
Appeal Decision

Site visit made on 5 September 2013

by **R J Maile BSc FRICS**

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

Decision date: 10 October 2013

Appeal Ref: APP/X1735/A/13/2197977

111 London Road, Cowplain, Waterlooville, Hampshire, PO8 8XJ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Burton against the decision of Havant Borough Council.
 - The application ref: APP/12/01302, dated 11 December 2012, was refused by notice dated 11 March 2013.
 - The development proposed is erection of 2No. 1 bed bungalows utilising existing access from London Road, and underground pumping station.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2No. 1 bed bungalows utilising existing access from London Road, and underground pumping station at 111 London Road, Cowplain, Waterlooville, Hampshire, PO8 8XJ, in accordance with the terms of the application ref: APP/12/01302, dated 11 December 2012, subject to the conditions set out in Annex A to this decision.

Procedural Matter

2. I have received a Section 106 Unilateral Undertaking signed by the appellant, which I shall deal with subsequently in my decision.

Main Issues

3. The main issues in this case are:
 - a) The impact of the development upon the character and appearance of the surrounding area.
 - b) Whether the proposed units would result in an acceptable level of accommodation in terms of layout and availability of private amenity space.

Reasons

a) *Impact upon character and appearance.*

3. The appeal site comprises a rectangular parcel of land which has been cleared. It is located to the rear of a pair of 3 bedroom semi-detached houses recently
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erected on the frontage to the west side of London Road (A3). The plot is served by a new access road that would be extended to provide a turning head and access to two parking spaces to each of the proposed bungalows.

4. The appellant owns land further to the west that would also take access from the new roadway. This land has, I understand, recently been enlarged following the purchase of a site to the rear of 109 London Road.
5. The site of the two proposed bungalows and land to the rear has the benefit of planning permission for a pair of 3 bedroom semi-detached chalet style houses (ref: APP/10/00594 dated 31 January 2011). I have been provided with a copy of that permission and of the approved plans. Development of the appeal site has therefore been accepted in principle.
6. The proposal before me is clearly intended to allow further development to the rear, including the recently acquired plot to the rear of 109 London Road. Any such scheme will be for the Local Planning Authority to determine. However, I am satisfied that development of the site the subject of this appeal would not prejudice any such proposals.
7. The surrounding area is of mixed character, including both detached and semi-detached properties and commercial premises at 101 and 109 London Road and a block of flats at no. 107. There is a detached chalet (no. 113a) to the rear of 113 London Road, which abuts the site of the proposed bungalows. There is also residential development in depth to the north of the appeal site at Brewster Close.
8. The Council suggests that the siting of the two bungalows does not accord with the building line of no. 113a. However, that property is on a backland site and I do not consider this a valid reason to withhold permission given that 113a is a 'one-off' dwelling which does not relate visually to other development nearby. Furthermore, that chalet bungalow would be largely screened in views from the new access road by the two small bungalows proposed.
9. Given the variety of house types within the locality the form and layout of the proposed bungalows in this backland location is appropriate and would not adversely impact upon the character and appearance of the surrounding area. As such, I find on the first main issue that development as proposed would accord with Policies CS9 (8) and CS16 of the Core Strategy¹ and the Council's Borough Design Guide Supplementary Planning Document of December 2011 ('the SPD').
10. Development as proposed also accords with the thrust of National policy in the Framework², which encourages development in sustainable locations such as this and the provision of a mix of house types.

b) Layout and availability of private amenity space.

11. The two bungalows will provide small-scale accommodation for a single person or couple, suitable for first time buyers or retired persons. The limited amenity space is adequate to serve such small dwellings, whilst car parking provision meets the Council's standards.

¹ The Havant Borough Local Development Framework Core Strategy (March 2011).

² The National Planning Policy Framework.

12. I therefore find on the second main issue that development as proposed would accord with Policy CS16 of the Core Strategy and the SPD, which seek to provide acceptable standards of accommodation and design in all new development.

Section 106 Unilateral Undertaking

13. I have been provided with a Unilateral Undertaking dated 16 July 2013. This provides for the payment of a transport contribution, together with monitoring and legal costs fees, in the total sum of £4,308.80.
14. From the information before me I am satisfied that the sums covenanted are necessary to make the development acceptable in planning terms, are directly related to the development and reasonably related in scale and kind to it, as required by Circular 05/2005³ and by Regulation 122 of the Community Infrastructure Levy Regulations 2010.
15. The third reason for refusal is thereby addressed, such that development as proposed would accord with Policies CS21 and DM12 of the Core Strategy.

Conditions

16. The Council has suggested a total of 12 conditions should I be minded to allow the appeal and which I have considered against the tests of Circular 11/95⁴.
17. I find all of the conditions to be reasonable and necessary in the circumstances of this case, although I have amended the wording of certain of them in order to more closely reflect the models in the circular, or in the interests of clarity. I also consider it necessary to expand upon suggested Condition 10 (removal of Permitted Development rights) given the restricted plot sizes of the two units.
18. My reasons for imposing the conditions are:
19. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990.
20. Conditions 2, 5 and 6 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area. Conditions 3 and 4 are necessary given the reference to the levels of the site in relation to adjacent property and the need to ensure the satisfactory provision of foul and surface water drainage to serve the development.
21. Conditions 7, 8, 9 and 10 are imposed to protect the residential amenities of adjoining residents, or in the interests of road safety, while Condition 11 will ensure that the development is carried out in accordance with sustainable building practices.
22. As to Condition 12, otherwise than as set out in this decision and conditions it is necessary that the development shall be carried out in accordance with the approved plans, both for the avoidance of doubt and in the interests of proper planning.

³ Circular 05/2005: Planning Obligations.

⁴ Circular 11/95: The Use of Conditions in Planning Permissions.

Conclusion

23. For the above reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains and sewers proposed to serve the development, together with details of any other ancillary drainage works/plant (e.g. pumping stations) have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details before the development hereby permitted is first occupied.
- 4) No development shall take place, including any works of site clearance, until plans and particulars specifying the finished levels (above ordnance datum) of both the ground floors of the dwellings hereby permitted and the surrounding ground levels in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the materials of paved areas and other hard surfaces. Details of soft landscape works shall include planting plans, written specifications, schedules of plants noting species, plant sizes and proposed numbers/densities, where appropriate, and an implementation programme.
- 6) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written approval to any variation.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - a) The parking of vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) Measures to control the depositing of dirt and mud on surrounding roads during construction.
 - e) Measures to control the emission of dust and dirt during construction.

- 8) Demolition or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Saturdays, nor at any time on Sundays or Bank Holidays.
- 9) No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing no. 031012a – A2 for 4 cars to be parked. The car parking spaces so provided shall thereafter be permanently retained for their designated purpose.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order) no extensions, alterations, buildings or structures permitted under Schedule 2, Part 1, Classes A, B, C and E of the Order shall be constructed at or erected within the curtilages of the dwellings hereby permitted without the prior approval in writing of the Local Planning Authority.
- 11) The dwellings shall achieve Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 12) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan:	- scale 1:1250.
Block Plan:	- scale 1:500.
Drawing no. 031012a – A2:	Proposed Site Layout and Longitudinal Site Section – scale 1:200.
Drawing no. 281112br1:	Proposed Ground Floor Plan and Elevations – scale 1:100.