

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: Mr & Mrs Guzdar

Planning Permission Reference Number: P/2017/0763

Decision notice date: 19th October, 2017

Location: Clos du Cotil, 2 White Houses, Noirmont Lane, St Brelade, JE3 8AS

Description of Development (as stated on Decision Notice): Construct ground floor extension and terrace to West elevation. Construct ground floor extension with balcony and replace roof terrace with pitched roof to North elevation. Render wall to South elevation.

Appeal Procedure and Date: Hearing, Friday 12th January 2018

Site Visit procedure and Date: Unaccompanied, Tuesday 9th January & accompanied, Wednesday 10th January, 2018

Date of Report: 12th February 2018

Procedural matter

1. The description of the development included on the Decision Notice differs to that provided on the application form and from the works shown on the plans. I deal with this issue further below.

Introduction

2. This is an appeal by Mr & Mrs Guzdar against a refusal to grant planning permission for alterations and construction of extensions (including a terrace) to their property.
3. Owing to the number of objections received, the decision was made by the Planning Committee on 24th August 2017 and confirmed at its meeting on 19th October 2017. Their decision was contrary to the Department's recommendation to approve the scheme with conditions.
4. The Decision Notice dated 19th October 2017, lists the following three reasons for refusal:
 - (1) The proposed development to the north, by virtue of its height results in an unacceptable loss of light and overbearing impact on the neighbouring property to the east, harmful to the amenities of the occupiers of the neighbouring property, contrary to Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).

- (2) The proposed development to the west, by virtue of its height and projection, results in an unacceptable overbearing impact on the neighbouring property to the west, harmful to the amenities of the occupiers of the neighbouring property, contrary to policy GD1 of the Adopted Island Plan 2011 (Revised 2014).
 - (3) The scale and form of the proposed extensions are not considered to be appropriate to the existing building and its context, contrary to Policy NE7.1a of the Adopted Island Plan 2011 (Revised 2014).
5. A summary of the cases presented by the appellant, the Department of the Environment and the Planning Committee, together with comments from other parties received during the application and appeal 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

6. Clos de Cotil forms one of a cluster of dwellings located at the western end of Noirmont Lane, within the Green Zone.
7. The topography of the area has influenced the layout of the houses along the lane. The ground slopes steeply from east to west, allowing expansive panoramic views westward along Noirmont Lane to the sea beyond. The slope means that Clos de Cotil sits at a lower ground level than the neighbouring property to the east (Sea Wyndes), but at a higher ground level than the neighbouring property to the west (Sugar Pines Lodge). To the rear (north) of the property, the ground slopes steeply downwards.
8. The appeal property has been extended and adapted in the past. The garage to the north of the property has a roof terrace above, which allows views to the east, north and west, and limited views to the south-west. The original single garage to the east of the property has been converted to living space. Although the appeal property is a detached dwelling, it lies in close proximity to the dwelling to the east. By contrast, there is a greater separation with the property to the west.

The proposed development

9. The description of development included on the Decision Notice differs to that on the application¹, which in turn differs from the applicant's statement of case. At the hearing the Department clarified, that in the interests of brevity it had modified the applicant's description of proposed works, without their approval.
10. During the hearing, the scope of proposed works was confirmed as:
 - re-orientation of the existing pedestrian access to the building from south to west;
 - application of render to the existing granite extension to the south;

¹ "Single storey extension and patio/terrace to west elevation. Single storey extension to north elevation. Ground floor balcony to north elevation. Replace roof terrace to north elevation with a pitched roof. Replace granite finish with render to porch on south elevation. Study on east elevation to return to original use as a garage."

- external alterations to the existing study to the east to reform a single garage;
- conversion of the existing garage to the north into a bedroom, and addition of a balcony to its northern elevation;
- construction of an extension to the north-east to provide an ensuite bathroom for the converted bedroom;
- installation of a pitched roof above the garage to be converted to a bedroom;
- construction of a ground floor lobby to the north-west to link bedroom with living area;
- construction of a single storey extension with attached terrace to the west;
- re-organisation of parking and vehicle access.

