



Appeal Decision

Site visit made on 25 June 2025

by **A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/Q3630/W/24/3354550

Beomonds House, Beomonds Row, Chertsey, Surrey KT16 9AW

- 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 Salman Ucer of Beomonds Investment Ltd against the decision of Runnymede Borough Council.
 - The application reference is RU.24/0700.
 - The development proposed is the creation of an additional storey to create 1 new 1 x bed residential unit and associated access stairs and terrace/amenity space at first floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of conciseness, I have taken the proposal description from the decision notice and appeal form.
3. As the appeal site lies within a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The appellant has submitted amended plans with the appeal, which omit the outdoor amenity space. While the amendment seeks to address concerns regarding overlooking, it raises another issue in respect of lack of outdoor amenity space. Consequently, I have not accepted the amended plans and have determined the appeal based on the plans considered by the Council during their determination of the planning application, which were subject to public consultation.

Main Issues

5. The main issues are:
 - whether the proposal would provide acceptable living conditions for its future occupants, having particular regard to privacy, outlook and private outdoor amenity space;
 - the effect of the proposed development on the living conditions of neighbouring properties, having particular regard to privacy, noise and outlook; and,

- whether the proposal has demonstrated that there would be safe access and egress for future occupants of the development in the event of a flood.

Reasons

6. The appeal site lies to the rear of 94 Guildford Street (No. 94), which forms part of a Grade II listed building. No. 94 and Beomonds House are connected at ground floor level. There are two flats above No. 94 and a further two flats at Beomonds House (ground and first floor level). A flat roof terrace provides access to the first and second floor flats. Access to the flats is available through the service yard of the nearby supermarket. The proposal seeks to provide an additional storey above Beomonds House to provide a new dwelling.

Living conditions of future occupants

7. The rear projection at the adjacent property (No. 92) extends significantly further rearwards than the built form at the appeal site. The flank wall at No. 92 is a similar height to the existing ridge at Beomonds House. Although views from the proposed dwelling of the flank wall would be at an angle, given the siting, height and depth of the projection at No. 92, I find that it would be oppressive and unduly overbearing to future occupants of the development. I appreciate that future occupants would have a view of the sky; however, outlook from the living room and bedroom windows would be primarily of the service yard of the adjacent supermarket and the flank wall of No. 92. Accordingly, I find that future occupants would have an unacceptable outlook.
8. I acknowledge that future occupants would have a better outlook when compared to the lower units. However, this does not justify providing an additional unit where future occupants would be subjected to poor living conditions.
9. The proposal seeks to provide an area of decking directly outside of the existing first floor flat at Beomonds House. The proposed amenity space is small in size and would be shared with occupants of the first floor flat. The appellant proposes that the existing first floor windows within Beomonds House that face onto this amenity space would be obscure glazed. Fitting the kitchen window with obscure glazing would affect the living conditions of occupants of the first floor flat, which is discussed further below. Given the shared nature of the proposed amenity space, the proposal would fail to provide an appropriate standard of private amenity space for its users.
10. Given the siting, distance and angle of the windows in the flank elevation of No. 92, I do not find that they would result in a detrimental level of overlooking to future occupants of the proposed development. The proposed unit would also have adequate levels of daylight and sunlight.
11. Although future occupants would have an acceptable level of privacy, for the reasons given above, I conclude that the proposal would fail to provide acceptable living conditions for future occupants in terms of their outlook and private amenity space. The proposal would conflict with Policy EE1 of the Runnymede 2030 Local Plan, adopted July 2020 (the Local Plan). This policy among other things seeks to ensure that there is no adverse impact on the amenities of occupiers of the development and that the proposal provides an appropriate standard of private amenity space.

Living conditions of neighbouring properties

12. The proposed terrace would be sited adjacent to the first floor flat within Bemonds House. The formalisation of this area as an outdoor amenity space, is likely to increase the use of this area, which would result in noise disturbance to the existing first floor flat. The appellant proposes to fit the existing kitchen and bathroom windows within the first floor flat with obscure glazing. While adequate ventilation and daylight would be retained for these windows, such a proposal would harmfully reduce the outlook from the kitchen window.
13. Although the proposal would improve the standard of outdoor amenity space for the first floor flat, given the size of the proposed area and the fact that it would be shared between two flats, limits its overall value. Accordingly, the proposal fails to provide an appropriate standard of private amenity space for either unit.
14. Based on the evidence before me, it appears that adequate levels of daylight and sunlight would be retained for neighbouring properties. I appreciate that no windows are proposed on the side elevation of the proposed development in order to prevent overlooking to adjacent properties. However, the proposal would result in a large flank elevation very close to neighbouring properties. Given the height and scale of the proposed development and the relatively short distance between the appeal proposal and the adjacent flats at No. 94 and No. 96, I find that the proposal would appear unduly overbearing when seen from the facing windows in these properties. This would result in harm to the outlook and living conditions of the occupiers of these adjacent properties.
15. The proposal would result in the loss of rooflights for the existing first floor flat. However, given that the front and rear facing windows would remain for this flat, I do not find that the proposal would result in a harmful loss of daylight or sunlight to occupants of the first floor flat.
16. For the reasons given above, I conclude that the proposal would be harmful to the living conditions of occupiers of the first floor flat in terms of outlook and noise, and the occupiers of Nos 94 and 96 in respect of their outlook. The proposal would conflict with Policies EE1 and EE2 of the Local Plan. These policies among other things require that there is no adverse impact on the amenities of occupiers of neighbouring properties.

