



Appeal Decision

Site visit made on 1 December 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 JANUARY 2026

Appeal Ref: APP/K3605/W/25/3374404

8 Holtwood Road, Oxshott, Leatherhead, Surrey KT22 0QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mohan Everett of Aquinna Homes PLC against the decision of Elmbridge Borough Council.
 - The application ref is 2025/1557.
 - The application sought planning permission for detached two-storey building with rooms in the roof space containing 5 flats with new access, associated parking and landscaping following demolition of existing house and outbuildings without complying with a condition attached to planning permission ref 2020/1149 (Appeal ref: APP/K3605/W/20/3262377), dated 7 September 2021.
 - The condition in dispute is No 4 which states that: Unless the details are illustrative of the reserved matter the development hereby permitted shall be carried out in accordance with the following plans: HA20-110 P08, DPA-8093-03 Rev A received on 14/05/2020; HA20-110 P01 Rev A, HA20-110 P02 Rev A, HA20-110 P03 Rev A, HA20-110 P04 Rev A, HA20-110 P05 Rev A, HA20-110 P07 Rev A, HA20-110 P10 Rev A received on 27/05/2020, DPA-8093-02 Rev A received on 14/05/2020, DPA-8093-03 Rev A received on 14/05/2020, DPA8093/AIS/REV 1 received on 14/05/2020.
 - The reason given for the condition is: In the interests of certainty.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Planning permission was granted for a two storey detached building containing five flats, with associated parking and landscaping following the demolition of the existing dwelling and outbuildings. The appellant is now seeking to introduce a new single storey five-bay car barn, along with amendments to the parking layout and to the entrance gate.
3. The parties do not agree whether section 73 of the Town and Country Planning Act is an appropriate procedure for the proposal. This is on the basis of whether or not the introduction of the proposed car barn would be consistent with the operative part of the original planning permission. I have had regard to the evidence before me, including relevant case law discussed by both parties¹. However, as I am dismissing the appeal for the reasons outlined below, I do not need to reach a conclusion on this procedural matter as it would not affect the outcome of the appeal.

¹ - Finney v Welsh Ministers & Carmarthenshire County Council, Energiekontor (Uk) Limited [2019] EWCA Civ 1868; and
- R (Fiske) v Test Valley Borough Council [2024] EWCA Civ 1541.

4. An Arboricultural Impact Assessment Technical Note (the AIA technical note)² was submitted with the appellant's evidence which was not part of the planning application. I am satisfied that this new information would not evolve the proposal or fundamentally change it from what was originally under consideration by the Council. Furthermore, based on the evidence before me, I do not consider that accepting this information would deprive those who were entitled to be consulted on the application of the opportunity to make any representations that they may have wanted to make on the application in light of this information. Furthermore, the Council has been given an opportunity to comment upon the AIA technical note as part of the appeal. I am therefore satisfied that there are no procedural or substantive reasons not to accept this information and have made my decision on this basis.

Main Issues

5. The main issues are the effect of the proposed development on the:
- character and appearance of the area;
 - trees and hedgerow; and
 - living conditions of the occupiers of 10 Holtwood Road (No 10) with specific regard to daylight, sunlight and outlook.

Reasons

Character and appearance

6. Holtwood Road features large, detached properties set within spacious plots with a variety of architectural styles and features. Properties are set back into their plots and are situated along a recognisable building line which predominantly follows the pathing of the road. Plots often feature spacious frontages with strong boundary vegetation, grass verges and trees. As such the area has a residential, verdant and spacious character and appearance.
7. The appeal site is set on a corner of Holtwood Road, and at the time of my visit works on the approved development had commenced. The plans show that the approved scheme features a spacious frontage with vegetation situated along the boundary.
8. The proposed car barn would be set in the front corner of the site, adjacent to the neighbouring plot of No 10 and away from the approved building. Whilst the appeal site is broadly situated on a bend of Holtwood Road, the front corner of the plot and location of the proposed car barn is situated along a straight section of Holtwood Road where the pattern of development subsequently follows a broadly linear building line. As such, the proposed car barn would appear out of keeping in its positioning within the streetscene and wider pattern of development due to being set well forward of the established building line and its separation from the host property.
9. Furthermore, its location within the frontage, along with its considerable size to accommodate five parking bays, would also erode and diminish the spaciousness

² By ACD Environmental dated 8 October 2025

of the frontage which contributes positively to the character and appearance of the area.

