

**STATES of JERSEY**

**Report to the Minister for Planning and the Environment**

**Appeal by Nadia Miller under Article 108 of the Planning and Building (Jersey) Law 2002, as amended, against refusal of planning permission to create a vehicular access and parking area and convert an existing garage into a store.**

**Site address: Montrose, La Grande Route de St Clement, St Clement JE2 6QP**

**Site inspection: 6 December 2017**

**Inspector: Roy Foster MA MRTPI**

## **Introduction**

This appeal concerns the refusal of planning permission for the creation of a vehicular access and parking area and the conversion of an existing garage into a store at Montrose, La Grande Route de St Clement, St Clement, JE2 6QP.

Montrose is a detached house standing back from the north side of the road within a fairly straight section where the built-up area is beginning to become less continuous and there is no footway on the north side. Other detached houses are on both sides of Montrose. Like it, these are on land which is generally higher than the road. To the west is Cherry Garth which has a sloping driveway and parking area. To the east is Granville, a listed building in front of which is a rough-surfaced and somewhat unkempt parking area behind a breach in the roadside wall. Beyond that is Summerhill, another house with a driveway leading to a parking area set well back from the road.

## **Relevant Island Plan policies**

Policy TT13 supports the definition and function of the Island's highway network and states that the creation of new access points onto the primary road network (of which this is part) will be approved. However, BE8 aims to avoid the loss of front gardens and boundary features for the purpose of providing frontage parking with direct access from the highway where this would have a detrimental impact on the character and appearance of the road scene or highway safety. HE1 also imposes a presumption in favour of the preservation of the architectural and historic character and integrity of listed buildings and their settings.

GD1 (1) provides that development proposals will only be permitted where there is no serious harm to the natural and historic environment, particularly heritage assets, or (2) where unacceptable problems of traffic safety or parking would not arise. Part 2 goes on to state that development will be restricted where there is unsatisfactory means of access, manoeuvring space within the site and adequate space for parking.

## **The main issue**

The main issue in this appeal is whether or not the highway safety and environmental issues raised by the proposal (and therefore relevant to the matters raised in policies BE8, HE1 and GD1) are of sufficient weight to overcome the generally permissive approach of policy TT13 towards the creation of new access points to highways.

## **Inspector's consideration of the issue**

The scheme would involve the removal of a substantial part of the existing length of the granite wall and pillared gateway fronting the road and their rebuilding further back inside the site. An adjacent section of the wall would be lowered. A two-car parking bay about 5m x 5m, would be created at the back edge of the footway.

In the view of the Department for Infrastructure the current scheme would result in two vehicles parked too close to the edge of the carriageway, thus blocking each other's visibility. The visibility splays for the two separate spaces cannot be satisfactorily combined at one central location and in practice the extent of the splays would be substandard and not as indicated on the plans. Space for manoeuvring entering/exiting vehicles would be

insufficient and therefore require vehicles to cross the centre of the road. Room to open car doors would be useable albeit tight.

For the appellant it is argued that (a) visibility is adequate and would not cause any particular danger to other road users and (b) drivers approaching vehicles leaving the parking area would have a good view of such vehicles for over 100m from either direction, giving plenty of time to adjust their driving if required. The onus would be on drivers exiting the site to ensure that it is safe to do so.

In my view the Department for Infrastructure has made valid criticisms of the proposal. Cars either entering or leaving one of the spaces would have to execute a reversing manoeuvre with limited visibility onto a straight piece of road where vehicles can usually travel unhindered at the speed limit of 30mph or above.

The appeal proposal includes the change of use into a store of an existing garage associated with Montrose, positioned on the opposite (south) side of La Grande Route de St Clement. The appellant identifies this as a benefit of the scheme in that vehicles leaving this garage have only very limited visibility (stated as 5.85m x 4.4m) and must cross the only footway serving the road which is used by schoolchildren from the nearby Le Rocquier School.

While this discontinuance would represent some benefit (and could be ensured by an appropriate condition attached to any permission for the current scheme), I agree with the Department for Infrastructure that it would not outweigh the disadvantages to highway safety resulting from the current proposal.

Turning to environmental and heritage matters, the substantial length of granite wall in front of Montrose contributes to the setting to the grade 3 listed building at the adjacent Granville together with other lengths of the same distinctive and attractive roadside feature along this part of the road. In addition, a grade 3 listed 19<sup>th</sup> century Jersey milestone provides a particular feature within a section of the wall at Montrose. Although the part of the wall containing the milestone would remain unchanged by the proposal I consider that, overall, the design and scale of the alterations, including the introduction of parked vehicles close to the carriageway, would damage the character and appearance of the street scene which is an important part of the setting of both Granville and the milestone. Taking these changes together the resulting harm would undermine the aims of policies BE8, HE1 and GD1 (1).

I therefore conclude that the harm arising from both the highway safety and environmental aspects of the scheme appeal should lead to its dismissal.

The appellant's clear desire to create a more convenient parking area within her own garden is understandable: Montrose is the only one of the 4 houses along this part of the north side of the road without such a facility. The appeal papers indicate that earlier applications have also sought to achieve front-garden parking at Montrose. Most recently P/2017/0029 proposed excavation of a larger area of the garden to provide a turning area near to the road at the front with a parking area for a car and motorbike behind it. The space within the front garden of Montrose is certainly quite large but whether or not a different layout and design could be devised, both more workable and more sensitive (without the need for reversing and without material harm to the environmental and heritage policies of the Island Plan policies) is not a matter for this appeal.

## **RECOMMENDATION**

I recommend that the appeal should be dismissed.