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Weybridge
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4 May 2024

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

Dear Sir/Madam,

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

I understand that my previous objections submitted to Elmbridge Planning Department will already have been forwarded to you, and I am grateful that you will read these as they still apply.

I would like to add a few comments based on the discussion at the Elmbridge Borough Council (EBC) planning committee meeting and the subsequent Appellant's Statement of Case.

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Financials

The Appellant has suggested that this development will not be generate sufficient profit to require a contribution to Affordable Housing. The Planning Officer's (PO's) report confirmed the Applicant would NOT be able to provide affordable housing or be policy compliant by paying the Affordable Housing Contribution.

For a development of this size, there should have been 13 affordable dwellings AND a financial contribution.

This is the 3rd such application by the same set of developers in this section of Oatlands Drive (OD) including 8-14 OD (approved on appeal) and 4-6 OD (denied on appeal). In each case, the developer has suggested with their financial viability assessment that the developments are not financially viable enough to include affordable housing or the payment of contribution in lieu.

It defies belief that the developer would be applying to build 3 major developments, on adjacent sites, based on such a low rate of return.

When the application for the development at 16-18 OD was first made, this coincided with the Consero marketing website appearing for the neighbouring development at 8-14 OD.

The initial application for 8-14 OD had suggested they would be providing much needed entry level flats for families and key workers, meeting the housing need in Elmbridge. In reality they were advertised as luxury apartments, with significantly higher prices and therefore profits for the developers. However the financials submitted by the same group of developers for 16-18 OD, at the same time as 8-14 OD were being marketed for sale, were still using the lower figures.

Table showing the figures used by the developer for 8-14 OD in their application versus the prices they actually marketed them at on their sales website

	FLAT PRICES at 8-14 OATLANDS DRIVE		FLAT PRICES at 16-18 OATLANDS DRIVE
	In application	Advertised for sale	In application
1 bed flats	£275-375k	£350-450k	£410k
2 bed flats	£365-465k	£450-725k	£530-575k
3 beds flat	£620-645k	£725-975k	£600k

As can be seen, the selling prices used to show that the development at 16-18 OD would not be viable for any affordable housing contribution used significantly lower selling prices than the actual selling prices of the development next door.

When I raised this with the council as an objection to the application, the council had their own experts look at the figures. However by then, the sales prices on the Consero website had all been removed and replaced with "Not Released" so they would not have been able to review them. The flats have since been marketed just a few at a time so a full picture of the true profitability has been hidden.

At the time of writing for instance (or while this appeal is under consideration), despite building at 8-14 OD being complete and only 15 of the 51 flats being sold currently, most of the flats still say 'Not Released'. But the ones that are shown for sale include:

4 x 2 bed flats at £440k, £550k, £725k and £725k
1 x 3 bed flat at £750k.

As an example, all the 3 bed top floor flats initially marketed at £975k are currently "Not Released". If these are eventually openly marketed and sold at this price, that would mean an additional £330k profit per flat.

Clearly the developer has built these as luxury-priced flats and is selling them at considerably higher prices than those used to justify no affordable housing or contribution. It is reasonable to assume this is will also the case for the application at 16-18 OD. The only reason the council's financial assessment did not come to this conclusion was because they could not see the prices for 8-14 OD as they had been removed from the website. They had to use average flat prices in the area which do not reflect the riverside, luxury nature of this proposed development.

The conclusion is that the developer stands to make considerably more profit on the development of 16-18 were it approved . The application should be rejected as not meeting the actual housing need in Elmbridge for affordable and entry level housing for young families and key workers.

This appeal should also be rejected as part of the site is designated as 'brown field' which could be used in future for a development that would actually meet these needs and be more appropriate for the area.

Size, Massing and Scale

The proposed development is too large for this site. This is easily seen by the fact that it would encroach too close to the border with Cowey Sale, come forward of the established built line on Oatlands Drive, covers 68% of the site with buildings or hardscaping, and is taller, wider and deeper than even the buildings in the neighbouring site at 8-14 OD, which already dwarf the other buildings on this stretch of Oatlands Drive.

The developer has suggested they are only slightly bigger and slightly forward of the built line, so it will hardly be noticeable, but this is not the case.



The above picture is the proposed Oatlands Drive street scene as provided by the developer.

The first thing to note is that the house at 20 OD is depicted as being taller than the current house at 18 OD and the sides of the proposed building, which is inaccurate and misleading.

Size Comparison of Buildings					
	Distance to pavement	Overall Width	Total Height	Surface area (front of building)	Volume / Massing
16-18 OD	10.998m	30m	10.1m	274.76 m ² *	5962 m ³ **
8-14 OD	12.31m	25.5m	9.5m	224.25 m ² *	4047 m ³ **
20 OD	14.1m	16.5m	7.3m	120 m ² *	n/a

* figures calculated using the measurements on planning applications for each of these buildings

** height used to calculate volumes used an average where building heights differ from front to back, because of land topology

As the above table shows, comparing the dimensions of the buildings in the developers proposed street scene, the proposed building would be 1.3m further forward of the built line of the development at 8-14 OD, and **more than 3m forward of the neighbouring single family home at 20 OD**, which represents the long established built line on this side of the street, so would increase its impact on the street scene dramatically.

Comparing the proposals for 16-18 OD to 20 OD, the building would be:

- 30m wide vs 16.5m (almost twice the width)
- 10.1m high vs 7.3m (almost 3m taller)

When calculating the surface area presented onto OD, using all the different sections' widths and heights for the front of the proposed block A:

- the surface area would be 275m² at 16-18 OD vs 120 m² at 16-18 OD
- so almost 2.5 times as much massing onto the street scene.

As such it would dwarf the neighbouring property and be completely out of proportion and out of keeping with the street scene.

Next, by comparing 16-18 OD to block A at 8-14 OD, the developer has suggested it is only marginally bigger. But in fact it is:

- 0.6m taller
- 4.5m wider
- 2.7m deeper
- 16-18 OD would present a frontage onto OD of 275m² vs 224m² at 8-14 OD, an increase of 23%
- 16-18 OD would present an overall volume increase of 47% vs building A at 8-14 OD.

So in terms of size, the proposals for 16-18 OD would be 3m forward of the established built line at 20 Oatlands Drive, 1.3m forward of 8-14 OD, 4.5m wider and 22% bigger in frontage and 47% bigger in overall massing than the blocks at 8-14 OD.

In a similar manner, the proposed rear building B at 16-18 OD, when viewed from Cowey Sale, would also be approx 1m taller, 6m wider and 3m deeper than the rear buildings at 8-14 OD, and be even more imposing and out of keeping with the rural nature of this riverside location at Cowey Sale.

Design of Building A on Oatlands Drive

As already demonstrated, based on size alone, the proposed building A would be extremely prominent and out of keeping with the street scene, even when compared to the buildings at 8-14 OD.

In addition to the sheer bulk and building line, there are also several issues with the design that would increase its incompatibility with the rest of the street.

8-14 OD before the new development



8-14 OD currently



As can be seen by the above photos, and despite the developer's assurances to the contrary, the new development at 8-14 OD is entirely out of keeping, prominent and dominant in the street scene.

Comparing those buildings with this proposal at 16-18 OD, the design of this new building would also make it more prominent and out of keeping, not just its size.



- The side sections of the buildings at 8-14 OD are white, attempting to disguise the overall width of the building. By comparison, this new building is yellow brick for its full width.
- The building at 8-14 OD uses red brick and white render, which matches the existing houses in the street, especially the listed houses opposite. Conversely, this new design uses yellow brick, which does not appear anywhere else in the vicinity of this site.

- The highest section of the building at 8-14 OD is only one window wide, and uses a triangular, gabled roof to break up the rectangular bulk of the frontage. The design of 16-18 is rectangular, the highest section is 3 windows wide, and it has a much more urban, office-style design.
- No effort has been made to use design techniques to lessen the bulk and massing or to try to fit within the style of this suburban, leafy neighbourhood .

View of 8-14 OD development from Oatlands Drive



- As can be seen in this photograph, the trees in 16-18 OD are the only screening currently for 8-14 OD. If this development were allowed on appeal, not only would it cause damage to the street scene in its own right, it would also increase the damage already made by 8-14 OD, as recognised by the government inspector in refusing the appeal on 4-6 OD.

Design of Building B from Cowey Sale



The same design flaws apply to the rear of building B, when viewed from Cowey Sale.

- It is wider, taller and deeper, with considerably more surface area in view and more massing
- The yellow brick will stand out even more than the red brick and white render, and be more out of keeping
- The building next door has tried to diminish its appearance of bulk by using white at the sides, having only a narrow section at full height and using a gabled roof to break up the hard, urban appearance.
- 16-18 OD proposes yellow brick for the full width, a hard, rectangular roof style, a much wider section at full height. It also has 15 vs 9 of the large, loft-apartment style floor length windows, which add greatly to its urban appearance, completely inappropriate for overlooking this Green Belt area.

Protecting Cowey Sale

Cowey Sale is a Green Belt area within the Thames Policy Area. It contains the Engine River and Engine River pond, designated as an Area of Biodiversity Opportunity, woods and a marsh. So it is home to many different species of flora and fauna, including several protected species like slow worms and bats.

It is an open, green, rural space used by thousands of people throughout the year, from all over Elmbridge and surrounding counties, as well as the wider London area and beyond, because of its rural appearance while still having many amenities such as public bathrooms, a car park, a cafe, ferry, river boat trips and access to the river and Marina. It is Elmbridge's design strategy to maintain green borders to its towns, and Cowey Sale is the entry point to Elmbridge and Surrey from Walton Bridge.

People use this space for relaxation, play groups, sport, family gatherings, special occasions, dog walking and to access the river and marina. There are frequently sporting events here like charity runs and regattas. There is a wide meadow area, surrounded by extensive greenery and trees. From here, until the development at 8-14 OD, it was not possible to see any buildings, adding to the verdant, rural experience.

The Inspector who refused the appeal for 4-6 OD acknowledged the damage already caused to the Engine river and pond by the development at 8-14, and part of her reasons for refusal were based on this and the cumulative effect of adding yet more buildings along this line. She also pointed out the trees in the rear gardens of the properties surrounding 8-14 OD were helping to lessen the damage by providing screening no longer present on the site of 8-14 OD itself. So allowing another adjacent development would also exacerbate this adverse impact.

4-6 OD and 8-14 OD overlook the Engine River pond, and are not directly in line with the Cowey Sale recreational area. Conversely 16-18 OD is directly in line with the meadow of Cowey Sale at a highly prominent area, with a break in the tree line there for a large wooden footbridge that would further expose the proposed development. The current homes are set far back from this area with large mature gardens that blend with the greenery of Cowey Sale, but the new development would be highly prominent and completely alter the rural setting of Cowey Sale.

I politely request that you take a walk into the meadow of Cowey Sale on your site visit to see just how visible 8-14 OD is through the trees, even in summer, to appreciate how much this design for block B at 16-18 OD would urbanise this peaceful recreational area. The trees here are all deciduous, so the views for 7 months of the year from October to April would be considerably more altered. In the early morning and evenings, for joggers and dog walkers, the lights from the flats would also be highly visible and have an urbanising effect.

This same group of developers assured the Inspector on 8-14 OD that the development would merely be glimpsed at intervals through the trees from Walton Bridge and the Engine River path, because of the 'extensive' landscaping, and would not be detrimental to views from these locations or visible at all from Cowey Sale. The opposite has proven to be the case and the development is prominently viewed from Walton Bridge and the Engine River path, and can also be seen to the side of Cowey Sale meadow. The developer has not even followed the approved landscaping plan for 8-14 OD.

The views of 8-14 OD from the Engine River path are stark and urban, causing great damage to this rural Green Belt area. Please do not allow the same to ruin Cowey Sale for the thousands of people who use it each year.

Comments on the Applicant's Statement of Case

Firstly, as an overall comment, the Appellant repeatedly refers to the Inspector's decision in June 2021 which allowed the development at 8-14 Oatlands Drive on appeal.

However the Appellant barely mentions the much more relevant and recent Inspector's decision when refusing the appeal for 4-6 Oatlands Drive in September 2023. The reasons for that refusal are equally relevant here.

- There is more recent guidance from the government regarding giving more weight to the local council's decisions.
- Also, the visual evidence of the harm to the street scene and Green Belt behind caused by 8-14 Oatlands Drive was a decisive factor, when compared to the plans and assurances given when it was proposed.
- The advanced stage of the new Elmbridge Local Plan should also be taken into account.

Specific comments on the Savile's Appeal Statement dated January 2024:

- Page 7, section 2.8 "The Appeal Site : Site Context"



This picture of 8-14 OD, by the same group of developers, is wholly inaccurate, as compared with the photo above (page 6 "8-14 OD currently"). The developer has not followed either the approved landscaping plan or conditions applied when 8-14 OD was approved. The large trees with TPOs to the front have been removed, along with the line of trees between 6 and 8 OD. The only trees providing any significant screening of 8-14 OD are in the front gardens of 16-18 OD. Only 15 of the promised 25 trees have been planted at 8-14 OD and they are all of one type rather than the 8 varieties in the approved planting scheme.

The reality is stark and out of character with the street scene. As such, we have no confidence that the landscaping of 16-18 OD would fit into the street scene either, and will also have the combined effect of worsening the impact of 8-14 OD.

It also shows house number 20 OD as taller than 18 OD, which is untrue and misleading.

- Page 11, sections 2.9 - 2.11 "The Appeal Site : Wider Context"

This point is irrelevant, none of the buildings it refers to can be seen from the site of 16-18 OD. They are all in Walton town centre, whereas Oatlands Drive is a suburban, edge of town leafy green street

- Pages 12-20, section 2.12 "The Appeal Site : Wider Context"

Fig 2.5 shows the wider context of flats further along Oatlands Drive in an attempt to show precedent for the proposals at 16-18 OD. However they show the opposite.

- All of the developments in these examples are set far back from the pavement, between 13.5m and 20m.
- Even the flats with two tier buildings have extensive rear gardens for residents, as can clearly be seen in the Appellant's own photos. This also serves as a buffer for the Green Belt and biodiversity to the rear.
- The ONLY exception to this is 8-14 OD, which was turned down by EBC and only allowed at appeal because of the tilted balance, and assumptions about the impact of the development. The impact assumptions and assurances were a major consideration when allowing that appeal but have since proven to be false (as can be seen on a site visit) and government guidance about overturning council decisions has now changed.
- Tandem development only exists on OD in much larger plots which still allow for huge rear gardens and amenity space, and this is the precedent that should be followed.

- Page 30, section 4.14. "The Appeal Scheme Proposals"

- The section describes a 40m by 14m "generous landscaped amenity space' and has a CGI of a beautiful green garden. However, according to the "Proposed Site Plan" the area will be mostly be between 12m and 13m, with a maximum at the centre of 14m.
- This depth will be further reduced because of the 4 private terraces/balconies on the plan, which have not been given dimensions, but one assumes will be at least 1m.
- The following photograph of the narrow strip of green space to the rear of 8-14 OD is a much more realistic representation.



- This garden at 8-14 OD is 35m wide and 15m deep (showing just the space behind one of the buildings as a reasonable comparison) so is of a similar size to the proposals at 16-18 OD.
 - In fact, the usable space at 16-18 OD would be even less if they include the border hedges and tree plantings shown in the CGI.
 - Because of the topography of the land at the rear of the site, which would be the same at 16-18 OD, the landscaping is at a very steep incline and not suitable for residential amenity.
 - The area behind 16-18 OD is also flooded through the months of October - March and wet and boggy for the remainder of the year, so would not be suitable for recreational use by future residents.
 - It also would be shaded throughout the day by the trees (not included in the CGI from the neighbouring garden), and also from the woods in Cowey Sale because of this area's NW aspect.
- Pages 39/40, section 6.7. "Grounds For Appeal : Reason for Refusal 1"
 - The developer contends these flats will meet one of EBC's most important housing needs for smaller 1-3 bedrooms dwellings.
 - At time of writing, despite being heavily marketed for sale for many months, only 15 of the 51 flats have been sold. Another 10 are marked as 'reserved' which still represents less than half the total 51.
 - This demonstrates that these premium-priced, 'luxury' flats are not meeting the EBC housing need at all. Elmbridge needs affordable, entry level properties for first time buyers, young families and key workers. Therefore the proposal for 16-18 OD do not meet the EBC housing need and are priced to maximise profit to the developer rather than meeting the genuine need for entry level housing in Walton and Weybridge.
 - The development does not make 'efficient' use of the site but represents a huge overdevelopment. This is demonstrated by the lack of any meaningful landscaping at ground level, being 3m ahead of the established built line, and encroaching on Cowey Sale in a highly damaging manner.
 - The 'notable contribution to CIL' is not an argument in favour of this development, as it only serves to pay for the additional infrastructure and services that would be required by future residents.
 - Page 46, section 6.26 / figure 6.3 "Grounds For Appeal : Reason for Refusal 1"
 - This is inaccurate. The house at number 20 is no more than 7.5m high, and it is misleading to minimise the suggested impact of 16-18 OD by making 20 OD seem bigger .

- Pages 49/50, section 6.33 / figure 6.7 “Grounds For Appeal : Reason for Refusal 1”
 - The developer claims this photo, which has been manipulated with CGI, shows the worst case scenario view from Cowey Sale in winter. However it is obviously autumn in this photograph, with most of the leaves clearly visible still on the trees, providing screening for the site.
 - The reality would be much more severe, as can be seen on a site visit by looking at the impact of 8-14 OD, which we were wrongly assured would have minimal impact on the Engine River path and pond and not be visible at all from Cowey Sale or Walton Bridge.
 - The impact would be worse early in the morning or in the evening, especially in winter, when the lights in the flats would be clearly visible.

- Page 50, section 6.35. “Grounds For Appeal : Reason for Refusal 1”
 - This is wholly untrue. The rear of 8-14 OD has trees on both sides of the pond and a large wooded area behind the site. The rear of 16-18 OD has only one line of deciduous trees between it and the Cowey Sale meadow. Most of the trees are inside the current gardens and would be removed. There is also a gap in the trees for the footbridge which would mean the flats would be in full view at this point.
 - Also, while the Engine River Path is used by fewer people, Cowey Sale is used by thousands of people year round, and so the impact would be so much greater.

- Pages 50-52, section 6.36-6.37. “Grounds For Appeal : Reason for Refusal 1”
 - None of the buildings in these photos are anywhere near Cowey Sale.
 - None of them are visible from Cowey Sale
 - They back onto the Broadwater Lake, which is bounded by a public footpath through trees and private land.
 - They have no impact on the public amenity space at Cowey Sale and do not set a precedent for allowing 16-18 OD.
 - The Appellant suggests that “In summary the proposal, on balance, is not considered to result in harm to the character of the area or the street scene”. But the Inspector who refused 4-6 OD found exactly the opposite, that it should be refused because of the clear and demonstrable harm caused to the street scene and green belt area.

- Pages 53-54, section 6.39-6.41. “Grounds For Appeal : Reason for Refusal 2”
 - The building design and proposed landscaping would not enhance, reflect **or** preserve the setting onto Cowey Sale.
 - The rear landscaping, far from being “A pleasant and well landscaped communal garden”, will be a narrow, steep strip of boggy, shaded grass similar to that easily seen at 8-14 OD. **It has already been acknowledged by the Inspector at 4-6 OD that the rear of 8-14 OD has caused harm to the Engine river and path.**

- Again, the Inspector at 4-6 OD also noted that it is only the trees in the neighbouring gardens that are helping to mask the bulk of the 8-14 development, so removing them would cause a cumulative impact that would be even more unacceptable.
- In 6.4, the Appellant intends to remove the current 50m deep, 100 year old gardens containing established trees, shrubs and hedges, and single family homes at the distant front of the plot. The developer proposes to replace these with a narrow 12-14m strip of grass bordered by a 14m high, 33m wide block of yellow flats with urban loft style windows and accompanying light and noise pollution, and a total of 68% ground coverage with building and hardscaping. Somehow the Appellant is contending this will improve the views from Cowey Sale and increase the biodiversity potential by at least 10%. A site visit to look at the impact of 8-14 OD will confirm just how wildly inaccurate this is and the immense damage such a development will permanently do to the public amenity space at the rear and the area's biodiversity.
- The Biodiversity Matrix test was only passed due to the inclusions of 'green roof spaces' on all 4 blocks of flats. It is acknowledged there is little meaningful space at ground level for landscaping given the 68% coverage of the site by buildings and hardscaping. However there are no written details of these roof spaces in any documentation and they are not shown on the landscaping plan. There is no access to the roofs shown to allow for future maintenance of the green space, and it is also covered at the same time by solar panelling, even though the full size of the roofs was included in the biodiversity matrix. Clearly, if there are multiple solar panels on the roofs, only the limited space around them would be available for planting. So a reduced area of green roof space should have been used in the matrix calculations, which might have meant the test would have failed. The speaker for the Appellant, at the planning committee meeting was asked about this and to give more information about the plans for planting and maintenance, but could provide no details at all.

Conclusion

The Appellant's Statement of Case refers to the planning officer (PO) spending a year with the developer considering this application. They imply that this means the PO's recommendation to approve the development should override the decision to refuse it by the Planning Committee. But the PO's report is highly critical of the proposals in many respects and it is difficult to see how they came to the conclusion to recommend it. The members of the Planning Committee have been considering these applications by the same set of developers at 4-18 Oatlands Drive for the last 4 years. They have in-depth knowledge of the area and the proposals, and despite the pressure to deliver homes, have come to the carefully considered opinion that this is not an appropriate development design for this site.

Even if the tilted balance argument is engaged (which we contend it should not be, given the advanced stage of the Elmbridge Local Plan, flood risks, lack of affordable housing contribution and debatable claim of biodiversity net gains) I believe I have clearly demonstrated that the appeal should be refused because :

a) The application of policies in this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, based on protecting the Green Belt and rural public amenity space of Cowey Sale

AND

b) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

The damage to views from Walton Bridge, Cowey Sale, the Engine River and Oatlands Drive outweigh any negligible benefits of this development. The flats proposed are marketed as luxury, high priced apartments, despite the reality that they poorly designed, cramped, and shaded flats with no useable recreational space. They do not meet the genuine EBC need for affordable family and first time buyer homes.

As a site visit to view the street scene on Oatlands Drive and the rural, tranquil nature of the meadow at Cowey Sale will demonstrate, alongside viewing the damaging impact of the development at 8-14 OD, this proposal would do clear and demonstrable harm and should be rejected.

I urge you to follow the example of the Inspector who recently refused the proposals for 4-6 Oatlands Drive and uphold Elmbridge Planning Committee's carefully considered decision to refuse this application.

Thank you

Jane Murray