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## Appeal Decision

Site visit made on 4 September 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

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**Appeal Ref: APP/D3640/W/25/3362281**

**Land south of 4 Heatherdale Road, Camberley, Surrey GU15 2LR**

- 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 Upareeswaran of Maidhily Properties Ltd against the decision of Surrey Heath Borough Council.
  - The application Ref is 24/0666/FFU.
  - The development proposed is described as 'new build single storey detached dwelling on plot of land'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in the appeal are the effects of the proposal on: the character and appearance of the area with particular regard to effects on trees, and the design and location of the development, and; biodiversity.

### Reasons

#### *Character and Appearance- Trees*

3. The site lies within the 'Wooded Hills' character area as defined by the Western Urban Area Character Supplementary Planning Document 2012 (the SPD). The SPD identifies dense vegetation to be one of the area's key characteristics, having large trees, hedges and dense mature vegetation which gives the area a dominant soft, green character.
4. There are a number of tall mature trees on the site and surrounding the proposed access and the majority of these are the subject of a Tree Preservation Order<sup>1</sup>. Those trees closest to Heatherdale Road have canopies which partially overhang the road and I observed the trees at the back of the site to be visible from the road above the surrounding buildings and in the gaps between them. Together they contribute strongly to the verdant character of the road and the surrounding area.
5. Based on the appellant's Arboricultural Report (the AR), those trees closest to Heatherdale Road and the proposed access include a Sweet Chestnut (G1) and a Sycamore (T2), with a life expectancy of at least 20 years. A substantial Beech tree (T5), identified by the appellant as a high quality Category A tree, lies further back within the site but would similarly adjoin the access track. The proposed access would run within the Root Protection Areas (RPAs) of those trees and very

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<sup>1</sup> TPO Ref 94/8- confirmed 3 October 1994.

close to their trunks. While the track would not provide vehicular access into the site, it would nonetheless be the only access to the proposed dwelling.

6. The appellant proposes a no-dig method and a cellular confinement system for the proposed hard surfaces in the RPAs, to reduce root damage and soil compaction. The Council have not substantiated its claim that the AR does not appropriately consider the impact this would have on tree T5. As such I have no strong reason to doubt that these measures could be successful in mitigating effects of the track on tree T5.
7. Nonetheless, the RPA of tree T5 extends across the entirety of the site's access. It has not been demonstrated where services for the new dwelling would be installed and there is a strong likelihood these would need to cross beneath tree T5 and be excavated into its RPA. While the Council's officer report states construction could be dealt with by a management plan, for the same reasons it is likely that construction vehicles and equipment would need to access the site by crossing the RPA. In the absence of information and assurances on these matters, it cannot be concluded that the development would not have harmful effects on the health of tree T5.
8. At the front of the site, ground works are likely to be required to facilitate the connection to the footpath, given the change in ground levels. These works would be very close to the trunk of the northern most Sweet Chestnut (G1) where there is currently a soil embankment at the edge of the highway and where roots are visible on the soil's surface. It is not clear, based on the evidence before me, that the access could be achieved here without cutting roots which may be important to the tree's health. Given the importance of these matters to the principle of the development of the site and given the absence of evidence of a suitable solution, it would not be appropriate to address these matters at a later date using planning conditions.
9. For the reasons given, the proposal would be likely to cause harm to the health and longevity of protected trees on the site. The harm to, or loss of, those trees would cause significant harm to the character and appearance of the area and cause conflict with Policy DM9 of the CSDMP<sup>2</sup> as well as Principle WH1c) and WH3 of the SPD which require, among other things, that development protects trees worthy of retention and do not erode the soft green semi-rural character.

#### *Character and Appearance- Design and Location*

10. The SPD acknowledges the area to comprise large irregular plots, with buildings generally being substantial and detached, and these attributes, together with a broadly consistent front building line, characterise this part of Heatherdale Road. Mellefont is a departure from the prevailing character of the area in terms of its height and set back from the road, where it sits behind areas of parking and adjacent to blocks of flat roofed garages. Its grounds extend behind the gardens of other neighbouring properties, at odds with the general pattern of long rear gardens extending perpendicular to the street.
11. The proposed house would have a simple design, similar to that expected of a domestic outbuilding and its footprint and position on the plot would retain a generous open garden around it. Given the absence of vehicle access to the

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<sup>2</sup> The Surrey Heath Core Strategy and Development Management Policies Document 2012

building, associated paraphernalia would be limited. Visibility of the development from public view points would be extremely limited given the width and nature of the access, and it would be visible primarily in private view points from the surrounding properties. However, given its scale and surrounding foliage it would not appear visually prominent or intrusive in those views. For these reasons in combination, the proposal would not cause harm to the established character of the area.

12. Overall the proposal would be acceptable in terms of the effects of its location and design on the character and appearance of the area. The development would comply with Policy DM9 part ii) and Principle WH6 of the SPD which require development to respect and enhance local setting. For the same reasons and given the site specific circumstances here, I do not find conflict with the Principles cited from the Residential Design Guide 2017 which gives guidance to ensure high quality design. While the proposal would therefore comply with part of DM9, for the reasons set out above, it would remain in conflict with the policy when read as a whole, given the other conflicts identified.

### *Biodiversity*

13. Policy CP14 of the CSDMP states the Council will seek to conserve and enhance biodiversity, and that development that results in harm to or loss of features or interest for biodiversity will not be permitted. There is not substantive evidence relating to the quality or value of the site in biodiversity terms. While the site is currently a private garden and appears to have been cleared in the recent past, it nonetheless accommodates mature trees and adjoins other mature gardens and areas of dense foliage. A dilapidated shed also exists on the site which could potentially provide ecological interest. Given these features it cannot be established that the proposal would not cause harm to biodiversity. Given the importance of this issue it would not be appropriate to deal with it at a later date.
14. While the appellant would accept a condition to secure measures including the sedum roof, bird and bat boxes, in the absence of evidence of the ecological value of the existing site I am unable to conclude that these would amount to conservation and enhancement of biodiversity on the site. In this respect the proposal would conflict with Policy CP14 of the CSDMP summarised above.

### **Other Matters**

15. The site lies within 5km of the Thames Basin Special Protection Area (SPA). As the proposal would entail an uplift in new residents who may visit the SPA for recreational purposes, there is a pathway for the development to affect the SPA. Regulation 63(1) of the Habitats Regulations indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not therefore necessary to address this in any further detail.
16. The Council's concerns include the lack of information submitted in respect of the statutory requirement for biodiversity net gain. In light of advice in the Planning Practice Guidance this would be an issue for the validation of the application. However, as the appeal is being dismissed for other reasons I have not considered this matter further. Similarly, I am mindful of the other issues raised within comments from third parties and I have not addressed these further since it would not alter the outcome of the appeal.

17. The proposal would provide a new home which would contribute towards the national objective to boost the supply of homes. The new home would be in an existing built up area with good accessibility to services and facilities including public transport, and there would be some economic benefit from the construction process and ongoing expenditure into the local economy by future occupants. The scale of these benefits is, however, limited by the scale of the development and together these do not amount to material considerations of sufficient weight to outweigh the conflict identified with the development plan.

### **Conclusion**

18. For the reasons given, the appeal is dismissed.

*C Shearing*

INSPECTOR