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## Appeal Decision

Site visit made on 25 February 2025

**by J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

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**Appeal Ref: APP/D3640/W/24/3348276**

**Land North of Church Hall, Tekels Park, Camberley, Surrey GU15 2LF**

- 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 Quinttessentially Surrey Ltd against the decision of Surrey Heath Borough Council.
  - The application Ref is 23/1253/FFU.
  - The development proposed is Erection of a 1.5 storey dwelling with vehicular access, associated landscaping and removal of 1 existing parking bay.
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Quinttessentially Surrey Ltd against Surrey Heath Borough Council. This application is the subject of a separate decision.

### Preliminary Matters

3. Part E of the appeal form states that the description of development has not changed. However, a different wording has been entered, which excludes the words '1.5 storey'. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the planning application form.
4. Interested parties raise concerns that the name of the company as stated on the application form does not exist, and the company name should be Quintessential Surrey Limited, which I note is that used in a legal agreement before me. In any event, the company name as stated on the application form does not affect my consideration of the planning merits of the proposal, and I have used the company name as stated on the application in my banner heading above.

### Main Issues

5. The third reason for refusal refers to the absence of a payment or legal agreement to secure contributions to mitigate the effect of the proposal upon the Thames Basin Heaths Special Protection Area. Following the submission of a legal agreement to the appeal, the Council no longer wishes to defend this reason for refusal. Therefore, the main issues are the effect of the proposal upon:
  - the character and appearance of the area, and
  - highway safety.

## Reasons

### *Character and appearance*

6. The private estate of Tekels Park is predominantly comprised of large, detached properties in large irregular wooded plots with extensive vegetation. Parking is predominantly located within the plot and the road network appears as rural lanes. These factors, together with the topography of the area result in a soft green semi-rural character, typical of the 'wooded hills' character area (WHCA) defined in the Western Urban Area Character Supplementary Planning Document 2012 (SPD).
7. The appeal site is largely laid to lawn with dense vegetation and mature trees along its northern and western boundaries. The southern boundary is largely defined by low walling which runs parallel to the footway along the side of the adjacent building of the Liberal Catholic Church of St Francis of Assisi (the Church). A shallow ornamental border abuts the road which forms its easterly boundary. This road includes a long length of parking spaces (including disabled spaces), largely perpendicular to the carriageway and does not include a footway. The area of greenspace beyond its western boundary is a designated greenspace by virtue of Policy DM15 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP).
8. The open nature of the appeal site stems from its large expanse of lawn and absence of built form. A soft, green and verdant nature also arises from the wooded nature of the land along and beyond its northern and western boundaries and from the wooded nature of the surrounding land. The site reads as amenity open space and appears well-maintained. Given its location with a private estate, the site is not a public open space as such, but nonetheless has an amenity value for residents and visitors, including those who attend the Church or visit under any licensing regime by the landowner.
9. The appellant draws my attention to the fact that the Council accepts the principle of development at the site, and the main parties agree that the immediate area is one of transition. My attention is directed by both parties to recent developments at the Walled Garden and Dunmar Gardens across the road. These appear as a denser form of development than the rest of the estate such that they feel less spacious. While the detailed circumstances which led to these developments are not fully before me, the evidence indicates that they were approved on the basis of the areas being previously developed land and being within an unusual and unique setting; and that the benefits of redeveloping some buildings which otherwise made a poor contribution to the character and appearance of the area were such that exceptions were made to the Council's guidance documents.
10. The property at No 12 Tekels Avenue is located farther to the south of the Church with a significant distance between it and the Church. To the north there is a considerable distance to other detached dwellings in large plots, with wooded areas between. These properties appear as large dwellings in large plots to include mature trees and dense vegetation, typical of the WHCA and the wider estate.
11. Even though recent developments opposite display a denser character, the appeal site makes a positive contribution to and displays key characteristics of the WHCA, due to its soft green character and wooded setting and has a role in the setting of the Church. Consequently, the introduction of built form at the appeal site could

undermine this area of transition. For these reasons, matters of siting, scale and design are highly relevant in this case.

