
Appeal Decision

Site Visit made on 27 September 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/M3645/W/20/3259737

Atherfield, Park View Road, Woldingham CR3 7DJ

- 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 Tor Graves on behalf of Remus Construction and Development Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2019/2247, dated 31 December 2019, was refused by notice dated 17 July 2020.
 - The development proposed is Demolition of existing dwellinghouse and erection of four dwellinghouses and associated development.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing dwellinghouse and erection of four dwellinghouses and associated development, at Atherfield, Park View Road, Woldingham CR3 7DJ, in accordance with application Ref: TA/2019/2247, dated 31 December 2019, and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was originally submitted by the appellant, however, this has subsequently been withdrawn. Accordingly, no decision has been made on this application.

Procedural Matters

3. During the course of the original application, the applicant submitted a Phase 2 Bat and Reptile Report, dated June 2020 (the 2020 report), prepared by Darwin Ecology. This report provides additional survey work in line with the recommendations set out within an Interim Bat Emergence/Re-entry Report, dated December 2019 (the 2019 report), also prepared by Darwin Ecology. Despite this submission, the Council did not accept the updated evidence and proceeded to determine the application on the basis of the 2019 report.
4. The effect of the proposal on protected species is a main issue within this appeal, and this is consistent with a recent appeal on the site¹. The previous appeal pre-dates the 2020 report and therefore, this evidence was not before the previous Inspector. Although the 2020 report was not accepted by the Council in their assessment of the proposal, it forms part of the appellant's evidence, and the Council have had the opportunity to assess its content through this appeal. Due to the history of the site and the nature of the main issues, I am satisfied that the 2020 report should form part of my assessment

¹ APP/M3645/W/19/3243959

of the appeal. Moreover, because the Council and other interested parties have had the opportunity to review this information, I am satisfied that in accepting the document, their views have not been compromised.

Main Issues

5. The main issues are:

- i) the effect of the proposal on the character and appearance of the surrounding area;
- ii) the effect of the proposal on protected species; and
- iii) whether the proposal would make appropriate provision for renewable energy technologies, having regard to the requirements of local policy.

Reasons

Character and appearance

- 6. The appeal site is currently occupied by a large dwelling set relatively centrally within a generous parcel of land. Vehicular access is provided from Park View Road, however, this is situated between properties which are located between the existing dwelling and the main highway, namely Buckland Cottage and Atherfield Lodge. In addition to these properties, Chartfield is also located to the west of the existing dwelling with a road frontage.
- 7. The appeal site also hosts numerous large and mature trees with site boundaries being primarily defined by such well-established landscaping. Due to the presence of large trees and mature landscaping, as well as the houses that are located between the appeal site and the main road, the appeal site sits discreetly within the broader surroundings. This is also true when considering the eastern boundary of the site which is set behind houses that front on to Station Road.
- 8. Park View Road is a pleasant road, lined by mature trees, and well-maintained hedging and landscaping. Houses generally have space between them, however, architectural appearances vary, as do plot sizes. However, the combination of the space between buildings and the dominant landscaping generates a pleasing and sylvan environment. Due to the discreet nature of the appeal site and the substantial vegetation which it hosts, the appeal site makes a positive contribution to the established character and appearance of the surrounding area.
- 9. The proposal would demolish the existing dwelling and erect four detached houses onto the site. These would utilise the same vehicular access with the four houses fronting onto an informal and landscaped central driveway. Each of the new dwellings would be set with space about them, removed from shared boundaries and provided with amenity space commensurate to the size of house. Although the proposal would subdivide a substantial parcel of land, in my judgement, the resultant plot sizes would compare favourably with the surrounding grain. The proposal would also retain much of the existing tree planting. Accordingly, due to the space proposed between the new houses, I am satisfied that the more intense use of the site would remain discreet in the broader surroundings.