11. This description accords with the plans submitted as part of the application.

Case for the appellant

12. In summary, the appellants state that the proposed extensions have been designed to create respectful and appropriate relationships with neighbouring properties and to minimise their effect on the amenity of neighbours. They consider that they comply with the requirements of policy GD1 of the adopted Island Plan 2011 (revised 2014) and would not have unreasonable effects on the amenity of neighbouring properties. They also consider that the proposals satisfy the criteria for extensions under policy NE7 (Green Zone).
13. Specifically, the appellant does not consider that the height of the extension to the north would result in overlooking of the property to the east (Sea Wyndes), nor would the pitched roof result in unreasonable loss of light to that property or be unreasonably harmful through overbearing. The appellants do not consider that the position of the balcony on the adjoining property should be used as a baseline for assessing the effects of the proposed development, as this is unconsented.
14. In relation to the neighbouring property to the west (Sugar Pines Lodge), the appellant considers that there is adequate separation between the proposed extension and the neighbouring property. Further, they consider that the area in front of the neighbouring house is less private space and any effects on privacy could be mitigated.
15. In addition, the appellant does not consider that the proposed terrace to the west would result in unreasonable harmful effects on the property to the south (N^o 5 White Houses) as the elevation facing the driveway of Clos de Cotil is already less private.
16. The appellant's statement of case also identifies a number of other grounds of appeal, namely: neighbouring properties have been extended or altered in a similar way to that proposed; and the scale and design of the extensions is appropriate to the building and its context.
17. The appellant has also identified some procedural issues relating to timescales for producing information; adequacy of parking; and concern that the Planning Committee may not have fully understood the different elements of the proposals.

Case for the Department of the Environment

18. The Department's report for the Planning Committee considered that the proposals met the criteria for allowing extensions to properties within the Green Zone as set out in policy NE7, in that the design of the extensions was considered to be appropriate to the existing building and its context; they were not considered to facilitate a significant increase in occupancy; nor were they considered to lead to the creation of a separate household.
19. The Department also considered the design to be sympathetic to the existing building in terms of scale, materials and form. The proposed re-orientation of the house from a southerly to westerly direction was not considered to be at odds with the character of the area or to be harmful to the streetscape. Accordingly, the report concluded that the proposal also met the requirements of policies GD7 - design quality and BE6 - building alterations and extensions, of the adopted Island Plan 2011 (amended 2014).
20. The report also concluded that the proposed single storey extension and separate balcony to the north would not cause unreasonable harm to the amenities of neighbouring uses. This conclusion was based on the modest size of the proposed extension and balcony, the outlook of the balcony to the north, the presence of mature vegetation, which would screen views from the balcony to the west, and the fact that the property to the east was on higher ground than the application site.
21. In relation to replacement of the roof terrace with a pitched roof, the report concluded that the additional weight and mass of the roof may have an impact on the outlook of the neighbouring property to the east (albeit planning does not protect views). However, it was not considered to cause unreasonable harm by virtue of loss of light, loss of privacy or to be overbearing. The report further noted that the removal of the first floor terrace would remove the mutual overlooking between the application property and the adjacent property to the east.
22. The extension and terrace to the west elevation was not considered to cause unreasonable harm by virtue of loss of light or loss of privacy. Nor was it considered to be overbearing. The report also noted that the terrace would be separated from the neighbouring properties to the south by a road and that balconies and terraces above garages on roadside elevations form part of the character of the streetscape.

Planning Committee

23. As the Planning Committee was not represented at the hearing, the assessment of the Committee's views is based on: the written minute of the Planning Committee's meeting of 24th August 2017; the reasons for refusal included on the Decision Notice dated 19th October 2017; and comments from the Department at the hearing.
24. Having visited the site on 22nd August 2017, the Planning Committee concluded that the pitched roof would give rise to overshadowing of the neighbouring property. They were also concerned about the bulk of the proposed extensions and concluded that the height and extent of projection of the proposal would adversely impact the amenity of the neighbouring property through overbearing. In addition, they did not consider the design to be appropriate. Refusal was made on the three grounds listed in paragraph 4.

