

PLANNING AND BUILDING (JERSEY) LAW 2002 (AS AMENDED)

Appeal under Article 108 (2) (b) against a refusal to grant planning permission

Report to the Minister for the Environment

By Sue Bell MSc., BSc, FCIEEM, CEcol, CWEM,
An Inspector appointed under Article 107

Appellant: Andium Homes Ltd

Planning Permission Reference Number: P/2016/0457

Decision notice date: 11th July, 2016

Location: 1-2 Victoria Court, St. Saviour, JE2 7QB

Description of Development: Demolish 2 No. flats. Construct 3 No. three bed dwellings

Appeal Procedure and Date: Hearing 11th January, 2017

Site Visit procedure and Date: Accompanied, 10th January, 2017

Date of Report: 6nd March, 2017

Introduction

1. This is an appeal by Andium Homes Ltd against a refusal to grant planning permission to demolish the existing building at 1-2 Victoria Court and construct three dwellings.
2. Permission was initially refused by the Department of the Environment under delegated powers on 11th July 2016. The appellant requested a review of this decision by the Planning Committee. At their meeting on 22nd September 2016, the Planning Committee maintained the decision to refuse the application, on the following four grounds:
 - (1) The proposed location of the new designated parking spaces which utilise the parcel of land to the south/west corner of the application site, would, given the close proximity of existing residential properties at Victoria Park Terraces to the west; Victoria Court to the south and Victoria Road to the north, result in the loss of, mature landscaping to those boundaries. In addition, the car parking area would result in a detriment to the residential amenities of the occupants of those properties by virtue of increased noise, pollution and general disturbance. Accordingly, the proposals will be contrary to Policies, GD1, GD3 & H6 of the Adopted Island Plan, 2011: Revised (2014).
 - (2) The development is deficient of 3 no. car parking spaces for each of the three units proposed contrary to Parking Guidelines-Planning Policy Notes No. 3-1988, and Policies, GD1, GD3 & H6 of the Adopted Island Plan, 2011: Revised (2014).

- (3) The location of the visitor car parking space, located on the access road into the car parking area and proposed tandem car parking arrangements will be restrictive in terms of suitable vehicular manoeuvrability within the site contrary to Policies GD1, GD3 & H6 of the Adopted Island Plan, 2011: Revised (2014).
 - (4) The positioning of the allocated storage units to the rear of the designated tandem parking spaces will make it difficult for residents to utilise their storage units contrary to Policies GD1, GD3 & H6 of the Adopted Island Plan, 2011: Revised (2014).
3. A summary of the cases presented by the appellant, the Department of the Environment and the Planning Committee, together with a summary of comments received during the application process and at the hearing are presented below. Further details are available in the statements and other documents submitted by each party, which are available through the Planning Applications Register website.

The appeal site and surroundings

4. The appeal site occupies a corner plot at the junction of Victoria Road with Victoria Court, within the town of St Helier. The principal elevation and vehicle access are to Victoria Road, which lies to the north-east.
5. The appeal plot has an unusual shape, comprising two roughly rectangular areas, one of which lies adjacent to Victoria Road and the second which lies behind and roughly parallel to this area, but offset to the north-west. Consequently, this second area of land does not sit directly behind the existing house. It is surrounded by the gardens of adjoining properties on Victoria Road, Victoria Court, and Victoria Park Terrace, and is effectively land-locked. It has been used as a garden in the past and supports soft landscaping features.
6. The existing house and associated garages are located on the land adjacent to Victoria Road/ Victoria Court. There are currently two road accesses to the front of the property, and hard standing for parking.

The proposed development

7. The existing building and associated garages would be demolished. A terrace comprising three no. three bedroom dwellings, 2.5 storeys high would be built on the rectangle of land closest to Victoria Road. This new building would be located closer to Victoria Road than the existing property. Each dwelling would have a front (north-east facing) and a rear (south-west facing) garden.
8. The rear rectangle of land would be developed to provide parking for all three dwellings. A total of six parking spaces would be created; two for each dwelling, arranged as tandem parking. The proposed car park would also include a turning area, 8 metres x 8 metres, so that vehicles could enter and leave the site in a forward gear. A single, additional visitor parking space would be created on the access drive.
9. The current property is built up to the north-western boundary of the land adjacent to Victoria Road, meaning there is currently no vehicle access to the proposed parking area. The new dwellings would be built further away from the

north-western boundary, to enable a vehicle access to be constructed from Victoria Road to the proposed car park at the rear.

