



Appeal Decision

Site visit made on 6 May 2025

by **Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date 19 May 2025

Appeal Ref: APP/Q3630/C/23/3321323

42 Rusham Road, Egham, Surrey TW20 9LP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mrs Susan Lansley against an enforcement notice issued by Runnymede Borough Council.
- The notice was issued on 12 April 2023.
- The breach of planning control as alleged in the notice is without planning permission, the unauthorised material change of use of the outbuilding and associated land to form an independent residential unit on the land.
- The requirements of the notice are to:
 - 5.1 Cease using the outbuilding as an independent residential dwelling.
 - 5.2 Remove the cooking facilities (including the oven, grill, and hob) from the outbuilding.
 - 5.3 Remove the fence subdividing the rear garden of the main house.
 - 5.4 Return the use of the outbuilding to a use ancillary to the main dwelling known as 42 Rusham Road, Egham, TW20 9LP.
- The period for compliance with the requirements is: Six (6) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is upheld and planning permission is refused.

Preliminary Matters

1. After the enforcement notice was issued, the National Planning Policy Framework (NPPF) was revised then altered. This does not materially affect my determination of the appeal and there is therefore no injustice to the main parties.
2. The main parties referred to housing delivery. Given the elapse of time since the enforcement notice was issued, I asked the Council to provide its latest assessment of housing land supply and it was copied to the appellant¹. I have taken it into account in determining the appeal. For the reasons set out elsewhere below, am satisfied that there is no injustice to the appellant.

Ground (a)

Main Issues

3. Ground (a) is that planning permission ought to be granted for the breach of planning control stated in the notice. This refers to a material change of use of an outbuilding to an independent residential unit and elsewhere in the notice to a dwelling, which in this case essentially means the same. The main issues are therefore:

¹ Runnymede Borough Council Interim Five-Year Housing Land Supply Statement, February 2025

- the effect of the dwelling on the character and appearance of the area;
- whether it provides satisfactory living conditions for occupant(s), having regard to internal space and outlook and external amenity space; and
- its effect on the living conditions of existing or future occupants of No.42 Rusham Road, having regard to external amenity space.

Reasons

Character and appearance

4. The outbuilding was built and originally used as a garage at the end of the back garden of the house at No.42 Rusham Road. It has been internally and externally altered and is now fitted out and used as a dwelling, with the back garden of No.42 subdivided to make a separate garden, divided by a fence. This road and others nearby, including returning around this corner plot into Queens Road, contain mostly houses. There is some variation in design or age, but they are mainly two-storey with pitched roofs and narrow, deep rectangular floorplans (like No.42) in long garden plots (as was No.42). The few bungalows in this area that I saw have pitched roofs and similar garden plots.
5. Consequently, the single-story, flat roof form of the dwelling and its square floorplan is manifestly at odds with No.42 and the prevailing form of residential development in Queens Road and this area. It also appreciably increases the density of development insofar as two dwellings now occupy what was the plot for one.
6. Furthermore, the side orientation of the dwelling with Queens Road at the back edge of the pavement means there is no front garden or front elevation facing this road, nor any set back of built form as at other houses along either side of this road. Instead, the dwelling faces towards the rear elevation of No.42 into the very shallow 'back' garden to the side (as seen from the road) behind a tall wall. It also results in an overly truncated residual back garden plot for No.42, with both plots out of keeping with the size and shape of the back garden of No.43 Rusham Road (the other half of this semi-detached pair of houses) and others nearby. This orientation and arrangement is completely out of kilter with the predominantly regimented pattern and layout of houses, bungalows and gardens in this area.
7. It is not unusual for outbuildings to have external security floodlighting or their use to generate noise or other disturbance similar to a dwelling. But the entrance gate into the plot, name plate, letter box, doorbell and intercom or key safe box affixed to the wall at eye level are plainly indicative of something other than a garage. This gives a tangible sense of a discrete residential use that is evident to those living nearby and to passers-by. Notwithstanding that the outside surfaces of the dwelling are decorated and finished with a good standard of materials, this building no longer has the external impression of a garage, including that there is no garage door facing Queens Road, as at some other garages in this road and nearby.
8. Though some nearby houses have rendered elevations, including No.42, and that the light grey colour that has been used in this case could be altered by a planning condition, the dwelling has an innate squat, box like rectilinear form punctuated by few square windows with a blank rear elevation and mainly blank roadside elevation. This conveys the impression of a site hut or portacabin and though level with the wall on one side, it juts forward of the front elevation of the row of houses next to and behind it in Queens Road.