10. The proposal would undoubtedly change the nature of the appeal site. It would represent a more intense use of the site and introduce larger areas of hardstanding and built form. However, the houses are orientated in a manner that successfully address the proposed access road, and subject to suitable landscaping, the central space between the dwellings could provide an attractive focal point for the development. In addition, I am satisfied that the proposed houses are well-proportioned buildings with a suitably considered palette of facing materials. When these are combined with the central landscaped space, in my judgement, the proposed layout would establish a pleasing residential environment that would be sympathetic to its surroundings. Accordingly, the built form has not taken precedence over the landscape setting, and in this regard, I am satisfied that the proposal suitably overcomes the shortcomings identified in the previously dismissed appeal.
11. For the reasons identified above therefore, I conclude that the proposal would not harm the character and appearance of the surrounding environment. It would therefore comply with Policy CSP18 of the Tandridge District Core Strategy (2008) (CS), Policies DP7 and DP8 of the Tandridge Local Plan Part 2: Detailed Policies (2014) (LP), and the Woldingham Neighbourhood Plan (2016). Taken together, these seek development of a high standard of design which integrates effectively with its surroundings.

Protected Species

12. All species of bats are protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) and the Wildlife and Countryside Act 1981. They are therefore subject to a high degree of legal protection.
13. The 2019 report confirmed the presence of a bat roost within the main house and one of the garages. The other garage was also assessed as being of high potential to support roosting bats. It was therefore considered that a minimum of three bat emergence surveys would be required. This survey work did not accompany the previous appeal and accordingly, the proposal was found to be unacceptable on this basis.
14. Subsequent to this, and as identified above, a further report, also prepared by Darwin Ecology, dated June 2020 confirms that two further surveys for each structure were conducted on 27 May 2020 and 12 June 2020. The methodology of the surveys was in line with good practice guidance detailed by the Bat Conservation Trust and the survey work included two additional emergence surveys, static surveys, and Ground Level Tree Assessment as recommended by the Surrey Wildlife Trust.
15. Circular 06/2005² confirms that the presence of a protected species is a material consideration when a development is being considered which would be likely to result in harm to the species or its habitat. It goes on to state at Paragraph 99, 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 planning permission is granted.'*
16. Based on the evidence before me, I am satisfied that the survey work adequately satisfies the requirements of the Circular in relation to bats.

² Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

Moreover, in my judgement, the survey work in relation to all protected species has been suitably undertaken with appropriate mitigation, compensation and enhancement measures identified. Accordingly, subject to a condition requiring the development to be carried out in accordance with the appropriate reports, I am satisfied that the requirements of the Habitats Regulations would be fulfilled, and that there would appear to be no obvious reason in principle why any necessary licences would not be granted. Consequently, I conclude that the proposal would not adversely affect protected species on the site. It would therefore comply with Policy CSP17 of the CS and Policy DP19 of the DP, which taken together, seek amongst other things, development proposals which protect biodiversity.

Renewable Energy Technologies

17. Based on the evidence before me, Solar Photovoltaic and/or Solar Thermal Panels would be proposed for south facing roofs of the proposed dwellings to provide energy reductions. However, the specifics of this design feature are not before me. Accordingly, I cannot be certain that they would achieve the policy requirement identified above. I also do not doubt that due to the space within and around the proposed houses, additional renewable technologies could be installed if required. However, in the absence of any detail on these matters, again, there can be no certainty in relation to reduction in carbon dioxide emissions that could be achieved.
18. Despite this, the previously dismissed appeal implied that the necessary provision could be secured by a suitably worded planning condition. Due to the nature of the development and based on the limited evidence before me, I am content that the requirements of local policy would not introduce an insurmountable problem for the development. Accordingly, I am satisfied that the use of such a condition would comply with the relevant tests for the use of conditions as established within the National Planning Policy Framework.
19. As a consequence, subject to the use of a condition, I conclude that the proposal would make appropriate provision for renewable energy technologies. On this basis, it would comply with Policy CSP14 of the CS, which requires development proposals to make a 10% reduction in carbon dioxide emissions through the provision of renewable energy technologies.

Other Matters

20. The proposal would introduce four new dwellings on smaller plots of land and as a consequence, they would be located closer to existing neighbouring properties. However, the space between buildings would remain substantial and when combined with existing tree coverage, in my judgement, the proposed dwellings would not give rise to any concerns regarding privacy or dominance. My conclusions in this regard are supported by visits that were undertaken to neighbouring properties, and I note that the Council arrived at the same view on these matters. To control the impact on neighbouring properties further, conditions are set out below in relation to construction management and external lighting.
21. During the course of the application, the proposal was amended to restrict access onto Station Road due to concerns regarding visibility. Following this amendment, and subject to a suitably worded condition to secure this restriction, the Highway Authority raised no objection to the proposal. I note

the concerns regarding increases in traffic and general highway safety, however, I have no compelling evidence before me to demonstrate that these matters are of specific concern. In the absence of substantive evidence on this point, and in light of the support from the Highway Authority, I am satisfied that the proposal would not give rise to highway safety concerns.