10. Currently, there are two existing vehicle access points from Victoria Road to the front of the property. The proposals show that the southern-most of these would be removed, and the northern-most access would be remodelled to allow better visibility splays onto Victoria Road.
11. It is proposed to include 3 no. storage units (approximately 1.5 x 2.5 metres, with a pitched roof, rising to 2.5 metres in height), one for each dwelling at the rear of the parking bays. These have been designed principally for cycle storage.
12. The development is proposed by Andium Homes Ltd, which is a States-owned, but independent company. Two of the properties would be affordable homes, whilst the third unit would be sold as private housing.

Case for the appellant

13. The appellant has provided nine 'general grounds' of appeal in addition to addressing the four specific reasons for refusal. A brief summary of their case is provided below.

General grounds

14. The appellant's general grounds of appeal are related to a belief that insufficient regard and weight has been placed on various factors, which in their view set a strong supporting case for approval. These factors are: the demand for housing, specifically for two and three bedroom dwellings; policies within the 2011 Island Plan (revised 2014) which the appellant believes set a presumption for new development, at higher densities, within St Helier (Policies SP1, SP2, SP3, SP4, SP5, SP6, SP7, GD1, GD3, H6 and Proposals 13, 14, and 29); the consideration that was afforded to policies SP2 and SP6 during the decision-making process; the positive presumption of Policy H6; the Strategic Plan (2015) and the Sustainable Transport Strategy (2010); the consequences of refusal, which would lead to greater pressure on greenfield sites contrary to Policy SP4; Policy SP6, which seeks to reduce dependency on the car and over-reliance on the supplementary planning guidance for parking, which is seen to be at variance with this policy and the Sustainable Transport Strategy (2010); and the shortage of secondary office buildings in the north of the town that are available for conversion to housing.
15. I note that the appellant has questioned whether their responses to the various objections received during the application process, were considered during the decision-making process. This is a procedural matter, which I do not consider further. However, I can confirm that I have considered the appellant's responses during my assessment of the appeal.

Ground 1 - effects on residential amenity of neighbours and landscaping

16. The appellant considers that too much weight has been given to objections from neighbours and too little account has been taken of the wider benefits of providing affordable housing. They contest that some form of impact on neighbours is likely to occur as a result of development in urban areas, and refer to other urban schemes where larger areas of car parking have been allowed adjacent to existing dwellings. Whilst the appellant acknowledges that the neighbours have been used to having vacant land next to them, the appellant considers that parking within a

residential area is a normal land use and hence the neighbours' expectations for privacy are unreasonable in an urban context. In the appellant's view parking cannot be considered to have an unreasonable effect on the level of privacy that the residents might expect to enjoy and therefore meets the requirements of policy GD1.

17. Furthermore, the appellant believes that they could use Permitted Development Rights to establish an access through the rear wall of the garage and create an area of hardstanding for parking.
18. The appellant questions whether the proposed scheme would increase pollution levels, particularly given the proximity of neighbours to a primary distributor road. In addition, the appellant believes that the proposed storage units would act as a buffer between the car park and the neighbouring properties to the west, reducing any potential disturbance.
19. In relation to landscaping, the appellant would be willing to maintain the hedge along the southern boundary of the car park. Although the appellant does not believe that the landscaping to the east and west boundaries have any particular merit, and that there is no substantive landscaping to the north boundary, they are prepared to retain these within the design.
20. In response to other representations made during the application process, the appellant has stated that it would be willing to remove the gate that would allow access from Victoria Court to the rear of the properties, and would also be prepared to remove the storage units in the car park.

Ground 2 - parking provision

21. The appellant considers that the parking guidelines are out of date and conflict with the requirements to reduce dependence on the car, which are included in the Island Plan. In the appellant's view, the need for car ownership at this site is reduced, as it is located next to a primary bus route and is also within reasonable walking and cycling distance of the town and local amenities. They also note that the development is for affordable housing, which is likely to have a lower requirement for parking provision. Consequently, the appellant believes that there is a case for a variation from the parking standards for this development and points to other schemes for affordable housing within St Helier, where lower parking requirements have been accepted.

Ground 3 - location of parking

22. The appellant considers that the use of tandem parking has been acceptable elsewhere, so long as the tandem spaces were for the same residential unit, and there was sufficient room for each car to turn on site. In their view, the proposed parking and turning area meet the required standards, and would allow vehicles to enter and leave the site in a forward gear. They do not consider that the proposed location for the visitor space would impede access to the on-site parking. The appellant believes that more weight should be given to comments made by Municipal Services in relation to the proposed improvement to visibility splays, which they welcomed as better than the existing arrangements.

Ground 4 - position of storage units

23. The appellant notes that external storage space has been included within the design as a mechanism for encouraging cycle use, although it is not a requirement for two or three storey dwellings in Planning Policy Note No 6. They consider that management of car parking to allow access to these units is a matter for each occupant.

Case for the Department of the Environment

24. The Department states that the principle of development of the site is accepted. It lies within the built up area, and policy H6 sets a presumption for housing development in this area. The architectural style and scale is not at issue.

Ground 1 - effects on residential amenity of neighbours and landscaping

25. The Department considers that the area identified for car parking and storage currently acts as a valuable natural buffer between the site and the properties that border it. They believe that there would be an increase in noisy activities in this area as a result of the construction of a car park, and this would result in an unreasonable level of disturbance to adjacent properties, contrary to the requirements of GD1.

Ground 2 - parking provision

26. The provision and layout of parking is not considered acceptable by the Department. The proposed number of parking spaces does not meet the Department's minimum standards. Although the Department accepts that the parking standards are old, these remain valid until new standards are adopted. Any variation from these has to be judged on its individual merits. In the Department's opinion, as these are family homes, adequate parking must be provided.

Ground 3 - location of parking

27. The Department considers that the proposed parking spaces would be difficult to use owing to their layout. They also consider that the visitor parking would potentially block the access road.

Ground 4 - position of storage units

28. The Department considers that the position of the storage units at the rear of the tandem parking spaces would make them difficult to use, unless the cars are moved.

Planning Committee

29. A copy of the Minute of the Planning Committee meeting held on 22nd September 2016 was supplied by the Department. This considered similar points to those raised in the Department's case. The Committee refused planning permission, citing the same reasons as those of the Department.

Consultations

Parish of St Saviour

30. The Parish had no objection to the proposal, and commented that it would provide ample parking, an improved line of sight and the facility for vehicles to enter and exit the site in a forward direction.

Department for Infrastructure Municipal Services

31. The Department welcomed the fact that the new access arrangement would allow vehicles to turn on site and would improve the existing arrangement of visibility splays, which do not meet the Department's standard requirements. However, the Department commented that ideally, the proposed access would be positioned in the centre of the site or use Victoria Court.
32. The Department also welcomed the removal of a sub-standard access. If consented, the Department would require that the dropped kerb alongside the access that would be closed should be raised back to full height. They would also require that the first two metres of the access should be surfaced in a bonded material to ensure loose aggregate were not carried onto the footway or road; and that surface water from the access should not be discharged onto the road.

Representations made by other interested persons

33. During the application process, letters of objection were received from six parties (in 8 letters/emails), all of whom reside in the adjacent streets. A further five representations from some of these parties were received during the appeal stage. These raised concerns about: the potential for additional parking in Victoria Court; adequacy and arrangement of parking on the site; noise and disturbance to neighbouring properties from cars and children; light spill and pollution to neighbouring properties; provision of a rear access to the properties; effects on wildlife and loss of hedge; loss of a pleasant building; and height and design of building in relation to the road.

