

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

Site visit made on 6 March 2017

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

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### **Reference: P/2016/0479**

### **Alma, Milden House and Alma Cottage, La Route De St Aubin, St Helier, JE2 3SG**

- The appeal is made under Article 108 and 110 of Planning and Building (Jersey) Law 2002 (as amended) against the granting of permission to develop land.
  - The appeal is made by the Alma Residents Association against the decision of the States of Jersey. The appellants live within 50 metres of the appeal site.
  - The application Ref P/2016/0479 by JAJ Properties Limited, dated 15 March 2016, was approved by notice dated 19 November 2016.
  - The application granted permission is "Refurbishment and internal modification of Milden House, refurbishment and extension of Alma and Alma Cottage. General demolitions of extensions and outbuildings. Construction of two semi detached dwellings. Remodelling and resurfacing of access lane/hard and soft landscaping."
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### **Recommendation**

1. I recommend that the appeal be upheld and the planning application be refused.

### **Procedural Matter**

2. I have taken the description of the development proposed from the application form. I note that the description of development on the Decision Notice is different and states, "Demolish various outbuildings to South West of site and construct 2 No. four bed dwellings with associated parking and landscaping. Alterations to Milden House to include construct raised terrace to South West elevation and various window alterations to North East and South West elevations. Replace roof and demolish part of South West boundary wall. Alterations to Alma and Alma Cottage to include demolish extensions and construct raised terraces with carports below and first floor balconies to South West elevation. Change of use of ground floor of both units from class A retail to form 2 No. three bed dwellings. Replace roof and various window alterations to North East and South West elevations. 3D Model Available. Amended Description: Proposed revisions to South elevation. Additional landscaping to site. Amended Plans Received."

### **Main Issues**

3. The main issues in this case are the effects of the proposed development on the character of the area; and its effect on the living conditions of neighbouring occupiers, with regards to amenities including daylight, outlook and privacy.
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## **Reasons**

### *Character and appearance*

4. The appeal site comprises three properties along La Route de St Aubin, Alma Cottage, Alma and Milden House, together with a large rectangular plot between La Route de St Aubin and Victoria Road. The three properties form part of a terrace of five properties, of which Alma and Alma Cottage adjoin each other at one end, and Milden Place is effectively a “book-end” at the other end of the terrace. Consequently, there are two terraced properties, Alma Place and Alma House, in the middle of the terrace that do not form part of the appeal site.
5. Alma and Milden House are listed buildings, as is Alma Place, which forms one of the properties in the middle of the terrace, outside the appeal site. The simple yet elegant facades and large sash windows contribute a significant sense of history to the immediate area.
6. The large plot contains derelict single storey garages, situated close to the rear of the terraced properties, and largely comprises what appears as garden land. The presence of properties to either side of the plot, fronting Victoria Road, together with the plot’s unkempt character, affords it the appearance of an infill development site.
7. The site is within a mixed use area, largely residential, but with commercial uses within the vicinity along La Route de St Aubin. Surrounding dwellings largely comprise two storey terraced buildings, although there are also detached and semi detached dwellings, and flats nearby, with building heights ranging from one to three storeys.
8. To the front, the forward facing elevations of the properties in the terrace immediately adjoin the pavement, which is narrow in this location. The terraced row is set further forward, closer to the road, than other terraced dwellings on the same side of La Route de St Aubin in the immediate area.
9. Across the road from the terrace is a large Art Deco style building, housing a garage and museum. The height and scale of the building, together with its relatively close proximity – separated by just the road and pavements - means that it dominates the outlook from the front of the terraced cottages opposite.
10. All five of the terraced properties in the row appear as two storey buildings when seen from the front, although dormer windows provide for living accommodation on the second floor.
11. To the rear, the appeal properties, and the other two dwellings in the row, face out towards Victoria Avenue, with St Aubin’s Bay beyond. During my site visit, I observed a significant change in character between the front of the terrace and the rear. To the front, there is a sense of dense urban development, with narrow pavements and buildings close together, whereas to the rear, the skyline effectively “opens up,” providing for a significant sense of openness and spaciousness.
12. There is a slight fall in levels, away from La Route de St Aubin and towards Victoria Road and this, together with the absence of buildings above single storey height between the appeal site and the sea provides for an open outlook

including a sweeping vista from windows to the rear of the terraced properties, over the top of the single storey buildings, to the Bay beyond.

