



Appeal Decision

Site visit made on 14 July 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/D3640/W/25/3362274

The Old Haveli, 92 Guildford Road, Lightwater, SURREY GU18 5RP

- 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 Gandhum against the decision of Surrey Heath Borough Council.
 - The application Ref is 24/1195/FFU.
 - The development proposed is the erection of a detached garage on a new concrete base.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect of the proposed development on trees that are protected by a Tree Preservation Order (TPO) and the living conditions of the adjoining occupiers at No. 94 Guildford Road, with particular regard to loss of light and outlook.

Reasons

Trees

3. The mature Oak trees are an attractive feature within the street scene and are of high visual amenity value for this reason. The TPO that is in place affords the two trees at the site statutory protection. This makes it all the more important to protect the trees from harm to ensure their longevity is not undermined. The premature loss of either of these TPO trees would have a negative and significant visual impact on the street scene.
4. The proposed garage would be sited in extremely close proximity to the TPO trees. A significant portion of the root protection area (RPA) of these trees would be covered by the building. Furthermore, the site is already constrained by existing development close to these trees. It would exacerbate an already limited rooting environment and the ability for the trees to take in nutrients, air and water from the soil. Placing a garage in close proximity to the trees would in all likelihood put pressure on the tree to be removed in the future due to seasonal debris dropping onto the garage roof and overshadowing by the tree canopy.
5. The Arboricultural Report by South Oaks Arboricultural Consultancy that supports the planning application refers to the potential for specialist foundations (such as, a no-dig foundation system) to be used that could bridge significant roots if found

within the excavation of a trial trench. However, the Council's Tree Officer advises that any structure requiring foundations in the proposed location would not be acceptable.

6. It is contended by the appellant that the tree information submitted in support of the planning application has not been properly considered and that the Council's approach is overly rigid. The Arboricultural Impact Assessment (AIA) highlights that a hard standing road previously occupied the space in which the proposed garage would be located. Exhibit details relating to this have been submitted in support of the appeal. It is contended that the area lends itself to a poor rooting environment speculating that only small diameter feeder roots will have established in this area over time. However, the Council's Tree Officer points out that given the close proximity of the trees to existing buildings the rooting environment of the trees are likely to extend well into this area and that there will be more than just small diameter feeder roots. As such, the RPA of the trees has not been correctly plotted.
7. The AIA does not provide certainty that the TPO trees would not be harmed as a result of the proposed development or that the suggested specialist foundations would ensure that the trees would be afforded appropriate protection to ensure long-term protection would be secured. The proposed development, therefore, has a significant potential to negatively impact upon the trees and have a detrimental impact on their wellbeing in the long-term that could lead to pressure to remove the trees in the future. Such loss of the trees would result in a significant and negative impact on the street scene. This would be an erosion of the statutory protection placed upon the trees by the serving of the TPO. As a consequence, the proposal should be resisted.
8. I have been directed to other trees in the locality that are advised to having been felled. However, I have not been provided the full details of those cases that would enable me to determine what similarity, if any, those events would have in relation to the TPO trees at this site.
9. For these reasons, I conclude that the proposed development would be harmful to the trees that are protected by a TPO. The proposal would, therefore, conflict with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies and the provisions of the National Planning Policy Framework. That policy seeks, amongst other matters, development to be of high-quality design and requires trees and other vegetation worthy of retention to be protected.

Living Conditions

10. A fence topped with a trellis delineates the boundary of the site between Nos.92 and 94 Guildford Road. At No.94 windows within the side elevation provide outlook toward the appeal site. These windows serve a living room and a bedroom.
11. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook and natural light as part of their residential lives. The proposed garage would be sited in extremely close proximity to the living room windows of No.94. The proposed garage would be taller than the existing boundary fence. Taking these matters together, the proposed garage would be extremely dominant in the outlook from the living room of the adjoining dwelling and would reduce the amount of natural light penetrating the living room, noting the two windows are the

sole windows providing light into and outlook from the living area. This would diminish the enjoyment of the residential living environment for the existing neighbouring occupiers. Whilst exhibits have been provided that suggest the curtains have been drawn for periods in the past this is unlikely to be the case during the daytime when the harm to occupiers would take place.

12. It has been advised that, in the past, shrubs grew adjacent to No.94 Guildford Road that were higher than the fence, however these have been cut down. It is suggested that vegetation could be replanted and an image has been provided showing what this could look like. However, unlike the nature of vegetation, the garage would be a solid permanent structure which I have found would harm the living conditions of the adjoining occupiers.
13. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the adjoining occupiers at No. 94 Guildford Road, with particular regard to loss of light and outlook. The proposal would, therefore conflict with Policy DM9 of the Surrey Heath Core Strategy and Development Management Policies and the Supplementary Planning Document (SPD) Residential Design Guide. That policy and SPD seek, amongst other matters, development to respect the amenities of adjoining properties and uses. The SPD indicates that extensions should not result in a material loss of amenity to neighbouring properties because of overshadowing, erosion of privacy or being overbearing.

Other Matters

14. The appellant's appeal submission is supported by historic plans, reports associated with developments, copies of various correspondence, amongst other matters and comments have been provided relating to interested third party comments received. I have had regard to these in reaching my decision.
15. Concern has been expressed to the potential for Council officer's not having undertaken a site visit and the Appellant's evidence not having been uploaded on to the Council's planning portal. However, these are matters that, if necessary, should be raised with the Council away from this appeal. In any event, these concerns would not lead me to alter my above findings.

Conclusion

16. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR