



Appeal Decision

Site visit made on 12 August 2025

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2025

Appeal Ref: APP/D3640/W/25/3363593

415-417 London Road, Camberley, Surrey GU15 3HZ

- 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 Seskoo Consultants Ltd against the decision of Surrey Heath Borough Council.
 - The application Ref is 24/0675/FFU.
 - The development proposed is existing building to be demolished and replaced with a new Build 5 x 2 bed flats & 4 x 1 bed flats 2 ground floor shops to be retained. The flats will be in keeping with the conversion at 419 London Road. Ground floor rear courtyard garden to be created and rear flats to have balconies. Off road parking not deemed necessary at 419 London Road due to transport links with the area
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted appeal included additional plans, a Daylight & Sunlight Report (DSR), and a Preliminary Roost Assessment (PRA) which were not before the Council when it determined the application. The documents seek to provide further information to overcome the Council's concerns but do not fundamentally change the application that was considered by the Council. The Council consulted with the Surrey Wildlife Trust and has commented on the aforementioned documents as part of the appeal process. On this basis, I am satisfied that there is no procedural unfairness in me taking account of these documents in my decision.
3. However, the bat survey report (BSR) provided by the appellant was submitted late in the appeal process. Whilst bat surveys were referred to in the appellant's statement of case, the timing of the submission of the BSR means that the Council has not had the opportunity to comment on its contents and its implications for the appeal. Therefore, there would be procedural unfairness if I were to take account of the BSR. For this reason, I have not had regard to the BSR in my decision.
4. The appeal was also accompanied by a Unilateral Undertaking (UU) which seeks to provide for financial contributions towards measures to mitigate the effects of the proposal on the Thames Basin Heaths Special Protection Area (SPA) and a direct payment to the Council towards such mitigation measures has also been made. The Council has subsequently confirmed that the fourth reason for refusal is no longer disputed, and I have determined the appeal on this basis.
5. The emerging Surrey Heath Local Plan 2019 - 2038 has been submitted for examination, and it is therefore at an advanced stage of preparation. However, the

examination hearings have not yet commenced which leaves considerable uncertainty as to the status of any unresolved objections and the degree to which the emerging policies may change. I have not been directed to any particular circumstances that indicate there are emerging policies that would fundamentally change the approach to the main issues in this appeal. Consequently, I have considered the proposal with regard to the statutory development plan.

Main Issues

6. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- Whether the proposal would provide acceptable living conditions for future occupiers of the dwellings, with regard to sunlight and daylight; and
- The effect of the proposal on protected species.

Reasons

Character and appearance

7. The area around the appeal site shares many of the characteristics that are typical of the A30 commercial corridor as it is described in the Western Urban Area Character Supplementary Planning Document (May 2012) (WUAC), including a notable variety in building types and sizes. The existing property on the appeal site is positioned between an apartment block with a contemporary appearance (419 London Road) and the more architecturally detailed and modest buildings that are located on the corner with Victoria Avenue (411 and 413 London Road).
8. The proposed building would reflect the width and height of the existing structure to be demolished, consistent with some principles set out in the Residential Design Guide Supplementary Planning Document (September 2017) (RDG). However, it would be significantly larger in its overall massing, extending much deeper into the site than the existing building and beyond the rear elevation of No 419 at the upper floor levels. The combined impact of its height, depth, and flat roof design would result in an unduly prominent structure when observed from London Road to the east, obstructing existing views of the sky over rooftops from the street. As such, the proposal would fail to integrate sympathetically with the local area.
9. Furthermore, due to its large scale and box-like form, the building would appear visually dominant and incongruous when viewed alongside the lower height and smaller scale of Nos 411 and 413. Its proximity to those more modest buildings would result in a harmfully disproportionate appearance in terms of scale and massing, contrary to the guiding principles for development in this commercial corridor as set out in the WUAC.
10. Although the proposed development would incorporate different external materials to No 419, its front elevation has clearly been designed to reflect the contemporary style and detailing of the adjacent building, particularly in terms of its height, window proportions and spacing. However, at present, No 419 is viewed alongside the ornate façade of the existing building on the appeal site, which makes a positive contribution to the overall character of the area. Whilst no objection has been advanced to the demolition of the existing property as a matter of principle,

its replacement with a building that lacks architectural or visual richness would diminish the quality of the varied street scene along this prominent frontage.

11. During my site visit, I observed other large buildings in close proximity to the appeal site, including 423 London Road. I have had regard to those buildings insofar as they contribute to the character of the area. However, none of the buildings I observed, including no 419, were directly comparable to the appeal scheme in terms of its design, siting, and relationship with neighbouring properties. Their presence does not alter my view regarding the acceptability of the appeal proposal in relation to its impact on local character.
12. I conclude that the proposal would cause harm to the character and appearance of the area. Accordingly, there would be conflict with Policy DM9 of the Core Strategy & Development Management Policies 2011-2028 (Adopted February 2012) (CSDMP) which expects development to be of a high-quality design that respects and enhances local character.

Living conditions

13. The DSR concludes that most of the habitable rooms assessed would meet the BRE guidelines¹ for daylight and sunlight. However, this is not universally the case and there are some rooms that would fall short of the BRE standards. The BRE guidance is not a mandatory requirement, and there may be circumstances, such as in dense, urban environments, where the standards are difficult to achieve. The National Planning Policy Framework (the Framework) supports a flexible approach to applying such guidance where adherence would otherwise inhibit the efficient use of land. However, the Framework also makes clear that this flexibility should only be exercised where acceptable living conditions would be provided.
14. The DSR acknowledges that apartment 1 would fail to meet the BRE guidelines for daylight in all three of its rooms, albeit that bedroom 2 would be marginal. Therefore, even if the dwelling were to receive adequate sunlight, it would be likely to be unduly dark inside the property, particularly in areas furthest from windows and glazed doors. The internal environment in bedroom 1 would, in all reasonable likelihood, be particularly poor given that the size and position of the single window would inhibit daylight penetration throughout the room. This would be contrary to the guidance set out in the RDG, which expects habitable rooms in new dwellings to benefit from good quality daylight.
15. Notwithstanding the DSR, I also have concerns regarding the internal environment that would be provided in the main living area (comprising combined kitchen, living, and dining spaces) within apartments 3 and 6. These rooms would be deep and narrow, with some areas located several metres from the balcony doors that would provide the principal source of daylight and sunlight. The DSR does not definitively explain how the flow of light into these rooms would be impacted by the balconies of upper floor apartments that would project over the glazed doors. In the absence of definitive evidence to indicate otherwise, I find it is reasonably likely that daylight and sunlight penetration would be impeded by those balconies, resulting in an oppressive and unpleasant living environment for future occupiers.
16. The Council has not raised any objection to the size of the internal living spaces or the outdoor amenity space proposed. Based on the evidence, I have no reason to

¹ Site Layout Planning for Daylight and Sunlight – a guide to good practice (2022)

take a different view on those matters. However, I am not persuaded that the proposed scheme represents the only way to redevelop this site. As such, there is no over-riding justification to accept the poor-quality living environment that would be provided in apartments 1, 3 and 6 due to inadequate levels of natural light.

17. Although Policy DM9 of the CSDMP does not specifically refer to daylight or sunlight, it clearly seeks to secure high-quality design, which would include the provision of an adequate standard of accommodation for future occupiers. Given my findings on this main issue, the proposal would conflict with Policy DM9 of the CSDMP. Furthermore, it would also conflict with the Framework, which requires planning decisions to ensure that developments create places with a high standard of amenity for future users and to secure acceptable living standards.

Protected Species

18. The demolition of the existing building would have the potential to cause harm to bats should the building be used for roosting. I have a duty to consider whether bats would be affected by the development under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended).
19. The PRA identifies that the building has moderate bat roosting potential and recommends that further activity surveys be undertaken during the active season to determine whether bats use the building for roosting. For the reasons outlined above, I have not had regard to the BSR provided late in the appeal process. In the absence of the recommended surveys, I cannot conclude with certainty that bats would not be harmed. Furthermore, I am unable to form a judgement on the need for, or likely effectiveness of, any mitigation measures that may be required.
20. It would not be appropriate to secure the necessary surveys through a condition, given the advice in Circular 06/2005² which 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 planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*. The Circular is clear that surveys should only be secured by condition in exceptional circumstances, and no such circumstances have been presented in this case.
21. It remains open to the appellant to address this issue through a revised planning application that includes the necessary bat surveys. However, based on the information before me, I cannot be satisfied that protected species would be safeguarded. Accordingly, the proposal would conflict with Policy CP14A of the CSDMP which seeks to protect and enhance biodiversity.

Other Matter

22. The appeal site lies within the zone of influence of the Thames Basin Heaths SPA. Because I am dismissing the appeal for other reasons, it is not necessary for me to undertake an appropriate assessment as would otherwise be required by the Conservation of Habitats and Species Regulations 2017. Furthermore, it is not necessary for me to consider the mitigation measures proposed in the UU and via the direct payment to the Council any further.

² Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact on within the Planning System

Planning Balance

23. The proposal would conflict with the aforementioned development plan policies, which brings it into conflict with the development plan when read as a whole. Developments that conflict with the development plan should normally be refused unless material considerations indicate otherwise. In this instance the Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites as is required by the Framework. Consequently, paragraph 11 (d) ii. of the Framework is engaged.
24. The Council states that the current housing land supply is between 3 and 3.7 years, indicating a significant shortfall. The delivery of nine new dwellings would make a meaningful contribution to meeting local housing needs and, as a small site, it could be delivered relatively quickly. The proposal would also bring a currently vacant and under-utilised site back into use. These benefits carry significant positive weight in light of the housing land supply position.
25. The re-provision of commercial floorspace through two smaller units would have the potential to attract footfall and to contribute to the vitality and viability of the area. However, given that the site already accommodates commercial floorspace, this benefit carries limited positive weight.
26. The evidence indicates that the existing building is damp and in need of modernisation. The proposed development could improve its thermal performance, which would be a benefit of the scheme. A net gain in biodiversity could also be achieved. However, I am not persuaded that these environmental benefits could not be achieved by other, potentially less harmful, means. Accordingly, I ascribe them limited positive weight in the context of the appeal.
27. The site lies in a sustainable location, within walking distance of a wide range of services, facilities and transport links. Therefore, like the Council, I see no reason to find harm with the principle of the development in this location. Furthermore, based on the evidence before me, I find no harm in relation to the setting of the adjacent Conservation Area, the living conditions of neighbouring occupants, or parking, access, drainage, and infrastructure. The absence of harm in these respects weighs neither for nor against the proposal.
28. However, in this case, the combined weight of the benefits would not be sufficient to outweigh the harm that I have identified. The adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

29. 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, for the reasons given above, the appeal should be dismissed.

E Catchside
INSPECTOR