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5 May 2024

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

Dear Sir/Madam

Appeal Reference: APP/W/24/3337473
Planning Application Reference: Elmbridge 2022/3796
Location: 16 – 18 Oatlands Drive

I am aware that my previous objections to this planning application have been forwarded to you by Elmbridge Borough Council. This document seeks to demonstrate that the reasons for refusal are justified, and that planning permission should not be granted as per the lengthy deliberations and subsequent decision by Elmbridge Borough Council's Planning Committee.

2. The Appeal Site - 16 – 18 Oatlands Drive (OD)

The appellant refers to other developments in the 'urban' town centre for comparison. This is misleading, no buildings from Walton Town Centre can be seen from this site and neither can other flatted development further along Oatlands Drive (and these exist within different settings). This site is 'outside of the town centre' and therefore subject to the requirements in CS3.

3. Scale and Mass are out of keeping with the character of the area when viewed from O.D or Cowey Sale

3.1 Development at 8 – 14 Oatlands Drive – Defining the Character of the Area

The appellant insists that the adjacent development at 8 – 14 OD (linked to the same group of developers) *must* be considered part of the existing context and that is part of the emerging character of the area. Further that 8 – 14 'will form part of the established character of the immediate area in which the current proposals at 16–18 Oatlands Drive must be considered'.

However, the Planning Officer in her report (para 55) notes that: '**The approval of development at 8-14 Oatlands Drive has added a new element to the character of the area but cannot be considered to *define* the character.**'

At the Planning Committee (PC), it was considered disingenuous for the appellant to insist that the character be retained based on 8 – 14OD. The prevailing, long established character of this part of OD still predominantly comprises of the pre-existing detached linear single-family dwellings. The decision of the adjacent appeal, when taken in isolation, does not override the predominant historic and current character.

The successful appeal at 8 -14, 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.

3.2 Impact on Street Scene / Building Line

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.

- The proposed blocks would be wider, taller, deeper, and higher than those at the neighbouring development at 8 – 14 OD. I would point out that the density would be **94dph**, against a target of 40 and compared to the current density of 4dph. This is a substantial change.
- The Planning Officer (Para 60, Planning Committee Report) confirms that the increase massing and scale to both proposed blocks **‘would provide a different massing to the neighbouring scheme, while making the blocks appear somewhat more prominent’**.
- To suggest, as the Planning Officer does (P.66) that one additional, bigger block ‘would lessen the impact on the street scene of the development at 8-14 Oatlands Drive’ makes absolutely no sense, and also admits the overbearing impact that 8 – 14 has on the street scene.
- In the Statement of Case (4.10) the Appellant states that ‘the proposals are in keeping with the building line at the adjacent development at 8-14 Oatlands Drive’ and (6.22) ‘the building is set back from the highway and respects the prevailing building line.’ This is simply NOT the case – the Planning Officer (P.57) confirms that the frontage building is **further forward than the elevations at 8 -14, which is already further forward than the consistent building line of all other dwellings on this side of the road.** This factor was a consistent cause for concern at the PC. We must not allow a situation where the established build line continues to creep forward.
- 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. Neither should the negative impact in terms of the cumulative damage to the setting of listed buildings opposite.
- 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. The proposal at 16 – 18 fails to meet these requirements, in fact, it will cause irreversible harm to the character of the area.

4.Design

The NPPF confirms that importance should be attached to the design of the built environment and that development should add overall quality of the area and reflect and respond to the character and identity of. **A development that is not well designed should be refused, especially where it fails to reflect local design policies.**

- The Planning Officer in her Committee Report (P.64) states that the ‘design of the proposal is largely a copy of the neighbouring scheme’, and this, in addition to the fact that ‘the same materials’ are being used should be a reason to approve the

application. Whilst there are similarities in road access layout, this is a completely different design – there are two buildings as opposed to four; part of Block B is underground; there are balconies on all floors at Block B and the buildings will be constructed using yellow brick. This would be COMPLETELY at odds with surrounding dwellings and this factor has not been addressed at all by the Planning Officer.

- 6.51. The appellant maintains that that no harm will result to the character of the area and that the proposals will introduce an attractive, well-designed new building which would enhance the street scene and surrounding landscape. This was not a view held by many of the PC members who did not consider this type of development to be appropriate for this street scene. The building was described as ‘a lump of concrete’ which would negatively impact residents on the other side of the road who would not be able to see open land. There was also significant concern that if 16 – 18 OD goes ahead this will lead to many more tall ‘faceless blocks’ being built, in what is currently a pleasant residential street.
- The appellant includes a CGI of the new street scene (below). This oppressive urban looking rectangular yellow block does not ‘blend in’ or enhance the street scene at all. It is also TOTALLY misleading to suggest that Block A would be similar in height to the neighbouring development at 20 Oatlands Drive.



- There are many parts of the Planning Officer’s report that I find inconsistent with its recommendation to grant planning permission. At the PC meeting it was commented that that the Officer herself had given sufficient reasons to refuse the application. Indeed, the Planning Officer (P.63) confirmed that **“the proposal would not enhance the character of the area or reach the high standards of the Government’s “Build Beauty” notion.**’ At the PC, it was noted, that this understated the situation.
- Reference was made at the PC about the ‘cramped design’ and the built form which would massively dominate this site. The Planning Officer confirmed that the buildings and parking would take up 68% of the total space. Due to the site coverage of the buildings and parking area much of the existing soft planting, shrubs and trees on the site would be removed (including most of the trees) and there would be little space available for a meaningful soft landscaping scheme at ground level. These factors further exacerbate the cramped nature of the appeal proposal.
- Overall, this application will have an adverse impact on the overall character of the area, and it is increasingly concerning that the historic character of Oatlands Drive could be potentially eroded by such development. The perceived benefits of the application are not considered to outweigh the substantial adverse impacts.

5. Impact to the character of the area when viewed from the Engine River

5.1 Engine River - Cowey Sale

- The proposed Block B at 16 – 18, would be highly visible from Walton Bridge, Engine River Pond, Engine River Path and Cowey Sale. It was noted at the PC that Block B, alongside the adjacent dwelling would have an exacerbating, visually hard, dominant, and urbanising impact which would result in loss of character, loss of the rural feel and detract from the rural character of the area and views from Engine River Pond, Engine River Path and Cowey Sale.
- The Planning Officer acknowledged that rear block (B) of this proposal, coupled with those at 8 – 14, would “continue to change the character” of the rural area adjacent to Cowey Sale, which includes Engine River.
- The Planning Inspector when refusing 4 - 6 OD – 2022/2118 - APP/K3605/W/22/3311985 (P.27) found that the rear apartment buildings at 8 – 14 already detracted from the rural character of the path and its setting and she noted that ‘together with the associated loss of trees and soft planting would further expose the approved buildings and collectively the three buildings would be visually hard and dominant’. Further that ‘they would have an uncharacteristic and urbanising impact which would materially detract from the rural character and appearance of the Engine Pond, Engine River Path and Cowey Sale.’ The same would apply if 16 – 18 OD were to be approved.
- At the PC, reference was made to the fact that the Planning Officer’s report had not fully rebutted the negative impact on DM2 – not just from the street scene, but with the cumulative effect on Cowey Sale, the recently reinvigorated Engine Pond and Area of Biodiversity Opportunity.

6. Failure to enhance the existing landscape or integrate with the surrounding Cowey Sale and Engine River.

6.1 Thames Policy Area – Consideration

The site at 16 – 18 falls within the Thames Policy Area, which is under the direction of Policy DM13 (Riverside development and uses) of the Development Management Plan therefore the following must apply:

‘This policy seeks to ensure that new development sympathetically reflect their riverside location and respect the riverside outlook and orientation, protecting and enhancing the individuality and character of the river and its landscape in accordance with the Thames Landscape Strategy, including views and vistas.’

- It is now evident for all to see that the neighbouring development at 8 – 14OD does not respect the riverside location nor enhance the individuality and character of the river and landscape. Adding another block to this would exacerbate the overbearing impact of these developments together by creating a hard, dominant, urbanising effect which will negatively impact the vista and riverside setting.

6.2 Cowey Sale – Greenbelt, Biodiversity Opportunity Area

- The Planning Officer (P.93) includes comments from the appeal Inspector at 4 – 6 OD ‘Collectively the proposal and the approved development on the adjoining site would have the potential to have a negative impact on the adjacent Biodiversity Opportunity Area (BIO). This is due to the proximity of the rear buildings to the BIO

and Engine River Pond and associated loss of sunlight, light pollution, and loss of vegetation.’

- Several Councillors at the PC referred to the very significant and MAIN objection from Elmbridge’s Countryside Estates Officer which cited multiple reasons why the application should be refused - negative impact on trees, increases water run off speed putting pressure on the Engine River; likelihood of pollution; direct and detrimental effect on sunlight levels reaching the pond and vegetation; detrimental effect on small mammals due to disturbance by light, noise and movement of people in the dwellings.
- It is difficult to comprehend why the Planning Officer dismissed this objection, indeed her report gives scant regard to the negative impact this development would have on biodiversity and this protected area of greenbelt. At the PC it was of great concern to Councillors that most of the trees would be removed from this site, given that it takes at least 25 years to grow new trees, proving even more difficult with the impact of Climate Change. The parallel was also drawn with the fact that Elmbridge Council had planted thousands of trees.
- Whilst this application was refused by Elmbridge’s Planning Committee on the grounds that it would conflict with policy DM6 of the Development Management Plan, I would argue that it also conflicts with DM21 and CS15.

7. Appeal Scheme Proposals

- The appellant (4.8) confirms that ‘the surrounding the proposed buildings will be enhanced via sensitive landscaping, including new tree planting and enhancements to the site’s biodiversity. At present, the front of the two plots is almost entirely covered by hardstanding, with tall solid brick boundary walls. This creates a hard edge to the urban environment. The proposed scheme incorporates soft landscaping to improve the existing situation, softening it and adding urban greening.’
- This form of misrepresentation by the Appellant is simply not acceptable. The description of the ‘urban’ front gardens at 16 – 18 is totally misleading and a site visit will confirm that, as with other parts of Oatlands Drive, 16 to 18 have established verdant front gardens with an abundance of vegetation, providing natural and sympathetic screening, with the tree cover making a significant and positive contribution to the visual amenity and verdant character of the area and street scene.
- It is tragically ironic that the neighbouring development at 8 - 14 (linked to the same group of developers) has been stripped of trees and vegetation, leaving precious little opportunity for biodiversity. It is of significant note that the vocal birdsong which is ever prevalent in the gardens of the houses at this part of Oatlands Drive is sadly absent when you pass 8 – 14 OD. This is not surprising given the removal of so many trees and failure to deliver what was set out in the detailed Planting/Landscape Plans. Residents are concerned that if approved, the gardens at 16 – 18 OD will be obliterated, leaving precious little amenity space for residents and a graveyard of biodiversity.



Verdant street scene at this section of OD,
pre 8 – 14 development



Current development at 8 – 14 OD

8. Biodiversity Net Gain Assessment (BNG)

We continue to question the accuracy of the BNG assessment. Firstly, several versions were submitted due to various omissions and secondly the BNG is supposedly met due predominantly to the inclusion of green roofs. No details have been given about the green roofs, which given their significance in contributing to the 10% net gain is completely unacceptable. Furthermore, in the latest site context plans in the appellant's statement of case (figure 2.2) show no green roofs at all!

Even at the PC, the appellant's representative was unable to give any details. The fact that they will be coupled with solar panels raises serious questions about the effectiveness of these roofs in terms of their contribution to biodiversity, and how will they be accessed/maintained. These gardens attract deer, slow-worms, foxes, amphibians. How many of these will be able to access these so-called green roofs?

Questions were raised at the PC about an important mature boundary hedge between 18 and 20 OD which is approximately 20m long, 4m high and 2m deep and it is the home to a wide variety of species. Residents asked the Planning Officer to protect the hedge in conditions, but this was not done. Councillors at the PC re-iterated this request and asked for it to be protected by condition. In the unfortunate event that this appeal is successful, we would respectfully ask that a condition be included to protect this substantial hedge in its current proportions.



Figure 2.2 Proposed Site Context Plan

9. Flooding Impact

Block B is located on the edge of flood zone (3B). The Inspector at 4 – 6 OD deemed that development to be inappropriate in such an area of high-risk flooding and therefore the tilted balance was not applicable. She said that flood risk mapping is not an exact science, and the extent of flood risk could be greater. There is no doubt that the Climate Change AEP

flood zones would project up to and/or close to the windows/balconies of the basement level apartments in Block B. The removal of trees plus 68% hardscaping coverage will further exacerbate the impact of flooding; this cannot be acceptable for future residents of those flats.

Councillors also raised concerns for flooding and pollution run off for the wider area as the Engine River affects Cowey Sale, Engine Pond, Broadwater Lake and ultimately the River Mole and River Thames.

10. Comprehensive Development

The Planning Officer (P.52) confirms that DM4 is relevant to this application. I would dispute this – just because the properties at 8 – 14 and proposed scheme at 16 – 18 are linked by the same group of developers, does not mean that there will be a co-ordinated approach or any advantage to the Borough. In fact, in a rebuttal to the objection by the Countryside Estates Officer (16th March 2023), it is noted:

Secondly, comments made relating to the adjacent development at 8–14 Oatlands Drive, are also irrelevant to the consideration of the current application. That site benefits from planning permission already and there is no relationship between the two development proposals. The current application must be considered on its own merits.

11. Loss of Residential Amenity – Block B

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.’

- At the PC, concerns were raised about lighting issues affecting the north-west facing basement apartments in Block B. These flats sit at a low level and the bedrooms/bathrooms would be underground with no windows or natural light. It was noted by a Councillor that ‘on a dark day, it would be a very gloomy experience to live in one of these 3 flats and we should not be tempting people into this type of living.’ Since I live at 20 Oatlands Drive, I can confirm that the ground to the rear of Block B would be boggy, dank, dark and mosquito ridden, even in Summer.
- The Inspector in respect of 4 – 6 OD stated that during the summer months when the trees are in leaf, there would be a material loss of daylight and evening sunlight. With the canopy of trees behind Block B, the same will apply to 16 – 18 OD. The Inspector was also concerned that due to the poor lighting standards, occupiers of Block B ‘could well apply pressure to have trees removed. The same could apply to 16 – 18 OD. **This would adversely affect the trees and verdant character and appearance of the area, the green infrastructure network and the associated ability to address climate change, air pollution and carbon capture.**
- The appellant is clearly aware of light restrictions which would affect the lower apartments at Block B, as the Landscape Master Plan recommends the introduction of shade tolerant flowers, hedgerows and shrubs.

11.1 Loss of Residential Amenity – 20 Oatlands Drive

The detrimental impact on neighboring properties has not been fully recognized. We would ask you to refer to the comprehensive objections from Brown & Co Consultants, on behalf of 20 Oatlands Drive (24/2/2023) where it is confirmed that the development is contrary to policy DM2 and Paragraph 185 of the NPPF.

‘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.’

Regarding the car park and access road it was noted that:

“It cannot be acceptable, and nor is it in keeping with the character of the area, to have vehicles, including refuse trucks manoeuvring behind the build line and principal elevations of the dwellings on Oatlands Drive. This gives rise to unacceptable adverse amenity impact and compounds road safety issues.”

11.2 Roof Terraces

This application will incorporate 6 new openings on the elevation overlooking 20 Oatlands Drive and residents are concerned that there will be significant privacy issues if they are a) unobscured and b) give rise to openable doors which will provide access to external roof terraces. When the Planning Inspector allowed the development at 8 – 14 on appeal, he ruled that the flat roof areas could not be used as roof terraces without specific permission from the LPA. This was firmly refused by Elmbridge on (PA 2023/0270). Yet despite this, openable, sliding, double balcony doors HAVE been installed on the upper floors giving rise to compliance issues. We would ask that, should this application be approved, specific conditions be added to include the fact that the windows should only be openable above 1.7m to the internal floor of the room to which they serve, and they should not allow for doors, openable or otherwise, or for roof terraces to be allowed.

The Inspector regarding 4 – 6 OD did not make a ruling on roof terraces as part of her objection but made a strong distinction between that site and 8 – 14/16 – 18 OD noting that roof terraces would not be acceptable adjacent to single family homes dwellings.

12. Swept Path Analysis

As indicated in objections, this application was amended to include a new swept path analysis following the addition of 2 extra parking spaces from 32 to 34. The new turning circle for refuse trucks, is extremely tight/even more restricted than in the original plans. The Consultation response from Joint Waste Solutions 8/11/2023 sought confirmation that:

“Adequate turning space should be provided if the vehicle is expected to access the development. For tracking purposes, the dimensions of the current collection vehicles are 10.6 metres long and 3 metres wide. The minimum turning circles are 19.9 metres (kerb to kerb) and 21.6 m (between walls). Please can you confirm that this was the dimensions used.”

- The Planning Officer in the PC Updates sheet notes that JWS had no objection to the amended plans. There is no documentary evidence of this – just a one liner from Savills ‘The swept path in the submitted Transport Statement used a 11.2m. If anyone asks this is stated on the plans. The tracking therefore meets the

requirements set out below.' We find this unacceptable given the potential negative impact a dangerous turning circle could have for residents and workers.

- The overall distance between the 2 buildings is 21.65m. The car park width is less than this but no dimensions provided and are smaller due to the landscaped area next to Block B – an area bounded by a hedge and wall. **It is hard to see how this layout will meet minimum turning requirements.**

13. Lack of Affordable Housing Contributions – Contradictions

The group of developers have failed to provide affordable housing for 8 – 14 OD, 4 – 6 OD and now 16 – 18OD. The PC felt that before developers submit their plans, they must make allowance for affordable housing as this is what the Borough needs. The Planning Officer (P49) stated that it was not viable for a policy compliant contribution to be provided and a late review mechanism was not appropriate as several appeal decisions have not raised this as an issue. It was noted that:

“The SPD is a supplementary document, and it has been set out in multiple recent appeal decisions that review mechanisms must be detailed in the Development Plan to be applied, though a number of appeal decisions have not raised this as an issue.”

The same Planning Officer in her Statement of Case for 4 – 6 OD concluded that:

50. At the time the application would have been determined, the applicant had not submitted a Unilateral Undertaking to secure the LRM. On this basis, the proposal would fail to provide the necessary contribution towards affordable housing, contrary to Policy CS21 and the Developer Contributions SPD. **The residents’ comments that the properties at 8-14 are being marketed significantly higher than shown in the viability assessment are noted and it will be for the Inspector to decide on this matter.**

The Inspector in her appeal determination on 4 – 6 OD concluded that the proposal would fail to make adequate provision for affordable housing and would therefore conflict with CS Policy CS21 and the DC-SPD. The fact that the same Planning Officer applied a different criteria to 16 – 18OD and chose to ignore the findings of the very relevant Appeal decision at 4 – 6 OD shows an inconsistency of approach and is quite frankly unfathomable.

14. Public Consultation

Despite assertions by the appellant, it seems that some residents near to the site were not aware, at the time, of the virtual Public Consultation in November 2022 and have not heard of anyone who participated. As a resident directly affected by the neighbouring scheme, I really would have expected engagement from the developer, however, in absence of this I do not consider that the Appellant fulfilled their responsibilities to consult with the relevant public.

15. Conclusion

As stated by a Councillor who attended the PC on 14th November 2023. **This application is unacceptable on so many grounds.**

Residents have been working for the last four years to fight multiple applications put in by the same group of developers, in order to protect this suburban, leafy, riverside area of Oatlands Drive. This proposal would result in an incongruous, oppressive, and harmful development due to its scale, massing, design, layout and fails to provide a good quality residential environment for future occupiers. It conflicts with major local and national

planning policies, and which will have a long term detrimental and irreversible effect on current and future residents, and a devastating effect on the environment. We urge you to dismiss this appeal.

Mrs Sharon Finch