
Appeal Decision

Site visit made on 13 August 2025

by **H Miles BA (hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/D3640/W/25/3362100

32 Cedar Close, Bagshot, Surrey GU19 5AD

- 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 Elgar against the decision of Surrey Heath Borough Council.
 - The application Ref is 24/0734/FFU.
 - The development proposed is construction of x2 semi-detached dwellings following demolition of existing dwellinghouse.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 27 August 2025.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on
 - The character and appearance of the area with particular regard to trees
 - Biodiversity, with particular regard to Biodiversity Net Gain (BNG)
 - Highway Safety

Reasons

Character and appearance

3. There are large mature trees to the grounds of the adjoining properties at Cedar Court and The Cedars, close to the shared boundary. These are within the Bagshot Village Conservation Area (CA) and some are protected by Tree Preservation Orders. These large, mature trees are highly visible in the Cedar Close streetscene and form an attractive leafy backdrop to the appeal site. They make a positive contribution to the character and appearance of the area in these regards.
4. Planning permission has been granted for extensions to the existing house (ref 23/0896/FFU) which would extend the footprint of the property to the front and rear. This was supported by arboricultural information and was not refused on the basis of any harm to trees.
5. The proposed development would be located further from the boundary with Cedar Court/The Cedars, but also further to the west than both the existing and the

approved footprint. This would bring the proposed building closer to some trees. The relationship between the proposed building and these trees and their root protection zones would therefore be different. Consequently, given the proximity to the trees and in the absence of arboricultural detail relevant to this scheme, I am not satisfied that the proposed development would not result in harm to or the loss of these trees.

6. The scheme would therefore be likely to result in the deterioration or loss of the trees. This would unacceptably undermine the positive contribution the trees make to the appeal site and the streetscene and would have a harmful effect on the character and appearance of the area.
7. Given the lack of arboricultural detail, it is unclear as to whether an alteration to the footprint of the proposed building would be required in order to suitably protect the trees. This would be a fundamental change to the appeal scheme which could not be secured by condition. Therefore, based on the information submitted with this appeal, this matter could not be dealt with by condition.
8. These trees are within the CA. In addition, the appeal site is directly adjacent to the CA boundary and due to its proximity, it forms part of its setting. I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. The significance of the CA, as a whole, is derived from its historic core built up from services for travellers on the A30, its mainly vernacular buildings, and the more prestigious 19th century villas e.g. Cedar Court, which is locally listed. The details before me do not indicate that these trees make an important contribution to the CA or Cedar Court's historic significance. Taking this into account, as well as the similar physical presence of the proposed and surrounding dwellings, and the scale of the proposed building relative to the importance of the grander buildings specifically Cedar Court, the evidence before me leads me to conclude that the proposed development would not be harmful to the significance of the CA. Therefore, it would preserve the character and appearance of the CA. Albeit, the lack of harm in this regard would be a neutral effect and would not overcome the harm set out above.
9. Therefore, the proposed development would have a harmful effect on the character and appearance of the area, with particular regard to trees. As such it would be contrary to Policy DM9 of the Core Strategy and Development Management Policies Document 2012 (CS). In part, this requires that development protects trees worthy of retention.

Biodiversity

10. Policy CPA14 of the CS seeks to conserve and enhance biodiversity. There is also a national requirement to provide BNG, albeit certain planning permissions including for self build and custom build development are exempt.
11. In their appeal submissions the appellant states that these properties would be self build housing. However, no mechanism has been submitted with this appeal that would ensure that the proposed houses are constructed and occupied in this manner. The Procedural Guide is clear that any planning obligation must be submitted at the time of making the appeal. As such, based on the submissions in this case, the appeal scheme would not ensure that these properties would be self build and this exemption would not apply in these circumstances.

12. Consequently, I do not have sufficient information to conclude that appropriate BNG could be secured. As such, the exemption to BNG would not apply and there is insufficient information to conclude that the BNG condition is capable of being successfully discharged.
13. Therefore, the proposed development would not have an acceptable effect on biodiversity with particular regard to BNG and would not be in accordance with Schedule 7A of the TCPA and policy CP14 of the CS, as set out above.

Highway Safety

14. This part of Cedar Close is a dead end, although there is a pedestrian footpath between nos 40 and 65, which links to a school. The road widens in this area which allows for turning. The appeal site is at the farthest end of Cedar Close, located on a part of the road that only leads to 2 other houses. Therefore, it is unlikely that, other than those accessing these properties, pedestrians would pass across the front of this property. Representations suggest that on street parking is busy, and the majority of houses along Cedar Close have off street parking which requires vehicles to reverse across the pavement.
15. The development would provide 4 car parking spaces accessed via a driveway off Cedar Close. Given the arrangement of other off street parking along this road, in this area pedestrians and drivers would be alert to vehicles crossing the pavement. There would also be a very low number of pedestrians passing this site entrance, and a limited number of car parking spaces proposed. The appellant states that cars would be able to turn on site, and has provided wider spaces to enable this to occur, however tracking details have not been provided and therefore it is unclear as to whether this would be possible or straightforward for drivers.
16. Taking all the above into account, it is possible that few vehicles may reverse on or off the site. However, given the likely infrequency of any conflict between reversing vehicles and pedestrians, in these site specific circumstances, there would not be an unacceptable effect on the operation of the highway or highway safety in this case.
17. Therefore, the proposed development would not have an unacceptable effect on highway safety. As such, it would be in accordance with Policy DM11 of the CS which, in part, requires safe vehicle access. As well as principle 6.7 of the Residential Design Guide Supplementary Planning Document (2017) (SPD) which provides guidance that parking layouts should be safe, amongst other things.
18. Principle 6.8 of the SPD mainly relates to the appearance of front of plot parking and the location of parking spaces relative to the pavement or habitable rooms. Therefore, the policies and guidance set out above are more relevant to this main issue.

Other Matters

19. The Council cannot demonstrate a 5 year supply of deliverable housing sites and the appellant states that it has between a 3- 3.7 year supply. Therefore, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework 2024 (Framework) is engaged. This requires that planning permission be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development,

when assessed against the policies within the Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

20. The appeal scheme would provide an increase of one new dwelling within a settlement, along with the associated social and economic benefits of this. This would make a contribution towards the development of windfall sites in an area where there is an ongoing shortfall in the delivery of housing. The number of dwellings on site would increase and this would be an efficient use of land. The proposal would include brownfield land within a settlement for homes and I give substantial weight to the value of using such land. The proposed development would therefore direct development to a sustainable location and support the Government's aims to boost the supply of homes. Nevertheless, taking into account the small scale of the development, this results in important but overall modest benefits.
21. On the other hand, for the reasons set out above the proposed development would result in clear and prominent harm to the character and appearance of the area. Additionally, for the reasons set out above the important biodiversity requirements have not been met and therefore the proposed development would have an unacceptable effect on biodiversity. As such, it would not add to the overall quality of the area and would not secure a well-designed place. Furthermore, taking into account the desirability of maintaining this area's prevailing character and setting and the importance of securing well designed, attractive places, overall, the development would not be an efficient use of land. Together, the harm to these multiple important matters would be substantial, including in terms of paragraph 125c of the Framework.
22. Therefore, the substantial harm would significantly and demonstrably outweigh the modest benefits set out above when assessed against the Framework taken as a whole and having particular regard to key policies. Consequently, the presumption in favour of sustainable development would not apply in this case.

Thames Basin Heaths Special Protection Area

23. The Thames Basin Heaths Special Protection Area (TBHSPA) is a habitats site that has a high level of protection. It is designated because it provides habitat for Dartford Warbler, Woodlark and Nightjar. There is dispute between the main parties as to whether the proposed development is within 400m of the SPA. The Council states that, without any mitigation in place, in combination with other plans and projects, there would be a likely significant effect on the interest features of the site from the proposed development. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

24. 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.

H Miles

INSPECTOR