25. I note that the minute records that the Planning Committee was also concerned about the adequacy of parking arrangements, but that this was not one of the reasons for refusal of the scheme.

Consultations

26. A single consultation response was received from Environmental Health, who had no objection to the scheme.

Representations made by other interested persons

27. Representations were received from six parties during the application process, with some parties submitting multiple comments. The grounds of objection can be summarised as:
- The proposals are out of keeping with the area;
 - The proposed increase in footprint is not appropriate;
 - The proposal would result in unacceptable levels of noise from the terrace;
 - The proposals would be overbearing to neighbouring properties;
 - The proposals would result in loss of light of neighbouring properties;
 - The proposals would result in an unacceptable loss of privacy for neighbours;
 - The design does not allow for adequate space for parking or manoeuvring;
 - The scheme will inhibit vehicle movements (including the refuse truck) along the lane;
 - The scheme would create unacceptable disturbance from traffic during construction;
 - The proposed garage is too small.
28. During the appeal process, a further five letters of representation were received. These representations provided further clarification and information in relation to the points already raised during the application stage.

Inspector's assessment

29. Article 19(2) of the Planning and Building (Jersey) Law 2002 requires that all development should be in accordance with the Island Plan, unless there is sufficient justification for granting permission that is inconsistent with the plan. The current Island Plan is the adopted Island Plan 2011 (revised 2014).
30. Having regard to the decision notice, appeal documents, representations submitted during the application and appeal stages and the points raised during the hearing, I consider that the main issues in this appeal are: the scale and form of the proposed development and whether this is consistent with the requirements of policy NE7.1a of the adopted Island Plan (revised 2014); and the extent to which the proposals are consistent with policy GD1 of the adopted Island Plan 2011 (revised 2014) and in particular how they relate to the amenities of neighbouring properties. I have considered each of these issues in turn.

Assessment against requirements of Policy NE7

31. Policy NE7 sets a general presumption against all forms of development in the Green Zone. However, in recognition of the need to provide for the reasonable expectation of residents to improve their homes, the policy identifies circumstances where development may be permissible. This includes extensions, but only where their design is appropriate relative to the existing buildings and their context; they

do not facilitate increased occupancy; and they do not seriously harm landscape character.

32. I am satisfied that the proposed extensions would not facilitate increased occupancy of the property.
33. No one has presented me with any evidence about the landscape character of the area. Accordingly, my conclusions are based on observations during my site inspection.
34. Noirmont Lane represents a ribbon of development in the Green Zone. The lane is particularly narrow towards its western portion, with properties being located in close proximity to the lane. This creates an impression of reasonably dense development within a wider immediate context of woodland. Some of the properties have external amenity space (some with terraces) aligned to benefit from the changes in ground levels and views westwards towards the coast. In my opinion, these factors have resulted in relationships between neighbouring properties which would be more typical of an urban setting rather than the countryside, and allow for a high level of mutual overlooking.
35. Properties along Noirmont Lane draw on a variety of architectural styles and vary in size. The group of dwellings at the western end of the lane, including the appeal site, have been collectively described as the 'white houses' in some of the representations. To a greater or lesser extent, these houses appear to have undergone adaptation, extension and re-building in the past, adding individuality to each property and reducing the commonality in design present at the time of construction. I agree with the Department's view that they do not form an architectural set piece that should remain unaltered.
36. I consider that the design and finish of the proposed extensions, including the angle of the proposed pitched roof are consistent with the existing style of Clos de Cotil and fits within the wider context of architectural styles.
37. The proposed developments would be contained within the immediate curtilage of the property. Whilst they represent an extension of the habitable area, they would be located within existing built structures (the garage) or replace built features (paved parking area). They would not increase the developed area and would not result in loss of the surrounding woodland or vegetation that delineates the development. Given the existing level and density of development along this part of Noirmont Lane, I consider that the site has the capacity to accommodate the proposals without serious harm to landscape character.
38. Objections have been raised about the cumulative scale of development on the plot and whether this is acceptable in the Green Zone. I accept that the proposed extension to the west would represent a substantial increase in the road frontage of the property. But, as I noted in paragraph 31, the test established by Policy NE7 is not defined in terms of numerical increases, but in terms of the capacity of the site and effects on landscape character.
39. For the reasons set out above, I consider that the proposed design is appropriate relative to the existing building and its context, that it would not lead to an increase in occupancy and that the site can accommodate the proposed extensions without serious harm to landscape character. Consequently I consider that the proposals satisfy the requirements of policy NE7.

