



Appeal Decision

Site visit made on 4 November 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/Q3630/W/25/3365910

49 High Street, Egham, Surrey TW20 9EW

- 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 Hardeep Hans of Hanslink Ltd against the decision of Runnymede Borough Council.
 - The application Ref is RU.24/1274.
 - The development proposed is extensions and change of use of the existing building to provide a mixed-use scheme by enlarging the existing Class E commercial unit on the ground floor and to provide 8 Class C3 apartments through the change of use of the existing offices and extensions at first and second floor level, and a new third floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Egham Town Centre Conservation Area;
 - the effect of the proposal on the significance of the Grade II Listed Literary Institute and Red Lion Pub and the Non-Designated Heritage Asset known as Old Bank (NDHA);
 - whether the proposed development would be suitably located in relation to flood risk and whether it would increase flood risk; and,
 - the effect of the proposal on protected species and biodiversity.

Reasons

Egham Town Conservation Area

3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The appeal site is located within the Egham Town Centre Conservation Area (CA). My attention has been drawn to the Egham Town Centre Conservation Area Appraisal (CAA). I have drawn on this and my own observations on site to determine the character, appearance, and significance of the CA.

5. The significance of the CA is derived from the historic nature of the High Street with its linear form and layout, as well as the presence of important institutions and historic buildings which are reflective of the 19th century development of Egham. The high street is identified in the CAA as the most important street in the CA with the historic layout of narrow fronted deep plots, characteristic of the medieval period surviving. There is also a relatively restricted palette of materials, mainly brick and render and the small scale increase and decrease in the height of buildings and varying age of buildings add visual interest to the townscape.
6. Whilst the CAA acknowledges that the existing building detracts from the character and appearance of the CA, its proportions and height remain consistent with the established pattern of development along the High Street. In contrast, the proposal, despite not obstructing identified views within the CAA, would introduce a substantial increase in height and scale. This would result in a structure that appears disproportionately tall in relation to neighbouring buildings, creating a visually intrusive and incongruous presence on the High Street. The excessive height, combined with the narrow width of both the building and its plot, would distort its overall proportions, undermine the established rhythm and scale of surrounding buildings, and further detract from the character and appearance of the CA.
7. While the proposed pitched roof, use of white render to articulate the elevation, and selection of materials that reference those found within the CA are acknowledged as positive design intentions, they do not sufficiently mitigate the overall impact of the development. The cumulative bulk and massing resulting from the increased height, combined with the depth of the first and second floor extensions, would significantly enlarge the scale of the host building in a manner that is visually intrusive and disproportionate within its context.
8. Although enhancements to the fenestration and the introduction of balconies would contribute some visual interest to the front elevation, these elements are not enough to offset the adverse effects of the proposal's excessive scale. Consequently, the development would fail to preserve or enhance the character and appearance of the CA.
9. Reference is made to the recent planning approval for extensions to the existing building and the construction of a new building at 46 High Street (RU.24/0175). Notably, the section of this site fronting the high street would not increase in height, and the new building would face Wetton Place rather than the High Street. Consequently, unlike the appeal scheme, this development would not alter the visual character or appearance of the High Street. Therefore, the approved scheme would not materially change the local context in a way that would justify the proposal.
10. Whilst the four-storey building situated at the junction of High Street and Church Road is referenced, it occupies a substantially larger plot and is experienced in a different context to the appeal site. Its scale and setting are therefore not directly comparable to the appeal scheme. Additionally, the location of the five-storey building cited is unclear; but it does not appear to be within the immediate surroundings of the appeal site. Consequently, its relevance to the proposal would be limited and would not justify the design of the appeal scheme.

11. Whilst it is claimed that the harm to the CA arising from the proposal is at a low level of less than substantial harm, for the reasons above, I do not agree. In addition, while improvements to the existing rear car parking area and reinstatement of the public footpath along Wetton Place would be benefits, it has not been demonstrated that the same improvements could not be part of an alternative less harmful scheme.
12. Reference is made to the fallback positions of the approved prior approval (RU.25/0301)¹ and planning permission (RU.25/0281)². There is a real prospect that these developments will be implemented and as such they are material considerations in my assessment.
13. If both schemes were implemented, the resultant development would be materially different to the appeal scheme. This is because the proposal would result in an additional four residential units and substantial extensions at first and second floor level, and a new third floor. As a result, unlike the appeal scheme, the fallback position would result in minimal changes to the external appearance of the building. Given that the proposed substantial extensions would fail to protect the character and appearance of the CA for the above reasons this is an important distinction.
14. As a result, the development approved through prior approval and planning permission would, when considered cumulatively, have a less harmful impact on the character and appearance of the CA compared to the appeal scheme. Therefore, it does not provide sufficient justification for the appeal in respect of this issue.
15. For the reasons above, the proposal would fail to preserve or enhance the character or appearance of the CA. It would therefore be contrary to policies EE1, EE3 and EE5 of the Runnymede 2030 Local Plan³ (Local Plan). These policies require proposals to be of a high quality which respond to local context and protect, conserve and enhance the special interest and character and appearance of conservation areas. It would also conflict with the duty under 72(1) of the Act.

