

Our ref: AP047178  
Your ref: 2022/3796

24th February 2023

Clare Adamson  
Civic Centre  
High Street  
Esher  
KT10 9SD

Brown & Co Office

5 Oakwood Road  
Lincoln  
Doddington Road  
LN6 3LH

T 01522 457800  
W brown-co.com

Dear Clare Adamson

**Re: Objection to planning application 2022/3796 ‘Development of 2 detached blocks comprising 33 flats with new vehicular access, associated parking, cycle storage, refuse storage and amenity areas with hard and soft landscaping, and associated engineering and infrastructure works, following demolition of existing houses’.**

This letter writes to **object** to the above application, on behalf 20 Oatlands Drive, Weybridge.

The reasons for objection are the following: -

1. Overdevelopment and Adverse Impact on the Character and Heritage of the Area
2. Scale, Form, Appearance and Design
3. Residential Amenity
4. Highways Impact

The application proposed is for 2no. detached blocks comprising 33 flats. The application follows an adjacent application at 8-14 Oatlands Drive for 51 Flats (2020/3223), which was refused by Elmbridge Borough Council but overturned at appeal. There is another application at 4-6 Oatlands Drive for a further 27 flats (2022/2118), however it is understood that the applicant has chosen for the application to be determined by PINS, rather than wait for the application to be determined by the Council. Therefore, whilst this application (2022/3796) is for 33 flats individually, when taken as a whole, there is an accumulative potential of 111 flats across the extant permission and the two live applications in this location on Oatlands Drive. The application address is 16 Oatlands Drive, however the site area also covers 18 Oatlands Drive, directly abutting 20 Oatlands Drive.

#### **Overdevelopment and Adverse Impact on the Character of the Area and Heritage of the Area**

Policy CS1 (Spatial Strategy) of the Elmbridge Core Strategy (2011) states that *“all new developments must be high quality, well designed and locally distinctive. They should be sensitive to the character and quality of the area, respecting environmental and historic assets and, where appropriate, introduce innovative contemporary designs that can positively improve local character”*. The importance of maintaining an area’s prevailing character and setting is also apparent in the National Planning Policy Framework (NPPF), highlighting the importance of understanding the character and then enabling development to maintain it. It is therefore considered imperative that the historic and current character is considered to be a major material consideration in the determination of any application.

#### Historic Character of Oatlands Drive

Historic Maps evidence a linear pattern of development along the western side of Oatlands Drive in the location of this application, dating back to at least 1872. 19<sup>th</sup> Century maps show fewer dwellings along Oatlands Drive than the modern day, however the principle of linear detached dwellings was established with a strong build line fronting the road. Over time, this linear pattern of residential development fronting Oatlands Drive has been reaffirmed via infill development

between the dwellings, reinforcing the strong pattern of linear development parallel with the road. By 1935, the build line was established with a solid line of development extending from the Bridge Street/Oatlands Drive junction to the footpath to the Engine River. The character of the road is and historically has been, since development started to form, individual detached dwellings fronting the road with deep gardens backing onto the Engine River.

Further south along Oatlands Drive are pockets of 'backland' development with 'flatted apartments', however to the north of the road, the strong prevailing character and vernacular comprises detached dwellinghouses with deep gardens. This similar character is also present at Ashley Close, Tower Grove and The Mount.

#### 8-14 Oatlands Drive Appeal

As mentioned, in June 2021 a Planning Inspector overturned an appeal at 8-14 Oatlands Drive for 51 apartments in place of 4 detached properties. Elmbridge Council themselves within their original refusal considered the application to be dominant and out of keeping and would therefore have an adverse impact on the character and appearance of the area. The Council also acknowledged that there were examples of flat roofed buildings located elsewhere within Weybridge, but concluded to say that each application is assessed on its own merits and the existing were within a different setting, and therefore not relevant precedents.

#### Analysis of 2022/3796

Whilst it is accepted that the adjacent appeal has been granted, the Council had previously refused the application and the Inspector made the judgement solely on the merits of the individual application at the time of writing. Taking into account Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application at 16 Oatlands Drive is to be adjudged on its own merits. The application proposes two blocks of flats in tandem, against the grain of the established strong built line, extending into rear garden space and imposing a much larger scale and mass of building. There would be unequivocal change to the character of the area and this would impose a collective imposition, alongside 8-14 Oatlands Drive and potentially 4-6 Oatlands Drive.