Assessment against requirements of Policy GD1

40. Policy GD1 (General Development Considerations) of the adopted Island Plan 2011 (revised 2014) sets out the general criteria against which all development will be assessed. These are sub-divided into six main themes, including: assessment of the effects of proposals on neighbouring uses; traffic and parking; and design quality.
41. The reasons for refusal refer only to effects on neighbours and the proposed design, which I have assessed above in relation to policy NE7. A number of the representations refer to effects from traffic and parking. Accordingly, I now consider the effects of the proposals on neighbouring amenity and traffic and parking.
42. Development will inevitably lead to some change and each individual will have a different tolerance to that. The test that must be satisfied is whether that change would unreasonably harm the amenities of neighbouring uses, including the living conditions for nearby residents. The policy provides examples of the type of harm that could be caused, such as unreasonable harm to the level of privacy and light that owners and occupiers might expect to enjoy. The policy does not specifically mention 'overbearing'. However, I consider that the wording of the policy is generic rather than comprehensive. Further, it is generally accepted that the physical presence of a building can, in some circumstances, lead to a reduction in amenity for neighbours.
43. There have been some disagreements between parties about proposed dimensions and datum levels. During the site inspection, my attention was drawn to existing ground levels and subsequently at the hearing a significant amount of time was spent by all parties (including neighbours) in discussing and clarifying heights and distances of the proposed extensions and how these would relate to current conditions. These were measured from the plans submitted with the original application and took account of detailed levels. These discussions were valuable in providing an indication of the scale of proposed changes, but I consider them to be only indicative of the effects of the proposals. Policy GD1 does not provide empirical standards for assessing the effect of proposals; the decision-maker is required to assess whether the proposals would result in unreasonable harm. This assessment has to be made on a case by case basis, and considered within the context of the site and surroundings.
44. As I observed in paragraph 34, the existing relationships between properties allow for mutual overlooking. Examples include (but are not limited to) mutual overlooking between the existing roof terrace of Clos de Cotil and the neighbouring property to the east (Sea Wyndes), and between the existing roof terrace of Clos de Cotil and the eastern amenity area of the property to the west (Sugar Pines Lodge). Under such circumstances it would be unreasonable to expect there to be complete privacy when using these areas; and I consider it is necessary for people to have and show a certain level of tolerance when using them.
45. Whilst the reasons for refusal refer only to two of the neighbouring properties, objections relevant to the requirements of policy GD1 have been received from each of the three immediate neighbours. Consequently, I have considered the effects of the proposal on each of these properties in turn.
46. The owners of Sea Wyndes (neighbouring property to the east of the appeal site) are concerned that the proposed extensions to the north of Clos de Cotil would be

overbearing to their property and that the pitched roof would block light to their living area, and obstruct their outlook, reducing the feeling of openness.

47. The proposed northern extension would be relatively small (9.9 square metres). It would have a flat roof, which would be lower than the height of the existing balustrade on the roof terrace. Because of the difference in ground levels east to west, it would also be lower than Sea Wyndes' living room and balcony.
48. Clos de Cotil's proposed balcony would be added to the north face of the existing garage, which is to be converted to a bedroom. It would also be below the level of the living room of the property to the east. Its size and orientation mean that it would not allow overlooking into either the property to the east or west.
49. Consequently, I do not consider either the extension or the balcony would be overbearing to the property to the east, or that it would have a detrimental effect on the outlook from the property.
50. The ridge of the proposed pitched roof would be 0.9 metres higher than the height of the current balustrade on the roof terrace. I accept that it would alter the outlook to the west from Sea Wyndes' living area and balcony, which I understand is subject to a separate appeal.
51. Whilst there is no right to a view in planning, the occupier has indicated that he values this outlook as an important part of the residential amenity of his property. However, I observed that the existing arrangement of windows and the balcony allows direct overlooking of the rear of Clos de Cotil. There is also mutual overlooking between the terrace of Sea Wyndes and the existing roof terrace of Clos de Cotil, which to my mind could be considered unreasonable in terms of the effects on the privacy of both properties. In my opinion, replacement of the roof terrace with the pitched roof would reduce the degree to which there is mutual overlooking between the properties. Even with the reduced aspect to the west, I observed that Sea Wyndes would continue to enjoy an open aspect to the north across a wooded escarpment.
52. During the site inspection my attention was drawn to the height of the appeal property above the lower gardens of Sea Wyndes. I accept that the significant difference in ground levels south to north does lead to a feeling of the buildings towering over the gardens. However, that represents the existing situation. I am not convinced that the increase in height represented by the proposed pitched roof, which would be viewed against the greater height of the main house, would make a sufficiently significant difference to the current situation to be considered unreasonable.
53. The appellant has supplied a shadow analysis to show the effects of the pitched roof on light levels at four times in the year: midsummer's day, midwinter's day; and the spring and autumn equinoxes. This shows that the proposed extensions to the west and north of Clos de Cotil would not have an overshadowing effect on the living area of Sea Wyndes owing to their orientation and the contours of the site. The pitched roof would create an increased shadow line on the western boundary wall of Sea Wyndes, but this would not reach a height where it would increase shadow on either the balcony or the west facing windows of the property.
54. There would be some effects on shading in the garden of Sea Wyndes, described as a reduced shadow for a short period of time during spring and autumn owing to the

replacement of the balustrade around the roof terrace by the pitched roof; and a minor increase in shadow for a period of less than one hour during spring and autumn as a result of the pitched roof.

55. On the basis of the shadow analysis I am satisfied that the proposed pitched roof would not have an unreasonable effect on light levels experienced by Sea Wyndes.
56. Drawing these points together: I do not consider that the proposed extension to the north-east or the proposed balcony would be overbearing as they would be lower than the living area of Sea Wyndes. I accept that the pitched roof would alter the valued outlook from the living area to the west. However, the current arrangement could be considered unsatisfactory as it allows for mutual overlooking between the adjoining properties. This would be removed by the installation of the pitched roof. I do not consider that the proposed works would result in impacts on light levels to the living areas of Sea Wyndes and I do not consider that the small increase in shading to the garden area during spring and autumn would be unreasonable.
57. I turn now to considering the effects of the proposals on N° 5 White Houses, which lies to the south of the appeal site on the opposite side of Noirmont Lane. Effects on this property were not included in the reasons for refusal.
58. The proposed extension to the west of Clos de Cotil would bring the building line closer to its boundary with Noirmont Lane and hence closer to the front elevation of N° 5. The proposed terrace would face a window and part of the external amenity area of N° 5. I consider that the size and orientation of the window would restrict the degree to which there could be any overlooking from the proposed terrace. The window serves a kitchen and currently looks out onto Noirmont Lane, which is a more public space. Consequently, I do not consider that the proposals would result in unacceptable overlooking from the proposed terrace.
59. The external amenity area of N° 5 extends southwards from Noirmont Lane along the western edge of the property, and has an open aspect. There is a wall and hedge along the boundary with the lane, which provides some screening. Nevertheless, I observed that this area can already be overlooked, at least partially, from the lane and from the existing roof terrace and windows in the western elevation of Clos de Cotil. In addition, N° 5 has a raised terrace above a garage, which is also clearly visible from the existing terrace at Clos de Cotil.
60. I accept that the proposed terrace would be closer to N° 5, but it would be lower than the existing arrangement. Whilst I consider that there would be some potential for mutual overlooking between the amenity area of N° 5 and the proposed terrace, I do not consider that this would represent a significant loss of privacy compared to the existing arrangements.
61. The occupiers of N° 5 have also raised concerns about vehicle movements in close proximity to their front door. Whilst I accept that Noirmont Lane is narrow, and that there is little separation between the edge of the lane and their property, these aspects would not be altered by the proposed arrangements. Indeed, the proposals would re-locate the vehicle access to Clos de Cotil further to the west, away from the front door of N° 5.
62. In conclusion, I accept that the proposed terrace would bring the building line closer to N° 5. However, given the existing open aspect of the amenity area of N° 5, I do

not consider that the proposed arrangements would increase overlooking to such an extent as to be considered unreasonable.

63. The third immediate neighbour is Sugar Pines Lodge, which is situated to the west, and at a lower level than Clos de Cotil. The height and projection of the proposed extension to the west was considered by the Planning Committee to result in an unacceptable overbearing impact on this property and was cited as a reason for refusal of the application.
64. The owners of Sugar Pines Lodge have provided detailed drawings and written representations in support of their objections. The following figures were measured from the plans at the hearing, and were broadly agreed by those present.
65. The proposals would extend the building line closer to the boundary with Sugar Pines Lodge by between 6.1 - 6.3 metres (measurements taken at hearing from plan 6A). At its closest point (north-west corner), the proposed terrace would be 4.3 metres from the boundary, with this distance increasing to the south-west. The front elevation of Sugar Pines Lodge is set back within its boundary.
66. Because of the difference in ground levels both east to west and south to north, the height of the supporting walls for the terrace would vary. Along the northern edge of the proposed terrace, this difference has been measured as 0.61 metres between the levels at the house and the outer edge of the proposed terrace. The maximum height of the supporting wall for the terrace at the north-west corner would be 1.9 metres (without the balustrade), which would decrease southwards along the elevation facing Sugar Pines Lodge. Thus, at its closest point, the terrace would be 1.9 metres high, set back by 4.3 metres from the boundary.
67. The balustrade on top of the terrace would be 1 metre tall and constructed of clear glass. I do not consider that this would have an overbearing effect.
68. At the hearing, the appellant indicated that current floor levels within the living room were higher than those shown on the plans. It was confirmed that if permission were granted, the internal floor levels would be lowered to match those shown on the plans. I am satisfied that this could be achieved by condition to any permission that was granted.
69. Both sides of the boundary between the two properties are currently screened by soft landscaping. The landscape area on the western boundary of Clos de Cotil is wedge shaped, and narrows towards the northern end. It is currently planted with shrubs. Sugar Pines Lodge has a more extensive landscaped area comprising a fence, tall shrubs, a tree, and a pond and wildlife area. I consider that this landscaping helps to create a feeling of separation and distance from the neighbouring property, which would be unaffected by the proposals.
70. The plans show the retention of a landscaped area along the boundary of Clos de Cotil, which could form a condition to any permission that was granted. I consider that this landscaping combined with the existing landscaping to the east of Sugar Pines Lodge, would continue to screen the properties from each other. I do not consider that the height and position of the terrace would be particularly visible or overbearing providing it was screened by appropriate landscaping.
71. I observed that the existing roof terrace allows for some mutual overlooking with the eastern external amenity area of Sugar Pines Lodge. This is restricted to some

extent by the landscaping arrangements and would be greater in the summer when the tree is in leaf. I note that there is nothing in the existing arrangements that would prevent the residents of Clos de Cotil from using the paved area adjacent to the boundary for sitting out, which, in the absence of landscaping, would also provide potential for mutual overlooking. Although the proposed terrace would be closer to the boundary than the current arrangement, it would be lower than the existing roof terrace, and would be screened by the landscaping.