10. Whilst the proposed car barn would be set behind frontage vegetation, nevertheless this would still allow for views of the development through the foliage, where it would be seen as out of keeping. This would allow for the harm I have described above to still be perceptible from within the streetscene. The frontage vegetation would therefore not mitigate or otherwise justify the harm that I have identified.
11. Examples of garages along Holtwood Road have been drawn to my attention. Some of these are situated within backland locations away from the main road of Holtwood Road, whilst others are situated directly to the side of the property or immediately in front with a close visual association with the host property. I also did not observe any that would be of such a size to accommodate up to five vehicles. The appeal proposal would therefore not be directly comparable to these existing examples within the area owing to being larger, situated away from the host building and set against the front corner of the plot.
12. Recent developments within the area including Langdon Grange, a development of fifteen apartments at 3 Holtwood Road, and a consent which has been granted for eight semi-detached dwellings, some in backland locations, at 1 Holtwood Road has been brought to my attention to highlight the varied and evolving character of the area. However, based on my observations and the evidence before me, both these developments are set back from the front of their respective plots so are not directly comparable to the appeal proposal.
13. Similarly, I note that a tennis court was previously situated towards the front of the appeal plot. However, the scale, form and massing of the proposal is far more imposing and is therefore not directly comparable to the now removed tennis court.
14. The presence of these other garages and developments within the area, along with the removed tennis court does not convince me that the proposal is acceptable or otherwise justify the harm that I have identified.
15. The appeal proposal would result in considerable harm to the character and appearance of the area. It would therefore conflict with Policy CS10 and CS17 of the Elmbridge Core Strategy (2011) (CS) and Policy DM2 of the Elmbridge Development Management Plan (2015) (DMP). These policies, amongst other matters, seek to ensure that development is well designed that responds to the positive features of individual locations, integrates sensitively with the locally distinctive townscape and takes into account the natural and built landscape whilst preserving or enhancing the character of the area.

Trees and hedgerow

16. In relation to the proposed sliding gate, the site plan demonstrates that this would slide to the left side of the entrance when approaching the site. Subsequently, the AIA technical note sets out that 6.3m of the existing frontage cypress hedge (H8), identified as Category C, would be required for removal to facilitate this.
17. The appellant has also stated that some of H8 has become damaged due to being situated behind hoarding for some time. Based on the evidence before me and my observations on site, I agree that the merits of the specimen itself would not

warrant the restriction of its removal. Nevertheless, it still contributes to the verdant frontage, which is an essential characteristic of the area, as previously described. As such, in order to justify its partial removal, there must be appropriate replacement planting.