Focusing on the policy considerations of Policy CS1, new development should be sensitive to the character and quality of the area and must positively improve local character. Whilst the neighbouring site has been granted, the predominant prevailing character of the area still predominantly comprises of detached linear dwellings and the decision of the adjacent appeal, when taken in isolation, does not override the predominant historic and current character. The harm of this type of development has already been highlighted by Elmbridge Borough Council previously. Therefore, the appeal should not set an absolute precedent for further ongoing development, especially when the multiple developments have the potential to impose serious cumulative harm on the character of the area. Policy CS1 specifically refers to respecting historic assets, and whilst there are no designated heritage assets to the west of Oatlands Drive, the linear pattern of development has been the prevailing character for excess of 150 years and this historic prevailing character should not be overlooked.

Policy CS1 requires new development to 'positively improve' the local character. It is not considered that further blocks of flats in this location would create any improvement given the juxtaposition and contrast away from the prevailing vernacular of the area. It is considered that this type of development would further erode the prevailing vernacular, adversely impacting upon the character, as opposed to, 'positively improving'. The syntax of policy is paramount to decision making, and it is stressed that the requirement to positively improve wouldn't have been adopted if it wasn't required to be enforced. It is not understood how an application of apartment blocks, in an area of predominantly detached dwellings would provide any positive enhancement.

It is recognised that the National Planning Policy Framework (NPPF) seeks to make more efficient and effective use of land, and where appropriate, this is supported. However, this does not mean

that every large garden within the Borough should be exploited for intensification of further development, especially in the context of Oatlands Drive which is seeing an over-proliferation of development. It is clear that the application at 8-14 Oatlands was not a 'one off' development, and it is clear from this application (2022/3796) and 4-6 Oatlands Drive (2022/2118) that the applications combined could result in a significant and substantial alteration to the character and setting. It is stressed that if the three applications were brought forward as one, or concurrently, then the impact of 111 flats would have been considered to have inflicted even greater harm and impact to the area. Therefore, whilst each application is required to be determined based on its own merits, application 2022/3796 must take into account the accumulative impact of each application and the impact should be assessed in the 'whole'.

Policy CS17 regards local character, density and design. The policy states that "*new development will be required to deliver high quality and inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape, and heritage assets, and protecting the amenities of those within the area*". Besides increasing the quantum of residential units in this area, there are no perceived benefits of this application in regard to preserving local character. It is understood that the presence of 'flatted' apartment blocks has been previously discussed within the adjacent application, however, this part of Oatlands Drive, until 8-14 was granted at appeal, has been absent of this type of development. Further development which represents a significantly increased scale and mass of incongruent design would not 'integrate sensitively' within the townscape. The townscape of this part of Oatlands Drive, as discussed, is locally distinctive as being of strong linear form, and this pattern is historically locally distinctive being the pattern of development present for over 150 years. It is therefore stressed that the application does not represent itself individually, or accumulatively, as an appropriate sensitive development.

It is considered that this application, alongside 2020/3223 and 2022/2118, would lead to accumulative overdevelopment and harm to Oatlands Drive, which would be contrary to Policy CS1 and CS17 of the Local Plan in that the application would not:

1. Respect the locally distinctive character;
2. Respect the historic pattern of development; and
3. Propose innovative contemporary design that can positively improve the local character

Overall, the application is considered to have an adverse impact on the overall character of the area and it is increasingly concerning that the historic character of Oatlands Drive is being eroded by such development. The perceived benefits of the application are not considered to outweigh the substantial adverse impacts.

### **Housing Delivery and Overdevelopment**

It is understood that the NPPF promotes "an effective use of land", however this paragraph does not take precedence over the other individual parts of the Development Plan or NPPF itself; instead should be one part of the consideration in the planning balance for applications.

The Inspector in the June 2021 appeal makes reference to 'releasing land' to meet housing targets. However since this appeal, Elmbridge have progressed with their emerging Local Plan, and specifically published a 'Land Availability Assessment' in March 2022, which includes various other sites in the Borough, including previously developed land in Weybridge and Walton-on-Thames. This document does not include the land at 16 Oatlands Drive, or any land in the immediate area, therefore suggesting that this area is not prioritised, with other sites of greater preference within the Borough.

As discussed, the pattern of development and character of the development at Oatlands Drive has been, and predominantly still is, single detached dwellings which maintain a strong linear build line, parallel with the road. The large rear gardens themselves are intrinsic of the character of the plots and setting of the area. It is not considered that intensification of garden land, in attempt to be 'efficient' with land and contributing to housing supply provides an outweighing benefit when the development would adversely impact upon the setting of the area without providing any enhancement to the character.

Furthermore, it is not considered that the imposition of 33 flats to help housing supply is of substantial amount to outweigh the harm that the application would inflict, especially when other sites within the Borough are currently being assessed and selected as allocations within the emerging plan. It is considered to be a short-sighted approach to allow for ad-hoc development such as this to increase housing supply which in turn would inflict material harm, rather than plan positively allocating appropriate sites within the Borough to facilitate the required housing supply.

Whilst making 'effective use of land' is understood, it is not a prerequisite to allow for over development and intensification of any land and should not override the decision making, when the application would impose harm on the setting, character and amenity of the area and the surrounding residents. Allowance of an application such as this would leave the Council open to further similar applications which would continue to erode and alter the character and appearance of the area.

### **Scale, Form, Appearance and Design**

Policy DM2 (Design and Amenity) of the Elmbridge Development Management Plan (2015) states that all new development should achieve high quality design, which demonstrates environmental awareness and contributes to climate change mitigation and adaptation. The policy proceeds to outline the attributes which proposals should have regard for the following:-

- Appearance
- Scale
- Mass
- Height
- Levels and topography
- Prevailing pattern of built development
- Separation distances
- Landform
- Layout
- Orientation
- Residential amenity

The prevailing scale, mass and height of Oatlands Drive is of 2-storey detached dwellinghouses. The pattern of development is linear detached dwellinghouses fronting the road. The application would propose tandem apartment blocks, altering the built line of development and proposing a substantial increase in scale, mass and height to the area. The height of the proposed apartment blocks is 2m higher than the existing development and the width of the building is substantially and incongruously larger. Therefore, the mass of the building is inordinately larger than the current development and the existing neighbouring development which would inflict an individual and accumulative overbearing dominance on the streetscene.

In the original refusal at 8-14 Oatlands Drive, the Council considered the design of the apartments to be of poor design and the scale and would be of "*significant mass, bulk and urbanised form*". Whilst that application was overturned at appeal, this viewpoint is still shared and this application at 16 Oatlands Drive will only increase that cumulative harm. The applicant's proposed Street Scene plans demonstrate the accumulative development side-by-side. It is considered that in

mass, size and scale, the buildings individually are incongruous with the surrounding area and demonstrate visual harm to the character of the area.

The harm to the area of the mass, bulk and form of the proposal was discussed during the adjacent appeal, with the Inspector adjudging that in long views the public impact of the building's design, scale, appearance and form would be limited and the impact would be satisfactory in the context of the building's relatively isolated and landscaped setting. Whilst this was the decision of the Inspector at the time, it is stressed that if this application were to be granted alongside the application at 8-14 Oatlands Drive and 4-6 Oatlands Drive, then there would be a significant impact of the visual appearance of the area. The Inspector's viewpoint of the mass and scale of the development at 8-14 was taken independently, at that time of writing with low scale and low-density individual residential dwellings either side of the proposal. However, the applicant is now proposing further large-scale apartment blocks, which when taken as a whole, create a significant individual and accumulative mass and bulk. It is stressed that if all of the applications proposed were granted and developed, then the accumulative impact of the design would not be 'limited' and in fact would inflict a significant visual dominance on the streetscene from Oatlands Drive and from the Engine River footpath.

The disparity between the existing and the proposed is best depicted in the applicants' proposed Street Scene Plans which show the accumulative side-by-side elevation profile of the extant permission and the proposed. It is considered that in mass, size and scale, the buildings individually are incongruous with the surrounding area and demonstrate visual harm to the character of the area.

Policy DM2 clearly requires for development proposals to take account of landform, layout, building orientation and massing with view to also protect the amenity of the adjoining and potential occupiers and users. This proposal, individually and accumulatively, proposes an overbearing and incongruous development. Allowance of further development of this type would continue to set a dangerous precedent for development that would completely change the street scene and present an overbearing design. The application, in conjunction with the 8-14 Oatlands Drive, proposes an entirely different landform, layout and massing to the existing area, and does not respect the existing design of the area.

It is therefore considered that the application is contrary to Policy DM2 and would not result in the creation of high quality and beautiful places which is paramount to 'achieving well-designed places' within the NPPF. Paragraph 130 of the NPPF requires planning decisions to ensure that developments are sympathetic to the local character whilst also establishing and maintaining a strong sense of place. This application does not respect the historic character of the area, whilst also disregarding the historic pattern of development and sense of place.