Conditions

22. In light of my findings set out above, conditions 1 and 2 are necessary in the interests of clarity and precision, and condition 3 is necessary to ensure a high quality of development. Condition 4 is necessary in the interests of highway safety and condition 5 is necessary to ensure suitable on-site renewable energy provision.
23. Condition 6 is necessary to safeguard living conditions for the occupiers of neighbouring properties, and conditions 7 and 8 are necessary to ensure suitable tree protection. Condition 9 is necessary to secure appropriate landscaping for the development and condition 10 is necessary due to the ecological interest of the site. Finally, condition 11 is necessary in the interests of highway safety.

Conclusion

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

Martin Chandler

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall start before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out wholly in accordance with the drawings numbered:

WEC-LHC-EX-ZZ-L01.01 REV C01

WEC-LHC-XX-XX-DR-AR-01.04 REV C01

WEC-LHC-XX-XX-DR-AR-02.10

WEC-LHC-XX-ZZ-DR-AR-04.10

WEC-LHC-XX-RF-DR-AR-02.11

WEC-LHC-XX-ZZ-DR-AR-04.11

WEC-LHC-XX-XX-DR-AR-02.12

WEC-XX-02.13

WEC-LHC-XX-XX-DR-AR-02.14

WEC-LHC-XX-ZZ-DR-AR-04.13

WEC.LHC.ZZ.XX.DR.AR.01.06

WEC-LHC-XX-XX-DR-AR-01.05 REV C01

05333 TPP 4 HOUSE REV A 19.12.19

- 3) No development shall take place above ground level until details of the materials, including physical samples, to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period. The CMP shall provide details as appropriate but not necessarily be restricted to the following matters;
 - a) A programme and phasing of construction work, including roads, landscaping and open space.
 - b) the anticipated number, frequency and types of vehicles used during construction;
 - c) the method of access and routing of vehicles during construction;

- d) the parking of vehicles by site operatives and visitors;
 - e) the loading and unloading of plant, materials and waste;
 - f) the storage of plant and materials used in construction of the development;
 - g) the erection and maintenance of security hoarding;
 - h) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - i) details of public engagement both prior to and during construction works,
 - j) including contact details for members of the public;
 - k) a scheme to minimise dust emissions from the site;
 - l) proposed construction hours within the site.
- 5) No development above ground level shall commence until details demonstrating how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the Local Planning Authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.
- 6) Prior to works above ground level details of any external security lighting shall be submitted to and approved by the District Planning Authority in writing prior to any such provision on the site.
- 7) No demolition or building operations shall start until the tree protection measures detailed within the approved Tree Protection Plan (05333 TPP 4 House Rev A 19.12.19) dated 20/12/19 have been implemented. Thereafter these measures shall be retained and any specified staging of works strictly adhered to throughout the course of development, and shall not be varied without the written agreement of the Local Planning Authority. In any event, the following restrictions shall be strictly observed unless otherwise agreed by the Local Planning Authority:
- (a) No bonfires shall take place within the root protection area (RPA) or within a position where heat could affect foliage or branches.
 - (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
 - (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.
- 8) No development shall start until a detailed arboricultural method statement, appropriate and specific to the approved scheme, to include details of all works within the root protection area, or crown spread of any retained tree, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the Local Planning Authority.
- 9) All hard and soft landscape works shall be carried out in accordance with the approved Proposed Landscaping Plan dated December 2019 (WEC-LHC-XX-XX-DR-AR-01.05 Rev C01). The works shall be completed prior to the occupation of any part of the development or in accordance with

a programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the Local Planning Authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

- 10) The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in the following documents:
- a) Interim Bat Emergence/Re-entry Report (December 2019)
 - b) Phase 2 Bat and Reptile Report (June 2020)
 - c) Biodiversity Mitigation and Enhancement Plan & Landscape and Ecological Management Plan (June 2020)
- 11) Vehicular access to the development shall be provided from Park View Road only. Prior to the first occupation of the development, details of how vehicular access is to be restricted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with approved details.