

17 Oatlands Drive  
Weybridge  
Surrey KT13 9LZ

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

1<sup>ST</sup> May 2024

Dear Sir / Madam,

**Appeal reference:** APP/W/24/3337473  
**Planning reference:** 2022 / 3796 Elmbridge BC  
**Location:** 16-18 Oatlands Drive, Weybridge, KT13 9JL

**“WE ARE ACTUALLY DESTROYING WHERE WE LIVE”**

This short sentence expresses exactly my views on this planning application and the main reason for my very strong objections to it. The words were spoken by one of the councillors on the Elmbridge Planning Committee during the meeting in November 2023, when she and 8 other committee members voted to refuse planning permission, overturning the Planning Officer’s recommendation.

All the representations on the application have now been forwarded to you by Elmbridge Council therefore I see no need, in general terms, to repeat the matters already covered in my 9 written representations, submitted between February and November 2023. Some of these were submitted jointly with other neighbours who feel equally strongly about the damage the proposed development would cause to this part of Elmbridge. I now wish to reconfirm my objections to all those issues, highlight some of them and add some other comments:

**Impact on the street scene in Oatlands Drive and the character of the area:**

In the Appellant’s Appeal Statement much emphasis is placed upon the existence of other blocks of flats further along the northern side of Oatlands Drive. Indeed, many pages are dedicated to photographs of these blocks and their settings. The underlying argument used by the Appellant appears to be that, because of the existence of these blocks and the new development permitted in 2021 at nos. 8-14, the principle of further flatted development should be prioritised at the expense of the existing detached family homes. I fundamentally disagree with this line of argument and find totally wrong, even insulting, its assumption that long-established family homes – indeed entire characterful neighbourhoods - should be sacrificed to make way for endless blocks of flats on the sole pretext of meeting housing

targets. This approach makes a mockery of the high standards for new development that the planning system aims to achieve.

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Notwithstanding the above, there are very great differences between the flatted developments further towards Weybridge and the proposed site at 16-18. The developments highlighted by the Appellant all stand further back from Oatlands Drive than the proposed front block at 16-18 and all respect the established building line. All are far less cramped in their settings (the maximum being 41 dph compared with 94.29 here) and all have very deep, extensive rear gardens that provide plenty of amenity space for their residents as well as a substantial green buffer between the buildings and the public open space that leads to the River Thames. Moreover, none of them are situated anywhere near this public open space whereas the proposed rear block at 16-18 would loom just a few metres from a public recreational area. The deep rear gardens of the individual properties from no. 4 Oatlands Drive along as far as the Chaseley Court flats (apart from 8-14 where development was unfortunately permitted) also provide a valuable and substantial green buffer between the detached properties and the open space of Cowey Sale.

There are many parts of the Planning Officer's report that I find inconsistent with its recommendation to grant planning permission. For example, paragraph 58 states:

***"The existing character of this northern end of Oatlands Drive is largely made up of single residential units in reasonable plots, set back from the road with good separation distances between plots. 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."***

Paragraph 66 continues:

***"It is still considered that the proposal would not enhance the character of the area or reach the high standards of the Governments 'Build Beauty' notion. Nonetheless, the neighbouring development has been granted and is a material consideration for the design of developments nearby. This development could be considered to exacerbate the overall impact of both developments and therefore harm the character of the area. It could also be considered that one additional block, as would appear in the street-scene, would lessen the impact on the street-scene of the development at 8-14 Oatlands Drive."***

This paragraph is really shocking because the Planning Officer lists several clear reasons for refusing the application at 16-18 yet later proceeds to ignore all of them by reaching the opposite conclusion. The underlined aspects should have been afforded far more weight in the final decision, however the suggestion that the addition of another large block on the adjacent site would lessen the impact on the street-scene of the development at 8-14 is truly beyond the pale. In fact, the opposite would happen, i.e. the impact of 8-14 on the street scene would be made even worse due to the removal of trees and hedging between 8-14 and no. 16.

I maintain that the prevailing character of this section of Oatlands Drive remains as quoted in the first sentence of paragraph 58 above. Residents were assured by the Planning

Inspector who allowed the appeal on the site at 8-14 that the new development would fit in with the “rhythm” of the existing street-scene but one can see this is actually not the case. Now the prospect of another similar development on the adjacent site at 16-18 that would stand even

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further forward of the long-established (detached single properties’) building line fills local residents with dismay. Another block of flats would lead to further change of character in the area; that in turn would lead to another block (developers always quote precedent for their next project), then another, until all the individual homes along this road have been destroyed.

That is what is meant by “destroying where we live” and it is totally wrong, especially when the area to be destroyed is so visually attractive, green and an exceptional haven for our treasured wildlife.

### **Tilted Balance:**

As I understand it, the new Draft Local Plan for Elmbridge is currently proceeding through its final stages before being adopted. This potentially changes the arguments surrounding the “Tilted Balance” issue and I would therefore like to comment as follows:

The Appellant acknowledges (SoC paras 5.18 and 5.19) that the current requirement is for Elmbridge Borough Council to demonstrate a four-year housing land supply with no buffer. The Appellant then argues at length, in paras 5.11 to 5.29 and again in paras 6.4 to 6.6, 6.52 and 8.4 that the Council does not have a four-year housing land supply so that the “tilted balance” in para 11(d) of the NPPF applies. I would disagree with this.

In the first place, the Appellant refers to the figure of 3.81 years in the latest Annual Monitoring Report for 2022-2023 (“AMR” - their Appendix 3) as being below the required level. I note, however, that this figure is calculated (at Table 29 in the AMR) including a 20% buffer which is not now required. Once the buffer is excluded from the calculation, the figure of 3.81 appears to me to increase to 4.56 years.

The Appellant also seeks to recompute the Council’s housing land supply numbers. However, I refer to the following comments made in the Elmbridge Borough Council Committee Report dated 4<sup>th</sup> March 2024 in planning application Ref 2022/1272 ( paras 41 and 42) which describe what I understand to be the correct calculation methodology (per the latest Planning Guidance) and also include the most up-to-date numbers:

***“41. The Council has prepared a new Local Plan, which was submitted to the Secretary of State for Examination on 10 August 2023. Thus, the four-year housing land supply (4YHLS) requirement is applicable in line with paragraph 226 of the NPPF 2023. The PPG revisions published on 5 February 2024 confirm the 4YHLS should consist of deliverable housing sites demonstrated against the authority’s five-year housing land supply requirement, including the appropriate buffer (where applicable). As per the requirements of paragraph 79 of the revised NPPF 2023, the Council does not have to include a buffer as the Housing Delivery***

**Test results 2022 published on 19/02/2023 identified that the Council only needs to prepare an Action Plan.**

**42. Taking the above into account and using the data from the Land Availability Assessment 2023 published on 09/02/2024 , the Council's 4YHLS is 4.32 years. The most important policies for the determination of the application are considered to be up to date. Therefore, the tilted balance under paragraph 11(d) of the NPPF is not engaged in this instance."**

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The Procedural Guide to Planning Appeals on the gov.uk website states under section 7.3.2 that **"the Inspector will take account of.....any relevant legislation and policies including changes to legislation, any new government policy or guidance and any new or emerging development plan policies since the LPA's decision was issued."** Therefore, on the basis of the above, I believe that the Appellant's conclusion that the tilted balance is engaged in the current case is incorrect.

### **Impact on the public open space of Cowey Sale to the rear of the site:**

The negative impact that the proposed rear block would have on the adjacent wooded area and public open space behind the site is perhaps the most troubling aspect of this application. This impact would be so severe that it would be irreversibly devastating on the whole area.

It is indeed hard to comprehend why the Planning Officer's report dismisses the objection dated 15 March 2023 from Elmbridge's own Countryside Estates Officer, which cited multiple reasons why the application should be refused, namely: threat to habitats that form part of the adjacent Biodiversity Opportunity Area, which should be protected / detrimental effect on sunlight levels reaching the pond and vegetation due to the size, bulk and elevation of the proposed block so close to the site boundary / disturbance to wildlife in the area through artificial light spill, noise and movement of people / threat to trees within the application area / drainage issues that would negatively impact the Engine River and Pond.

The application was refused by Elmbridge's Planning Committee on the grounds that it would conflict with policy DM2 of the Development Management Plan 2015 and the NPPF. Additionally, I would argue that it conflicts with policy DM12 which states:

**"Development within or affecting the setting of a conservation area, including views in or out, should preserve or enhance the character and appearance of the area, taking account of the streetscape, plot and frontage sizes, materials and relationships between existing buildings and spaces. Open spaces, trees and other hard and soft landscape features important to the character or appearance of the area should be retained or be in keeping with the character of the area "**

The Planning Officer commented in paragraph 61 of their report:

**" during the application for 8-14 Oatlands Drive (2020/3223), concern was raised about the impact on the development on views from the Engine River area and Cowey Sale. The**

***Inspector commented that the rear buildings would be prominent in views for the footpath along the Engine River but not from other locations across Cowey Sale. The Inspector further commented in paragraph 28 that the rear buildings would be “set back far enough from the Engine River to allow for a landscaped buffer or retained trees and supplementary planting to enhance the appearance of the development.”***

It is now evident that the Inspector’s opinion about the impact of the development at 8-14 Oatlands Drive was overly optimistic, indeed sadly incorrect. The 4 huge blocks now dominate the scene from the public footpath along the Engine River, are also very prominent when

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viewed from nearby parts of Cowey Sale and are immediately visible when coming over Walton Bridge from the Spelthorne side of the river. The proposed rear block at 16-18 would increase this negative impact on the public open space behind the site because of its size and bulk and because it would be situated even closer to the rear boundary than the rear blocks at 8-14. In fact, it is just a few metres from the boarded walkway area on the public footpath behind the site to the site’s boundary, so anyone standing there would be looking straight at a huge, dominating building. Contrary to the assertions by the Appellant that the building would be screened by retained trees and natural vegetation, the reality is entirely different as will be confirmed by a site visit. To this comment I would add that a) almost all the natural vegetation is deciduous and therefore would provide no screening whatsoever during the winter months and b) the CGI figure 4.4 in the Appeal Statement of the rear amenity area is a fantasy creation which bears no relation to the reality of this water-logged part of the site.

The Inspector who dismissed the appeal at nos. 4-6 Oatlands Drive commented at length on the impact of that proposed development on the area behind the site. Again, the proposal was for a development in 2 blocks, one fronting Oatlands Drive and the other set behind it fronting the Engine River Pond. The Inspector found that:

***“.....due to its combined height, depth, mass and proximity to the side boundary the proposed rear building would be prominent in the street scene. It would have an urbanising impact on the adjacent parkland and its treed setting. From the Engine River path the rear apartment buildings on the adjacent site are clearly visible and do detract from the rural character of the path and its setting\*\*. However, these buildings are contained by the mature planting on either side, which provide good screening and help soften their appearance. Block B, 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. They would have an uncharacteristic and urbanising impact which would materially detract from the rural character and appearance of Engine River pond, Engine River path and Cowey Sale. The use of the proposed rear terrace would exacerbate the developments urbanising impact for users of the path. Overall, the proposal would cause significant and unacceptable harm to the character and appearance of the street scene and its treed parkland setting. In view of the nature and extent of this harm it is not a matter that could be adequately dealt with by the imposition of conditions.”***

(\*\* this contrasts with the decision of the Inspector who allowed the appeal at 8-14 that ***“the proposal would not be harmful to either the ‘tranquil nature’ of the Engine River in close views or to the River Thames environs in longer views towards the site. The rear buildings would be of acceptable appearance in the context of the site even in hours of darkness when windows may be illuminated. The proposals would not have an overbearing impact on Cowey Sale”.*** )

Although these comments relate to 4-6, several of them are nevertheless applicable also to the proposals for 16-18, especially those that are underlined. The message from this is very clear, i.e. damage has already been caused by the development at 8-14 so further development in this location should not be permitted because of its negative impact on the adjacent conservation areas.

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### **Biodiversity Net Gain (BNG):**

The planning requirement recently introduced by the government that all new developments must demonstrate a BNG of at least 10%, whilst entirely laudable and desirable in its aims, appears to have opened the door to some spurious tactics from developers. Ticking the correct boxes to achieve the required 10% BNG is clearly particularly challenging on verdant, mature residential garden sites such as those at 16-18 Oatlands Drive and it is my view that the BNG statistics submitted in connection with this planning application lack credibility.

As you will observe when you visit the site, these are 2 particularly lovely, mature gardens that provide an outstandingly favourable habitat for biodiversity. The assertion that the BNG would be increased by 10% after those gardens are covered almost entirely by 2 huge blocks of flats with associated car park hardscaping and precious little amenity space around them is challenged by the reality. Even if it were a credible claim, achievement of the 10% BNG figure is largely dependent here on the installation of “green roofs”, yet the plans provide no details for these roofs, let alone explain how they would maintain the 10% BNG in perpetuity. In fact, the Proposed Site Roof Plan drawing MA212255 P10 and also figure 2.2 in the Appeal Statement seem to show solar panels, not green roofs at all!

One further observation is that the Appeal Statement falsely claims ***“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.”*** Firstly, there is no brick wall at no. 16 and both gardens have substantial landscaping, in fact no. 16 is especially green and leafy. Secondly, this is not an urban environment, it is SUBURBAN. This form of misrepresentation by the Appellant is simply not acceptable.

### **Sequential Test:**

Despite the confirmation in the Planning Officer’s report that the sequential test has been passed, I maintain the view that this result is misleading due to the high density proposed here. 94.29 dph represents a very cramped site and is a proposal for dense urbanisation which does not conform with accepted planning policy in most residential areas of

Elmbridge. It does not reflect the situation on other available sites in the borough and therefore effectively skews the test results. Additionally I would point out that, despite 8-14 being granted planning permission on appeal, the site at 16-18 never appeared on the council's list of potential development sites.

### **Upper floor side-facing windows on both blocks:**

Following my representation about these windows, submitted on 7 November 2023, the Planning Officer issued an Update Sheet to the members of the Planning Committee for their meeting on 14 November, when this application was due to be determined. The Updates Sheet amended the Planning Officer's report in respect of paragraphs 75 and 82 as follows:

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***“Paragraph 75 - It is stated that the plans named state that the side facing windows would be obscurely glazed. This was the case on the previous issue of the plans but not the most recent issue. If the application were granted, condition 4 would require the windows to be obscurely glazed. Paragraph 82 states that all rooms would have a source of light and ventilation. After the amended plans, 4 second bedrooms would not have an openable window.”***

This last sentence confirms that 4 habitable rooms in the development would have no source of ventilation at all, which cannot accord with planning regulations.

### **Analysis of the new development at 8-14 Oatlands Drive, to which the Appellant makes multiple comparative references in the Appeal Statement:**

(Firstly it should be noted that the sites at 8-14 and 16-18 are linked to the same group of developers.)

When the Inspector allowed the appeal on PA 2020/3223 at 8-14 Oatlands Drive he stated that: ***“The buildings would have a balanced and well-articulated design approach that would be attractive in its own right. They would contrast with the hipped pitched roofs to adjacent housing but there are variations in the design of buildings in this part of Oatlands Drive. There would be ample separation to adjacent dwellings and the two buildings would fit it with the rhythm of building blocks and spaces between them in the street scene.”***

As already mentioned on page 5 of this submission, the Inspector also held the view that the rear blocks at 8-14 would not be harmful to the tranquil nature of the Engine River in close views. However, the reality of what has been built on the site at 8-14 is very different from the assurances provided by the developers and the Inspector. The following points summarise the current position as I see it:

- Local opinion overwhelmingly regards this development as an awkward and unsympathetic addition to Oatlands Drive. The 2 front buildings do not fit in with the

rhythm of the street scene and the view of the 2 bulky rear blocks as seen from the street is wholly incongruous, situated as they are amongst much smaller detached properties that have green open gardens at the rear.

- The looming presence of the 2 rear blocks dominates the once-tranquil Engine River Pond and surrounding area and there is almost no screening of vegetation or trees to soften it. The rear of the site is open, bare and poorly finished.
- The “amenity” grassed area beside the Pond is very narrow and slopes steeply towards the water, with no boundary treatment to enhance the landscaping or to act as a safety barrier. There is nothing to prevent residents or animals from falling into the water which is a safety hazard, especially for any residents with children. Also, the steep slope of this grassed area (the result of the change in topography required to shore up the 2 rear blocks) was never portrayed in the design documents or in the marketing material issued by the developers.
- The inadequate landscaping of the site undertaken to date bears little resemblance to what was promised and expected. Trees at the front of the site with TPOs were felled and the replacement planting is all of one species (Magnolia Grandiflora) which will

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never provide any green canopy cover. The trees are all of an ornamental, conical shape which is at odds with the street scene. There appears to be no planting of native

trees commonly found in the surrounding area to soften the dominance of the 4 very large buildings, giving the landscaping a stultifyingly ornamental appearance.

- The boundary treatment between the site and the property at no. 6 is particularly unattractive and devoid of planting. Where trees once stood there is now some minimal hedging, some rather patchwork fencing, a small building that was never detailed in the plans so may have been added without planning permission and some large wire-mesh frames filled with large stones. All most unattractive and unsatisfactory for what has been marketed as a luxury development.
- There is no evidence of the promised bat boxes, bird boxes or other hibernacula that should form part of the claimed BNG. Also, the lawn area does not appear to have been planted with the promised species-rich grass variety. In summary, the landscaping falls far short of what should have been planted as compensation for the loss of habitat in the 4 gardens that were utterly destroyed by this development.
- The construction company building the development at 8-14 (Consero) are currently in breach of planning regulations on 2 major issues which are under investigation by the Elmbridge Compliance team. These issues relate to a) the unsightly lift overruns and smoke shafts on the roofs of all 4 buildings that were added despite EBC refusing planning permission for them and b) the unauthorised sliding balcony doors installed on the uppermost floors that provide access to the flat roof areas despite permission for roof terraces being refused by the government Inspector and by Elmbridge Planning.

In view of all the issues listed here, it is hardly surprising that neither I nor other local residents have any confidence at all that the promises made in the lofty rhetoric of the Appellant to describe the developers’ proposals for 16-18 would ever materialise. We all



anticipate that negative issues that have arisen at 8-14 would be repeated, and compounded, at 16-18.

**I therefore wish to conclude by thanking you for reading this representation and by urging you, please, to dismiss this appeal.**

Yours faithfully,

(Mrs) Rosemary Roach

*Note: As additional information on the 3 applications submitted by this same group of developers in respect of the sites at 4-6, 8-14 and 16-18 Oatlands Drive, I am attaching as an Appendix to this letter a document sent by me and other residents to the members of the Planning Committee on 12.10.23 prior to the meeting when the 16-18 proposals were to be discussed. Also attached as a second Appendix is a document we sent to all Planning Committee members on 13.11.23 in response to some very late amendments submitted at the end of October by the developers. These documents do not appear on the EBC Planning website.*