



Appeal Decision

Site visit made on 1 July 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Appeal Ref: APP/Q3630/W/25/3361112

40 Guildford Street, Chertsey KT16 9BE

- 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 Mark Axten of Axten Steel Ltd against the decision of Runnymede Borough Council.
 - The application Ref is RU.24/1324.
 - The development proposed is described as 'erection of 3no. new apartments following demolition of existing commercial buildings'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether the proposed scheme would be in a suitable location, with reference to policies concerned with development in areas at risk of flooding;
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to privacy, outlook and light; and
 - the effect of the proposed development on the living conditions of the occupiers of Stanway Place and 40 Guildford Street, with particular regard to privacy.

Reasons

Flood risk

3. The appeal site is within Flood Zone 2 where there is a medium risk from fluvial flooding. The National Planning Policy Framework (the Framework) seeks to avoid inappropriate development in areas at risk of flooding by directing it away from areas at highest risk.
4. The Framework requires the application of a sequential approach to the location of development to avoid, where possible, flood risk to people and property. It states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Policy EE13 of the Runnymede 2030 Local Plan (LP) also outlines that new development will be guided to areas of lowest flood risk from all sources of flooding through the application of the sequential test.
5. The Planning Practice Guidance (PPG) indicates that the sequential test should be applied to major and non major development. The proposed scheme does not fall

within the types of development which are exempt from the sequential test set out in the Framework.

6. The PPG also outlines that reasonably available sites are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. This could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development.
7. There is no information showing whether reasonably available sites in areas with a lower risk of flooding have been considered. The appellant states that a new sequential test is unnecessary as a previous one was completed in March 2022 to support an earlier application for two flats subsequently approved by the Council¹. This was based on the Council's Strategic Land Availability Assessment 2021 (SLAA) which has not since been updated.
8. However, the SLAA is only a starting point in identifying potential alternative sites, and additional sources should be consulted to establish whether other sites suitable for the proposed development in areas at lower flood risk are available. Further, the previous sequential test is now over three years old and, given regular updates to flood levels and zones provided by the Environment Agency, sites previously discounted may now be suitable for development. As such, the evidence does not show that reasonably available sites have been considered to determine whether the proposed development could be located in an area with a lower risk of flooding.
9. The Framework requires development in areas at risk of flooding to demonstrate that it is appropriately flood resistant and resilient and that safe access and escape routes are included, amongst other things. LP Policy EE13 also requires development to be constructed with adequate flood resilience and resistance measures suitable for the lifetime of the development.
10. There is dispute over which catchment area the site falls within and thus the climate change allowance which should be used to assess the future risk of flooding. Maps provided by the appellant demonstrate that the site is within the Wey and Tributaries catchment area and there is no substantive evidence indicating otherwise.
11. The development would be located within the flood extent for the 1 in 100 year plus 25% allowance for climate change, higher than the 24% allowance applicable to this catchment area. The FRA indicates that the finished floor level of the ground floor flats would be raised 300mm above this flood level. Although no other flood resilience and resistance measures are proposed, this floor level would ensure that future residents would be safe from flooding in this scenario.
12. The site is on the edge of the flood zone, with part of Guildford Street nearby wholly outside it. In the 1 in 100 year plus 25% climate change event, the parties agree that there would be a safe access and escape route from the proposed apartments to the area outside the flood zone.
13. The appellant considers that due to the extent of impermeable surfaces the risk of groundwater flooding of the site would be limited. The Council acknowledges that

¹ Planning application ref: RU.23/0485 'previously approved proposal/scheme'

river flooding is the main source of flood risk, with very low residual risk from other sources. It also accepts the proposals for managing drainage and water run-off and finds that the scheme would not materially increase flood risk elsewhere.

14. Overall, I conclude that it has not been demonstrated that the proposed scheme would be in a suitable location, with reference to policies concerned with development in areas at risk of flooding. This would be contrary to Policy EE13 of the LP and the Framework's requirements in respect of flood risk.

