



Appeal Decision

Site visit made on 30 April 2025

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 MAY 2025

Appeal Ref: APP/Q3630/W/24/3356532

45 Coombelands Lane, Addlestone, Surrey KT15 1JL

- 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 Mike Holmes against the decision of Runnymede Borough Council.
 - The application Ref is RU.23/1503.
 - The development proposed is Erection of a new single storey detached 1 bedroom dwelling with associated hard and soft landscaping and off street parking to the land at the front of No 45.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area;
 - whether or not the proposed development would provide satisfactory living conditions for its future occupiers with particular reference to daylight and private garden space; and,
 - the effect of the proposed development upon designated habitats sites.

Reasons

Character and appearance

3. The appeal site is a driveway and front garden area of a two-storey detached dwelling at an angle to the highway close to the edge of an established residential area, close to a yard and collection of buildings of an animal welfare facility. Despite the proximity and visibility of this facility within the appeal site context, the vernacular of the buildings and its strong boundary treatments give the facility a clear differentiation to the appeal site. The appeal site appearance and use relates closely to the residential area, with the facility buildings viewed as a differently defined character, appearance and use.
4. Nearby, the residential area is predominantly characterised and defined by two storey dwellings of distinct but similar style groups, in moderately sized plots with quite deep rear gardens and either their front or rear facades facing the highway. The scale and angle of the existing appeal site dwelling and plot differs to the predominant pattern of residential development. However, its front façade still part

addresses the highway, and its two-storey height and plot are in keeping with and make a positive contribution to the character and appearance of the area.

5. The new single storey dwelling would be much smaller than those within its close visual context, be parallel to the highway, with a significant proportion of the elevation quite close to the carriageway, set within a shallow plot. It would appear markedly at odds with the prevailing dwelling height, orientation, position, layout and plot size. These attributes would set it apart from those nearby, it would not be viewed as integrating well with its surrounds, and it would be harmful to the character and appearance of the area.
6. The appeal scheme could be viewed as more of a back-to-side arrangement, and as such, the distance the nearest rear facade would not be out of keeping with other similar relationships nearby. However, notwithstanding this and the wide plot, the new dwelling would be close to its plot boundaries on three of its four elevations, and particularly tight on two of these. It would be viewed as being highly cramped and would not sit comfortably in its plot. This would be highly at odds with and significantly harmful to the character and appearance of the area.
7. Though there is some scope for landscaping to soften the development, it would not sufficiently mitigate the harm. The harm would be visible from varying perspectives along a moderate length of Coombelands Lane due south and west of the site, and a number of nearby neighbouring properties.
8. Therefore, the proposed development would be significantly at odds with and harmful to the character and appearance of the area. It would conflict with Policy EE1 of the Runnymede 2030 Local Plan (2020) (the RLP) which requires development achieves a high quality of design that responds to its local context, having regard to layout, form and scale. It would conflict with advice in Standards 6 and 12 of the Runnymede Design Supplementary Planning Document (2021) (the RDSPD) which seeks that proposals respond positively to the qualities of local character, reflecting plot and building rhythm, including space and configuration.
9. The development would also conflict with paragraphs 131, 135 and 139 of the National Planning Policy Framework (2024) (the Framework) which emphasises the importance of high-quality design, requires proposals are sympathetic to local character, and states development that is not well designed should be refused.

Living conditions

10. Policy EE1 of the RLP seeks that development provides an appropriate standard of private amenity space. Design Standard 24 of the RDSPD states that for housing, private rear gardens should be capable of accommodating activities such as outdoor play, drying clothes and storage. Garden sizes should be regular in shape where possible, contain functional space, respond to context, and be proportionate to dwelling size.
11. The layout includes some spacing on all four sides. However, the space on the eastern and much of the northern side is very narrow, enclosed and of little value for typical outdoor private garden space functions. The plans indicate the private space due south and west would vary between approximately 2.85m and 6.22m in depth. This is well below the standards the Council seeks and based upon sufficiently high boundary treatments to ensure adequate privacy, I accept that it would feel quite confined.

