

## **REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT**

Site visit made on 7 March 2016

**by N McGurk BSc (Hons) MCD MBA MRTPI**

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### **Reference: P/2015/0869**

### **Whitehaven, Le Mont a la Brune, St. Brelade, JE3 8FL**

- The appeal is made under Article 108 and 110 of Planning and Building (Jersey) Law 2002 against the granting of permission to develop land.
  - The appeal is made by Mr & Mrs J Buckley of L'Hirondelle and co-appellants Mr & Mrs A Drummond-Forbes of La Bruyere and Mr & Mrs Snowdon of Reefbreak against the decision of the States of Jersey. All appellants live within 50 metres of the appeal site.
  - The application Ref P/2015/0869 by Mr and Mrs J Thomas, dated 29 May 2015, was approved by notice dated 21 September 2015.
  - The application granted permission is to "Raise roof to create additional level of habitable accommodation. Construct two storey extension to East elevation. Construct swimming pool to West elevation and 1 No. shed to South-West of site. AMENDED PLANS: increase extent of hip to the East elevation."
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### **Recommendation**

1. I conclude that the grant of permission to develop land is in accord with planning policy and recommend that the appeal be dismissed.

### **Procedural Matters**

2. The appellants have expressed a number of concerns relating to how the application relating to this appeal was handled by the Department of the Environment (the Department). These are: that the Island planning policies were not correctly observed; that there were errors in the Department's report to the Planning Applications Committee; and that there were inconsistencies in the decision making process and a failure of the Planning Applications Committee process.
  3. I confirm that this report focuses on the relevant land use planning matters. If the appellants consider that the Department or the Planning Applications Committee has acted in an unprofessional or an inappropriate manner in carrying out its statutory duties, then that is a separate matter.
  4. I have taken the Island planning policies into account in reaching my recommendation. With regards to the suggestion that there were "errors" in reporting, I am aware of what each of the alleged errors were and I confirm that my recommendation follows consideration of all of the information before me.
  5. With regards to alleged inconsistencies in the decision making process, I note that it is necessary to determine each planning application on its own merits. As set out below, I am satisfied, having regard to Island planning policy, that the grant of planning permission was appropriate. In this case, I conclude that this
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is not something that is outweighed or changed by other decisions relating to other developments elsewhere.

6. The application was granted permission following the refusal of a previous application<sup>1</sup>. This previous application was for a similar development. It was refused by the Planning Applications Committee due, in the main, to concerns relating to the proposal's impact on neighbouring occupiers.
7. The application granted permission, and the subject of this appeal, differed in form from the previously refused application. The height of the proposed development was lowered and a hipped roof was introduced to the east extension. These changes were made in response to the previous refusal.

### **Main Issues**

8. The main issues in this case are the effect of the proposed development (that would result from the application granted permission) on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to daylight and outlook.

### **Reasons**

#### *Character and appearance*

9. The appeal property, Whitehaven, is a detached, long, rectangular-shaped bungalow with a small detached garage to the rear. The bungalow is located sideways-on to an access road and fronts onto a relatively large garden bordered by a mature hedge. It is oriented such that it faces towards the sea.
10. The appeal property is located in a small residential area, within a cluster of other dwellings. During my site visit, I observed there to be a broad range of dwellings, including bungalows and two storey houses, with styles ranging from the 1960s and 1970s, through to recent, modern conversions. Houses tend to be detached and set within reasonably large plots, providing an attractive, spacious character to the area.
11. To the rear of the bungalow is a much smaller area of garden and a boundary with the neighbouring property, L'Hirondelle. That property fronts onto the access road, such that its gable wall faces towards the sea. However, topography is such that L'Hirondelle is situated considerably higher than the appeal property. Consequently, there are views from L'Hirondelle's garden and conservatory, over the top of Whitehaven to the sea beyond.
12. On the opposite side of the road to the appeal property is La Bruyere, a two storey dwelling. This is set considerably higher than the appeal property and is separated from it by the access road, a mature hedge and an area of garden. There are other dwellings in the vicinity, including between the appeal property and the main road, but the presence of gardens and mature boundaries provides distance and a clear and distinct separation from the appeal property. Further to my site visit, I am satisfied that the application granted permission would not have any adverse effect on these further dwellings.

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<sup>1</sup> Reference: P/2014/1261.