13. I also observed during my site visit that the three terraced properties within the appeal site are in an extremely run-down state, to the extent that even the untrained eye can see that they require significant investment to bring them back into residential use.
14. The proposal would achieve this. Part of the proposal involves the regeneration of the tired terraced properties, to afford them a new lease of life. The proposed redevelopment of the properties themselves would be sensitive to their historic status and make a positive contribution to local character, by transforming run-down buildings into new homes. This part of the proposal fully reflects the aspirations of the Island Plan in respect of making efficient use of resources (Policy SP2), protecting the historic environment (Policies SP4 and HE1), all within the Built Up Area (Policy SP1). It is a factor strongly in favour of the proposal.
15. However, an integral part of the proposal involves the development of a pair of semi detached dwellings on the vacant plot. This would involve the removal of the single storey garages and their replacement with much larger dwellings that would extend to three storeys in height.
16. From the front, the proposed dwellings would appear as attractive, modern buildings. They would not be out of keeping with the “sea-front” dwellings along Victoria Road and would, due to their attractive contemporary design, make a positive contribution to local character.
17. However, the rear elevations of the proposed new dwellings would be located in very close proximity to the rear of the terrace of five properties. In particular, the central portion of the rear of the proposed block that would contain the two dwellings, would be little further away from the rear of Alma House than the existing single storey garage. However, rather than be low in height, relatively small and ancillary in appearance – like the existing garages – the proposed dwellings would, together, comprise a large, tall block of development. The scale of this, when combined with its very close proximity to the terrace behind it, would result in an unduly dense form of development, out of character with the open and spacious qualities identified above.
18. In this regard, I am mindful that the new dwellings proposed form an important element of the viability of the proposal as a whole. They help to provide for the regeneration of Alma, Alma Cottage and Milden House. In this respect, I find that the harm to local character arising from overly dense development is not so significant that it would not be outweighed by the positive benefits arising from the investment into and improvement of, the three cottages, of which two comprise important heritage assets.
19. Taking the above into account, I consider that the benefits of the proposal would outweigh any harm arising. Consequently, taken as a whole, the proposal would result in a slight improvement to local character and in this regard, it would be in keeping with policies GD1, SP1, SP2, SP4, HE1, BE6, H4 and H6 of the Revised 2011 Island Plan (2014), which together amongst other things, protect local character.

*Living conditions*

20. During my site visit, I observed the appeal site from Alma Place and Alma House, dwellings situated within the terrace, in between the cottages within the appeal site. In looking out towards the front from Alma Place, I noted that the garage on the opposite side of the road “looms large” such that it dominates the outlook. This affords the front of the dwelling a somewhat enclosed outlook and serves to emphasise the importance of what I found to be a notably open and spacious outlook to the rear.
21. Numerous windows take advantage of Alma Place’s open aspect to the rear. I consider that this affords a terraced property with only two aspects, the front-facing one of which is constrained to some degree, with an important sense of openness and spaciousness.
22. Unlike Alma Place, the dwelling I visited at Alma House only has single aspect rooms – all facing out in the direction of St Aubin’s Bay. Given this, I find that the rear outlook is extremely important in respect of the daily life of the occupiers of this property. Currently, windows and a small outside terrace provide for an open and spacious aspect over the top of the single storey garages.
23. The proposed development has been designed in a way that it will be built closest to the rear elevations of Alma Place and particularly, Alma House. The rear elevation would be stepped back further away from the three terraced properties within the appeal site, to provide for car parking. I find that this design feature would provide “breathing space” to the rear of those three properties. Furthermore, to some degree, this set back would also combine with gaps between either side of the proposed new dwellings and existing properties, to provide for significant glimpses through to open space beyond. Consequently, future occupiers of the regenerated buildings would have a reasonable outlook.
24. However, I find that the aspect to the rear of both Alma Place and Alma House would be fundamentally altered as a result of the proposal.
25. The existing outlook over low buildings would be replaced by one directly onto the rear of a three storey block. The harm arising would be exacerbated as a result of the height, scale and very close proximity of the proposed development, especially that element projecting furthest to the rear. I find that this rear projection in particular, would be so severe as to unduly dominate the outlook from the rear windows of Alma House, transforming an important open and airy outlook into an enclosed and unduly constrained one. I also consider that, despite the stepped-back design, the overall volume, height and close proximity of the proposal would result in it unduly dominating the outlook from the rear of Alma Place.
26. Further to the above, the outlook from the rear terrace of Alma House would change to such a degree that the ability of occupants to enjoy it as an area with a strong visual connection to the wider spaces around would be removed. It would, instead face immediately onto the rear walls of a three storey block. Given the absence of other private open space for the occupiers, I find that this would amount to significant harm.

27. Taken together, rather than provide for a reasonable outlook for the occupants of Alma House and Alma Place, I find that the proposed new dwellings would appear so prominent and dominant from the rear of the two terraced properties as to lead to a claustrophobic sense of being “hemmed in.” This would be in stark contrast to the sense of openness and spaciousness which currently characterises the outlook from these properties.

28. Whilst I note that the proposed new dwellings have been designed to prevent impacts on privacy, through the location of windows and the use of obscured glazing; and that there is no technical evidence to demonstrate that they would result in a loss of daylight to neighbouring properties, these are not factors that, themselves, amount to positive benefits.

29. Taking all of the above into account, I find that the proposed development would severely harm the outlook of neighbouring occupiers. This would be contrary to Revised Island Plan 2011 (2014) Policy GD1, which, amongst other things, seeks to protect residential amenity.

### **Other Matters**

30. 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**

31. The proposal would provide for the regeneration of three cottages, including listed buildings and this would result in an overall benefit to local character. However, it would also be detrimental to the living conditions of neighbours and the harm arising from this would be so severe as to significantly outweigh the benefits arising.

32. For the reasons given above, I recommend to the Minister that the appeal be upheld.

*N McGurk*

INSPECTOR