



Appeal Decision

Site visit made on 17 September 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/K3605/D/25/3369906

185 Ember Lane, East Molesey, KT8 0BU

- 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 Peter Staniforth against the decision of Elmbridge Borough Council.
 - The application Ref is 2025/0477.
 - The development proposed is a part single/part two-storey side/rear extensions and roof extension incorporating rear dormer window and rooflights, with the addition of solar panels on left side elevation, following demolition of existing garage and conservatory.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on protected species.

Reasons

3. Bats are a protected species under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. Planning Practice Guidance (PPG) states that an ecological survey will be necessary in advance of the planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate.
4. The planning application was not accompanied by any formal ecological assessment. Commenting on the application, the Surrey Wildlife Trust advised that the presence of bats cannot be ruled out, and they recommended that, prior to determination, an Ecological Impact Assessment be undertaken
5. The appellant does not consider that bats are present and advises that the roof has been disturbed by previous internal works. Notwithstanding this, an extended Phase 1 survey and preliminary bat roof assessment have subsequently been carried out. The full report was awaited at the time the appeal was submitted, and the completed survey is not before me.
6. The appeal statement explains that the initial feedback from GS Ecology, who undertook the survey, is that 185 Ember Lane is assessed as having low potential to host roosting bats. However, the comments provided go on to refer to a habitat of moderate suitability and indicate that *"The proposed works will affect or disturb some of the potential bat roost features identified during the preliminary survey ..."* From this summary, there is a lack of clarity to fully understand the impact of the

development on biodiversity. In the absence of further information in relation to the presence or not of this protected species and any associated level of activity, it is not possible to ascertain the likely impact, if any, on bats.

7. Reference has been made to the good condition of the roof and that surveys were not required for other similar properties in the locality. I understand the appellant's frustration and that there is a need for consistency and for ecology assessments to be proportionate to the proposed development. However, a Home Survey does not assess ecology, which is to be undertaken by a suitably experienced ecologist. While noting the appellant's concerns regarding the independence of the Council's ecological advisers and the differing wording used in the pre-application advice, it did recommend that an ecological assessment be undertaken, and it is identified as a requirement under the validation checklist. Moreover, the initial feedback from the survey appears to indicate biodiversity interest on the site. The legislative approach is one of precaution, and from the evidence before me, it has not been satisfactorily demonstrated that there would be a low risk in terms of potential harm to bats.
8. Therefore, and in the absence of being able to identify potential levels of bat activity and any necessary mitigation, it is not possible to be satisfied that the imposition of a condition would be appropriate in this case because there is no certainty that no adverse harm would be caused to a protected species.
9. It is therefore concluded that the proposed development could cause unacceptable harm to a protected species and, as such, there would be a conflict with Policy CS15 of the Elmbridge Core Strategy 2011 and Policy DM21 of the Development Management Plan 2015 LP Policy NR2, which relate to protected species and their habitats being safeguarded from harm or loss.
10. For the reasons set out, the appeal is dismissed.

G Ellis

INSPECTOR