The policy framework

34. A large number of policies within the Island Plan 2011 (amended 2014) have been referenced and referred to by both parties. I have provided a brief summary of these below, together with my observations as to how these relate to the appeal.

Policy SP 1 Spatial strategy

This policy directs development to the Island's Built-up Area, particularly the town of St Helier.

Observation: The proposed development lies within the Built-up area of St Helier. The principle of development at this location has not been contested.

Policy SP 2 Efficient use of resources

This policy requires that development should make the most efficient and effective use of land and other resources to help deliver a more sustainable form and pattern of development. In particular, new development should be designed to limit carbon emissions; and should secure the highest viable resource efficiency in terms of the re-use of land and density of development.

Observations: The development would be located within the built-up area, within 1km of the town centre and hence is easily accessed on foot and cycling. It lies close to a bus route and cycle route. It would re-use a previously developed site.

Policy SP 3 Sequential Approach to Development

Under this policy, development proposals will be subject to a hierarchical and sequential assessment to support a more sustainable pattern of development and the most efficient and effective use of land, energy and buildings.

Observations: The proposed development is within the built-up area of the town of St Helier and consequently is consistent with the requirements of this policy.

Policy SP 4 Protecting the natural and historic environment

This policy places a high priority for the protection of the Island's natural and historic environment including protection of its historic buildings, structures and places.

Observations: The proposed development is not a Listed Building or a Site of Special Interest for ecological features.

Policy SP 5 Economic growth and diversification

This policy promotes the protection and maintenance of existing employment land and floor space for employment-related use; and the redevelopment of vacant and under-used existing employment land and floor space for new employment uses.

Observations: The proposal does not have any effect on employment land. Although this policy was reference by the appellant in their general grounds of appeal, it is not a point in dispute.

Policy SP 6 Reducing dependence on the car

Development proposals must be able to demonstrate that they will reduce dependence on private cars by providing for more environmentally-friendly modes of transport. In particular, proposals must demonstrate (amongst other requirements) that the development is immediately accessible to existing or proposed pedestrian, cycle or public transport networks; that it does not give rise to an unacceptable increase in vehicular traffic or parking on the public highway; and that appropriate provision is made for car and cycle parking.

Observations: The proposed development is located within 1km of the centre of St Helier, and consequently is within walking and cycling distance of the centre. It lies close to a bus route and cycle route. Provision for cycle storage is included within the proposed design.

Policy SP 7 Better by design

Development must be of a high design quality, which maintains and enhances the character and appearance of the area of Jersey in which it is located. The policy defines aspects of design that need to be assessed to ensure that the development makes a positive contribution to the urban design objectives.

Observations: Compliance with this policy is not in dispute.

Policy GD 1 General development considerations

This policy sets out the criteria to be met in order for a development to be permitted. These criteria include contributing towards a more sustainable form and pattern of development; avoiding serious harm to the Island's natural and historic environment; avoiding unreasonable harm to the amenities of neighbours; contributing to or avoiding detracting from the maintenance and

diversification of the Island's economy; contributing to reducing dependence on the car; and being of a high quality of design.

Observations: The extent to which the proposed development meets the criteria in respect of impacts on neighbours and provision of car parking is in dispute.

Policy GD 3 Density of development

This policy promotes the highest reasonable density for developments, commensurate with good design, adequate amenity space and parking (bearing in mind the potential for reducing the need for car ownership) and without unreasonable impact on adjoining properties.

Observations: The proposed development is not at a particularly high density. As noted above, the effects on adjoining properties and adequacy of parking provision are matters in dispute.

Policy GD 7 Design quality

This policy requires developments to meet a high quality of design that respects, conserves and contributes in a positive way to the diversity and distinctiveness of the landscape and built context. A series of criteria that need to be met are specified by the policy. These include criteria relating to the scale, form, massing, orientation, siting and density of the development and inward and outward views; the relationship to existing buildings, settlement form and character and landscape features; the degree to which design details, colours, materials and finishes reflect or complement the style and traditions of local buildings; the use and maintenance of landscape and the degree to which this makes use of local features; incorporation of existing features into the development; and the design of safe pedestrian routes, vehicle access and parking.

