



Appeal Decision

Site visit made on 2 October 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st October 2025

Appeal Ref: APP/K3605/W/25/3370025

Holmes House, 24/30 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 Aubone Tennant of Stoneharbour Developments Ltd against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/1102.
 - The development proposed is described as “Class MA prior approval application for change of use from Class E to Class C3 to provide 8no. self-contained flats”.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use from Class E to Class C3 to provide 8no. self-contained flats at Holmes House, 24/30 Baker Street, Weybridge, Surrey KT13 8AU in accordance with the application Ref 2025/1102 and the details submitted with it, including Drawing Nos Surv 01, DSurv 01 and PA2_01G, pursuant to Article 3(1) and Schedule 2, Part 2, Class MA and subject to the conditions set out below.

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 a change of use of a building and any land within its curtilage within class E (commercial, business and service) of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) to a use falling within class C3 (dwellinghouses) of Schedule 1 to the UCO, subject to limitations and conditions.
3. To avoid repetition, I have used the following description of development: “Change of use from Class E to Class C3 to provide 8no. self-contained flats”.
4. The plans show the ground floor being used as two retail units, which the Council considers represents a change from a current large single commercial unit. However, as the proposal relates only to the upper floors of the building, this matter does not have a bearing on the appeal.

Main Issue

5. Paragraph MA.2(f) states that development is permitted by Class MA subject to the provision of adequate natural light in all habitable rooms of the dwellinghouses.

A previous scheme for 10 flats (including the ground floor)¹ was refused because the Council considered that the proposed north-facing single aspect units and internal kitchens would have had inadequate natural light.

6. The Council refused prior approval on the basis that a number of units in the development fail to achieve adequate levels of both daylight and sunlight throughout the units and in each of the habitable rooms, and that the proposed layout would be cramped and contrived with very deep and narrow corridors.
7. It is common ground that the proposed development satisfies the remaining limitations and conditions set out in paragraphs MA.1 and MA.2 of the GPDO, and I see no reason to disagree.
8. Consequently, the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO, with particular reference to the limitation at paragraph MA.2(f).

Reasons

9. The appeal site consists of a four storey commercial building with retail use on the ground floor and offices above. It is proposed to convert the offices to eight flats, with a relocated staircase.
10. The term 'natural light' is not defined in the GPDO. The Building Research Establishment (BRE) publication entitled "Site layout planning for daylight and sunlight: a guide to good practice", updated in 2022, is commonly used as guidance in such matters and is a material consideration. It identifies that there are two components of natural light, sunlight and daylight. It indicates that the main requirement for sunlight is in living rooms, with sunlight being less important in bedrooms and kitchens. It advises that in general, a dwelling will be reasonably well lit 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 31 March.
11. Paragraph X of Schedule 2, Part 3 of the GPDO defines 'habitable rooms' as "any rooms used or intended to be used for sleeping or living which are not used solely for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms".
12. It is common ground that all the habitable rooms within the proposed flats would receive adequate daylight, and that most of the living rooms would receive adequate sunlight. Although unit 8's living room would face north, its two south-facing bedrooms would ensure that the unit as a whole would receive adequate sunlight in accordance with BRE guidance. The Council has raised no objection to the two proposed single aspect flats, which would face south. Furthermore, the Council has confirmed in its Statement that the separate kitchens proposed in some of the units, being non-habitable rooms and linked to a well-lit room (a living room), would benefit from adequate sunlight.
13. Four of the proposed flats (units 1, 3, 4 and 6) would have north-facing bedrooms which would not benefit from sunlight. The proposed bedrooms would have an unobstructed outlook and would be rectangular in shape, allowing their beds to be

¹ LPA reference 2024/3050

placed near the windows, and consequently would receive adequate daylight. Moreover, as each of the flats would have a south-facing living room, they would be reasonably well lit in accordance with BRE advice. Having regard to BRE guidance that sunlight is less important in bedrooms, I consider that the bedrooms would receive appropriate levels of natural light based on the amount of daylight they would receive, and that each of the flats would benefit from adequate natural light overall.

14. The Council considers the layout of units, 1, 3, 4 and 6 to have a contrived, cramped and awkward layout, citing their narrow shape and the relatively long, L-shaped corridors which they consider would give rise to a dark and oppressive setting. However, whilst the units are relatively narrow, their dual aspect means that their habitable rooms would be naturally lit, with the space in between utilised for bathrooms, storage and internal circulation which do not require natural light. Furthermore, internal corridors are a common feature of flats and not in themselves objectionable, and I do not consider that the proposed L-shaped corridors would be unduly dark and oppressive. I consequently find that units 1, 3, 4 and 6 would provide appropriate living conditions for future residents.
15. The Council has drawn my attention to a dismissed appeal² and subsequent planning permission³ to convert the upper floors of the adjacent property 32-34 Baker Street into four flats. The initial scheme proposed north-facing single aspect units, with beds set well back from the windows, and kitchens with no natural light. The revised scheme, in contrast, proposed dual aspect units with south-facing living rooms. I consider that the Inspector's reasoning and the subsequent Council decision reinforce the conclusions I have come to regarding natural light.
16. I therefore find the proposal satisfies the criteria contained in paragraph MA.2(f) of the GPDO by providing adequate natural light in all habitable rooms of the dwellinghouses. Consequently, the proposed development would be granted planning permission by Article 3(1) and Schedule 2, Part 3, Class MA of the GPDO.

Conclusions and conditions

17. For the reasons given above, the appeal is allowed and prior approval is granted, subject to the following conditions.
18. Paragraph MA.2(5) of the GPDO states that development must be completed within a period of 3 years starting with the prior approval date.
19. Paragraph W(12)(b) of the GPDO states that the development must be carried out in accordance with the details approved.
20. The Council has provided a list of conditions, the first two of which replicate the above conditions. A condition has been suggested to deal with the possibility of significant ground contamination being found during ground works, but as the proposal is for a change of use of the upper floors, such a condition is unnecessary.

² PINS reference APP/K3605/W/25/3358337

³ LPA reference 2025/0091

21. A condition to control noise transmission is necessary to ensure compliance with paragraph MA.2(d) of the GPDO, relating to the impacts of noise from commercial premises on the intended occupiers of the development.
22. A condition requiring the provision of cycle storage facilities is necessary to ensure that future occupiers have access to a choice of modes of transport.

J Heppell

INSPECTOR

Schedule of Conditions

- 1) Before any flats are occupied, a scheme shall be submitted to and approved in writing by the Local Planning Authority setting out how the construction of the separating floor and wall shall exceed an airborne sound insulation value of 63 dB DnT,w+Ctr (i.e. 20 dB above the standard required by the Building Regulations).
The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details before any flats are occupied, and shall thereafter be retained in accordance with the approved details.
Before any flats are occupied, a suitably qualified person shall carry out post completion testing to ensure that the above sound insulation value has been achieved, and the results of the assessment shall have been submitted to and approved by the Local Planning Authority.
- 2) Before any flats are occupied, facilities for the secure, lit and covered parking of bicycles and the provision of a charging point with timer for e-bikes shall have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be retained in accordance with the approved details.

End of schedule