72. I have also considered the potential for overlooking between the proposed terrace and the upper windows on the east elevation of Sugar Pines Lodge. The existing roof terrace, which is at a higher level than the proposed terrace, is at a similar level to the upper windows of Sugar Pines Lodge. Whilst this provides some potential for mutual overlooking, this is restricted by the distances between them and the soft landscaping, particularly the tree. The proposed terrace would be at a lower level, and is located further to the south. I consider the potential for mutual overlooking would continue to be limited by the soft landscaping.
73. Concern has been expressed about the noise or disturbance that could arise from use of the proposed terrace. However, I do not consider that this would represent a change from the current situation, where the residents have access to a roof terrace and an external amenity area, both of which at least partially face the neighbouring property and could currently be used for the enjoyment of residents of Clos de Cotil.
74. In conclusion, I do not consider that the proposed extension and terrace would result in unreasonable overbearing impacts or loss of privacy to the neighbouring property to the west, provided that soft landscaping is in place. Based on the above analysis, I do not consider that the proposals represent a significant change to the current situation with respect to overlooking and hence I do not consider them to be unreasonable.
75. A number of representations have raised concerns about the adequacy of parking and the proposed tandem parking arrangement. I accept the Department's opinion that the proposals provide adequate provision for off-road parking. I note that the proposed single garage does not meet the required length set out in Supplementary Planning Guidance: Parking Guidelines PPN3 (September 1988). However, I am content that the scheme is not reliant upon the use of this space to provide adequate parking.
76. I note the concern about the re-positioning of the vehicle access. However, in my view this would move turning vehicles further away from N° 5. In any case, I accept the view of the Department that the adequacy of arrangements could be ensured through a condition to any permission that was granted.
77. I accept the tandem parking arrangements are awkward and that the proposals would not allow sufficient space for cars to manoeuvre on site to exit in a forward gear. However, I consider that it is for residents to manage their own parking arrangements on their property. I do not consider that the level of traffic would increase over current levels, or that the need to reverse vehicles would be a significant safety risk.
78. Concerns have also been raised about traffic during construction. Given local conditions, such concerns are understandable. However, I do not consider that these concerns alone would be sufficient to justify refusal. In any case, there are other procedures for regulating nuisance during construction.

79. In conclusion, I am content that the proposed parking arrangements are adequate and would not lead to an increase in traffic and hence satisfy the requirements of Policy GD1 (5b) and GD1 (5c).

Other matters

80. I do not consider that description on the Decision Notice provides a clear and accurate summary of the proposed works, particularly in relation to the northern boundary. I consider that this should be amended on the Decision Notice.
81. Concerns have been raised that the development would prohibit the parish refuse lorry from being able to turn. I understand that this issue has now been resolved (letter dated 27 July 2017). In any case I believe this to be an informal arrangement, and there is no obligation on the owners of Clos de Cotil to provide a turning space for this vehicle.
82. I do not consider that any of the procedural points raised by the appellant in the statement of case are material to my recommendations.

Conditions

83. Without prejudice to the outcome of the appeal, I held a discussion about conditions that should be applied to any permission that was granted.
84. The Department's report to the Planning Committee included two conditions. The first of these related to landscaping. It was agreed that this condition should remain, but be modified by linking it to occupation of the western extension only.
85. The second condition related to submission and agreement of plans relating to vehicle access and parking. This was agreed with modified wording.
86. Additional conditions relating to approval of levels and ensuring that the permission was carried out in full in relation to conversion of the single garage were discussed. I asked the Department to prepare suggested wording for these conditions. It has done so and I have received notification that the appellant would be content if these conditions were applied to any permission that was granted.
87. The appellant offered to submit a Construction Environmental Action Plan, which would cover issues such as control of noise, dust, management of construction vehicles and working times. Whilst I consider that such a plan would be useful, and could go some way towards addressing the concerns of neighbours about construction traffic, I accept the Department's concern that it would be unable to enforce such a plan. Consequently, I see little point in including this requirement as a condition.
88. The appellant also suggested that if required, privacy screens could be added to the south and west sides of the terrace in place of the glass balustrades shown. I do not consider that these would be necessary, and could act to increase the apparent visibility of the screens. In any case, any deviation in materials from the plans would need the prior approval of the Department.
89. Further details of the wording and content of conditions that should be applied if the Minister decides to grant permission are presented in Annex A.