12. However, this 1-bedroom dwelling is only likely to have one or two occupiers, and unlikely to be occupied by a family needing play space. The southern space though shallow in parts, it is quite wide, and it does have some reasonable useable area. I consider the space is broadly proportionate for the size of dwelling. While the hedge and wider mature tree cover to the south would reduce sunlight at times, overall outlook would be good. While I note the RDSPD guidance, in respect of gardens depths and distances, it is guidance only. On balance, as a whole, the outdoor space would provide satisfactory living conditions for the future occupiers.
13. The main source of natural daylight to the main living area would be a glazed opening that includes patio doors. It is quite sizeable and south facing. However, it would face onto a narrow part of the garden enclosed by an approximately 1.8m boundary treatment necessary to ensure a private garden area, with some mature tree cover beyond, and would be close to the corner of the living space. In consequence, daylight from it is unlikely to be plentiful over much of the space.
14. The living area would also be served by some light from two small north facing windows very close to the site boundary. They would allow limited natural light to that part of the space, even if it would not be necessary to obscure glaze them and fix them shut having regard to No 72 Ongar Place and mitigating noise. There could be some limited light through the hallway from a suitably glazed front door.
15. As a whole, based upon what I saw and the evidence before me, this main living space would feel quite a darkened environment which would not be provided with sufficient natural daylight to ensure satisfactory living conditions for the future occupiers. It has not been demonstrated that within the scope of this appeal scheme it would be possible to overcome or mitigate the harm.
16. Therefore, for the reasons set out above, while I do not find harm in respect of private outdoor space provision, the development would not provide satisfactory living conditions for the future occupiers with particular reference to daylight. This would conflict with Policy EE1 of the RLP which seeks development is high quality and does not have an adverse impact upon the occupiers of the development. It would also conflict with the advice in Standard 24 of the RDSPD which seeks that all dwellings are provided with a suitable amount of natural daylight.

Habitats sites

17. The site is within the 400m – 5km zone of influence (ZoI) of the Thames Basin Heaths Special Protection Area (the SPA). Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require that where a project gives rise to a likely significant effect (LSE) upon the SPA, a competent authority shall make an appropriate assessment of its implications upon the integrity of the site, in view of its conservation objectives, alone and in combination with other development, adopting the precautionary principle.
18. The SPA is a network of lowland heath sites designated as they provide habitat supporting important populations of Woodlark, Nightjar and Dartford Warbler (the qualifying features). The SPA conservation objectives are to maintain and restore the extent and distribution, structure, function, and supporting processes of the habitats of the qualifying features, and the population and distribution of the qualifying features within the SPA.

19. The qualifying features nest on the ground and at low level and can be disturbed or harmed by informal recreational activities such as cycling, walking and dog walking. This scheme would increase by one, the dwellings within a short drive of the SPA, with increased potential for recreational use of the SPA by its occupiers, evidenced in the Council's Thames Basin Heaths SPA Supplementary Planning Document (2021) (the TBHSPD). Therefore, it is required to provide contributions towards mitigation measures, to avoid LSEs upon the SPA qualifying features. The appellant does not dispute the need for contributions.
20. Avoidance measures outlined in the TBHSPD comprise contributions towards a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), agreed by Natural England (NE). SANGs provide alternative recreational spaces to SPA sites. SAMMs are a project between organisations across the SPA area, which includes implementing measures such as promoting SANGs, wardens, education, access management and monitoring.
21. Contributions from schemes via legal agreements are an important part of avoidance measures to offset the LSEs from each development. I am satisfied that subject to the full and correct payments being secured towards mitigation, the measures would overcome the LSEs. The appellant has provided a Unilateral Undertaking (UU) for contributions towards the SANGs and SAMMs. NE is content that if contributions towards SANGs and SAMMs are secured via the signed legal agreement, adverse effects upon the SPA would be avoided.
22. However, the amount of SAMM contribution stated within the UU is less than the amount required as shown on the spreadsheet of contributions accompanying it. The shortfall is quite small, but the UU contribution would not pay the full amount necessary to deliver the costed SAMM mitigation for the year it is signed. While the UU contributions are index-linked¹, I do not have certainty as to the exact future figure the index-linked percentage (as defined) will provide. Therefore, I do not have certainty it will make up for a deficient starting contribution being specified, and that the full cost of mitigation will be provided for, when needed.
23. For the reasons set out, I cannot be certain the development makes adequate provision to mitigate the LSEs, and thus maintain or restore the integrity of the SPA. The appellant has not demonstrated that there are no alternative solutions to providing seemingly inadequately mitigated housing at the appeal site. Imperative reasons of overriding public interest do not exist, and there are no other considerations that clearly outweigh the harm to the SPA. Section 63(5) of the Regulations states the competent authority may agree to a plan or project, only after having ascertained that it will not adversely affect the integrity of Habitats sites. Therefore, it precludes this proposed development from proceeding.
24. Adopting the precautionary principle, as the competent authority I do not have sufficient certainty adequate mitigation is secured, and that LSEs upon the Habitats site will be adequately mitigated. In consequence, I cannot be certain the proposed development would conserve the integrity of the SPA and its qualifying features. The proposed development therefore conflicts with Regulation 63(5) of the Regulations, the wording of which I have set out above. This has the same

