

KML

PLANNING COMMITTEE

(32nd Meeting)

16th September 2020PART A (Non-Exempt)

All members were present, with the exception of Deputies R. Labey of St. Helier, Chairman, Connétable D.W. Mezbourian of St. Lawrence and Deputies S.M. Wickenden of St. Helier, R.E. Huelin of St. Peter and L.B.E. Ash of St. Clement.

Deputy G.J. Truscott of St. Brelade, Vice Chairman
 Connétable P.B. Le Sueur of Trinity
 Deputy J.M. Maçon of St. Saviour
 Deputy K.F. Morel of St. Lawrence
 (not present for item A3)

In attendance -

P. Le Gresley, Director, Development Control
 E. Stables, Senior Planner
 S. de Gouveia, Trainee Planner
 K.M. Larbalestier, Secretariat Officer, States Greffe

Note: The Minutes of this meeting comprise Part A only.

Minutes.

A1. The Minutes of the meetings held on 11th and 19th June and 8th July 2020, having been previously circulated, were taken as read and were confirmed.

Archironde
 Cottage, La
 Route de la
 Côte, St.
 Martin:
 proposed
 extension/
 installation of
 solar panels
 (RFR).

A2. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers and which sought approval for the construction of a single storey extension to the east elevation of a garage at Archironde Cottage, La Route de la Côte, St. Martin. It was also proposed to install solar panels. The Committee had visited the application site on 15th September 2020.

P/2020/0491

A site plan and drawings were displayed. The Committee noted that the application site was located within the Coastal National Park and that Archironde Cottage was a Grade 3 Listed Building. Policies GD1, GD7, HE1, BE6 and NE6 of the 2011 Island Plan were of particular relevance.

The Committee was advised that permission had been granted (at appeal) in 2014 for a large rear extension and a detached single garage. The current application proposed a further extension which would double the size of the garage. It was also proposed to install solar panels on the roof of both the existing garage and proposed extension.

The Committee was advised that Policy NE6 (Coastal National Park) allowed for extensions to houses or the redevelopment of an existing ancillary residential structure. However, as the application proposed neither of the aforementioned, it had to be assessed under the 'minor development' category, whereby any structure had to be -

- a) well sited in the landscape context;
- b) of a temporary nature; and,
- c) not harmful to landscape character.

The proposal failed to meet these tests because the site was in a very exposed and prominent position and the garage extension would be visible from public vantage points, blocking views of the sea. It would also be visible from the beach. Furthermore, the scheme proposed the creation of a permanent structure.

The Historic Environment Section had objected to the application on the basis that an enlarged garage would impinge on the openness of the setting of both the Cottage and Occupation structures from the north and south and would therefore be harmful to the setting of Listed buildings. The Department was of the view that the application did not meet the Policy requirements and had refused permission on the grounds that the scheme was contrary to Policies HE1 and NE6. It was recommended that the Committee maintain refusal of the application.

The Committee heard from the applicants, Mr. and Mrs. K. Martin, who argued that the garage extension was subservient to the existing dwelling and that its form, mass, scale and design respected the landscape character, due to its positioning within an existing car parking area and the context of the surrounding area. The applicant also stated that there were no public viewpoints to the sea, the extension would not be visually dominant and continued to allow uninterrupted/unchanged views. It was not believed that there would be any impact on neighbouring properties and it was noted that the extension would provide additional storage and would allow for the extended and continued use of photovoltaic energy. With regard to the latter, Mr. Martin advised that he produced half of his own electricity at present and the proposal would allow the applicants to produce half as much again. This meant that they would be able to charge their electric vehicle without using the grid. Garaging was essential in this exposed location and was required to house a [REDACTED] electric vehicle [REDACTED]
[REDACTED]
[REDACTED]

Deputy K.F. Morel of St. Lawrence pointed out that the electricity supplied by the Jersey Electricity Company was almost carbon neutral.

The Committee heard from the applicant's agent, Mr. P. Van Bodegom, who provided the Committee with photographs of the application site, which had been taken from the beach, in order to demonstrate that the most visually dominant structures were an electricity sub-station and the garage of a property behind Archironde Cottage. Mr. Van Bodegom argued that the proposed development would have very little visual impact and would go some way to contributing towards reaching the Island's carbon neutral goal. Initial discussions with the Historic Environment Section had led to a suggestion that an open structure sitting on columns might be considered appropriate. However, this solution was not favoured by the applicants. There would be no impact on neighbouring properties and the form, mass and scale respected the landscape character. The application site was already used for car parking and the proposed development would not impact on coastal landscaping. Mr. Van Bodegom referred the Committee to the preamble of the Coastal National Park Policy and the need to provide for the reasonable expectations of residents (on the basis that there was no harm to the landscape character). He urged the Committee to grant permission.

The Committee concluded that whilst the existing development was a credit to the

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applicants, the proposal did not comply with Policies HE1 and NE6. Consequently, the Committee endorsed the officer recommendation to maintain refusal of the application.

Cap Verde House, La Rue de Cap Verde, St. Lawrence: proposed demolition and replacement of garage.

A3. The Committee considered a report in connexion with a request for the reconsideration of an application which had been refused by the Department under delegated powers, which sought approval for the demolition of an existing garage and 2 water tanks at Cap Verde House, La Rue de Cap Verde, St. Lawrence and the construction of a replacement garage with home office above to the north of the site. The Committee had visited the application site on 15th September 2020.

Deputy K.F. Morel of St. Lawrence did not participate in the determination of this application.

P/2020/0301

A site plan and drawings were displayed. The Committee noted that the application site was located within the Green Zone and that Policies NE7, GD1, GD7, TT16, TT17 and NR1 of the 2011 Island Plan were of particular relevance.

The Committee noted that Policy NE7 specifically presumed against new dwellings and the creation of separate households by means of extension, conversion or new build. However, the Policy did allow for the development of an ancillary building or structure to a property, where this was modest and proportionate to other buildings on the site; well sited and designed relative to other buildings and the context; and that it did not harm landscape character.

Given that the proposed development would result in a 3 metre increase in height and an additional 43.5 square metres to the 28 square metre footprint, demonstrating a 150 per cent increase in the size of the existing building, the proposal could not be described as modest. The location of the extension was prominent, being on the road edge and facing the approach from the south, such that it was not well placed given its context. The home office use introduced an occupancy where there was none currently. Additionally, the loss of mature trees to accommodate the building would impact directly on the landscape character of this area.

Together these factors meant that the proposal did not accord with the criteria of Policy NE7. The proposal was also contrary to the preamble of Policy NE7, relevant to development of an ancillary building, which stated that the creation of habitable accommodation in detached ancillary buildings would not be supported. Furthermore, the proposal did not accord with any of the permissible exceptions listed within the Airport Public Safety Zone (APSZ), contrary to Policy TT17. Consequently, the application had been refused and it was recommended that the Committee maintain refusal.

The Committee heard from Mr. P. Nicholls who objected to the application. He advised that his property was adjacent to the application site and would be most directly affected. He referred the Committee to his written submission, in which he had detailed his objections to the application. [REDACTED]

[REDACTED] Mr. Nicholls believed the scheme to be contrary to Policies NE7 and TT17 and did not accept the applicant’s argument that the site ‘only crept into the APSZ’. [REDACTED]

[REDACTED] The proposed development would result in increased occupancy by virtue of the creation of a home office in a location where there was currently no development.

The proposed development would be quite large and could potentially be used as habitable accommodation. Mr. Nicholls referenced a property nearby which had been permitted to construct an extension, which was now being let as Airbnb accommodation. He advised that he had moved into his property [REDACTED] as he had wished to live in a quiet rural area in the Green Zone, which was free from development. [REDACTED] faced with proposals for a very large building which would dominate his property and project 3 metres above the boundary wall.

The Committee heard from the applicant's Architect, Mr. J Gallagher, who referred to the 2 reasons for refusal. In terms of the APSZ, safety was the key issue and the Policy did not preclude development. The application site straddled the boundary of the APSZ. The proposed development would not result in any increase in occupancy, with the applicant being the end user. Mr. Gallagher pointed out that neighbouring properties had been permitted to construct sizeable extensions, setting a precedent. The proposed development would not cause serious harm to the landscape character and the Historic Environment Section and the National Trust for Jersey welcomed the resultant visual improvement. Whilst one tree would be lost, new planting was proposed which would further open up the valley aspect, which was currently shielded from public view. Mr. Gallagher believed that the scheme would contribute to the repair and restoration of the landscape character. A simple vernacular design was proposed which would make use of the small roof space for a home office.

The Committee heard from the applicant, Mr. J. Cornthwaite, [REDACTED]
[REDACTED] He went on to state that Mr. and Mrs. Nicholls had constructed a sizeable extension on the end of their property, [REDACTED]
[REDACTED]. The application proposed a double garage with a home office in the roof space, which would be used by Mr. Cornthwaite.

Having considered the application, the Committee endorsed the officer recommendation to refuse permission for the reasons set out above. In doing so, the Committee concurred with the view of Connétable P.B. Le Sueur of Trinity that the proposed development would also have an adverse impact on the setting of both the Listed Buildings, Cap Verde House and Chantry, contrary to Policy HE1. Consequently, the Committee directed that this also be added as a reason for refusal.