Conclusions

90. In reaching my conclusions I have reviewed the application afresh and given consideration to the appellant's grounds of appeal, the views of the Planning Committee and the detailed representations from neighbours.
91. I consider that the description of the scheme on the Decision Notice should be amended to more accurately reflect the full scope of works proposed.
92. Policy NE7 places a high value on the Green Zone and sets rigorous tests for development. For the reasons set out above, I consider that the proposals meet these tests.
93. I understand the concerns of neighbours about the effects of the proposals on their amenity. However, for the reasons that I have set out above, I do not consider that any of the effects would be unreasonable. Hence I consider that the proposals satisfy the requirements of policy GD1.

Recommendations

94. I recommend that the description of the proposed development should be amended to: Construct ground floor extension and terrace to west elevation. Construct ground floor extension to north-east elevation. Convert double garage and add a ground floor balcony to north elevation. Replace roof terrace with pitched roof to north elevation. Study on east elevation to return to original use as a garage. Render wall to south elevation. Re-position pedestrian access.
95. I recommend that the appeal should be ALLOWED and planning permission should be granted subject to the conditions listed in Annex A.

Sue Bell

Inspector 12th February 2018

Annex: Conditions that should be applied to the planning permission in the event that the appeal is allowed

1. No part of the development hereby permitted shall be begun until a scheme of landscaping has been submitted to and approved in writing by the Department of the Environment. The scheme of landscaping shall provide details of the following:
 - (i) all existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site;
 - li) the position of all new trees and/or shrubs, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to be used to support and protect them;
 - lii) other landscape treatments to be carried out including any excavation works, surfacing treatments, or means of enclosure;
 - iv) the measures to be taken to protect existing trees and shrubs;
 - v) the presence of any invasive plant species on site, and if present, a detailed method statement for the removal and long-term management/ eradication of the species; and,

vi) a landscape management plan for the maintenance of the landscaped areas. Once agreed, the approved scheme shall be implemented in full prior to the first occupation of any of the western extensions hereby approved and thereafter retained as such.

Reason: To safeguard the character and appearance of the area in accordance with Policies GD1, NE1, NE2 and NE4 of the adopted Island Plan 2011 (revised 2014).

2. Prior to works commencing a scheme showing the means of vehicular access, vehicle manoeuvring area and respective car parking spaces should be submitted to the Department of the Environment for approval. Thereafter, no part of the extensions hereby approved shall be occupied until the means of vehicular access; vehicular manoeuvring area and respective car parking spaces have been laid out, surfaced and drained as indicated on the plan to be approved with the Department of the Environment and thereafter be retained as such.

Reason: To ensure that the development provides adequate provision for off-street parking and manoeuvring for users of the site, in the interests of highway safety and the general amenities, of the area in accordance with Policy GD1 of the adopted Island Plan 2011 (revised 2014).

3. No part of the development hereby permitted shall be begun until the finished floor levels of the proposed extension and terrace to the west of the house, relative to fixed datum points, have been submitted to and agreed in writing by the Minister for the Environment. Once agreed the approved scheme shall be implemented in accordance with those levels.

Reason: To ensure that the proposed levels are as shown on the submitted drawings.

4. No part of the extensions hereby approved shall be occupied until the existing study has been converted to a garage as shown on the approved drawings. The proposed garage shall thereafter be retained for the parking of vehicles by the occupiers of the application property Clos de Cotil.

Reason: The proposals involve extensions to the house and a reduction in the outside areas practically available for car parking, and the Minister wishes to ensure that the accommodation proposed is commensurate with the level of car parking available, so as to satisfy the requirements of policy GD1 of the adopted Island Plan 2011 (revised 2014).