

PLANNING AND BUILDING (JERSEY) LAW 2002 (as amended)

**Appeal under Article 108 against a decision made under Article 19 to grant
a planning permission**

REPORT TO THE MINISTER FOR THE ENVIRONMENT

made under Article 115(5)
by D A Hainsworth LL.B(Hons) FRSA Solicitor
the inspector nominated under Article 113(2) from the list of persons appointed
under Article 107

Appellant:

Arthur Poole

Planning permission reference number and date:

P/2017/0024 dated 31 March 2017

Applicants for planning permission:

Paul and Harriet Rouse

Site address:

La Villa du Bourg, Le Grand Bourg, Grouville, JE3 9UY

Description of development:

"Demolish various structures. Construct ground floor extension and terrace to East elevation and first floor extension to North elevation. Construct pergola to East of site."

Inspector's site visit date:

7 July 2017

Hearing date:

7 July 2017

Introduction

1. This is a third-party appeal against the grant by the Department of the Environment on 31 March 2017 of planning permission P/2017/0024 for the development described above. No planning conditions were imposed other than the standard conditions requiring the development to commence within five years and to be carried out entirely in accordance with the approved plans, drawings, written details and documents.

Description of the site and its surroundings and the approved development

2. La Villa du Bourg is a detached house in a group of houses at the southern end of Le Grand Bourg, Grouville. The appellant's house, La Chaumiere, lies to the north. Le Bourg Farm is on the opposite side of the road.
3. The house has two storeys at its southwards-facing front, with a pantiled pitched roof that slopes down to single-storey height at the rear of the house. Further to the rear are a single-storey extension with a mono-pitched roof that rises towards La Chaumiere and a flat-roofed double garage, which is between the house and La Chaumiere. There is a freestanding conservatory to the east of the single-storey extension. The western gable wall of the house and the front of the garage face across the road towards Le Bourg Farm.
4. The principal feature of the approved development will be the construction of a first-floor extension over the single-storey extension and the garage. This will have a gable wall facing La Chaumiere to the north, with a double-pitched roof sloping eastwards and westwards and having a flat-roofed section in the middle. The height of the two ridges of the double-pitched roof will be below the level of the main roof ridge of the house. There will be roof lights in each of the roof slopes, but no openings above ground-floor level in the gable wall facing La Chaumiere.
5. The double-pitched roof is shown on the approved plans with a natural slate roof (along with the existing roof of the house). The walls of the first-floor extension are shown as white render, which will match the walls of the rest of the house.
6. In addition, a flat-roofed single-storey extension will be built on the eastern side of the house. It will be clad in cedar and extensively glazed. Terracing and a pergola will be constructed at a lower level beyond this extension, in the area where the conservatory and an outbuilding stand now.

The case for the appellant

7. The appellant states that the development will result in La Chaumiere losing privacy and light and being dominated by La Villa du Bourg's northern elevation, because of its height and proximity. The single-storey extension, he states, would have an incongruous appearance and be a dominant feature when viewed from La Chaumiere.
8. The appellant also maintains that the development would fill the gap between La Chaumiere and La Villa du Bourg, which would be harmful to the prevailing character of the group of houses and the streetscape.
9. As a result the appellant maintains that the development would be in conflict with Island Plan policies.

Other representations

10. Representations have been received from Colette and Jonathan Voak, who live at Le Bourg Farm. They state that the first-floor extension will have an overbearing impact on their house and will result in a loss in the amount of daylight and sunlight reaching their front windows. They also consider that the first-floor extension should be roofed with pantiles, which they believe would

be more in character with the area and have less impact on their house than the natural slates shown on the approved plans, because pantiles would reflect more light.

The case for the applicants

11. The applicants state that when they bought La Villa du Bourg in 2016 it had been neglected and required significant modernisation. They maintain that the ground-floor accommodation is poorly arranged and that the bedroom and bathroom accommodation are not in keeping with modern family living.
12. The applicants state that the development will overcome these drawbacks without harming the streetscape or unreasonably affecting neighbours' amenities. In particular, they do not consider that La Chaumiere will be dominated or suffer loss of privacy, or that either La Chaumiere or Le Bourg Farm will incur significant loss of daylight or sunlight. They are prepared to consider the use of pantiles instead of natural slates.
13. The applicants maintain that the development would therefore not be in conflict with Island Plan policies.