### **Residential Amenity**

Policy DM2(E) of the Development Management Plan (2015) regards residential amenity and specifically states that *"To protect the amenity of adjoining and potential occupiers and users, development proposals should be designed to offer an appropriate outlook and provide adequate daylight, sunlight and privacy. This is particularly important when considering proposals for windows, external staircases, balconies, raised terraces and roof gardens"*.

The application proposed will raise the ridge height of the development by approximately 2m which will incorporate 6 new openings on the elevation overlooking 20 Oatlands Drive. The elevation drawings propose new doors on the second floor; however it is not clear from the floor plans whether the doors would allow residents access to an external terrace. If so, this significantly increases the amenity considerations on the adjacent neighbouring dwellings. The doors are not proposed to have obscured glazing, and given that the openings are to support residential living

accommodation, it is unlikely that such restriction would be imposed upon the application, The proposition of doors significantly increases the amenity concerns, and the proposal is not considered to protect the amenity of the adjoining landowner and the proposal will directly increase the chance of overlooking directly into the residential amenity space of 20 Oatlands Drive. The doors which overlook are not required to be obscured and allow for complete visual permeability onto the garden of 20 Oatlands Drive. This inflicts a clear adverse impact on the residential amenity of the neighbours' garden land, of whom have a private swimming pool in their amenity area elevating the privacy and amenity concerns. The openings along the southern boundary of the proposed development will also increase chance of light pollution and spillage onto 20 Oatlands Drive, shining down onto the property. This type of backland development, beyond the build line of Oatlands Drive is out of keeping with the character of the area and cannot preserve or enhance the amenity or enjoyment of the existing neighbouring dwellings. Therefore, directly conflicting with policy. The imposition of the significant scale of the building, coupled with the increased overlooking would have an adverse impact on the amenity of the neighbours, create a negative experience for the neighbours and would be contrary to the Policy DM2 of the Development Management Plan.

Notwithstanding the overlooking concerns directly onto the adjoining landowner, the access and parking configuration is also considered to impact negatively. The proposal proposes a private driveway which is situated directly adjacent to the northern elevation of 20 Oatlands Drive. The access provides access to an internal parking courtyard to serve the flats, proposing 32 new parking spaces. It is stressed that this would increase the noise and light pollution directly adjacent to the residential rear garden of 20 Oatlands Drive and would again negatively impact the residential enjoyment of the existing dwellings.

The internal parking courtyard is situated to the rear of 20 Oatlands Drive, parallel with the rear garden amenity land of the neighbouring property and the proposition of 32 car parking spaces presents a substantial increase in traffic movements in and out of the site. The shape of the access road, which kinks left on the approach into the site will present the increase chance of vehicle headlights shining directly into the garden land of 20 Oatlands Drive. As vehicles exit the courtyard, they will be directly perpendicular with the garden land of 20 Oatlands Drive and the swing around the bend as they exit the site will directly shine the headlights of the vehicles into the residential garden land and onto the property of 20 Oatlands Drive, which has openings on it's northern and western elevations. There is also a 'service delivery bay' proposed directly to the north of 20 Oatlands Drive on the access road into the courtyard which increase the risk of various vehicles left stationary, with their engines running at multiple times a day whilst serving the flats.

It is not in keeping with the character of the area to have vehicles manoeuvring behind the build line and principal elevations of the dwellings on Oatlands Drive and the imposition of a car park of 32 vehicles immediately behind the rear elevation of the adjacent neighbouring property gives rise to unacceptable adverse amenity impact. The noise generated from the car park, with potentially up to 32 vehicles utilising the car park at any time, will be of adverse impact to the neighbouring landowner also. The proposed access road is immediately to the north of the side elevation of 20 Oatlands Drive and the noise generated from the vehicles and residents within the courtyard will be audible across into the residential garden land and other surrounding neighbours. There is no preservation or enhancement of amenity proposed by this development and there is clear adverse residential amenity impact upon the neighbouring dwelling.

Policy DM2 clearly states that proposals will protect the amenity of the adjoining landowners, however instead, this development will increase the risk of overlooking impacting the privacy of the immediate landowner and present risk of light pollution and noise pollution generated from both the building and the car park. Therefore, the application is considered to be contrary to Policy DM2. Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into the account the likely effects (including

cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site of the wider area to impacts that could arise from the development. Sub-section (a), (b) and (c) discusses this impact on noise, amenity and light. This application is considered to be contrary to Paragraph 185 due to the following reasons:-

1. The proposed development itself, and cumulatively with the adjacent development, will create a significant increase in noise pollution which will give rise to a significant adverse impact on health and the quality of life;
2. The situation of the buildings and orientation of the car park will have an adverse impact on the residential amenity and recreation of the adjacent landowner. The car park is located directly perpendicular to the garden land of 20 Oatlands Drive and the development will cause harm in relation to increased noise and light pollution
3. Light omitting from vehicles using the car park and from the openings located at approximately 26m AOD will impact negatively on the setting and amenity of 20 Oatlands Drive. Lights from vehicles could occur at any time during the night, given it's a car park to serve the flats, which creates risk of consistent light pollution.

Whilst the principle of residential development is not disputed in this location, the scale, type, mass and design of the proposal is considered to inflict significant adverse amenity onto the neighbouring dwelling and therefore be contrary to Policy DM2 of the Development Plan and the NPPF.

### **Highway Impact**

Oatlands Drive is a heavily trafficked principal distributor road and the proposal increases a substantial increase of traffic movements to the site. Traffic movements would be generated from the residents of the flats and other service and delivery traffic movements that the residents would generate. It is understood that a travel and transport plan has been submitted with the application, however it is stressed that attention should be given to the cumulative impact of transport on Oatlands Drive. Paragraph 111 of the NPPF is clear stating that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.

In the case of this application, in conjunction with the extant permission at 8-14 Oatlands Drive, and the live application at 4-6 Oatlands Drive, there are a total of 111 new flats proposed, all generating new traffic movements along a stretch of road extending to approximately 150 metres. It is stressed that Elmbridge Borough Council take the cumulative highway impact on board, given that the road is already a heavily trafficked road and each individual development will cumulatively contribute to a significant increase in traffic movements.

### **Summary and Concluding Comments**

Overall, it is increasingly concerning that this application has been submitted, in conjunction with 2022/2118 at 4-6 Oatlands Drive, creating a significant imposition of development which is out of keeping with the character, setting, build line, historic pattern and prevailing vernacular of the area. The application also imposes serious residential amenity concerns and a substantial increase in traffic movements. The following outlines and summarises the reason for refusal:-

- **Principle of Development** – Residential development is established in this location, and therefore this is not contested, however, the principle of further blocks of flats is contested given it's incongruity with the prevailing vernacular of the area.
- **Cumulative Development** – It is accepted that the Planning Inspectorate at the time of the adjacent development granted permission on that individual scheme, however what has arisen from this application and 2022/2118, is an over-proliferation of development which is at risk of entirely altering the setting of this area.

- **Design, Scale, Form and Massing** – The design elements of the proposal, individually and cumulatively, would impose a significant overbearing row of flats which would dominate the street scene and townscape from Oatlands Drive and from the Engine River footpath. It is accepted that 8-14 Oatlands Drive was granted on individual merit, however, when taken as a whole, the scale and massing would be of detriment to the prevailing character of the area and erode the historic pattern of development.
- **Historic Impact** – The built form of Oatlands Drive, and the linear pattern of development, has been prevalent for over 150 years and this application would encourage further erosion of the prevailing pattern of development
- **Highways Impact** – It is acknowledged that a Travel Plan has been provided, however, the NPPF is clear that proposals can be refused on cumulative impact on the road network. Oatlands Drive is also a heavily trafficked commuter road, and this application alongside 8-14 Oatlands Drive and 4-6 Oatlands Drive would represent a significant increase in traffic movements
- **Residential Amenity** – The application would impose an overbearing development, to the rear of existing smaller scale dwellinghouses and would introduce window openings overlooking the residential garden land of the neighbouring property. The internal courtyard parking area would increase noise and light pollution. Overall, there is no considered preservation or enhancement to residential amenity and the proposal would result in a detriment to the amenity and enjoyment of the current residents.
- **Effective Use of Land v Adverse Intensification** – The concept of utilising ‘efficient’ use of land is understood, however, it is not considered that, in the planning balance, such intensification should outweigh against the harm of the proposal inflicted by its design, form, massing and amenity. It is not considered that the benefits of the application outweigh against its harm, and therefore should not be considered acceptable.

Overall, when taken individually, and cumulatively with the neighbouring applications, when taken in the planning balance, the application is considered to inflict substantial harm on the design, life quality, character of the area and amenity of the neighbouring occupiers. It is not accepted that effective utilisation of land should outweigh against the harm generated by the development, when it has been highlighted that there are multiple elements of the proposal which are contrary to the Development Plan and National Policy. It is therefore stressed that proposal should be **refused**.