12. The proposed detached dwelling would be a 1.5 storey form and would not therefore be in accordance with the two-storey form sought by the SPD. The plot would be an individual one, and of a slightly irregular shape. However, the space between the flank of the dwelling and the church building would not be a large one, with parking spaces between, such that the spacious nature of buildings in the WHCA would not be respected, with little space for the substantial vegetation sought in the SPD. This would result in a cramped appearance towards the church building.
13. The Church is a rectangular form perpendicular to the road. Due to its double height vaulted section, it is of some height within the street scene, with a front gable which is partly obscured by further single storey additions. The dwelling would be sited in broad alignment with the front facing gable of the Church. The proposed dwelling would comprise two wings, each of rectangular form, connected by a simple slim flat roof to form an L shaped footprint. The pitched roof form above each wing would reflect that of the Church and its front gable. This would also reflect the double gabled forms of individual dwellings within the wider area, but the small connecting flat roof would result in a somewhat disjointed effect and would accentuate the width of the dwelling within its plot. The ridge heights for each wing would step down below the ridge height of the church building within the street, but this would be of a small degree. I accept that this arrangement would enable a view of part of the side flank of the church building, but it would be a cramped one, as the appellant's CGI images show.
14. I appreciate that the proposal seeks to take account of the siting and form of the church building. While a 1.5 storey dwelling might be appropriate in the context of the height of the church building, it seems to me that the width of the dwelling in combination with its height and close siting toward the Church, would result in the proposed dwelling dominating the Church within the street scene. The lack of space between the Church and the proposed dwelling would be accentuated by the presence of the parking spaces within this side of the plot.
15. I note that the Council considers that the limited presence of openings along the southern elevation is a poor design feature. However, it seems to me that this reflects its proximity to the church building, where openings along the elevation could likely result in a shallow and/or less inviting outlook. To some degree, this reflects its close siting to the Church.
16. The proposed dwelling would be of a contemporary design and appearance with projecting bay form windows, simple detailing and vertically aligned composite timber cladding. The submitted plans do not detail the proposed colour palette of externally facing materials and the absence of a coloured CGI image does not assist me in this regard. However, the appellant's evidence indicates the dwelling would include slate roofs, timber effect composite cladding and red brick plinth. Doors, windows and rainwater goods would be in grey/aluminium. The church building is finished in white render, with brick buttresses, red brick detailing, black plinth work and well detailed openings. The proposed dwelling would appear in sharp contrast to the Church; the more traditional brick-built forms opposite; and the tall wall of the Walled Garden with its intricate curvature.

17. I appreciate that the appellant wishes to respect the importance of the Church and seeks an individually designed dwelling that does not compete with it, and blends into a wooded setting. While contemporary design features and materials are found within other dwellings within the estate as the appellant's photographic and design evidence shows, the examples provided are generally of large dwellings in large plots with dense wooded cover and/or vegetation. In this regard, the proposed design would appear in a much more open setting, with little space for dense vegetation to provide screening. While I accept that contemporary window forms and materials can result in visual interest in the street scene, the combination of the form, design and materials of the proposed dwelling within its immediate context would create an unacceptable degree of discordance within the street scene, such that it would compete with the Church.
18. The SPD's guiding principles (GP) WH3 and parts of WH1 seek to ensure the soft green semi-rural character of the WHCA through the retention of mature existing large trees and mature vegetation, with new landscape features in the form of large trees, shrubs and tall hedges. Large areas of hardstanding, open front gardens, gated schemes and hard boundary treatments are resisted.
19. The evidence indicates that no trees, protected<sup>1</sup> or otherwise would be removed to facilitate the development and the proposed dwelling would not encroach upon the root protection areas of nearby trees. Tree protection measures during the construction phase can be secured by condition. The existing woodland setting would therefore be retained. The proposed plans indicate simple post and rail boundary treatments, but do not indicate any tree planting, but rather hedging and low shrubs. With the passage of time, soft landscaping could mature and develop to increase screening. Such matters could be secured by suitable conditions, but given the limitations of the plot, this would not result in the substantial new landscape features and dense vegetation sought by GP WH1.
20. Drawing all of the above together, the proposal seeks to take account of its context, but it would result in a form of development that would be discordant to the immediate area. Although it would accord with some aspects of GP WH1 and GP WH3, it would not accord with GP WH6 as its contemporary design fails to fully respect its surroundings.
21. The evidence before me indicates that there are locally listed heritage assets in the vicinity, including the northern and easterly section of the wall serving the Walled Garden development and No 12 Tekels Avenue. Further, that the Church has been nominated for local listing, but it is not clear as to the status of any such nomination. In respect of non-designated heritage assets, paragraph 216 of the Framework requires me to make a balanced judgement with regard to the scale of any harm and the significance of the asset. However, neither party has submitted detailed evidence to the appeal upon the significance of these assets, whether locally listed or nominated for local listing, although some information is provided within the consultation response of the Council's Urban Design and Heritage Consultant.
22. It seems to me that the significance of locally listed assets in the vicinity is likely to be based in part upon its historic interest including the historic landscape, its association with the Theosophical Society (indicated at the entrance to the estate),