Effect on setting of Grade II Listed Literary Institute and Red Lion Pub and the NDHA

16. The appeal site is located close to the Grade II listed Literary Institute and Red Lion Pub and the NDHA known as Old Bank. The submitted Heritage statement acknowledges that the proposal would change the setting of the identified listed buildings and NDHA.
17. With reference to the setting of the Literary Institute, the proposed rearward extension would obstruct views of the listed building from Wetton Place within the CA when looking east. From this vantage point, the increased bulk and mass of the proposal would appear visually dominant, thereby unacceptably affecting the setting of the listed building.
18. The Lion Pub, situated adjacent to the Literary Institute, is partially visible from the High Street when looking west. From this viewpoint, the surrounding buildings leading up to the pub are of similar height and taller than the pub itself. The proposed development would introduce a disproportionately tall structure within

¹ RU.25/0301 detailing the change of use of first and second floors from Class E to form 4 residential units.

² RU.25/0281 for an extension to the existing building to enlarge the commercial unit on the ground floor.

³ Adopted 16th July 2020

the setting of this listed building, disrupting the established scale and rhythm of the streetscape and detracting from the surroundings in which the heritage asset is experienced.

19. The NDHA is located on the opposite side of Wetton Place from the appeal site. Given the separation distance and the presence of intervening buildings set further forward, which obstruct direct views between the two locations, the level of intervisibility is minimal. As a result, the proposal would not unacceptably affect the setting or significance of the NDHA.
20. While paragraphs 4.2.10-4.2.23 of the heritage statement are titled 'Assessment of Setting Impacts' the assessment that follows does not consider the individual settings of each of the identified heritage assets. Instead, it details the methodology for assessing the impact. This limits the value of the statement in informing the impact of the proposal on the identified heritage assets.
21. For the above reasons, the proposal would unacceptably affect the significance of the Literary Institute and the Red Lion Pub, which are Grade II listed buildings, through development within their settings. While the proposal would not conflict with Policy EE8 of the Local Plan, which seeks to preserve the character and significance of NDHA's, it would be contrary to Policy EE4. This policy seeks to protect the setting of listed buildings. It would also conflict with the duty under 66 (1) of the Act which requires special regard to be given to the desirability of preserving the setting of listed buildings.

Flood Risk

22. The appeal site is partially located within Flood Zone 2. While the extent of the site within this zone is disputed, this does not remove the requirement to apply the Sequential Test. In accordance with Policy EE13 of the Local Plan, all new development must be directed to areas of lowest flood risk from all sources through the application of the Sequential Test. Although reference is made to the exemptions set out in Footnote 62 of the National Planning Policy Framework (the Framework), the proposal would not fall within any of the exemptions. This is because the proposal involves both extensions and a change of use to a more vulnerable classification, specifically, the enlargement of an existing Class E commercial unit and the conversion of upper floors to provide eight Class C3 residential apartments, including the addition of a new third floor. As such, the proposal constitutes a material change to a more vulnerable use including significant extensions. It therefore does not benefit from the exemptions in Footnote 62, and the Sequential Test must be applied in accordance with both Policy EE13 of the Local Plan and the Framework.
23. It is claimed that the sequential test need not be applied. This is because the proposed extensions cannot be located elsewhere, and the residential units would be at first floor. However, sufficient justification has not been provided to demonstrate that the proposed development could not be in an area at lower risk of flooding.
24. The appellant considers that the sequential test should be limited to Egham Town centre. However, no justification has been provided for restricting the search area, nor has evidence been submitted to demonstrate why a borough wide assessment has not been undertaken. In the absence of such justification, it has not been

demonstrated that the proposal could not be accommodated in areas at lower risk of flooding elsewhere in the borough.