Observations: The quality and style of design of the building as a whole is not in dispute.

Policy H 6 Housing Development within the Built-Up Area

This sets a presumption for new dwellings, extensions or alterations to existing dwellings within the Built-Up Area, which meet the required housing standards.

Observations: The proposed development is within the Built-Up Area. The dimensions of the dwelling units meet the Department's published standards, but whether the development meets the required standards for parking provision is in dispute.

Policy TT3 - Cycle routes

This policy allows the Minister to require contributions towards the creation of an Eastern Cycle Route Network. Contributions may be in the form of financial contributions or provision of the cycle network, and can be requested in conjunction with large new development such as housing.

Observations: The proposed development is located within the Eastern Cycle Route Network area, but is not sufficiently large to meet the threshold for contributions.

Inspector's assessment and conclusions

The 'general grounds' of appeal raised by the appellant

35. The appellant has provided lengthy submissions detailing the numerous policies within the Island Plan 2011 (amended 2014) and other guidance documents, which they believe set a presumption for new development, at higher densities, within St

Helier. In the appellant's view, these policies demonstrate a step change between the policies in the 2002 and 2011 Island Plans and consequently greater weight should be placed on them. In particular, the appellant has questioned whether Policies SP2 (promoting efficient use of resources) and SP6 (promoting reduced reliance on the car), were considered during the decision-making process.

36. The Island Plan 2011 (amended 2014) does contain policies that provide a presumption for development. However, it also contains policies that provide checks and balances to prevent inappropriate development. All these policies need to be considered together. Where there are conflicts between these policies, decisions about the relative weight to be placed on each of them will depend on the individual merits of the scheme being considered. Schemes that meet the overall requirements of the spatial strategy could still be considered unacceptable in terms of specific impacts.
37. The development lies within the Built-Up area of St Helier, on a previously developed site, and the principle of redevelopment is not in dispute. It is accepted that the proposed site lies close to the town centre and there is good access to public transport. In addition, the need for affordable housing is not contested. Although the proposal fulfils many of the presumptive policies for development, it is the degree to which it meets the requirements of those policies that set checks and balances on development, that is disputed. Inevitably, some element of judgement is needed in determining whether these requirements are met or not. Further consideration of these issues is given below in relation to each of the four stated reasons for refusal.

Ground (1): The proposed location of the new designated parking spaces which utilise the parcel of land to the south/west corner of the application site, will, given the close proximity of existing residential properties at Victoria Park Terraces to the west; Victoria Court to the south and Victoria Road to the north, result in the loss of, mature landscaping to those boundaries. In addition, the car parking area will result in a detriment to the residential amenities of the occupants of those properties by virtue of increased noise, pollution and general disturbance. Accordingly, the proposals will be contrary to Policies, GD1, GD3 & H6 of the Adopted Island Plan, 2011: Revised (2014).

38. It is true that development in urban areas will inevitably have some effects upon neighbours. The tests established by policy GD1 and GD3 are that the level of harm to the amenities of neighbouring uses should not be unreasonable and that development should not unreasonably affect the level of privacy that owners and occupiers might expect to enjoy.
39. The proposed parking area is currently an informal green "quadrangle" surrounded by neighbouring properties within the urban area. Given that the proposed parking area is effectively "land-locked", with limited access, it would be understandable if neighbours have an expectation that it would continue to be used as garden ground.
40. Vehicle movements are a common aspect of urban living. I note that several of the neighbouring properties are located on minor roads. These houses have a road elevation and a quieter 'garden' elevation, which currently borders the appeal site. The distance of separation between these properties and the boundary of the appeal site is relatively small. In my opinion, the proposed car park would introduce noise in close proximity to the normal living areas of neighbouring properties, which currently experience little noise. The appellant considers that

the level of noise and use of the car park would be low. However, the number of proposed parking spaces, combined with the proposed layout of the parking (see below), would, in my view, lead to noticeable and unreasonable levels of noise and disturbance in close proximity to the rear of the neighbouring properties. The relatively small size of the gardens means that it would be difficult for residents to continue to have quiet enjoyment of these areas, contrary to the requirements of GD1 and GD3.

41. I am satisfied that the proposed car park would not result in any unreasonable overlooking of properties. I note that the proposed design would increase the distance between the windows of the new dwelling and Shalom Cottage. Concerns relating to the effects of light spill from the proposed car park could be controlled by condition, although the effects of headlights could not.
42. I do not consider that the level and nature of the proposed development provides a justification for variation from policy GD1 or GD3. The scheme would result in the creation of three dwellings, only two of which would be affordable homes. As these would be a replacement (albeit of higher quality) of the existing two affordable homes, this scheme does not represent an increase in the stock of affordable housing. Whilst the creation of a new family home would be a welcome addition to the private housing stock, I do not think it is sufficient to outweigh the adverse effects on the amenity of adjoining properties that would result. In my opinion, the effects on amenity are sufficient to counter the presumption in favour of development established by policy H6.
43. I have considered the appellant's assertion that there is nothing to prevent the immediate conversion of the garden area for parking, using Permitted Development Rights. Whilst this may be possible, the car park would serve a smaller number of dwellings than is proposed by this development, and given the proximity of alternative parking closer to the house, the level of use may be lower. In my view, if implemented, such a course of action would result in a lower level of noise and disturbance than the current proposal.
44. The existing soft landscape features, including the hedge to the south-west are obviously valued by the neighbours. However, I do not consider them to be of especial value to biodiversity, other than providing a green site within the urban area. Nevertheless, I note the willingness of the appellant to retain these features, which could be secured through a condition to any permission that were granted.

Ground (2): The development is deficient 3 no. car parking spaces for each of the three units proposed contrary to Parking Guidelines-Planning Policy Notes No. 3-1988, and Policies, GD1, GD3 & H6 of the Adopted Island Plan, 2011: Revised (2014).

45. The current guidance for the quantum of parking to be provided for new developments is set out in supplementary planning guidance SPG3 parking guidelines (1988).
46. The guidelines pre-date the adoption of the current 2011 Island Plan (revised 2014). The Island Plan places a greater emphasis on reducing dependency on the car, whilst recognising that all developments are likely to require some parking. Consequently, there is tension between the parking requirements of the Island Plan and SPG3.

47. Whilst SPG3 remains the starting point for considering the appropriate level of parking to be included with a proposal, it is often appropriate to consider a variation from this to meet the stated aims of the Island Plan. Such an approach has been applied in decisions for other housing schemes, some of which have been subject to appeal. Flexibility is usually applied through relaxing the number of spaces required.
48. Applying the guidance within SPG3, 10 parking spaces would be required for the proposed development. This would comprise three residents' spaces per property plus one shared visitor space. Consequently, the Department has assessed the proposed provision of seven spaces, as deficient.
49. In my view, rigid adherence to these guidelines, which are widely acknowledged to be out of date and inconsistent with the aims of the Island Plan, is not appropriate. The proposed development is adjacent to a road that enjoys a frequent bus service. It is also within reasonable walking and cycling distance of the town centre. I note that the Parish did not raise any concerns about the level of parking provision in their consultation response. In addition, whilst accepting that the development is for family homes, two of these are targeted at the affordable housing market. For these reasons, I consider that the proposed provision of seven spaces would be adequate.

Ground (3): The location of the visitor car parking space, located on the access road into the car parking area and proposed tandem car parking arrangements will be restrictive in terms of suitable vehicular manoeuvrability within the site contrary to Policies GD1, GD3 & H6 of the Adopted Island Plan, 2011: Revised (2014).