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<sup>1</sup> by virtue of Tree Preservation Order No 05/10

and likely some architectural interest given the intricately detailed curvature to the wall of the Walled Garden and the nature of the building at No 12 Tekels Avenue. Given the proposed dwelling would fall within views of the easterly part of the Walled Garden when approaching from the designated greenspace in the west, then such views would likely be obscured at least in part. In my judgement, the harm that could arise would likely be limited in this regard. In any event, even if there were to be no harm to locally listed assets, this would not alter my overall findings that the proposed dwelling would be discordant to the character and appearance of the area.

23. For the above reasons, I conclude that the proposal would unacceptably harm the character and appearance of the area. It conflicts with CSDMP Policies CP2 and DM9. Taken together, these policies seek to ensure high quality design, that development uses land efficiently within the context of its surroundings, and respects and enhances the local, natural or historic character of the environment be it in an urban or rural setting, with particular regard to scale, materials, massing, bulk and density, taking into account general and area specific guidance.

#### *Highway safety*

24. The proposed plans indicate that an existing parallel parking bay would be removed. During the determination phase, the local highway authority (LHA) raised no objection to the development as it would be served by a private road and have no impact on the public highway. The LHA raised concerns in respect of visibility splays, shown on the proposed plans as 2x2m. In the LHA's view, they appeared to be adequate for a low-speed road with typical 20mph speeds, where 2x25m visibility splays are needed, but ideally a further parking bay should be removed from within the splay. This second parallel parking bay is to the south of the proposed access to the dwelling.
25. The appellant sets out that a separate planning permission was sought in August 2024 (after the refusal of the appealed application before me) to remove the two parallel parking bays, but the Council advised that permission was not required, the fee was refunded, and the appellant subsequently removed the two parking bays. During my visit I saw that the two parallel parking spaces are no longer marked out, and hatched road markings are in place across part of their previous footprint to indicate no parking.
26. The appellant advises that section 10.2 of the Healthy Streets for Surrey Design Code 2023 sets out that "On street parking can be within visibility splays where traffic speeds and volumes are low". Given the context of the nearby right-angled corner and the fact that the road is a 'no-through' road with turning space, and the comments of the LHA, I have no reason to doubt that the road is one where vehicle speeds would be low.
27. However, the text provided by the appellant is incomplete, such that its full reading is: "*On street parking can be within visibility splays where traffic speeds and volumes are low, which should be most new streets, but should generally be avoided through design.*" Consequently, I am not satisfied that the document permits on street parking within visibility splays as the appellant suggests. Furthermore, it is not clear whether on street parking within visibility splays would be acceptable in situations where there is no footway, as is the case in the vicinity of the appeal site.

