
Appeal Decision

Site visit made on 12 August 2025

by **David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 SEPTEMBER 2025

Appeal Ref: APP/C3620/W/25/3365399

The Oaks, Green Lane, Ashted, Surrey KT21 2JP

- 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 B Savage Property Developments Ltd against the decision of Mole Valley District Council.
 - The application Ref is MO/2025/0018.
 - The development proposed is the demolition of triple garage and erection of new bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the appeal stage, the appellant has submitted a revised plan which re-labels the room identified as “Bed 3/Study” as “Study”. There is a related explanation within the accompanying appeal statement. This is mainly in respect of seeking to overcome the Council’s concerns with the size and use of this (bed)room and the associated car parking requirements. I will consider this matter later in this decision, but for the purposes of the second main issue I have referred to this space as Room 3.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - whether or not the proposal would provide acceptable living conditions for future occupants having regard to outlook and natural light to habitable rooms, the size of and purpose of Room 3 and the external amenity space,
 - whether or not the scheme would provide sufficient off-road car parking and, if not, the effects on road safety,
 - whether or not there would be an acceptable impact on trees and hedges within the vicinity of the site, and
 - the effect of the proposal on bats.

Reasons

Character and appearance

4. Richbell Close is a well-established cul-de-sac comprising bungalows arranged around the end section of the road. These properties typically have side-positioned

garages set back from the main structure and front gardens of a reasonable size. This configuration imparts a sense of spaciousness, contributing to the overall character of this developed area within Ashtead.

5. The appeal site includes a triple garage (in use as ancillary accommodation to The Oaks) with parking spaces in front. Although the garage is sited on one of the boundaries of the plot, the garage's low roofline, which gently slopes back into the site, along with the open space in front of the doors, presents a modest and unobtrusive development. This arrangement contributes to the spacious character of this end of the cul-de-sac.
6. The proposal involves replacing the existing garages and constructing a bungalow, situated within a section of the end garden at The Oaks. The main structure of the proposed dwelling, featuring a pitched roof, appropriate architectural style, and modest scale, would be in keeping with the character of the surrounding bungalows. Furthermore, the lack of depth to the plot would not be a noticeable feature when the development was experienced from areas within the cul-de-sac.
7. However, the proposed dwelling would have a side garage that would adjoin the boundary and would not be set back to accord with the general positioning of others in the cul-de-sac. While there is some staggering to the position of the front elevations of the bungalows, in this case, the proposal would be sited closer to the road than others. The combination of the positioning of the front of the bungalow, the siting of the garage close to the boundary and in a reasonably forward position, and the likely fencing to enclose the side garden abutting the footway, would result in a prominent and cramped development compared with the other bungalows at this end of the cul-de-sac. The resulting effect would be to noticeably undermine the more spacious nature of this end of the cul-de-sac and thereby unduly harm the character and appearance of this area.
8. In this way the scheme would not meet with the National Planning Policy Framework (the Framework) requirement that development should be sympathetic to local character, including the surrounding built environment and landscape setting. Furthermore, and in particular, the scheme would conflict with Policy AS-En3 of the Ashtead Neighbourhood Development Plan 2015-2026 (the Neighbourhood Plan) which requires that all development should be designed to include gardens and/or green space that maintains or enhances the character of the local area.
9. In the light of the above analysis, I conclude that the proposal would unduly harm the character and appearance of the area conflicting with Policy EN4 of the Mole Valley Local Plan (October 2024) (the Local Plan) and Policies AS-H5 and ASEN3 of the Neighbourhood Plan which, amongst other things, seeks development to retain the character of an area.

Living conditions

10. The related reason for refusal highlights three elements of the scheme that the Council consider would result in poor living conditions for future residents. These are the outlook and natural daylight to habitable rooms, the size and related purpose of Room 3, and the external garden area
11. In terms of the outlook and natural daylight, the back of the dwelling would be close to the rear of the plot. Just beyond the rear boundary fence is a line of well-

established hedging/trees, some of which are tall, evergreen cypress. This boundary vegetation is quite a dominant feature from some nearby areas within the site and exerts a shading and imposing presence.

12. The proposed internal layout has a large single room incorporating a living/dining/kitchen room along much of the rear part of the property. The living room section would receive natural light from the adjoining patio doors leading onto the garden. However, the inner parts of this fairly deep room would predominantly have a large bay window in the rear elevation to seek to provide natural light to the kitchen and dining area.
13. This bay window would be quite close to the rear boundary with the tall hedge/trees on the adjoining property. The view from the bay and adjoining room space would be of this immediate boundary with the overshadowing vegetation. This would provide a poor outlook and compromise natural light to such an extent as to create a gloomy feeling to this part of the habitable room. The kitchen/dining area would be likely to be used on a regular basis and the compromised relationship in relation to the rear boundary would not provide the high standard of amenity for future users of this internal space that is required by the Framework. While it would be possible to have some views out of the side patio doors from the kitchen/dining area, given the distance within the building, this would not overcome the substandard natural light and outlook that I have identified.
14. The rear facing window to Room 3 would be set back further from the rear boundary than the bay window serving the kitchen/dining area. Nevertheless, occupants of Room 3 would still have the imposing height and form of the rear boundary close by. The view from this only external window to Room 3 would provide a poor outlook with compromised natural light. Again, I do not consider that this would provide a pleasant room. On the appellant's information this room would be a study and, within such a space, occupants would still have a reasonable expectation of a high standard of amenity.
15. In terms of the second issue concerning the size and related purpose of Room 3, the application form states that the unit would have 2 bedrooms. However, the accompanying Design and Access Statement explains that the development would be a new 2/3 bedroom bungalow. Additionally, the plans at the application stage identify Room 3 as Bed 3/Study. At the appeal stage, the appellant has sought to re-label the plan and provide details to confirm that Room 3 would only be a study. However, it is not reasonable or enforceable to restrict the use of an internal room within a dwelling by a planning condition or other planning mechanism. I agree with the Council that it appears a reasonable proposition for Room 3, on some occasions, to be used as a single bedroom. Indeed, at the application stage this was the position of the appellant.
16. The information indicates that Room 3 would be about 6.8sqm and therefore below the Nationally Described Space Standard which requires single bedrooms to have a floor area of no less than 7.5sqm. This room, which I consider could reasonably be used as a third bedroom, would not meet the required size and would likely result in cramped accommodation. It would, therefore, not provide a satisfactory level of amenity space for future occupants, in addition to its poor outlook.
17. The bungalow accommodation would have an internal floorspace of 88sqm and therefore this overall space would meet both the minimum single storey, internal

space standards of 70sqm for a 2-bed/4-person unit and 86sqm for a 3-bed/5-person. Nevertheless, there is still a requirement to meet the floorspace standard for individual rooms and the size of Room 3 would be substandard and would not provide acceptable living conditions.

18. The final living conditions issue concerns the external amenity space. Realistically, there would be no useable rear garden space, however, the layout shows the provision of a side garden extending from the side wall of the bungalow by about 7m. This space would be a level, private area, and have reasonable natural light as there would be sections sited away from the tallest vegetation within the neighbouring garden. The space is likely to receive some evening sun at times. There would be patio doors from the living room area and the main bedroom. Overall, I consider that the garden space, while of a smaller size, would provide a satisfactory and useable garden space that would be suitable for the occupants of the bungalow.
19. In conclusion, while I have found that the external garden space would be suitable, the development would not provide satisfactory living conditions because of the poor outlook and natural light to some of the internal habitable spaces, and due to the size and related purpose of Room 3. In these respects, the scheme would conflict with Policies H10 and EN4 of the Local Plan which seek to ensure the amenity of future occupiers.