9. The dwelling is not in a Conservation Area, No.42 is not a listed building and there is little evidence of any formally recognised important local view. Nevertheless, the dwelling does not respect the most important features of residential development in this area. It is unduly conspicuous and prominent and as such jars in the Queens Road streetscene as an obvious anomaly to conventional houses in this road and in this area, including even the bungalows. It can also be observed as distinctly different from Rusham Road at the junction with Queens Road and by local residents in adjoining houses from upper floor windows, including No.43.
10. Taking account of this, I find that the outbuilding used as an independent dwelling causes harm to the character and appearance of the area. It therefore conflicts with Policy EE1 of the Runnymede Local Plan, July 2020 (the LP). This policy includes that development should respond to its local context and built character of the area and make a positive contribution to townscape, paying particular regard to layout, form and scale.

Living conditions – the dwelling

11. By means of LP Policy SL19 the Council has adopted the Nationally Described Space Standard so that residential development provides at least the minimum acceptable gross internal area (GIA). Amongst other things, this already takes account of the number of occupants.
12. It is common ground that the dwelling has 30m² GIA. Even as a 1-bedroom, 1-person dwelling, this is a notable absolute and proportionate shortfall of 7m² on the applicable 37m² GIA, so certainly not marginal. With a separate shower room, including toilet and hand washbasin, I saw that the main open plan living area has an overly tight, in places virtually overlapping arrangement of kitchen, lounge and bedroom furniture, fixtures or fittings with limited circulation space. Even if routinely retracted, which would anyway be unenforceable with a planning condition or obligation, the pull-down double bed consumes a significant, central part of the available, useable space when in situ. Nor is there any enforceable mechanism to restrict occupation of the dwelling to a single person, so the shortfall against the requisite 50m² GIA for a two-person dwelling would be even greater. This would further undermine useability of the already cramped living area.
13. There is a solid panel front door near a narrow side window and just two small square main windows, one in each outward facing elevation. As I also saw, this means that even with blinds raised and the southerly and westerly aspect, some of the main living area is gloomy. There is little evidence that on all but the sunniest days there is undue reliance on artificial lighting as a consequence or that a glazed front door would make a meaningful difference. Moreover, the enclosed feel to the main living area is compounded by the limited extent of distant outlook due to the close proximity of the garden dividing fence. While it is not unusual for some windows to be at the back edge of a pavement, the more distant view across Queens Road in this case is transient in nature, mainly from standing in the kitchen, not the main seated area.
14. The internal living accommodation is well decorated and maintained and furniture, fixtures and fittings are high quality. It is clearly not sub-standard in these respects and I accept that this small dwelling is likely relatively affordable (whether to rent or buy). The external amenity area (artificial grass) is limited in extent but is on the south side of the dwelling with good natural light and privacy. It provides enough

space commensurate with the small size of the dwelling to meet most needs of a single or even two occupants with little maintenance required. I appreciate that some occupants might value such things or be willing to compromise on more conducive living space to secure their own place to live, including even for a prolonged period of time. However, planning operates in the wider public interest to ensure residential development meets normal accepted expectations in these regards, not to meet or provide a private or personal benefit for any individual.

