



Appeal Decisions

Site visit made on 10 July 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal A Ref: APP/Q3630/W/23/3336165

Greenacre St. Jude's Road, Englefield Green, Surrey TW20 0BY

- 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 Harris Piric of Greenacre Residential Ltd against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/1023
 - The development proposed is construction of a new four-storey building with undercroft (basement) parking to create 9 x new apartments, following demolition of existing single family dwelling.
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Appeal B Ref: APP/Q3630/W/23/3327561

Greenacre, St. Jude's Road, Englefield Green, Surrey TW20 0BY

- 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 Harris Piric of Greenacre Residential Ltd against the decision of Runnymede Borough Council.
 - The application Ref is RU.22/1438
 - The development proposed is construction of a new four-storey building with undercroft (basement) parking to create 9 x new apartments, following demolition of existing single family dwelling.
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Decision

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. Unilateral Undertakings have been submitted for both Appeal A and Appeal B which provide mechanisms which seek to mitigate the effects of the proposed developments on the Thames Basin Heaths Special Protection Area (TBHSPA). I will return to this matter later in this decision.
3. The Englefield Green Village Neighbourhood Plan (NP) was made on 31st January 2024. The appellant has had the opportunity to comment on these policies and I have taken them into account in this decision.
4. I have used the description of development from the decision notice for Appeal A as this accurately and succinctly describes the act of development.

Main Issues

5. The main issues for both Appeal A and Appeal B are the effect of the proposed development on:
 - The character and appearance of the area,

- The living conditions of neighbouring occupiers with particular regard to privacy and whether it is overbearing,
- The quality of living conditions for future occupiers.

Reasons

Background

6. The development proposed in Appeal A and Appeal B are similar. The main differences are that the ground level for Appeal A would be lower, resulting in a lower height to the development. The scheme in Appeal A would be set further back from the eastern boundary, the number of windows to the rear elevation would also be reduced and additional planting is proposed to this boundary.

Character and Appearance

Appeal A and B

7. The appeal site is a large, detached house with generous gardens including a number of trees and planting which are prominent in public views. The ground floor level is below the level of the road. The appeal site is located on the eastern side of St Jude's Road which is characterised by the generous planting to the rear of Highfield Court. This is complemented by the green mainly open spaces of the cemetery opposite the site as well as trees in the surrounding area. In the wider area there are also traditional two storey residential properties with a building line close to the road with limited soft landscaping to their frontages.
8. To the east of the appeal site is Greenacre Court, a three storey development of houses and flats set within soft landscaping. Park House is on the corner of St Jude's Road and Bagshot Road and is a three storey block of flats with a shallow pitched roof. To the west is a vacant site known as Ashdene. Planning permission was granted in May 2019 and has been implemented for flats in a three storey block with a fourth floor within a mansard-type roof. Amenity space is proposed between the building and the southern boundary.
9. The immediate setting of the appeal site is characterised by buildings including blocks of flats, with a maximum eaves height of three storeys, obvious separation between buildings and prominent landscaping. This results in a pleasant spacious, green character to the surrounding development.

Appeal A

10. The proposed development would create a four storey block with basement parking. It includes a four storey corner feature terminating in a sloping brick roofline, with the remainder of the fourth floor within a mansard-type roof. The height would step down to the south. The ground floor level would be set below pavement level, the eaves line would be level with Park House and the overall height and density would be lower than the proposed development at Ashdene, but taller than other existing buildings nearby.
11. The ground floor footprint would be close to the front, rear and side boundaries. The separation to Greenacre Court would be similar to the existing building on the site, however the proposed development would be taller and wider than the host property. The access to the basement and hardstanding for car parking would also extend closer to Greenacre Court than the existing built

footprint. The proposed development includes planting and hedges to the front boundary. However given their proximity to main windows and the limited size of the planting area, these trees are likely to be small.

12. The corner feature includes four floors of windows, and the mansard roof extends to the front building line, albeit proposed in a different material. This results in the four storey scale of the proposed development being clearly perceived. Furthermore, the proximity to the boundaries would create a large footprint to this tall building. Taken together, the height and size of the proposed development and proximity to boundaries would result in an overly bulky form, which is visually jarring against the more modest and spacious nearby developments, resulting in an unacceptably dominant addition to the streetscene. Furthermore, the limited soft landscaping would exacerbate the prominence of the built form and would erode the leafy green character along this part of St Jude's Road.
13. There would be no need to access St Jude's Road to get to the bin store, but it would be located close to the boundary. Nevertheless, given the arrangement of the site such details could be dealt with by condition in this case.

Appeal B

14. The Appeal B scheme would have a greater overall height and although its footprint would be partially set back from the northern boundary, it would be closer to the boundary with Greenacre Court. The landscaping proposed is similar, although there is no new planting indicated on the eastern boundary. As such the overall greater height and closer proximity to this boundary results in development that would be additionally harmful to Appeal A, for the same reasons described above.

Appeal A and B

15. Both Appeal A and Appeal B would be harmful to the character and appearance of the area. As such, they would be contrary to policy EE1 of the Runnymede 2030 Local Plan (LP) and policy ND5 of the NP. Together these seek high quality design which responds to the local context, amongst other things.