Car parking

20. Part 5 of Policy INF2 of the Local Plan states that garages can be considered to provide a parking space providing it is of sufficient size and would meet the internal dimension requirements of 6m x 3m. In this case, the proposed garage would have internal dimensions of about 4.98metres x 2.87metres and therefore cannot be considered to provide a parking space, in terms of the policy requirements.
21. The parking standards within Appendix 13 of the Local Plan require a minimum 2 parking spaces for 2 and 3 bedroomed dwellings located outside of Dorking and Leatherhead. For the reasons explained, I consider that there is a reasonable prospect that the bungalow would be occupied as a 3 bedroom unit, but in any case, 2 parking spaces are required and the garage is not sufficient in size to contribute a space. The plans show one off-road parking space in front of the garage. The scheme is, therefore, deficient by one space and would not meet with the requirements of the Local Plan.
22. There would also be an identified parking space deficit, on the basis that the dwelling could operate as a 3 bed unit, as Policy AS-H6 of the Neighbourhood Plan also requires 2+ spaces per unit.
23. The parking space deficit would be likely to lead to a requirement for road-side parking on some occasions. The end of the cul-de-sac has few on-road spaces available because of its layout and the regular positioning of dropped kerbs serving the drives and garages of properties.
24. The section of Richbell Close leading from Green Lane is quite narrow and has a footway on only one side of the road, with a fence boundary on the other. Parking on this access section of Richbell Close would likely restrict the remaining width so as to hinder access for some vehicles, including for waste collection, deliveries

and the emergency services. I note that the representations from one property in Richbell Close where the occupants are concerned to ensure clear road access to their property in the event of an ambulance needing to attend.

25. To prevent a parked vehicle impeding access for some other vehicles the likelihood is that drivers would park two wheels on the footway, potentially blocking access for pedestrians along that part of the route. Parking in Green Lane is possible but would be some distance and would not always be convenient on occasions or suitable for those occupants and visitors who may be less able to walk such a distance.
26. I have taken into account that the County Highway Authority has not objected to the scheme. However, I consider that the consequence of the substandard on-site parking arrangements would be that on-road parking would be needed on occasions and parking then may take place on the footway or in compromised positions to minimise the distance needed to walk to the new dwelling. This would lead to inconvenience and potential adverse safety impacts on the highway and to pedestrians. As a consequence, the proposal would be contrary to the requirements of Policy INF2 of the Local Plan, Policy AS-H6 of the Neighbourhood Development Plan and the Framework which seeks to ensure that development would not cause an unacceptable impact on highway safety.

Trees and hedges

27. A well-established hedge and tree screen is located just beyond the rear boundary of the site. It lies within the grounds of the adjoining property. While the taller section of this planting is cypress hedging/trees there is also a mix of other vegetation that help provide the boundary screening.
28. The appellant makes the case that cypress hedges are characterised by shallow, fibrous root systems that tend to spread laterally rather than deeply into the soil. Given that the proposed development would be situated a minimum of 1.14m away from the hedge, the appellant considers it is unlikely to interfere with the primary root structure, as the most significant rooting activity typically occurs within the upper 30–60cm of soil close to the trunk. Additionally, the appellant has confirmed a willingness to commission an Arboricultural Report to provide a formal assessment of how best to safeguard the trees and hedges within the site prior to the commencement of the development.
29. The screen of planting is quite a feature in relation to the site and would be close to the proposed bungalow and the related foundations. At this stage, and notwithstanding the comments of the appellant about rooting systems and spread, there is no detailed arboricultural investigation and report that provides reassurance that the works could be successfully completed without undue harm to this screen of vegetation, both during construction and in subsequent occupation. The closeness of the vegetation to the development means that, in my judgement, there would be a real prospect that harm could be caused to the vegetation, and not just in relation to the cypress hedge.
30. I am also conscious that Policy EN9 of the Local Plan requires that where woodland, trees and hedgerows are present, a detailed appraisal of their condition, location, ecological and landscape significance should be submitted with a planning application.

