Cobham Conservation & Heritage Trust

Registered Charity No: 1158625

PO Box 335
Cobham
Surrey
KT11 9AY

www.cobhamheritage.org.uk

By email to tplan@elmbridge.gov.uk

To the Planning Department, Elmbridge Borough Council

For the attention of Aneta Mantio

21st January 2019

Dear Ms. Mantio

Application no. 2018/3490 38 Twinoaks, Cobham, Surrey, KT11 2QP

The Trust writes on this application for 2 pairs of semi-detached two-storey houses with rooms in the roof space and a detached single-storey house with associated landscaping following demolition of 38 Twinoaks. While the council has a heading as being for 38 Twinoaks, this is an application involving both No. 38 (Chenies) and No. 41 (Chantry) Twinoaks.

Applications must of course be considered strictly in accordance with the National Planning Policy Framework (NPPF) and guidance as it stands, the Elmbridge Core Strategy 2011, the Elmbridge Development Management Plan 2015 and the applicable Supplementary Planning Documents (SPDs). In this letter the Trust seeks to highlight policy it considers should be taken into account.

Paragraph 47 of the NPPF 2018 identifies that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 130 of that NPPF says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development should be refused on this basis.

The new NPPF continues to require the council (see inter alia Paragraph 118) to prioritise development on brownfield sites in the borough. There is no evidence relating to this.

Elmbridge policy DM2 (a) provides that all development proposals must be based on an understanding of local character including any specific local designations and take account of the natural, built and historic environment. Development proposals will be expected to (at paragraph 2.3 the word “must” is used) take account of the relevant character assessment companion guide in the Design and Character SPD. The proposed development does not do this.

Elmbridge policy DM2 (b) also requires an enhancement of the character of an area in terms of appearance, scale, mass, height, levels and topography and prevailing pattern of built development. The proposed development would continue to be overly dominant for this site at the top of Twinoaks (a cul-de-sac), not remedied by the proposed retention of bungalows.

As regard the use of gardens for development, Elmbridge policy DM10 at paragraph 2.47 has "The Framework states that it is for Local Authorities to consider the case for setting out policies that resist inappropriate development of residential gardens. In Elmbridge, 'backland' development has made a meaningful contribution to the supply of housing as an efficient use of land, particularly large and underused gardens, and in some locations has become established as characteristic of the area. As such, the Council is not seeking to resist all development of residential gardens. However, housing development of this type needs very careful consideration and benefits from early engagement with all interested partners to develop a scheme that is sensitive to the constraints such sites will have in order to preserve the character of the area and the amenities of neighbouring residents". In their proposals the applicants seek to introduce, into moderately sized residential garden, semi-detached houses which are entirely out of character.

It is unfortunate that the applicants fail to traverse the relevant policies, relying in their rather brief presentation in short Planning and Design & Access statements on cherry-picking points from the report of the Inspector in the dismissed appeals in earlier applications. They do refer to Elmbridge policy CS17. But that again states that local character must be protected and that "New development should enhance the public realm and street scene" It also refers to deference to the Design and Character SPD for the area.

The Trust took part in the process of creating the Elmbridge Design and Character SPD 2012 and the Planning Companion Guide document for the Cobham/Oxshott/Stoke D'Abernon/Downside area of Elmbridge. Much thought was put into defining the nature of various districts and Twinoaks *was* placed in the COS08 Fairmile district and described as semi-rural. The intention was to have in this area detached dwellings with frontages to the road on which they stood and that has generally been adhered to.

The Elmbridge Design and Character SDP 2012 is highly relevant in assessing how inappropriate the proposed development is. It contains a case study relating to the sub division of plots indicating splitting only with frontages retained. At paragraph 5.56 it is said of gardens "In some instances, a minimum garden depth of 11 metres should be provided, which is a dimension that Elmbridge has often required. However, this will depend on the character of the area and the type of development proposed" and goes on at Paragraph 5.56 "More spacious gardens will be appropriate in other settings where the character of the area warrants a greater depth, usually in excess of 15 metres". For the site under consideration the nature of the surrounding area shows that well in excess of the 15 metres would be appropriate and nothing less.

Pre application advice from the council is identified by the applicants as being that previous applications were found not to make efficient use of the land and that a higher density development would be acceptable in principle. Elmbridge were said to identify a significant need for the delivery of smaller units, namely 1, 2 and 3-bedroom dwellings/flats.

In previous applications it was established that the density in the proposals might be low but that acceptance of that is for sites accepted as appropriate for development where there is no overriding harm to the valued character of the area. The main demand in Elmbridge is actually for units of 1 and 2 bedrooms and the SHMA produced for Elmbridge in 2016 looked for a type housing that might take in the bungalows (which are anyway at a premium in Elmbridge), suitable as they are for the independent elderly and disabled population. With the applicant's proposals one bungalow on site would be retained and the other demolished to make way for a realignment for a further bungalow. The rest of the housing is the type of housing the SHMA identifies as being overprovided, in the form of 3 bed houses. This is a consideration but it is anyway the failure of the proposed development to retain the character of the area that should result in refusal.

The Trust would ask for it to be accepted that running throughout the policies to be considered there is recurrent reference to the character of an area not being affected. The applicants' proposals in the previous application did not respect that principle and neither do the current proposals which the Trust considers are not for a sustainable development. When looking at the interconnected aspects of sustainability, what is advanced for imposing the applicants' proposals on the community is overwhelmingly outweighed by the damage that would be done to locality, the street scene and the general wellbeing of local residents.

The Trust asks that the application be refused.

Yours sincerely

David Bellchamber,
Planning Team
Cobham Conservation & Heritage Trust