13. Whilst pleasant enough, the appeal property has a simple form and appears plain bungalow. The application granted permission has been designed to take advantage of the appeal property's orientation in respect of the sea, providing for significant sea views. I find that it would, if it were constructed, result in a strikingly attractive dormer bungalow of modern appearance.
14. Taking the above into account, I concur with the Department's officer's view that the resulting development, were it to go ahead, would make a positive contribution to raising design standards in the area.
15. Its design would be in-keeping with its surroundings. It would complement other modern dwellings in the cluster of houses around it and as such, would simply appear as the latest property to be "modernised." Whilst the overall scale, height and massing of the appeal property would increase, the size of the garden plot is such that there would be plentiful outdoor private space, most notably to the front.
16. Further to the above, whilst the application granted permission would extend further to the rear, in an "L-shape," I find that the change in levels between the appeal site and L'Hirondelle are such that there would be no harm to local character. Whilst the scale of change proposed is so significant as to add a new floor of living space, the design is such that the ridge height of the appeal property would only increase by around one and a quarter metres and would include a hipped roof extension to the east. In this way, the large increase in living space is achieved without a significant increase in footprint or a major increase in height; and the whole of the appeal property, to some degree, and the rear of it, to a large degree, would appear "nestled" into the landscape.
17. Taking all of the above into account, I am satisfied that the application granted permission would not be disproportionate but would result in a development that would be subservient to the host property. It would not harm the character and appearance of the area.
18. The Island Plan<sup>2</sup> affords the highest level of protection to all forms of development in the Coastal National Park. However, this is not the same thing as preventing all development. Rather, Island Plan Policy NE6 specifically provides for the extension of a dwelling, subject to various criteria, which the application granted permission meets. Furthermore, the proposed development would help to raise design quality in the area and as such, it is in keeping with Policies SP7 and GD7; and there is no conflict with Policies SP1, SP4, GD1 and GD5, which together amongst other things, protect local character.

#### *Living Conditions*

19. The proposed development would reduce views towards the sea from L'Hirondelle. To a much lesser extent, there would be some, albeit small, reduction in side views from La Bruyere.
20. Island Plan Policy GD5 protects strategic views and important vistas, thus safeguarding public vantage points. However, the Policy does not protect private views. In addition to this, I note that L'Hirondelle fronts the access road and is not oriented such that it faces towards the sea. Consequently, sea views

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<sup>2</sup> Revised 2011 Island Plan (2014).

from L’Hirondelle are, in any case, glimpsed via some overlooking of the rear of the appeal property. La Bruyere faces towards the sea and further to observation during my site visit, I find that distant views from La Bruyere would not be impinged to any harmful degree.

21. As identified above, whilst the overall size of the appeal property would increase as a result of the proposed development, topography is such that it would, to some extent, appear nestled into its surroundings. Any impact resulting from an increase in scale would be most felt by the neighbouring occupiers of L’Hirondelle.
22. During my site visit, I observed the appeal site from L’Hirondelle. Further to observation, I find that the modest increase in overall ridge height and the hipped roof design of the extension to the rear would combine with local topography and the distance between the two properties to prevent the proposed development from appearing overbearing to any harmful degree.
23. Further to the above, the appellants, in support of their case, consider that the proposal would lead to a loss of light to the ground floor of L’Hirondelle. During my site visit, I noted that a downstairs room faces towards the rear of the appeal property. However, I find that the proposed development, due in part to the above factors, would have little impact on the amount of daylight received by this room, which is already restricted to some degree by the presence of existing structures, including a garage. I note that there is no substantive evidence before me to demonstrate that a harmful loss of daylight would arise.
24. Further to my site visit, I am satisfied that the proposed development would not result in any significant harm to the outlook of any other dwelling in the vicinity of the appeal site.
25. Taking everything into account, I find that the proposed development would not harm the living conditions of neighbouring occupiers, with regards to outlook and daylight. It would not be contrary to Island Plan Policies GD1, which amongst other things, protects residential amenity.

### **Other Matters**

26. In support of their case, the appellants state that the proposal would set a precedent for “massive construction projects.” However, each planning application needs to be considered on its own merits and be assessed against planning policy. I note above that the Island Plan affords the Coastal National Park the highest level of protection.
27. Whilst three previous applications to increase the height of the bungalow were rejected in 1972, 1990 and 1991, there is no evidence before me to demonstrate that these applications were the same as that the subject of this appeal. Also, the Island Plan was not in place at the time of these previous applications.
28. The appellants, in support of their case, refer to different planning decisions made by the Department. However, I have found the proposal the subject of this appeal to be appropriate. It complies with the policies of the Island Plan. This is not something that is outweighed, or changed, by other decisions relating to other developments elsewhere.

**Conclusion**

29. For the reasons given above, I recommend to the Minister that the appeal be dismissed.

*N McGurk*

INSPECTOR