31. This is not a matter that can be left to a planning condition in any approval because of the uncertainty that a solution can be found to clearly demonstrate that the development would not cause harm to the hedge/tree screen.
32. Based on the evidence before me, I conclude that there is insufficient information to be reassured that there would not be undue harm to the trees and hedge in the vicinity of the appeal site. As a consequence, the proposal would conflict with Policy EN9 of the Local Plan.

Bats

33. The Preliminary Ecological Appraisal (October 2024) has sections that comment on bats and there has been an investigation of the main tree to be retained on the site. This concluded that there was no concern that bats roost in the tree and therefore no issue with disturbing bats in that respect.
34. There is a reference to the two buildings that would be demolished as part of the scheme, the main garage building in use as an ancillary space to the house, and the other outbuilding in the corner of the site, and mention is made that sealed surfaces are not subject to condition assessments. However, this commentary and analysis is quite brief.
35. Surrey Wildlife Trust has responded to the application submissions and commented that the submitted ecology report does not provide an initial evaluation of the potential for buildings on site to host active bat roosts. The Trust explained that development as proposed at this site is expected to result in loss or disturbance to any active bat roosts and bats present, and so may be contrary to the related legislation.
36. At the appeal stage, the appellant has commented that while the submitted ecology report provides an overview of biodiversity matters, it is acknowledged that a more detailed evaluation of the potential for buildings on the site to host active bat roosts may be required. To address this, it is explained that the appellant would be willing to accept a planning condition requiring the submission of a bat survey prior to commencement of development. It is argued that this would meet the terms of the legislation and result in no harm to a protected species.
37. Government circular guidance¹ advises 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. Given the advice of Surrey Wildlife Trust there appears to be a reasonable likelihood that bats may be present and in accordance with the circular guidance there are not the circumstances to allow ecological surveys to be carried out after planning permission has been granted. Indeed, the advice of Surrey Wildlife Trust was that such a preliminary roost assessment of the buildings on the site should be undertaken prior to determination of the planning application.
38. Consequently, there is not the clear evidence to demonstrate that bats are not roosting, or do not use the buildings as a roost, and would not be unduly disturbed by the development. Bats are a protected species and this is a planning consideration that needs to be resolved prior to determination of the proposal.

¹ ODPM Circular 06/2005 - Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System – 16 August 2005

Accordingly, I conclude that the evidence does not satisfactorily demonstrate that bats would not be adversely affected by the development and, therefore, there would be conflict with Policy EN9 of the Local Plan and the Framework which, in this respect, seek to conserve and enhance the natural environment.

Planning Balance and Conclusion

39. The scheme would provide a boost to supply by the addition of a unit to the stock of housing. It would be added in a location within the built-up area of Ashted, making efficient use of the land and where the principle of such in-fill development is policy compliant. The location would be fairly sustainable to allow occupants to access some services and facilities by foot, bicycle and public transport. There would be economic and social benefits during construction and in subsequent occupation. The scheme could deliver some off-set biodiversity net gain and the dwelling could be designed to meet high levels of insulation and include elements of renewable energy. However, while all these matters are worthwhile, as only one additional unit of accommodation would be delivered, I attribute the collective benefits limited weight in support of the scheme.
40. On the other hand, the proposal would harm the character and appearance of the area, would not provide satisfactory living conditions for future occupants, would not provide suitable car parking arrangements, would not demonstrate an acceptable impact on trees and hedges, and would not provide sufficient evidence that the scheme would have an acceptable impact on bats. Taken together these are serious and adverse effects that should weigh collectively to a substantial extent against the scheme.
41. The harm and policy conflict, to which I attribute substantial weight, would not be outweighed by the benefits, which together should be afforded limited weight.
42. This planning harm and related policy conflict would be such that the scheme would conflict with the development plan when considered as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR