



Appeal Decision

Site visit made on 10 June 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19th June 2025

Appeal Ref: APP/K3605/W/25/3358337

32 - 34 Baker Street, Weybridge, Surrey KT13 8AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr R Kemp, Queensbury Investments Ltd against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/2996.
 - The development proposed is the change of use of Class E space to form 6 apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for the change of use from commercial, business and service (use class E) to dwellinghouses (use class C3) subject to certain limitations and conditions.
3. Prior approval matters for Class MA includes, amongst other things, the impact of the change of use on the provision of adequate natural light in all habitable rooms of the dwellinghouses. There is no dispute that the other criteria of Class MA are satisfied and there is no need to give them further consideration in this decision.

Main Issue

4. The main issue is whether or not the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of natural light in all habitable rooms.

Reasons

5. The appeal proposal involves the conversion of office space to form 6 apartments on the upper floors of the property. Two apartments would be dual aspect, a further two would be single aspect and face south but the Council's concerns relate to two rear apartments on the first and second floor which would be single aspect and north facing. These two apartments would have a combined living/bedroom area, and an enclosed kitchen within the room.
6. Class MA.2(f) of the GPDO requires the provision of adequate natural light in all habitable rooms of a dwellinghouse. There is no definition of 'adequate natural

light' in the GPDO. The Inspector's decision¹, referenced by the Council, suggests that 'natural light', should encompass both daylight and sunlight; a definition which I agree with. Furthermore, the definition of 'habitable rooms' in paragraph X of Part 3 of the GPDO includes any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes. Based on this definition, for each of the two apartments under scrutiny, the combined bedroom/living area would constitute habitable rooms.

7. It is common ground that based on the appellant's submitted daylight assessments (Richard W Staig) that these apartments would receive adequate daylight. However, the Council contends that they would not receive adequate sunlight. Both parties suggest BRE guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (BR209 2022) (BRE) provide criteria as a basis for assessing whether a dwelling will appear reasonably sunlit. Although I do not appear to have been provided with a full copy of this document, both parties refer to similar extracts of text. This states that the BRE guidance recommends that in general, a dwelling will appear reasonably sunlit provided at least one main window wall faces within 90 degrees of due south, and a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March (para.3.1.15). It further states that in relation to a group of dwellings, a scheme should aim to maximise the number of dwellings with a living room that meets the above recommendations (Para.3.1.16).
8. In this particular case, the two apartments facing north and having a single aspect, would be relatively narrow and deep. The bed would be located well away from the windows, within the narrowest part of the unit, and the area around it would be likely to feel dark and quite oppressive. The kitchen would be within a separate enclosure, without windows, which would require the doors to be open for much of the time. Even with the doors open, the natural light in the kitchen would still be poor. In this regard, the appellant's daylight assessment addendum mentions BRE guidance that where a small, internal kitchen is inevitable, it should be directly linked to a well-lit room (para.2.1.15). This is not the case here. Only the seating area would be close to the windows and even here the north-facing aspect would limit sunlight. I also saw that a long, two-storey, rear extension was sited centrally on the building which suggests that it would further compromise light entering the rear first floor windows. It has therefore not been adequately demonstrated that the two units would comply with the above BRE recommendations.
9. Whilst the BRE guidelines do not require that all units meet the recommendations, it is a reasonable expectation that each unit should receive some sunlight into a habitable room to provide an acceptable living environment. Therefore, whilst most of the development appears to achieve acceptable levels of daylight and sunlight, the orientation of the two apartments and their layout indicates that the level of sunlight would be inadequate for future occupants.
10. I have had regard to Paragraph 130(c) of the Framework which states that a flexible approach should be taken in applying guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. However, this is qualified by stating that the resulting scheme should still provide acceptable living standards. In this case, the two rear apartments would be significantly lacking in sunlight, and it therefore follows that in line with Paragraph

¹ Ref; APP/V5570/W/23/3322608

W.2(a) of Part 3 of the GPDO, prior approval must be refused as adequate natural light would not be provided in the habitable rooms of the apartments.

11. Consequently, it has not been demonstrated that adequate natural light would be provided in all habitable rooms within the proposed units. Therefore, the requirements of Paragraph MA.2(f) would not be met.

Conclusion

12. For the above reasons, I conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class MA of the GPDO having regard to the provision of natural light to all habitable rooms. The appeal should therefore be dismissed.

G Bayliss