The case for the Department of the Environment

14. The Department state that the development has been designed appropriately in relation to the existing building and its context. They consider that it will not facilitate significant increased occupancy, or seriously harm landscape character, or unreasonably harm the amenities of neighbouring land users.
15. The Department consider, on balance, that the development accords with Island Plan Policies NE 7, GD 7 and GD 1.

Island Plan policies

16. Policy NE 7 is applicable because the house is in the Green Zone. Policy NE 7 states that the Green Zone will be given a high level of protection from development and there will be a general presumption against all forms of development, with certain exceptions. One exception is a house extension, but only where (a) the design of the extension is appropriate relative to existing buildings and its context, (b) it does not facilitate significant increased occupancy and (c) it does not seriously harm landscape character.
17. The preamble to Policy NE 7 states that there is "a need to provide for the reasonable expectation of residents to improve their homes" (2.120) and that it "would be unreasonable to resist all forms of development to improve people's homes" (2.122). It continues, "The acceptability of an extension to a dwelling will be determined by its scale, design and impact on landscape character" (2.123), and it then adds: -
 - 2.124 "Each case should be assessed on its merits and, in particular, regard had to the sensitivity of the site, relative to the capacity of the landscape character area to accept change."
 - 2.125 "The purpose will be a material consideration and should not facilitate a significant increase in occupancy. Intensification of domestic use

would place more pressure upon a fragile environment, limited infrastructure and services and be likely to increase trip generation....”

18. Policy GD 7 indicates that the design of development must “adequately address and appropriately respond” to several criteria. These include: 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, topography, landscape features and the wider landscape setting; and the degree to which design details, colours, materials and finishes reflect or complement the style and traditions of local buildings.
19. Policy GD 1 indicates that development will not be permitted if it unreasonably harms the amenities of neighbouring uses, including the living conditions for nearby residents. It refers in particular to it not unreasonably affecting the level of privacy or light to buildings and land that owners and occupiers might expect to enjoy.

Inspector's assessments and conclusions

Policies NE 7 and GD 7 : The Green Zone : Design Quality

20. This part of Le Grand Bourg is characterised by extensive two-storey houses occupying substantial plots in attractive rural surroundings. The houses are, in general, close to the roadside and to each other. There is no uniformity of design or of external appearance.
21. I understand that La Villa du Bourg was built around 1880 as a two-bedroom house, with a workshop which is now the single-storey extension at the rear. It was extended a long time ago to include a third bedroom and an outside toilet. The double garage was added in 1976 and the conservatory in 1990.
22. The outcome is a disjointed arrangement of accommodation, with different ground-floor levels, varying roof levels and a lack of sufficient headroom in some rooms. The applicants in my opinion have a reasonable expectation that they should be permitted to improve the house to make it more suitable for occupation by them as a family home.
23. The development as a whole appears to me to have been sensitively designed, so as to comply with the standards called for by Policies NE 7 and GD 7. At ground-floor level it will rationalise the accommodation within the existing footprint and add a flat-roofed single-storey extension as a low-profile link between the house and the garden. The first-floor extension over the single-storey extension and the garage will improve the bedroom space, enabling the low-headroom third bedroom and bathroom to be replaced by two good-sized en-suite bedrooms. It will obviously add to the size and outward appearance of the house at that level, but it will be subordinate to the main part of the house, and the house as a whole will still be in keeping with the size and height of neighbouring development and with the landscape character and the appearance of this part of Le Grand Bourg.
24. The development will facilitate increased occupancy as a result of the added bedroom space, but it will not in my opinion do so to a “significant” extent, within the meaning of Policy NE 7, taking into account that the purposes of the development are to remedy deficiencies in the existing house and to improve the standard of family accommodation.

Policy GD 1 : The amenities of the occupiers of La Chaumiere and Le Bourg Farm.