Flooding

17. The appeal site lies within Flood Zone 1 (which has a low risk of flooding). However, it is surrounded by areas that fall within Flood Zones 2, 3a and 3b. The area in which the appeal site lies is classified as a dry island within the Council's Strategic Flood Risk Assessment 2018 (SFRA). The SFRA advises that dry islands are considered to be flood risk areas. While the properties within a dry island may not flood, there is potential for them to be surrounded by deep flood water and cut off from key services and facilities during a flood event.
18. The SFRA is broadly consistent with the National Planning Policy Framework (the Framework), which requires that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
19. Policy EE13 of the Local Plan states that when a site is located in a dry island, applicants will be expected to consider the onset and duration of a flood, the

vulnerability and willingness of occupiers to evacuate the site in a flood event and the ability of the site to operate an effective flood evacuation procedure.

20. The appellant has submitted a revised Flood Risk Assessment and Flooding Technical Note with the appeal. It is proposed that future residents would evacuate the site heading south along Guildford Street. According to the evidence provided by the appellant's flood risk consultant, the evacuation route is classified as a 'very low hazard'.
21. The evacuation route would be approximately 1 mile long and would require residents to pass through Flood Zones 2 and 3 and over an existing river. The appellant estimates that this route would take 5 minutes by car. However, given the town centre location of the proposed dwelling and the lack of on-site parking, there is no guarantee that future residents would have a car.
22. The flood risk maps submitted by the appellant indicate that part of the proposed evacuation route is at a medium risk of river flooding. Part of the route also has a medium and high risk of surface water flooding. While it is projected that the depth of any floodwater would be below 30cm, I am not convinced that given the length of the route and the likelihood of part of it flooding that it represents a safe access route for future occupants. This route would be challenging even for more able bodied individuals. The challenge would be greater at night and during inclement weather and particularly for those less able bodied members of the community.
23. Future residents could sign up to the Environment Agency's Flood Line and are likely to have adequate warning of a flood event. However, there is no guarantee that future residents would evacuate at an early stage. While future residents could shelter within the second floor flat, this does not preclude the need to provide a safe evacuation route.
24. The presence of existing dwellings on the dry island does not justify introducing additional residents, who would be put at risk during a flood event and would put greater pressure on emergency services.
25. Given the nature of the proposal, it would not exacerbate flood risk elsewhere. However, for the reasons given above, I find that the proposal has not demonstrated a safe access and egress route for future occupants of the development in the event of a flood and I give this significant weight in my decision. As a result, the proposal would fail to accord with Policy EE13 of the Local Plan, which among other things requires that a site can operate an effective flood evacuation procedure.

Other Matters

26. '94, 96 and 98, Guildford Street, 104, 106 and 108, Guildford Street' are Grade II listed (Ref: 1039975). Based on my site visit and the evidence before me, I find that the listed building's special interest insofar as is relevant to this appeal is derived from its historic and architectural interest as an illustration of 18th century architecture. The listed building's surviving historic fabric, use of traditional materials and pleasing architectural design make important contributions in these regards.
27. The appeal site lies within the Chertsey Conservation Area (CA), which includes the historic core of the town. The significance of the CA insofar as is relevant to

this appeal derives from the concentration of high quality historic buildings, which depicts the town's evolution as a historic market town.

28. Beomonds House is a 20th century addition, which is attached to No. 94. The proposed development would be sited above the 20th century addition. The Council raises no objections to the proposal on heritage grounds and granted listed building consent for the proposed works in August 2024¹. The appeal site is largely screened from the public realm by the existing built form and appears visually separate to the historic part of the building. Based on my site visit and the evidence before me, I find no reason to reach a contrary conclusion to the Council on this matter and consider that the proposal would preserve the special interest of the listed building and the character and appearance of the CA, as a whole.
29. The proposal would provide one new dwelling within an accessible location, which has good access to public transport. Future residents would not be reliant on a private motor vehicle to meet their day-to-day needs. It would also make effective use of the site through utilising the airspace above an existing building. The proposal would make a small contribution to the Council's housing land supply, which I give limited weight in my decision. The proposal also seeks to provide an energy and water efficient dwelling. However, this would be expected of any new dwelling and I therefore give this very limited weight in my decision.
30. No objections have been raised to the proposal on sustainability, highways or waste grounds. However, these are all neutral factors.

Planning Balance

31. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework advises that planning permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development. According to Footnote 7 of the Framework, such policies include those relating to areas at risk of flooding. In this case, I find that the proposal has failed to demonstrate a safe access and egress route for future occupants of the development in the event of a flood. Accordingly, the presumption in favour of sustainable development does not apply.

Conclusion

32. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR

¹ Application ref: RU.24/0728