25. While it is stated that the Runnymede Strategic Land Availability Assessment (SLAA) 2018 identified no reasonably available sites for the proposed mixed-use development within the Town Centre or the wider borough, this conclusion would have been based on a call for sites conducted prior to 2018, now over seven years ago. Given the time that has elapsed, the relevance and weight of the SLAA's findings in assessing currently available sites is limited.
26. Reference is made to the sequential test being passed for 46 High Street under planning application RU.24/0175. However, it would not be appropriate to rely on that assessment, as it was based on a different number of residential units. Furthermore, while the Flood Risk Assessment states that access to the proposed residential units would be above the maximum modelled flood level, the updated flood maps in the Council's statement create uncertainty around whether this remains accurate. Crucially, the ability to provide safe access and egress does not override the requirement to comply with Policy EE13 of the Local Plan.
27. Given the proposal includes a ground floor rear extension in an area at risk of flooding, the proposal could impede flood water, reduce the capacity of the floodplain to store water and have the potential to cause or exacerbate existing flooding problems on the site or elsewhere. However, the proposed geo cellular soakaway and permeable paving could mitigate this risk.
28. For the above reasons, the proposed development would not be suitably located in relation to flood risk. It would therefore be contrary to Policy EE13 of the Local Plan which seeks to guide development to areas at lowest risk from all sources of flooding.

Protected species and biodiversity

29. The submitted Preliminary Ecological Appraisal details that the site is categorised as having a negligible potential to support roosts, or foraging/commuting bats. It therefore suggests targeted emergence dusk surveys are carried out.
30. A nocturnal emergence bat survey dated 6th May 2025 was submitted to support planning application ref RU 25/0281 (the Class E commercial extension that forms part of this appeal). This survey concludes that there was no evidence of roosting or emergence recorded from any building features. As a result, the required survey has now been undertaken.
31. For the above reasons, the proposal would have an acceptable effect on protected species and biodiversity. It would therefore be compliant with Policies EE9 and SD7 of the Local Plan which seek to protect existing biodiversity and require net gains in biodiversity, through creation/expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species.

Other Matters

32. While pre- application advice was sought and a copy has been provided, it is unclear what was considered and if it is comparable to the appeal scheme. In any event advice provided prior to the submission of a formal application is offered on an informal basis.

Heritage and Planning Balance

33. The proposed development would fail to preserve or enhance the character and appearance of the CA, it would also fail to preserve the settings of the Grade II listed Literary Institute and Red Lion Pub. Furthermore, the site is not suitably located in relation to flood risk. Substantial weight is afforded to these harms.
34. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. With reference to the harm to the CA and the setting of the listed buildings, given the scale and nature of the proposal, the degree of harm to the significance of these assets would be less than substantial, which Paragraph 208 of the Framework indicates should be weighed against the public benefits of the proposal.
35. The delivery of market housing is a public benefit, particularly in the context of the borough's acknowledged shortfall in housing land supply. The provision of eight dwellings, with car parking, EV charging points and cycle parking would make a meaningful contribution to addressing this under-supply and this carries significant weight in favour of the proposal.
36. Additional public benefits include the provision of commercial floorspace, improvements to the car parking area, and the reinstatement of the public footpath along Wetton Place. However, as the commercial element is already permitted under an extant planning permission, and it has not been demonstrated that the other improvements could not be delivered through a less harmful scheme, these benefits collectively attract limited weight.
37. Notwithstanding the public benefits identified, considerable importance and weight must be given to the statutory duty to preserve or enhance the character or appearance of the CA and the settings of listed buildings. In this instance, the public benefits are not sufficient to outweigh the less than substantial harm identified. As such, the statutory duties under Sections 66 and 72 of Act, have not been met.
38. The absence of a five-year supply of deliverable housing sites engages paragraph 11 d) of the Framework. This indicates that where the requisite land supply cannot be demonstrated, permission should be granted unless i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
39. Footnote 7 of the Framework confirms that the policies referred to under the first limb include designated heritage assets and areas at risk of flooding. Given my findings on the first, second and third main issues, the proposal would not qualify as sustainable development and the tilted balance in the second limb of Framework paragraph 11 d) would not apply. The conflict with Policies EE1, EE3, EE4, EE5 and EE13 of the Local Plan carry significant weight, and this brings the scheme into conflict with the development plan taken as a whole.

Conclusion

40. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

V Goldberg

INSPECTOR