
Appeal Decision

Site visit made on 20 November 2020

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2020.

Appeal Ref: APP/K3605/W/20/3250385

Crown House, Stokesheath Road South, Oxshott, Surrey KT22 0PS

- 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 Mr Martin Blanchard against the decision of Elmbridge Borough Council.
 - The application Ref 2019/0840, dated 25 March 2019, was refused by notice dated 22 November 2019.
 - The development proposed is the erection of detached two storey house with a new triple garage following demolition of the existing bungalow and double garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on;
 - i) the character and appearance of the area;
 - ii) the living conditions of future occupiers of Stokesheath Barn, with particular regard to overlooking; and
 - (ii) protected species, with particular regard to bats.

Reasons

Character and Appearance

3. The appeal property is a relatively large bungalow set in spacious grounds with a double garage. It is situated on elevated land on the periphery of the Crown Estate, a residential area comprising generally large, detached houses in spacious landscaped grounds. It is accessed via a lane that leads to countryside. Consequentially the appeal site has a semi-rural context.
4. The proposal would involve the erection of a large detached 2-storey house. This would be of a formal neo-classical design and, due to its size and siting on high ground, would be a prominent feature in views from the neighbouring countryside. Whilst I recognise that the Crown Estate includes large houses of a range of architectural styles, some of which have a grand appearance similar to that proposed, in this particularly semi-rural and exposed location such a form of development would be overly prominent, incongruous and out of keeping.

5. Due to its siting, bulk and appearance, I therefore conclude that the proposal would have an unacceptable effect on the character and appearance of the surrounding area. As such the proposal conflicts with Policy DM2 of the Elmbridge Local Plan Development Management Plan (2015) (LP) and Policy CS17 of the Elmbridge Core Strategy Development Plan Document (2011) (CS). Amongst other matters these policies require high quality design that is based on an understanding of the local character and integrates sensitively with the locally distinctive townscape and landscape. There is also conflict with the Elmbridge Design and Character Supplementary Planning Document (2012) and the National Planning Policy Framework (2019) which have the same aims.

Living Conditions

6. The appeal proposal would include windows in its side elevation which would allow views over neighbouring land. At present this land is undeveloped and unoccupied. It was the site of farm buildings including Stokesheath Barn, a grade II listed building that has been dismantled. Harm to the living conditions of future occupiers of this land can only occur if the site is developed for housing and if that scheme includes windows and/or private amenity space on the side closest to the appeal site and planting is not established between the 2 properties.
7. The Council has advised that the neighbouring land benefits from an extant planning permission for a dwelling, including the reconstruction of a grade II listed barn. The information before me suggests that planning permission for this dwelling was originally granted in 2012 and has been amended on various occasions since. As things stand it is not clear what form the neighbouring dwelling would take if it is eventually built or the degree of boundary planting that would be required. Therefore, the possible effects on future occupiers of the neighbouring land cannot be meaningfully assessed. The evidence before me suggests that scope exists for the developers of the adjoining land to avoid any potential actual or perceived overlooking through boundary planting or careful design of the scheme's side elevation.
8. Without clear evidence that possible future occupiers of a future dwelling at Stokesheath Barn would be overlooked by upper floor windows in the appeal proposal I conclude that the appeal proposal would not have unacceptable effects on the living conditions of future occupiers of the neighbouring land. I therefore conclude that the proposal complies with LP Policy DM2 and the aims of the Framework and SPD in this particular respect.

Protected Species

9. The Council's third reason for refusal states that insufficient information has been provided to allow the local planning authority to conclude that the proposal would have an acceptable impact on protected species. An Ecological Report (May 2019) was submitted with the planning application. This states that the appeal property was found to have evidence of historic and possibly more recent bat roosting activity and describes the house as "presenting high roost suitability". It recommends further survey work to fully assess the status of bats at the site.
10. Paragraph 175 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The

Framework refers to Circular 06/2005 which states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular advises that surveys should only be required by condition in exceptional circumstances.

11. It has not been adequately proven that the demolition of the bungalow would not have unacceptable effects on protected species. The proposal therefore conflicts with Circular 06/2005 and the aims of the Framework. It is also contrary to CS Policy CS15 and LP Policy DM21 which seek to preserve, manage and where possible enhance existing habitats, protected species and biodiversity.

Conclusion

12. For the reasons set out under the first and third main issues, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR