



Appeal Decision

Site visit made on 1 July 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/P3610/D/25/3361627

64 Grosvenor Road, Epsom, Surrey KT18 6JB

- 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 and Mrs Mogridge against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 24/01228/FLH.
 - The development proposed is described as 'demolition of existing conservatory and erection of a single storey rear extension, garage conversion, pitched roof canopy to side and front elevations, first floor rear extension and loft conversion with front and rear roof dormers and skylights to front and rear rooflights'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on protected species, with particular regard to bats.

Reasons

3. The appeal site comprises a detached dwelling in a suburban area where houses have been altered and extended. There are gaps in the eaves, roof coverings and vertical hanging tiles which the preliminary bat roost assessment (PBRA) indicates offer access and roosting features of moderate value to both void and crevice dwelling bats. The proposal would involve significant alterations to the roof.
4. Bats are a European Protected Species protected by law¹. ODPM Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It further 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, otherwise all relevant material considerations may not have been addressed in making the decision.
5. No evidence of bats was found during the visit by the appellant's ecologist in October 2024, but the PBRA was unable to rule out or confirm the use of the roof coverings by roosting bats. Therefore, it recommends that two emergence surveys should be carried out from May to September, with at least one of these during the

¹ Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981

optimal time of May to August, to establish whether roosting bats are present. No such survey information has been submitted.

6. In the absence of any bat emergence surveys, and based on the information before me, the presence of bats cannot be ruled out and I cannot be certain as to the extent to which they may be affected. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required.
7. The appellant states that the bat emergence surveys could be secured via a suitably worded condition. However, this would not be appropriate in light of the legal protection given to bats and the need to determine potential impacts on them in advance of any permission.
8. Consequently, I conclude that it has not been demonstrated that the proposal would not harm protected bats. This would conflict with Policies CS1 and CS3 of the Council's Core Strategy 2007 and Policy DM4 of the Council's Development Management Policies Document 2015. Together, these require the natural environment and biodiversity to be conserved, including appropriate mitigation and compensatory measures for development affecting any building that supports protected species, amongst other things

Other Matters

9. The Council did not find harm or development plan conflict in relation to several other matters, including character and appearance and living conditions. Nevertheless, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Conclusion

10. For the above reasons, 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 should be dismissed.

A Wright

INSPECTOR