Living conditions for existing residents

Appeal A

16. From the rear, due to the land levels, the basement floor would be above ground level, with four storeys of living accommodation above. The proposed building would be in close proximity to the boundary and houses at Greenacre Court, particularly at first floor level and below. It would span effectively the full width of the rear gardens to 3-9 Greenacre Court. The tall and wide mass in the position and proximity proposed would result in a harmfully overbearing effect on these neighbours. Whilst planting along this boundary would provide some screening, given the buildings size and height it would nevertheless be clearly perceived and would be harmful.
17. To the side and rear elevations, the majority of windows would be secondary windows, or serve study areas and as such could be obscure glazed, or open onto a terrace or boundary where screening could be provided. However, there would be views to the rear from a single bedroom window at first floor, and views to the side, towards the proposed amenity space at Ashdene, from a

single third floor window. Given the limited number of views, and the position of the rear elevation relative to the existing house, this would not result in a perception of overlooking nor would it be significantly harmful over and above the mutual overlooking that already occurs between these properties.

18. It appears the communal garden at Ashdene would retain its openness to the front and rear, and as such the proposed development would not result in an unacceptably overbearing effect on this garden area.

Appeal B

19. The Appeal B scheme is taller and closer to Greenacre Court properties, with a wall to the basement proposed along the shared boundary. As such due to its increased height and proximity, the proposed development in Appeal B would be even more overbearing to Greenacre Court than Appeal A.
20. Additional windows are proposed to the rear elevation of the Appeal B scheme. These include the only windows to the main living space of flat 4. They would be at first floor, very close to the boundary with Greenacre Court with no opportunity for screening. These would create new direct views in close proximity to the windows and gardens at Greenacre Court. This would result in an unacceptable loss of privacy to the existing adjoining occupiers.

Appeal A and B

21. Therefore, both Appeal A and Appeal B would result in harm to the living conditions of neighbouring occupiers with regard to the overbearing effect. Appeal B would additionally result in harm with regard to privacy. As such, Appeal A and Appeal B would both be contrary to policies EE1 of the LP, and policy ND1 of the NP. Together, in part, these require that there should be no adverse impact on the amenities of the occupiers of neighbouring property.

Living conditions for future occupiers

Appeal A

22. Flat 3 would have two side windows directly onto the communal garden. However, these would be a secondary window and serve a study, and as such they could be obscure glazed. Landscaping could also be provided in the garden to create some separation. The main window to the living room would open onto a private terrace which would provide some segregation from the adjacent communal garden. The boundary treatment to the terrace could also prevent views to and from flat 3.
23. Similarly flats 6 and 8 do not include main windows to the rear elevation and their terraces could also incorporate boundary treatment. Therefore, these properties would not result in unacceptable overlooking to users of the communal garden.

Appeal B

24. Flat 1 would have a secondary window directly onto the communal garden with a terrace adjoining. However, the same treatment could be provided as for flat 3, and as such this would not result in any significant mutual overlooking.
25. Access to the communal garden would be via St Jude's Road, which would be inconvenient and therefore result in a poor quality shared garden area.

However, based on the evidence before me it is likely that access would be possible from the main stairwell and this detail could be secured by condition.

Appeal A and B

26. Therefore, the proposed development would result in appropriate living conditions for future occupiers. As such it would not be contrary to policy EE1 of the LP which requires no adverse impact on the amenities of occupiers of the development and to provide an appropriate standard of private amenity space.

Other Matters

27. Plans and certificates demonstrate that a roof extension and two storey side extension could be achieved at the host property under permitted development (PD). Whilst this would increase the size of the building, it would remain as a single dwelling. As such this is markedly different to the type of accommodation sought and therefore there is not a real prospect of such alterations being undertaken. In any case, the massing of an extended two storey dwelling would be significantly less than either Appeal A or Appeal B. Consequently, the harm to character and appearance and overbearing effect would be less. Therefore, in any case, the development under PD would be less harmful and so would not justify the developments proposed.

Planning Balance

28. There is dispute as to whether the Council can demonstrate a 5 year supply of deliverable housing sites. If it cannot, paragraph 11 (d) of the National Planning Policy Framework (2023) (Framework) would be engaged.
29. The proposed developments would provide the social and economic benefits associated with the provision of 9 units on previously developed land in an accessible location. This would support the government's target to significantly boost the supply of homes. Taking into account the scale of the development, these would be important but modest benefits. Whilst the proposed living conditions would be acceptable, the lack of harm in this regard is a neutral factor. On the other hand, both Appeal A and Appeal B would result in unacceptable harm to the character and appearance of the area and would not create a high quality and beautiful place which is fundamental to what the planning and development process should achieve. Furthermore, they would result in serious harm to the living conditions of existing occupiers and would not create a high standard of amenity for existing users.
30. As such, even if paragraph 11(d) were engaged, these multiple adverse effects would therefore significantly and demonstrably outweigh the modest benefits set out above. Therefore, the presumption in favour of sustainable development would not apply in this case.

Thames Basin Heaths Special Protection Area

31. The TBHSPA is a habitats site that has a high level of protection. It is designated due to the presence of breeding populations of birds. The Council has determined that, without any mitigation in place, in combination with other plans and projects there would be a significant effect on the interest features of the site from the proposed residential development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

32. The proposal would not accord with the development plan and there are no other considerations including the Framework to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/Q3630/W/23/3336165	Greenacre Residential Ltd
Appeal B	APP/Q3630/W/23/3327561	Greenacre Residential Ltd