



Appeal Decision

Site visit made on 16 March 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2020

Appeal Ref: APP/P0119/D/19/3243538

Westglade, Charfield Hill, Charfield GL12 8LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Romanowicz against the decision of South Gloucestershire Council.
 - The application Ref P19/14141/F, dated 4 October 2019, was refused by notice dated 28 November 2019.
 - The development proposed is Demolition of existing rear extension and construction of new single-storey rear extension; loft extension including new dormer windows; and alterations to existing front entrance porch.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing rear extension and construction of new single-storey rear extension; loft extension including new dormer windows; and alterations to existing front entrance porch at Westglade, Charfield Hill, Charfield GL12 8LH, in accordance with the terms of application ref: P19/14141/F dated 4 October 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development shall be carried out in accordance with the following drawing numbers: 1913_E001; 1913_P001; and 1913_P002.
 - 3) The development shall be implemented strictly in accordance with the findings and recommendations of the Bat Survey Report, conducted by Smart Ecology Ltd and dated 30 September 2019.

Main Issue

2. The main issue is the effect of the proposal on local biodiversity, having particular regard to bats.

Reasons

3. Bats and their roosts are protected by the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). Accordingly, the appeal has been accompanied by a detailed bat survey which was undertaken by an associate member of the Chartered Institute of Ecology and Environmental Management.

4. The report confirms that it was informed by the Bat Conservation Trust good practice guidelines and that the surveys took place at the appropriate times of the year. It identifies that the building has potential for bat roosts and that subsequent bat emergence and re-entry surveys have shown that there is clear bat activity within the apex of the western gable end. As a consequence, the survey goes on to identify specific mitigation measures to enable the development to proceed. The mitigation includes recommendations in relation to working methods, the timing and nature of demolition, and the installation of bat boxes before work commences to provide continuity of roosting opportunities on site while works proceed. In addition, it is recommended that like-for-like compensatory roost provision is installed as part of the proposed works. I find the content of the report to be substantive and thorough.
5. Despite this, the Council are of the view that insufficient survey work has been undertaken to confirm the effect of the proposal on bats. In essence, they suggest that an additional survey is necessary to confirm the status of the roosts identified as well as to inform the subsequent licence application to Natural England (NE).
6. The Council are therefore clear in their suggested requirements for additional survey work. However, in my view, it is less clear what an additional survey would actually achieve. Reference is made to a dawn survey, however, the details of such a survey are provided in the evidence submitted by the appellant. Moreover, based on the evidence before me, including correspondence from NE, the level of survey effort is the responsibility of the ecologist, rather than a prescribed requirement.
7. Consequently, due to the substantive nature of the report provided by the appellant, I am satisfied that appropriate survey work has been undertaken. Furthermore, having regard to the mitigation proposed, I am satisfied that the development will not be detrimental to maintaining the population of the species at a favourable conservation status in its natural range. In this regard, and subject to a suitable licence from Natural England, the proposal would comply with the regulatory requirements identified above.
8. To ensure that the bats are appropriately protected, the development should take place in accordance with the advice and recommendations contained within the Bat Survey Report. However, subject to this, I conclude that the proposal would have an acceptable effect on local biodiversity, having particular regard to bats. Accordingly, the proposal would comply with Policy PSP19 of the South Gloucestershire Local Plan, Policies, Sites and Places Plan (2017) (PSP) and CS9 of the South Gloucestershire Local Plan Core Strategy (2006 – 2027). Taken together, these require development to conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity.
9. In refusing planning permission, the Council have also made reference to Policy PSP18 of the PSP. However, this policy refers to European Sites and Sites of Special Scientific Interest and therefore it is not relevant to the development proposed.

Other Matters and Conditions

10. The Council have raised no other objections to the proposal and based on the evidence before me, I have no reason to disagree. However, in light of my

findings set out above, conditions are necessary in the interests of clarity and precision to establish the time limit for commencing development and to specify the approved drawing numbers. In addition, a condition relating to the specifics of the Bat Survey is also necessary to ensure appropriate protection and mitigation.

Conclusion

11. For the reasons identified above, the appeal is allowed.

Martin Chandler

INSPECTOR