Appeal Decision

Hearing held on 27 November 2007
Site visit made on 27 November 2007

by R J Marshall LLB Dip TP MRTPI

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

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Decision date:
9 January 2008

Appeal Ref: APP/X1735/A/07/2052716/NWF
Land north side of Ranelagh Road/Knox Road/Brockhampton Road, Havant, Hampshire PO9 1NR

- 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 Brockhampton Property Investments Ltd. against the decision of Havant Borough Council.
- The application Ref 06/67936/002, dated 10 March 2006, was refused by notice dated 21 June 2007.
- The development proposed is described as "22 two storey houses with garages (revised proposal)".

Decision

1. I allow the appeal, and grant planning permission for development described as "22 two storey houses with garages (revised proposal)" at land north side of Ranelagh Road, Havant, Hampshire PO9 1NR in accordance with the terms of the application, Ref 06/67936/002, dated 10 March 2006, and the plans submitted with it, subject to the conditions on the attached schedule.

Procedural matters

2. A Section 106 Agreement has been submitted regarding Local Area Transport and Playing Space Contributions and for the provision of affordable housing. This overcomes the Council's concern on the lack of such an agreement. There are some local concerns on the nature of the open space agreement. However, I consider the arrangements made to be primarily a matter for the Council and see nothing in the nature of the agreement to justify dismissing the appeal.

3. The description of the site in the heading of this decision is taken from the application forms. However, it is more accurately described as I have done in the decision paragraph above.

Reasons

4. The main issue in this appeal is whether the proposed development is of good design and whether it would preserve or enhance the character or appearance of the adjoining Brockhampton Conservation Area. It differs slightly from that given at the hearing in light of all the evidence before me.

5. The appeal site is in the urban area of Havant. It has its main frontage onto Ranelagh Road and subsidiary frontages onto Brockhampton Road and Knox

Annexe (Conditions)

1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.

2) No development shall take place until details of the finished levels of the proposed houses and surrounding 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.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.

4) No development shall take place until full details of hard surfacing materials, means of enclosure and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

5) Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

6) Development shall not begin until details, including an implementation programme, for the widening and improvement of Ranelagh Road to an adoptable standard have been submitted to and approved in writing by the local planning authority. The improvement works shall be carried out in accordance with the approved details and prior to the occupation of any of the dwellings hereby permitted.

7) No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with the permitted plans. Vehicular accesses onto Brockhampton Road shall not be gated without the prior approval of the Local Planning Authority.

8) No dwelling shall be occupied until space has been laid out within the site in accordance with the permitted plans for the parking of cars. These spaces, and the garages hereby permitted, shall be retained for that purpose.

9) No development shall take place until details of the on site provision for parking construction vehicles and for material storage have been submitted to and approved in writing by the local planning authority. These arrangements shall remain in place throughout construction works.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no dormer windows shall be constructed nor any windows in the first floor west elevations of the dwellings on plots 1 and 22.

11) Before the development hereby permitted begins a scheme to ensure the protection of the aquifer beneath the site from contamination shall be