18. Whilst the appellant contends that the already approved planting along the site frontage would mitigate the required removals to H8, the AIA technical note does not provide any assessment as to how the sliding gate would affect the approved landscaping. Without addressing the impact of the gate on the proposed landscaping, the evidence does not demonstrate that the proposed gate would not put the health and longevity of the landscaping at risk. As such, it follows that I have insufficient information to conclude that the verdant frontage would not be damaged by the proposal.
19. In relation to the proposed car barn, it would be located in front of a eucalyptus tree (T11), identified as a Category C tree. The appellant has however stated that a further tree survey was subsequently undertaken that confirmed that the tree is a standing dead specimen. I have not been provided with a copy of this survey. On my visit I observed that this tree was leaning towards the boundary with No 10 and had no leaves on its branches.
20. In any case, the evidence demonstrates that the proposed car barn would be located outside of the root protection area of T11 and that a non-permeable membrane could be used on any concrete casting in proximity to the tree to ensure that the alkaline content of the cement does not cause burns to the roots or affect the pH of the soil. The evidence demonstrates satisfactory that, notwithstanding the status of T11, the proposal would not cause any adverse effects on this tree. It therefore follows that I do not find that the proposed car barn would cause harm to the eucalyptus tree.
21. Furthermore, the garage and associated construction works would require additional pruning to the corner of H8 and to the side boundary cypress and yew hedge (H9), identified as Category C. However, the evidence shows that the pruning would be internal and would not exceed works expected with the standard regular maintenance of the hedgerow. The evidence therefore satisfactorily demonstrates that the proposed car barn would not have an adverse effect on the nearby hedges.
22. Whilst I have found that the effects of the proposed car barn on the surrounding trees and hedges would be acceptable, the evidence does not demonstrate that the proposed sliding gate would not adversely affect the health and longevity of the frontage landscaping which is required to mitigate for the partial removal of H8.
23. The development would therefore conflict with Policy DM6 of the DMP. This policy, amongst other matters, seeks to ensure that development does not result in loss of, or damage to, trees and hedgerows that are, or are capable of, making a significant contribution to the character or amenity of the area.

Living conditions

24. No 10 comprises a large, detached dwelling set adjacent to the appeal site. The proposed car barn would be set mostly ahead of the front building line of No 10 and would be predominantly adjacent to the driveway of the neighbouring property. The

ground levels mildly decline between the appeal site and No 10 meaning the proposal would be set above the ground level of the adjacent neighbour.

25. Whilst the frontages of most plots are open from built form, the appeal proposal would situate a large building within very close proximity to the shared boundary of No 10, for the entire depth of the driveway. The proposal would introduce an incongruous relationship within the area between neighbouring plots. As such, the length and position of the car barn, along with the moderately higher ground levels of the appeal site, would have an enclosing and overbearing effect on the side boundary of No 10 which would result in harm to the outlook to its occupiers. However, as this effect would be on the driveway rather than a primary living space, the resulting harm to living conditions of the occupiers of No 10 would be moderate.
26. No 10 contains three side facing ground floor windows. The evidence shows that the rear-most window serves a kitchen breakfast room, whilst the other two serve non-habitable rooms. The parties have referred to the 45 degree test as set out in the Elmbridge Design Code (2024) and the appellant has provided a drawing which demonstrates that, when measured from the kitchen breakfast room there would be a slight conflict with the test. However, conflict with the test does not necessarily mean there is a materially harmful loss of light as this is dependent on the site specific circumstances.
27. Due to the close proximity of the ground floor side windows of No 10 with the existing boundary, the daylight and sunlight that the rooms receive through these windows are already interfered with by the boundary treatment. In these circumstances, the proposal would not result in any material loss of daylight or sunlight compared to the existing situation.
28. In relation to the first-floor side facing window, given its height above the proposal, the development would not result in any material impact on the daylight and sunlight this room receives.
29. Whilst I have found that the development would not cause a loss of daylight or sunlight, the proposal would cause an enclosing and overbearing effect which would harm the outlook and living conditions of the occupiers of No 10. The proposal would therefore conflict with Policy DM2 of the DMP. This policy, amongst other matters, seeks to ensure that the amenity of adjoining occupiers is protected by ensuring proposals are designed to offer an appropriate outlook.

Other Matters

30. The appellant contends the proposal would provide benefits to the occupiers of No 10 through the car barn offering some noise insulation from the cars parked at the appeal site. However, it has not been demonstrated that the consented situation would result in a materially adverse effect on this neighbour, nor has the level of noise insulation been quantified. In these circumstances, this matter carries very limited positive weight which would not outweigh the harms that I have identified.

Conclusion

31. The proposal conflicts with the development plan as a whole 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, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR