fail to accord with Policy EE13 of the Local

Plan and the Framework where they aim to steer development to areas with the lowest risk of flooding and state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Character and appearance

13. The properties along Stepgates are predominantly frontage ones in a linear pattern with lengthy gardens behind. In contrast, the proposed plot would be set back and partly behind the existing dwelling at 8 Stepgates. However, it would be much lower in height than properties along Stepgates and set back a comparable distance to that of 5-8 Horsell Court adjacent. In many views it would be screened by the proposed gates, existing properties and nearby vegetation. Furthermore, does not currently appear as part of the garden for 8 Stepgates but a separate parcel of land at the end of the row of frontage properties along Stepgates.
14. The orientation and size of the proposed dwelling would be different to the existing ones nearby. However, the Horsell Court properties also do not replicate the appearance and form of those along Stepgates, where there is also some variation in property style. Although orientated differently, the mass of the proposed dwelling would not appear harmful or discordant with that of the closest blocks of built form at Horsell Court.
15. Therefore, the proposal would not harm the character and appearance of the area. It would comply with Policy EE1 of the Local Plan and the Runnymede Design Guide Supplementary Planning Document (SPD), where they require schemes to respond to local context. Finally, it would comply with the Framework where it requires schemes to be sympathetic to local character.

Living conditions

16. There are already windows at 5-8 Horsell Court that overlook the rear garden areas behind the building and views from the appeal site into this area. Nonetheless, the proposed raised patio area, while as a result of accommodating flood voids, would introduce overlooking from a higher level. This would result in greater views into the rear windows and large sections of the rear outdoor space for 5-8 Horsell Court.
17. Although not overly large in size, the raised patio area would harm the privacy of these adjacent occupiers. However, were the appeal to be allowed, a condition could be imposed to require screens to be provided at the raised patio. Similarly, upper floor side elevation windows could be conditioned to obscure glazing. These measures would prevent an unacceptable loss of privacy for the adjacent occupiers.
18. The proposed dwelling would extend beyond the front and rear building lines of 5-8 Horsell Court. Nevertheless, it would not be significantly so. Moreover, the proposed building would, and existing building is, set in from the shared boundary. The front and rear windows at 5-8 Horsell Court are set in further from the edge of the building. In addition, other than the door and small window on the side elevation facing the appeal site, the main outlook from the nearest rooms would not be directly towards the proposed dwelling.
19. There would be views of the proposed dwelling from the existing properties and parts of their gardens and floor levels would be higher at the appeal site.

Nevertheless, the proposed dwelling, with its roof sloping away from 5-8 Horsell Court, would not appear dominant or overbearing and an appropriate outlook would be retained for the adjacent occupiers.

20. As such, the proposal would not harm the living conditions of the occupiers of 5-8 Horsell Court with regard to privacy and outlook. It would be in compliance with Policy EE1 of the Local Plan and the SPD where they seek to ensure schemes respond to, and that there is no adverse impact on, the amenities of occupiers of neighbouring properties. Moreover, it would accord with the Framework where it seeks a high standard of amenity for existing residents.
21. Policy EE2 of the Local Plan does not directly relate to outlook or privacy and therefore is not directly relevant to this main issue.

Other Matters

22. Small sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The site is located near other residential development and occupiers would have good access to services and facilities. It would contribute towards housing supply and mix. There would also be benefits associated with the construction and occupation of the dwelling as well as to biodiversity. However, given the scale of the scheme these benefits would be small. Even if I were to agree that there was no harm other than that identified above, this would only be a neutral factor.
23. The site is within the 5-7km Thames Basin Heaths Special Protection Area (SPA) zone. There is no need for me to undertake an appropriate assessment because the scheme is unacceptable for other reasons and would not take place. In any event, even if mitigation prevented harm to the SPA, this would be a neutral factor.

Conclusion

24. The proposed development conflicts with the development plan when considered as a whole, and the Framework, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
25. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR