The Planning Inspectorate

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Miss Karen Wooden
Havant Borough Council
Business Development & Support Team
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Havant
Hampshire
PO9 2AX

Your Ref: APP/10/00292

Our Ref: APP/X1735/A/10/2136319/NWF

Date: 11 February 2011

Dear Miss Wooden

Town and Country Planning Act 1990
Appeal by Mr J Evans
Site at 110 Hambledon Road, Waterlooville, PO7 6UT

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

Robert Cook

Robert Cook

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The Planning Inspectorate

Appeal Decision

Site visit made on 1 February 2011

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2011

Appeal Ref: APP/X1735/A/10/2136319
110 Hambledon Road, Waterlooville, Hampshire, PO7 6UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr J Evans against the decision of Havant Borough Council.
- The application Ref: APP/10/00292, dated 20 May 2010, was refused by notice dated 12 August 2010.
- The development proposed is the demolition of the existing dwelling and the creation fo 4 dwellings with access from Hambledon Road.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has referred to a previous outline planning permission to redevelop the appeal site for two detached houses and two bungalows. That proposal had a similar density to the current scheme, but the vehicular access to the two bungalows at the back of the site would have been from Petersham Close which is a private road at the side of the appeal site. However, it has subsequently been found that consent for this access off the private road could not be obtained and this has led to the revised application.

3. Against this background it seems that there is very little prospect of the permitted scheme being built as originally intended in at least the foreseeable future. It is also therefore unlikely that the appellant would implement the extant planning permission. There is no indication of any such intention.

4. Taking these factors into account the existing planning permission has only very limited weight as a fallback position. Consequently it has little influence over the findings in this appeal.

5. This appeal scheme is an outline application with all matters reserved for later approval. Due to the appeal site's limitations, including the access matter referred to above, the site layout is probably going to be more or less as indicated on the submitted site plan. This is borne out in the Design and Access Statement and the appellant's grounds of appeal are very much based on what is shown on the submitted plans. I shall give significant weight to these plans and consider the appeal accordingly.

Main Issues

6. There are four main issues:

- The effect of the proposal on the living conditions of neighbours at 112a Hambledon Road in particular;
- Whether the scheme should contribute towards highway transport infrastructure;
- Whether there would be any material harm to highway safety;
- The effect of the proposed development on the character and appearance of the area.

Reasons

Living Conditions

7. Hambledon Road is a busy main road where traffic noise is quite prevalent. Moving away from Hambledon Road along Petersham Close the noise levels depreciate considerably. I can therefore reasonably imagine that the back garden of 112a is a quiet area away from traffic noise that is appreciated by the occupiers of that property. The appeal proposal would introduce a car parking/turning space for plot 1 right alongside the side boundary with 112a and very close to the rear elevation of that dwelling where there is apparently a conservatory. Despite proposed planting along the common boundary, in my view vehicular activity so close to next door would have a harmful impact on the living conditions of the neighbours with regard to noise and disturbance.

8. I have given consideration to imposing a condition to prevent the parking/turning space to plot 1 from being provided. However, the highway authority and neighbours in particular would probably not be aware of such a change and they are likely to wish to pass comment on it. Depriving people of the opportunity to comment would be against the interests of openness and fairness. The highway authority has also already expressed misgivings about the restricted turning arrangements which the deletion of a parking/turning space could impact upon even further. In this context such a condition would be a material alteration to the development applied for and beyond the scope of a condition.

9. The appeal scheme would not meet the amenity aims of policies D1 and PC1 from the Havant Borough District Wide Local Plan (LP).

Highway Infrastructure

10. The appellant does not dispute the need for the appeal development to contribute towards highway infrastructure. Based on the evidence before me the money requested by the Council would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

11. It is not possible to secure the payment of money by a planning condition and unfortunately there is no planning obligation before me, unilateral or otherwise, that commits to paying the money at this stage. This is not an issue that can be left to any future arrangements with the Council. If the appeal had been succeeding in relation to the other main issues then it might have been appropriate for me to have sought such an obligation. However, as this is not the case a request for an obligation would have led the appellant to incur further time and probably expense which would have been wasted and

unreasonable. This is not an insurmountable problem. It could be addressed in any revised planning application made to the Council in the future.

12. As it stands the appeal scheme would not accord with the highway infrastructure aims of LP policies T10 and IMP1.

Highway Safety

13. Despite what the appellant states about the vehicle turning arrangements, the spaces available for car manoeuvring in relation to plots 1 and 2 would appear to be very tight. I am not convinced based on the plans before me, even taking into account the proposed garages that vehicles would be able to easily turn to then exit the appeal site in a forward gear. Exiting the site driving forwards is essential in this case due to the busy nature of Hambledon Road. Not doing so would cause an unacceptable risk to highway safety contrary to the aims of LP policy T7.

Character and Appearance

14. The lines of properties in Petersham Close are not rigid. Infringing them by the forward position of the property on plot 2 would not look unduly out of place. Furthermore, the side elevation of 108 Hambledon Road already sits forward of 1, 2 and 3 Petersham Close. Positioning the house on plot 4 to create a similar alignment with the properties behind on the other side of the junction would be acceptable. As a result the bungalow on plot 2 would match the newly established line set by plot 4 on this side of the Close.

15. The appeal development would bring about changes, but these would not be materially harmful to the character and appearance of the area. The design aims of LP policy D1 would be met.

Other Matters

16. The revised Planning Policy Statement 3 *Housing* (PPS3) issued in March last year removed garden land from the definition of previously developed land and deleted national minimum density targets. However, in relation to the main issues in this case the revised PPS3 has little bearing and it does not cause me to find the appeal scheme unacceptable. I have considered all other matters raised, including other aspects of national policy referred to by the Council. However, none persuade me from my earlier findings or give me any other reasons to dismiss the appeal.

Conclusion

17. Although I have not found harm to the character and appearance of the area I have in relation to the issues of living conditions, transport infrastructure and highway safety. These are the prevailing issues. Therefore the appeal fails.

Gareth Symons

INSPECTOR