28. The evidence before me indicates that the speed limit within the estate is 15mph, as displayed on signage and road markings. The appellant suggests that an assessment by a 15mph speed limit could affect the length of the visibility splay. However, the second parking bay is so close to the proposed access to the dwelling that it would impede visibility when occupied. Given the proximity to the Church where services and other functions are held, this would be a risk to pedestrian/highway safety, even in a low speed environment.
29. Nevertheless, in the physical absence of the second parking bay, and in the context of low speeds of 20mph or less, I see no reason why the concerns of the LHA could not be overcome. Having regard to all the evidence before me I am satisfied that the ownership and assignment of the two spaces are within the control of the appellant. However, the second parallel bay is indicated on both the existing and proposed plans outside the application site edged red. Moreover, there is no proposed mechanism before me to resolve this matter, such that the visibility splay would be suitably secured in any permission.
30. The appellant draws my attention to the parking survey submitted with the application and suggests that the loss of the parking space(s) would not result in any parking stress. The survey took place over a three-week period to include weekends. Notwithstanding that two other parallel parking spaces on the opposite side of the road are being transferred to nearby owner occupiers, the appellant advises that there is an oversupply of spaces as many were previously assigned to the former Guest House, which no longer exists and now forms part of the Dunmar Gardens development.
31. Interested parties raise concerns that the survey does not address the use by all community groups, including those where young persons are picked up and/or dropped off and does not take account of any attendance that could occur for funeral services. Although an event at the Church or elsewhere within the estate could generate significant parking demand, the appellant has arrangements in place for overflow parking. Whether or not parking enforcement takes place is a private matter. The Council's reason for refusal raises no concern that the proposal would result in parking stress, and in the absence of any robust evidence to the contrary, it seems to me that parking arrangements would be sufficient.
32. In concluding on this main issue, it seems to me that adequate visibility splays could be provided to serve the proposal in the absence of the second parking bay. However, the second parallel parking bay is clearly shown outside the site edged red on the existing and proposed plans. For these reasons, the proposal fails to demonstrate that safe access/egress would be secured.
33. I therefore conclude that the proposal fails to demonstrate that it would not result in unacceptable risks to pedestrian and highway safety. It conflicts with CSDMP Policies CP11 and DM11, which when taken together seek to ensure safe and well-designed vehicular access and egress within layouts in the interests of highway safety.

### **Other Matters**

34. The proposal is within the 400m-5km buffer zone of the Thames Basin Heaths Special Protection Area (SPA), designated under the Conservation of Habitats and Species Regulations 2017 (the Regulations) as an internationally important breeding habitat for several rare species of birds. The Regulations require that

permission may only be granted after having ascertained that it will not affect the integrity of the relevant site. The appeal scheme would result in a new dwelling at the site, and in combination with other development permitted in the wider area, there would be a likely significant adverse effect on the integrity of the SPA, through increased recreational activity associated with new housing. The appellant has submitted a planning obligation in the form of a unilateral undertaking to the appeal to secure the appropriate contributions to mitigate the effects of the proposal and the Council raises no objection to this document. If I were to allow the appeal, I would need to consider this matter further and undertake and Appropriate Assessment as the competent authority.

35. I have had regard to further concerns raised by interested parties including (but not limited to) the following: precedent; the effect of the proposal upon wildlife, light within the Church, drainage and flooding. However, I note that these matters were considered where relevant by the Council when it determined the planning application. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to a different conclusion to the Council on these matters. Concerns regarding the construction phase of the development could be controlled by a suitable condition.
36. For the avoidance of doubt, the conduct of any person or party including (but not limited to) landowners, applicants, officers, interested parties, and any potential conflict of interest does not affect my consideration of the appeal. Matters of land ownership, rights of access/use, the construction quality of the of the proposed or nearby development, signage at the entrance to the estate, and the frequency by which the estate's entrance gate is used are all private matters and have no bearing on my consideration of the planning merits of the appeal. I have considered the application as submitted on its own planning merits, taking account of the evidence before me and my own observations.

### **Conclusion**

37. For the reasons above, I conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

*J Moore*

INSPECTOR