Living conditions – future occupiers

15. The proposed building would be arranged around an existing courtyard at the rear of 40 Guildford Street, with the southern elevation adjoining a small informal parking area associated with a neighbouring property. The proposal is for two ground floor studio apartments and a one-bedroom apartment with a terrace on the first floor.
16. The Runnymede Design SPD 2021 (SPD) sets out guidance for new development, stating that this should provide high quality internal space with suitable levels of natural daylight and reasonable privacy to habitable rooms. It outlines that dual-aspect flats should be sought as this allows greater levels of daylight and sunlight, ventilation, flexibility and adaptability within the internal layout and a choice of views. The SPD states that single aspect flats should be particularly avoided where they are north facing.
17. The main living area windows for the proposed ground floor units at plots 1 and 2 would face into the courtyard. Due to the position of the openings abutting the shared space, the occupiers of the ground floor studios would have no privacy from those using the external area.
18. The main openings for plot 1 would be west facing with a long wall on the opposite side of the room and a small window in the separate shower room. The main windows for plot 2 would face north, with only a small high level south facing window at the opposite end of the living area.
19. In an appeal relating to an earlier proposal for three apartments on the site², the Inspector acknowledged that future occupants are more likely to expect an outlook consisting of a developed and built-up environment given its urban setting. Nevertheless, due to the single aspect of the living area at plot 1 and the largely north facing aspect for plot 2, looking out onto a small enclosed courtyard, and significant expanses of blank internal walls, there would be poor light to and outlook from these units. This would create an unsatisfactory living environment for future occupants.
20. There have been changes to the proposed development layout and window sizes and positions to respond to the reasons for refusal on earlier schemes for the site. The appellant also refers to the previously approved proposal for one bed apartments. In that case, the proposed flats would have dual aspect living areas with large windows on both elevations, with only single aspect west facing windows to the bedrooms. Whilst the previously approved proposal also shows openings adjacent to the amenity space, the presence of another living room

² Appeal ref: APP/Q3630/W/23/3316820

window would afford better outlook and privacy to the occupants of the ground floor flat in that case compared to the appeal scheme.

21. Thus, I conclude that the proposal would provide unacceptable living conditions for future occupiers, with particular regard to privacy, outlook and light. This would conflict with Policy EE1 of the LP where it supports proposals which ensure no adverse impact on the amenities of occupiers of the development proposed.

Living conditions – existing occupiers

22. Stanway Place, a Victorian Gothic chapel converted to flats, lies to the north of the site. It mainly has small windows facing the site though there are some larger openings, including to a first floor bedroom. The site also abuts an upper level flat at 40 Guildford Street (No 40) which has three first floor rear facing windows serving a kitchen/lounge and an obscure glazed bathroom.
23. The proposal differs from previously approved and refused proposals in that it would include a first floor outdoor terrace for the occupants of the proposed upper floor apartment. Due to its short distance from the neighbouring flats and elevated position, there would be direct overlooking of habitable rooms at No 40 and Stanway Place by occupants of plot 3 when using the terrace. This would cause a harmful loss of privacy to residents of the neighbouring dwellings.
24. The appellant indicates that 1.5m opaque screens could be installed along the roof access to plot 3 and is willing to accept a suitable condition in this respect. However, whilst this would overcome overlooking of neighbouring habitable rooms, it would in effect limit the use of the terrace to that of an access walkway only.
25. There is no dispute that there would be no overlooking of neighbouring properties from the proposed ground floor flats and sitting area. The Council also does not consider that the proposal would cause harmful loss of light to the rear rooms at No 40, though it has concerns about the impact of any privacy screens on the latter. The two storey part of the proposed building would also be further from No 40 than the existing first floor element. However, these would not overcome the harm to privacy of neighbouring residents caused by the scheme.
26. Consequently, I conclude that the proposal would harm the privacy of the occupiers at Stanway Place and No 40. This would be contrary to Policy EE1 of the LP where it supports proposals which ensure no adverse impact on the amenities of neighbouring property.

Other Matters

27. The Framework seeks to significantly boost housing supply and highlights the important contribution small and medium sized sites can make, whilst supporting development which makes efficient use of land. The Council's published position from February 2025 is that it can only currently demonstrate a 3.98 year supply of deliverable housing sites against the required five years. This triggers the circumstances in paragraph 11(d) of the Framework. However, the proposal would be within an area at risk of flooding which provides a strong reason for refusing the development proposed in accordance with paragraph 11(d)(i). Therefore, the presumption in favour of sustainable development is not engaged.
28. The proposed development would make more efficient use of previously developed land in an urban town centre location with good access to services and

public transport in accordance with national policies. It would also provide economic benefits during construction and once occupied when future residents would support local businesses. In addition, the proposal would bring back into use buildings which are currently in a poor state of repair and help to secure the site. However, these benefits do not outweigh the unsuitable location of the proposed scheme having regard to the risk of flooding, the unacceptable living conditions for future occupiers and the harm to privacy of neighbouring occupiers.

29. The Council did not find harm or development plan conflict in relation to several other matters, including the principle of residential development, character and appearance, heritage assets, biodiversity, highways and parking and noise. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.

Conclusion

30. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

A Wright

INSPECTOR