50. Part 5(c) of Policy GD1 requires that development should provide a satisfactory means of access to the site, manoeuvring space within the site and adequate space for parking. The proposed access to the development site would provide an improvement in visibility splays over the current situation and meets the required standards. Although Municipal Services welcome the proposed access to the site, they note that a central access point would be preferable.
51. The Department consider the number of parking spaces included in the proposal to be inadequate, and include this as a ground for refusal. For the reasons described in paragraphs 45 - 49 above, I consider that there would be sufficient justification for a variation from the requirements of SPG3, and consequently consider that the proposed number of parking spaces would be adequate.
52. I turn now to considering the location and arrangement of the proposed parking spaces. The residents' parking would be located to the rear of the property. There would be no provision for loading or unloading of vehicles close to the dwellings.
53. The access road is only sufficiently wide for most of its length to allow passage of a single car at a time. Vehicles would only be able to pass each other either in the turning area or by using the visitor parking space (if free). Only one car would be able to enter or exit the site at one time. As it would not be possible to see from the car park whether another car was just about to turn into the access road, the arrangement could result in vehicles having to reverse for some distance along the access lane to make space for cars turning in. Given the potential for six different cars belonging to three different households, I do not consider this to be a very satisfactory arrangement.

54. The potential for congestion within the parking area is exacerbated, in my view, by the proposed tandem parking arrangement. I accept that tandem parking can be acceptable where both spaces belong to the same household and that the arrangement of cars within spaces is a matter for personal management. However, it is easy to imagine a scenario where the turning area is utilised by the rearrangement of vehicles in the tandem parking, at the same time as other vehicles are trying to enter and exit the site. In my view the consequences of the proposed arrangement are that it would lead to a heightened level of vehicle movements that could be avoided with a different layout. Not only would these movements be unsatisfactory for the residents of the dwellings, but they would also lead to an unreasonable level of disturbance to the neighbouring properties, which surround the proposed parking area. I do not consider that the hedges to the south and south-west or the storage units to the north-west would provide adequate screening from these vehicle movements.

Ground (4): The positioning of the allocated storage units to the rear of the designated tandem parking spaces will make it difficult for residents to utilise their storage units contrary to Policies GD1, GD3 & H6 of the Adopted Island Plan, 2011: Revised (2014).

55. External storage units, principally for cycles, have been included within the proposed design, although these are not a statutory requirement. Their inclusion in the design is helpful in promoting cycle use. Whilst I understand the Department's concerns about difficulties in accessing these units, it is up to individuals to manage access to their property. I note that the appellant has offered to remove the units from the design, in response to comments received during the application stage.

Conclusions

56. In reaching my conclusions I have viewed the ground from the appeal site and also visited adjoining gardens. I note that the appellant considered that the Department and the Planning Committee gave too much weight to the concerns of neighbours. I have considered these issues afresh, and I find that the effects on the amenity of neighbouring properties are unreasonable.
57. For the reasons set out above, I conclude, on balance, that the proposed development would have an unreasonable impact on the amenities of neighbouring properties, contrary to the requirements of policies GD1, GD3 and H6 of the 2011 Island Plan (amended 2014).

Recommendations

58. For the reasons outlined above, I recommend that the Minister should dismiss the appeal.
59. If the Minister is minded not to follow this recommendation, and wishes to allow the appeal, then conditions should be applied to any grant of planning permission that is made. I append a separate note about this.

Sue Bell

Inspector 06/06/2016

Notes of Possible Conditions

The Department submitted a list of possible conditions, which were discussed at the hearing. These addressed issues relating to the vehicular layout, landscaping, and removal of Permitted Development Rights. These would act as the starting point for conditions to accompany any grant of planning permission. The following additional points would also need to be covered by condition:

- a) The hedge along the south-western boundary between the site and 29 Victoria Court, and the holly tree on the north-western boundary between the site and 3 Victoria Park Terrace should be maintained.
- b) Prior to commencement of the development, any proposals for external lighting of the car park area shall be submitted to and approved in writing by the Department of the Environment.
- c) The dropped kerb alongside the closed access shall be raised back to full height. The first two metres of the access road shall be surfaced in a bonded material to ensure loose aggregate is not carried onto the footway or the road. Surface water from the access road should not be discharged to the public road.

The Reasons for these conditions are to maintain the character and amenity of the area (a and b) and for reasons of road safety (c).