Privacy

25. There will be no first-floor windows in the gable wall facing La Chaumiere. The glazed door at ground-floor level in the gable wall, the adjoining narrow window in the single-storey extension and the east-facing windows in the single-storey extension will not afford a significant view of La Chaumiere, because screening is provided by a high boundary wall and vegetation.
26. There will be a more extensive view from the upper-floor windows in the eastern elevation of the first-floor extension than there is from existing windows in La Villa du Bourg. This will include oblique views of part of La Chaumiere's garden, but there will be no direct views of La Chaumiere's windows or of the sitting-out areas adjoining the house. A good standard of privacy will remain.
27. There are already windows in the side of La Villa du Bourg that face windows in Le Bourg Farm, across the road. The only new windows that will be installed on this side are high-level roof lights in the roof above the garage, from which it will be impracticable to look towards the windows of Le Bourg Farm.

Outlook

28. The existing gap and the high wall between the sides of La Villa du Bourg and La Chaumiere will remain. Existing development on this side of La Villa du Bourg is already significantly higher than the boundary wall. La Chaumiere has a gable wall on the boundary, which has no openings, and it has an external structure next to the boundary wall at this point.
29. The applicants' survey overlay drawing number 1102/301 shows that the changes that will affect the outlook from La Chaumiere are confined to the upper parts of the double gable wall and an upper section of the eastern end of the single-storey extension. The latter will be screened by vegetation. The former will be most obvious when it is viewed at an angle from the nearest windows in La Chaumiere and from the nearest part of the garden. It will, however, be a reasonable distance away and will be seen with the higher existing roof of La Villa du Bourg behind it. I do not consider that it will have an overbearing impact.
30. The change to Le Bourg Farm's outlook will arise from the construction of the pitched roof over the garage, which will be around 4m higher at ridge height than the garage's existing flat roof and will extend to link with the sloping roof at the rear of La Villa du Bourg. The new roof will be seen from the ground and first-floor windows in Le Bourg Farm that will face it across the road but, because it will be a reasonable distance away and will slope away from Le Bourg Farm, I do not consider that its impact will be overbearing.

Light

31. Information has been provided by all the parties to the appeal about the possibility of La Chaumiere and Le Bourg Farm experiencing a loss of daylight or sunlight as a result of the construction of the first-floor extension. I have carefully considered the information provided, which includes comparative sun studies undertaken by the applicants' architects and photographs taken by the

Department and by Mr and Mrs Voak, and I made my own assessment when I visited the site.

32. My conclusions are (a) that neither La Chaumiere nor Le Bourg Farm will suffer an appreciable loss of daylight, (b) that La Chaumiere will experience a negligible loss of sunlight, which will not have a significant impact on the house or its garden, and (c) that some of the early-morning sunshine that reaches some of the front windows of Le Bourg Farm in the summer will be lost for a short time as a result of the construction of the pitched roof over the garage. I fully appreciate the value that Mr and Mrs Voak place on this sunshine, but in my opinion its loss does not amount to unreasonable harm, within the meaning of Policy GD 1.

Other matters

33. Since Le Bourg Farm is a listed building its setting is of particular importance. Its present setting is characterised by the surroundings I have previously described. The development will arguably improve this setting since the unattractive flat roof of the double garage will be replaced by a pitched roof more in keeping with the surroundings.
34. I have considered whether any additional planning conditions should be imposed, having regard to the discussion that took place at the hearing. The use of obscure glazing in the door in the gable wall and in the adjoining window in the single-storey extension (see paragraph 25 above) was discussed, but I do not consider that this measure is needed in view of my conclusion in that paragraph. The possibility of requiring the use of pantiles instead of the natural slates that have been approved was discussed, but I do not consider that this could be justified – slates are in use in the area (including on Le Bourg Farm); there is no heritage or conservation requirement for pantiles; and there would be little if any improvement so far as the outlook and light at Le Bourg Farm are concerned.

Inspector's overall conclusion

35. For the above reasons, and following the detailed assessments I have made of the issues arising in the appeal, I agree with the case put forward by the Department. I consider that the development accords with Island Plan Policies NE 7, GD 7 and GD 1 and that planning permission P/2017/0024 should not be reversed or varied.

Inspector's recommendation

36. I recommend that, in exercise of the power contained in Article 116(2)(c) of the Planning and Building (Jersey) Law 2002 (as amended), the appeal should be dismissed.

Dated 8 August 2017

D.A.Hainsworth

Inspector