



Appeal Decision

Site visit made on 13 August 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/Q3630/W/25/3362801

The Gables, Rosemary Lane, Thorpe, Surrey TW20 8QE

- 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 S O'Riordan against the decision of Runnymede Borough Council.
 - The application Ref is RU.24/1104.
 - The development proposed is a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) has been submitted which seeks to mitigate the effects of the proposed development on the Thames Basin Heaths Special Protection Area (TBHSPA). I will return to this matter later in this decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and flood risk

Reasons

Character and appearance

4. Along this part of Rosemary Lane, houses are generally detached, front the road, set back behind front garden areas, in plots with open rear gardens. Whilst their appearance is somewhat varied, overall, these characteristics result in a regular pattern of development and a pleasant sense of spaciousness and openness behind the frontage buildings. These features make a positive contribution to the character and appearance of the area.
5. The appeal site is a plot of land which widens from the front to the rear, with a road access to Rosemary Lane, and is surrounded by residential gardens. There are modest, low level pig sheds on the site, which are dilapidated and overgrown. Given their limited scale they do not detract from the open character of the garden land to the rear of the main houses.
6. The proposed development would introduce a one bedroom, single storey bungalow on this small plot. The building would be set toward the rear of the plot, back from the road. It would have a small garden to the rear and landscaping to the front.

7. The appeal scheme would introduce substantial built form to the open garden area behind the frontage properties. The proposed dwelling would be on a limited plot and although there would be space to the front of the dwelling, it would occupy the majority of the width of the site, and would also be close to the rear boundary. Whilst no harm is identified with regard to the size of the garden in terms of living conditions, nevertheless, the development appears tight within an uncharacteristically small site. This would harmfully erode the sense of spaciousness and openness to the rear of the street fronting properties and would unacceptably undermine the pattern of development in this area.
8. There is no dispute between the main parties that the effect on trees would not be harmful to the character and appearance of the area. Whilst the development would clear an overgrown site, there is nothing to indicate that this would not be possible without the need for the proposed dwelling. As such the effect on landscaping does not weigh in favour of this development.
9. My attention is drawn to other properties permitted in the surrounding area, including the properties at Yardleys which have a road frontage and therefore differ from the character of the appeal site. As well as the permission for 2 houses on the land opposite the site. However, this does not appear to form part of an area characterised by rear gardens and so its features also differ. As such, this does not alter my findings.
10. Chimneys is a Grade II listed building located to the north of the appeal site. Its significance appears to derive from its age and historic character. I have visited the appeal site, and I agree that due to the scale, separation distance and the residential context, there would be no harm to the setting of the listed building. Nevertheless, the lack of harm in this regard would be a neutral effect.
11. Therefore, the proposed development would be harmful to the character and appearance of the area. As such, it would be contrary to Policy EE1 of the Runnymede 2030 Local Plan (2020) (LP) which requires high quality design that responds to local context, amongst other things.

Flood Risk

12. It is the Council's case that the site is at a medium-high risk of groundwater flooding. The appellant states that they have not experienced flooding in the past 30 years. However, an assessment of flood risk should take into account the risk of flooding now and in the future. As such, even taking this into account, the appeal site is in an area at risk of flooding.
13. The National Planning Policy Framework (2024) (Framework) states that a sequential risk-based approach should be taken to individual applications in this area. This aims to steer new development to areas with the lowest risk of flooding from any source. Also, development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. This is broadly echoed by Policy EE13 of the LP.
14. The appellant proposes that the dwelling would be occupied by a relative who requires care from family members at The Gables. It is put to me that it would not be reasonable to convert a room in the existing house for these care needs. However, there is little before me to suggest that the appeal proposal would be the only way to meet the particular needs of the appellant's family. Furthermore, the

development proposes a self contained single storey dwelling with its own access from Rosemary Lane, parking and garden area. The proposed development would therefore be an independent dwelling which does not share any facilities and planning permission is sought on a permanent basis. As such, once these circumstances change, the property would remain as a separate dwelling. Therefore, I am not satisfied that it would be impractical to accommodate the proposed development in an alternative location.

15. The appellant has not submitted a sequential test, and I do not have evidence that the appeal scheme would steer new development to areas with the lowest risk of flooding. This matter is fundamental to the acceptability of the proposed development and therefore it would not be appropriate for a sequential test to be secured by condition. The appeal scheme consequently proposes inappropriate development in an area at risk of flooding. This is a strong reason for refusing the development. Whilst there was no objection from the Council's engineering services consultee, nevertheless the planning application was refused for this reason, and for the reasons set out above it is clear that I agree with this decision.
16. Other development nearby has been brought to my attention including permission for 4 houses on land opposite the appeal site, the development at Yardley and other housing within the village boundary including an old mushroom farm. Flood risk was not a reason for refusal for these schemes. However, I am not provided with detail as to the flood zone, or the results of sequential and exception tests for these sites. As such I do not have evidence that the considerations were similar to those before me now.
17. Consequently, the proposed development would result in unacceptable flood risk and would not steer new development to areas with the lowest risk of flooding. As such, it would be contrary to Policy EE13 of the LP, the aims of which are set out above.

Other Matters

18. The proposed dwelling would provide accommodation for a relative who requires care and this is an important benefit for this family. If planning permission is not granted the appellant states that this would need to be provided by the local authority, with the associated cost to the borough. This single new home would also make a small contribution towards the provision of housing, along with the associated temporary economic benefits during construction. Taking into account the scale of the development, overall, the benefits of the development proposed are afforded moderate weight in this case. I note the lack of objection with regard to contaminated land, archaeology and highways. However, the absence of harm in these regards would be a neutral factor.
19. On the other hand, the appeal scheme would be unacceptably harmful to character and appearance, and the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. As well as being harmful to areas of flood risk which are areas of particular importance. Consequently, the permanent and public harm to these multiple important matters would not be outweighed by the moderate benefits.

Equalities

20. In considering this appeal I have also had due regard to the protected characteristics for the purposes of the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, including the need to eliminate discrimination and advance equal opportunity and foster good relations between those with protected characteristics and others. I am also mindful of the Human Rights Act 1998 and the implications of my decision on the appellant's private rights to enjoyment of their possessions, to family life and their home.
21. The appeal scheme would provide a house for an occupant who is elderly and disabled. However, as set out above, I am not satisfied that the proposed development would represent the only or least harmful option to provide the required accommodation. For the reasons above I have also concluded that the development harms both the character and appearance of the area, and flood risk. I am satisfied that these legitimate aims can only be adequately safeguarded by the refusal of permission for the proposed development. Therefore, following careful consideration of the particular matters, dismissing the appeal for these reasons would be a proportionate and justified outcome.

Planning Balance

22. The Council cannot demonstrate a 5 year supply of deliverable housing sites, therefore paragraph 11(d) of the Framework is engaged. However, further to the findings above, the application of policies relating to areas at risk of flooding provides a strong reason for refusing the development proposed, as set out in footnote 7. Consequently, the presumption in favour of sustainable development does not apply in this case.

Thames Basin Heaths Special Protection Area

23. The TBHSPA is a habitats site that has a high level of protection. It is designated because it provides habitat for Dartford Warbler, Woodlark and Nightjar. The appeal site is within 5km of the SPA and the Council state that, without any mitigation in place, in combination with other plans and projects, there would be a likely significant effect on the interest features of the site from the proposed development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR