



Appeal Decision

Site visit made on 4 August 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 SEPTEMBER 2025

Appeal Ref: APP/K3605/W/25/3365814

Willow Cottage, Ridgeway Close, Oxshott, Leatherhead, Surrey KT22 0LQ

- 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 J Davies against the decision of Elmbridge Borough Council.
 - The application Ref is 2024/2364.
 - The development proposed is demolition of existing dwelling; erection of replacement dwelling with associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling; erection of replacement dwelling with associated works at Willow Cottage, Ridgeway Close, Oxshott, Leatherhead, Surrey KT22 0LQ in accordance with the terms of the application Ref 2024/2364, subject to the conditions in the attached schedule.

Preliminary Matters

2. In the appeal submission the appellant submitted new ecological information to address the reason for refusal relating to insufficient ecological surveys to demonstrate the proposal would not adversely impact the protected species identified in the area. The Council has been given the opportunity to comment on the ecological information and consulted the relevant consultee, Surrey Wildlife Trust (SWT) who confirmed they were satisfied with the information provided and recommended conditions were the appeal to be allowed. The Council accepted the recommendation of SWT and this addresses the second reason for refusal which is no longer contested.
3. The proposed roundabout at the front of the application site falls partially outside the red line boundary. This did not preclude the Council determining the application on this basis and I see no reason why I should not determine the appeal on the same basis. The appellant has confirmed the correct certificate has been signed and the development can still be carried out as the additional land is not required to deliver the development.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located on the north-western side of Ridgeway Close and is host to a two-storey detached dwelling on a spacious plot which is wider than the majority of the plots in the street scene. Ridgeway Close is a private cul-de-sac leading from The Ridgeway. The Ridgeway is characterised by large, detached dwellings set back from the road. The properties benefit from long rear gardens, however the built form comprises a tight grain with the majority of the dwellings being built up to the flank boundaries with other dwellings.
6. The proposed replacement dwelling would be larger than the existing dwelling with two linked 'wings' with accommodation in the roof. The height of the proposal would be greater than the existing with a steeper pitch roof. Whilst the height of the proposal would also be higher than neighbouring properties, the setback position of the proposal behind the rear elevations of the neighbouring dwellings would reduce the prominence of the proposed dwelling on the street scene.
7. The proposed 'wings' of the main house would be of a reduced scale and appear visibly subservient and distinct from the main dwelling reducing the overall bulk and mass of the proposal from the street scene. The proposed 'wings' would not be read as 'dwellings in their own right and would be subservient to the scale, bulk and mass of the neighbouring properties and would make acceptable use of the overall width of the plot.
8. Whilst the plot is wider than neighbouring plots within the cul- de- sac and the proposal would fill almost the width of the plot, this is a characteristic feature of the street scene with the majority of properties filling almost the entire width of the plots with two-storey development. In this instance, the side 'wings' are subservient to the main dwelling giving a stepped down appearance from the middle to the edges of the site.
9. The positioning of the plot in the cul-de-sac is the same as other plots fronting the roundabout and therefore views of the proposal would be no more prominent than other properties on plots fronting the roundabout. The positioning of the proposal on the plot would also ensure the scheme would be less prominent within the street scene.
10. Whilst the proposal would be setback further than the existing building on the plot, and would accommodate a mini roundabout to the front of the proposed dwelling, this would not have a significant impact on the character of the area as there is no strong building line given the plots curve around the roundabout and the plot frontages vary in terms of their openness and the extent of soft and hard landscaping. There is no uniformity to the street scene in this respect.
11. In conclusion, the proposed development would have no significant effect on the character and appearance of the area and would comply with Policies CS10 and CS17 of the Elmbridge Core Strategy 2011 and Policy DM2 of the Elmbridge Local Plan Development Management Plan 2015. Together, these policies seek to ensure that new development delivers high quality design which maximises the efficient use of urban land whilst responding to the positive features of individual locations and enhances the public realm and street scene. The policies encourage new development to pay particular regard to appearance, scale, mass, height, pattern of built development and separation distances to boundaries.

Other Matters

12. My attention has been drawn to the planning history of the site where the redevelopment of the site for five dwellings has been approved. The proposed scheme and those previously approved are not directly comparable with the current proposal to enable me to draw any meaningful direct comparison between them. Each case must be determined on its own merits.

Conditions

13. In the interests of certainty, conditions stipulating the approved plans and materials to be submitted have been imposed.
14. In order to protect the privacy of neighbouring residents a condition restricting openings in the roof slopes of the north and south flank elevations is required.
15. A condition was suggested by the Council regarding visibility splays, however, the condition did not meet the tests set out in the NPPF and was not considered necessary due to good visibility on the site.
16. To protect the visual amenities of the area details of hard and soft landscaping are required to be submitted.
17. To protect protected species, a condition is required ensuring development is carried out in accordance with the Bat Survey Report (AEWC Ltd, July 2024), Bat Ground Level Tree Assessment Report (AEWC Ltd, May 2025) and Bat Mitigation Strategy (AEWC Ltd, May 2025).
18. In order to protect the trees on site, conditions are required to ensure no development takes place until all tree protection measures are installed, all trees are retained unless shown otherwise and site supervision and monitoring of the trees is carried out.

Conclusion

19. For the reasons given above the appeal should be allowed.

C Coles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Street Scene and Site Section 3264 - C - 1015 - PL REV C, Proposed Site Plan 3264 - C -1005-PL REV C, Proposed Ground Floor Plan 3264-A-2000-PL REV C, Proposed First Floor Plan 3264-A-2001-PL REV C, and Proposed Rear and Side Elevations 3264-C-2002- PL REV C received 9 September 2024, and Location Plan received 17 September 2024.
- 3) No development above ground shall commence until samples of the materials to be used in the construction of the external surfaces and roof of the development and boundary wall hereby permitted have been submitted to and approved in writing by the Council. Development shall be carried out in accordance with the approved samples.
- 4) The development hereby permitted shall have no windows or other openings inserted into the north and south flank elevations and roof slopes unless planning permission has first been granted by the Council.
- 5) No development above ground shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the council. These details shall include:
 - i) Indications of all hard surfaces.
 - ii) means of enclosure and retaining structures.
 - iii) other vehicle and pedestrian access and circulation areas.

Soft landscape works shall include existing trees and hedges to be retained together with the new native planting to be carried out, and measures to protect existing features during the construction of the development.
- 6) The development shall be carried out in accordance with the conclusions and recommendations including any biodiversity enhancements in the Bat Survey Report (AEWC Ltd, July 2024), Bat Ground Level Tree Assessment Report (AEWC Ltd, May 2025) and Bat Mitigation Strategy (AEWC Ltd, May 2025).

- 7) No development, including groundworks and demolition, to take place and no equipment, machinery or materials brought onto the site for the purposes of the development until all tree protection measures have been installed in the positions identified on the approved tree protection plan(s) and are suitably fit for purpose (BS5837 2012 Figure 2 and / or Figure 3 including any ground protection described within section BS5837 2012 6.2.3.3). All tree protection measures must be maintained throughout the course of the development. The development thereafter shall be implemented in strict accordance with the approved details and method statements contained in:
- Impact Assessment/Method Statement AC.2024.653 Dated 10/2024: TPP-01 REVA DATE: 10/24
- 8) The completion schedule/report of all the agreed arboricultural site supervision and monitoring as approved in the arboricultural information, Impact Assessment/Method Statement AC.2024.653 Dated 10/2024: TPP-01 REVA DATE: 10/24 shall be submitted to and approved in writing by the Council within 20 working days of the substantial completion of the development hereby approved. This shall include evidence of compliance through supervision and monitoring of the agreed activities by a suitably qualified arboriculturist.
- 9) All existing trees, hedges or hedgerows inside the identified site boundary shall be retained, unless shown on the approved drawings as being removed and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the proposed development.
- a) No retained tree, hedge or hedgerow providing a screen shall be cut down, uprooted, or destroyed, other than in accordance with the approved plans and particulars.
- b) If any retained tree, hedge, or hedgerow is removed, uprooted, or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.