15. I therefore find harm to the living conditions of the occupant(s) of the dwelling because it does not provide satisfactory internal space and outlook. Consequently, it conflicts with LP Policies SL19 and EE1. These policies include that residential development is expected to meet the required GIA space standard and in these terms be inclusive in design to ensure no adverse impact on the amenities of those who occupy it.

Living conditions – No.42

16. No.42 is a modest but family sized house. Even if it is not currently occupied by a small family, it could be. The back garden is already relatively narrow but at about 5m long it is also now appreciably shorter than it was and the main part is now roughly square in shape. Even if the existing decking and gravel over most of it was removed or reduced in extent, there is little room for a meaningful area of lawn.
17. As a result, there is much less flexibility for use of the space that remains to meet a range of usual family domestic use and activity – such as children's play, relaxing, socialising or entertaining, gardening, growing vegetables or hanging clothes to dry. Nor for domestic outbuildings – such as a greenhouse, shed for hobbies or general storage or for secure cycle storage – without further unduly eroding usable open space. Much of this garden is also next to or close to the rear elevation of the house, so overshadowed by it for a large part of the day, restricting some direct easterly and southerly sunlight.
18. As a result, I find harm to the living conditions of the existing or future occupants of No.42, having regard to the inadequate extent and orientation of external amenity space. The dwelling therefore conflicts with LP Policy EE1 which includes that residential development should ensure no adverse impact on the amenities of the occupiers of neighbouring property, including an appropriate standard of private amenity space.

Other considerations

19. The Council has identified a 3.92 or 3.98-year supply of deliverable housing sites, but either way it is a notable shortfall against the requisite 5-year supply, including by over 700 dwellings against the equivalent housing requirement. In these circumstances, by virtue of footnote 8 the Council's housing policies are deemed to be out-of-date and NPPF paragraph 11(d)(ii) is engaged in this appeal. The starting point is that planning permission should be granted.

Planning Balance

20. The dwelling is aligned with development plan aims to meet the Council's housing requirement, consistent with objectives of the NPPF to significantly boost the supply of homes to help meet people's accommodation needs, including in size and tenure. It is within an existing settlement close to facilities and services which the

occupant(s) would likely use and makes efficient use of a small windfall site without reliance on a car. I have no reason to doubt that it generates a Council Tax payment towards public services. The contribution of a single dwelling in these regards, though important, is small so these benefits have modest weight in support of the appeal.

21. The conversion works have already been undertaken so there is no pending employment or economic betterment, limited as this temporary benefit likely was. This is a neutral factor in my decision.
22. However, there is conflict with the development plan and equivalent provisions of the NPPF because of demonstrable harm to the character and appearance of the area and to the living conditions of the occupant(s) of the dwelling and No.42 Rusham Road. These are important planning considerations and as such I give each substantial weight.
23. As a result, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Accordingly, the presumption in favour of sustainable development does not apply in this appeal. Other material considerations do not, therefore, indicate that the appeal should be determined otherwise than in accordance with the development plan taken as a whole.

Conclusion

24. For the reasons given above, ground (a) fails.

Ground (g)

25. For the appeal on ground (g) to succeed, the appellant must demonstrate that the six (6) month period specified in the notice to take the steps required by it falls short of what should be reasonably allowed.
26. The cooking facilities in the dwelling are usual domestic kitchen appliances, routinely changed by homeowners. The dividing fence is a normal garden fence, not overly tall or long and erected by conventional means. Consequently, it should be a reasonably straightforward task to remove these items.
27. The appellant has provided little evidence to substantiate that if a contractor was required, access to labour or materials is a genuine barrier to securing such a person and this work being carried out within 6 months. Little else has otherwise been provided to justify why ceasing use of the outbuilding as a dwelling and returning it to an ancillary outbuilding could not be achieved within 6 months.
28. I therefore find that the six (6) month period given by the notice does not fall short of what is reasonable. Accordingly, ground (g) fails.

Formal Decision

29. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act (as amended).

Robin Buchanan

INSPECTOR