¹ Page 3 of the Unilateral Undertaking dated 18 January 2025.

legislative requirements as Regulation 48(5) as the Habitats Regulations 1994 and Article 6(3) of Directive 92/43/EEC, referred to in the Council's for refusal.

Other Matters

25. Though in its delegated report, the Council has implied it considers the levels of outlook would be poor, and concerns in respect of noise, these matters are not specifically referenced in the reasons for refusal. Compliance with policies and standards in respect of these aspects of the development would be neutral matters in the balance. Therefore, I have not considered these in detail.

Planning Balance

26. The Council currently is only able to demonstrate a housing land supply (HLS) of the order of 3.92 years², so the policies most important to determining the application are considered out of date. Noting this and the order of shortfall, the contribution to supply and social benefits of one dwelling attract limited weight in favour of the scheme. There would be a small temporary economic benefit during construction, and once occupied a minor sustained benefit to the local economy, services and facilities. Suitably worded conditions could secure new landscaping and net biodiversity gains. Having regard to the scope and likely magnitude of benefits, these would be small benefits. Based on satisfactorily addressing points raised in respect of drainage, there might be some small overall drainage benefit.
27. Securing contributions to fully mitigate the LSEs of the appeal scheme upon the SPA would have been a neutral matter. Were I to find the development compliant with policies and standards in respect of matters such as tree protection, parking and access, the location of development, sustainable design, materials, flood risk matters, the living conditions of neighbouring occupiers, and those of future occupiers not referred to above, these would all be neutral matters in the balance.
28. Overall, the policy compliance and benefits of the development attract limited weight in its favour. However, I cannot be certain the development would not result in LSEs upon the SPA. In accordance with paragraph 11d) of the Framework, the application of policies that protect areas or assets of particular importance provide a strong reason for refusing the development, for which Framework policies are not met. Not meeting section 63(5) of the Regulations attracts very significant weight against the scheme and prevents the appeal scheme from proceeding.
29. Even were I to have been satisfied there would not be LSEs upon the SPA, the proposed development would be significantly at odds with and harmful to the character and appearance of the area. This harm attracts significant weight against the appeal scheme. It would also not provide satisfactory living conditions for the future occupiers in respect of daylight, which attracts moderate weight against the appeal scheme.
30. Overall, even if I were to set the SPA issue aside, the harm and policy conflicts from the proposed development attract significant weight against the scheme. This is such that it significantly and demonstrably outweighs the benefits of the development when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to

² Table 3 and paragraph 24 of the Runnymede Borough Council Interim Five-Year Housing Land Supply Statement (February 2025).

sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Therefore, the appeal should not succeed.

Conclusion

31. The proposed development would be contrary to the development plan read as a whole, the Framework read as a whole, and the Regulations. There are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR