

Appeal Decision

Site visit made on 20 August 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/Q3630/W/24/3339939

23-25 London Street, Chertsey KT16 8AP

- 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 Sina Salimi of Estetica against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/1040.
 - The development proposed is a part two storey, part first floor extension to form 1x studio flat at first floor.
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Decision

1. The appeal is allowed, and planning permission is granted for a part two storey, part first floor extension to form 1x studio flat at first floor at 23-25 London Street, Chertsey, KT16 8AP in accordance with the terms of the application, Ref RU.23/1040, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the decision notice, as this better reflects the proposal and includes 'flat' after the word 'studio', to confirm the proposed use is residential.
3. The Council had suggested conditions referencing contaminated land. The reason for imposing the conditions was unclear, therefore the Council was asked to explain the nature of purported land contamination and how the suggested conditions would mitigate that. The appellant was also given the opportunity to comment on the response from the Council.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of 27 London Street in respect of outlook; and
 - the living conditions of future occupiers of the studio flat with reference to internal space standards and outlook.

Reasons

Living conditions of 27 London Street- outlook

5. No 27 London Street is a two-storey terraced residential property that adjoins the appeal site. During my visit, I observed that the first-floor window; in the rear elevation, is obscurely glazed. An obscurely glazed rooflight is also positioned within the flat roof of the single storey extension at the property.
6. Given that both the rooflight and window are obscurely glazed, they allow natural light to enter the property; rather than provide opportunities to look out. Accordingly, the proposed development would not negatively affect outlook from No 27.
7. For these reasons, I conclude that the proposed development would have an acceptable effect on the living conditions of the occupiers of 27 London Street with reference to outlook. As such, it would not conflict with Policy EE1 of the Runnymede 2030 Local Plan (RLP) and the National Planning Policy Framework (The Framework). These require development to ensure that there is no adverse impact on the amenities of neighbouring properties.

Internal space standards and outlook

8. The appellant considers that the proposed flat is a one person 'studio' as described on the application form. Whilst the description of development does not specify the intended occupancy, a studio flat would commonly be used by an individual. The proposed floor plans illustrate a double bed, but this does not imply actual occupancy. The layout of the unit is akin to a studio, there is no separate bedroom, and it would be plausible for a future occupier to sleep in a double bed. For these reasons, it is reasonable to consider that the unit complies with the minimum gross internal floor area for a one bedroom, one person unit, as detailed in Policy S19 of the RLP.
9. The main living area of the proposed studio would be served by two north facing windows. The larger window would be positioned behind the staircase providing access to the unit. As a result, the outlook from this window would be directed to the office building to the rear. This is no different to the outlook from other first floor windows in the terrace and is considered acceptable given the separation distances and the close-knit nature of built form in the locality. The second smaller window would permit views of the proposed outdoor amenity space, car parking area serving the appeal site and office building beyond. This would be a typical outlook from a unit in a location such as this.
10. For these reasons, I conclude that the proposed development would comply with Policies EE1 and SL19 of the RLP, the Runnymede Design Guide 2021 and the Framework. These require development to comply with the nationally described space standards and ensure that there is no adverse impact on the amenities of future occupiers of proposed development.

Other Matters

11. The appeal site is located within the Chertsey Conservation Area, the setting of the Grade II Listed 17-19 London Street and locally listed 21 and 23 London Street. The significance of the conservation area is derived by the development of the town and the buildings with architectural and historic interest within it. The proposed development would be in keeping with the prevailing built form and would therefore preserve the character and

appearance of the Chertsey Conservation Area and the setting of the listed and non-designated heritage assets.

12. Concern has been raised regarding lack of parking. Given that the site will retain two car parking spaces, the unit is small, in a sustainable location and a short distance from public transport links, the proposed dwelling would not unacceptably affect existing parking arrangements.
13. With reference to alleged overlooking and privacy of neighbouring properties, given the position of the two windows and the internal arrangement of the unit, any views would be limited and oblique. This relationship is considered acceptable in the context of the prevailing close knit-built form.
14. Any disturbance during construction would be for a temporary period and there is no evidence before me that there is an issue with drainage, loss of light or the structural stability of the building.
15. The issue of the impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property.
16. I have been referred to the absence of consultation by the appellant with neighbours regarding the proposal. While the Framework stresses the benefits of early engagement, the absence or limited nature of consultation with members of the community is not a reason to dismiss the appeal.
17. Potential disturbance from future tenants would be controlled by other legislation as would any rights of access with No 15.

Conditions

18. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty.
19. Conditions are required to control the external finishes of the development, including the proposed balustrade, to ensure high quality design and to preserve the character and appearance of the conservation area.
20. A Flood Risk Management Plan is required prior to occupation to detail safe access and egress for first and subsequent occupiers.
21. The Council has advised that the appeal site lies in close proximity to a former historical works. In the absence of any definitive information regarding potential contamination, the precautionary principle is invoked. As a result, a condition requiring a protective membrane to be installed under the floor of the development is required.
22. Conditions are imposed requiring a fast charge socket to facilitate an electrical vehicle charging point, a secure bicycle store and rainwater harvesting to ensure sustainable design.
23. A condition requiring details of how to improve or enhance biodiversity at the site are required to ensure that the development does not negatively affect on site biodiversity.

Conclusion

24. For the reasons given above the appeal should be allowed.

V Goldberg

INSPECTOR

Schedule of conditions

- 1) The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the following approved plans: P-102 (Location and Block Plans), P-101 (Proposed Elevations), P-100 (Proposed Floor Plans) received 18/07/2023
- 3) Prior to their first use on site a schedule of all external finish materials including wall and roof materials, lintels, fascias, and rainwater goods, including finish colour, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- 4) Prior to their first use on site details of all boundary treatments, including the proposed balustrade, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.
- 5) In the case of the extension, the brickwork shall match that of 21A London Street, unless otherwise approved in writing by the Local Planning Authority.
- 6) Prior to the occupation of the development hereby permitted, a Flood Risk Management Plan (FRMP) shall be submitted to and approved in writing by the Local Planning Authority. The FRMP shall provide a householder pack which shall include details of how this pack will be made available to the first and subsequent occupiers of the studio flat and include details of a safe escape route and the place that people can be evacuated to.
- 7) Before the commencement of the above ground construction of the development hereby permitted, details of the ground gas or vapour protective membrane (regarding ground gas or vapour migration pathways) which is to be laid under the floor of the development thereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Details should include a detailed plan of where the membrane is to be installed, the name and model number of the membrane to be deployed and details as to how the membrane is to be installed and who by. Within three months of the approval of the plan, the membrane shall be laid in accordance with the approved details. The membrane is to be retained for the life of the development.
- 8) Within two weeks of installation of the approved ground gas or vapour protective membrane (regarding ground gas or vapour migration pathways), details of how the approved membrane was installed including proof of purchase and photographic evidence of installation shall be submitted to and approved by the Local Planning Authority.

- 9) The development hereby approved shall not be occupied unless and until the proposed dwelling is provided with a fast charge socket (current minimum requirements- 7kw Mode 3 with Type 2 connector- 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- 10) The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority for:
 - a) The secure parking of bicycles within the development site, including facilities for the charging of e-bikes consisting of a standard three-point plug socket.

Thereafter the said approved facilities shall be retained.

- 11) Prior to the first use/occupation of the development hereby permitted, details of the water efficiency measures and rainwater harvesting shall be submitted to and approved in writing by the Local Planning Authority. Within three months of the approval of these details, the approved measures shall be fully implemented and retained for the lifetime of the development.
- 12) The above ground construction of the development hereby approved shall not commence until details of the measures to improve and enhance biodiversity at the site have been submitted to and approved in writing by the Local Planning Authority. Such details as shall be approved shall be fully implemented prior to the first use or occupation of the development.