

STATES OF JERSEY

Report to the Minister for Planning and the Environment

3rd party appeal by Sarah Sandiford under Article 108(2)(a) of the Planning and Building (Jersey) Law 2002, as amended, against the grant of planning permission (PE/2017/1535) for the construction of a detached garage at 37 Le Jardin a Pommiers, St Saviour JE27LT.

Date of hearing and site inspection: 6 March 2018

Inspector: Roy Foster MA MRTPI

Introduction

1 This 3rd party appeal is against the grant of planning permission for the construction of a detached garage within the side garden of 37 Le Jardin a Pommiers. The present garage at the site is a single-storey attachment to the house itself: this is to be converted into domestic accommodation (a study and a utility room) as permitted development under the General Development Order.

2 An earlier refused application (P/2013/0750) proposed to construct a new garage and convert the existing one into domestic accommodation together with a new first floor extension. The reasons for refusal were (1) that the first floor extension would be out of character with the existing house and (2) that the first floor extension, together with the new garage, would be unreasonably overbearing upon the neighbouring house at 6 Santa Rosa and result in a loss of natural daylight to it. The proposed extension was also considered to allow views from the first floor of the extension into the garden and dwelling at 5 Santa Rosa.

The main issue in this appeal

3 It is clear from the appeal papers, the comments made at the hearing and the evidence of my site visit that the determining issue in this case is whether or not the garage would undermine Island Plan policy GD1 (3) (a) & (b) by causing unreasonable harm to the living conditions of residents at No 6 through being overbearing or compromising privacy or levels of light.

Discussion of the issue

4 The garden within which the new garage would be built is completely open to views from the road and mainly used for surface parking. The building itself would be flat-roofed, about 2.75m high and set back by about 0.6m from the boundary with No 6 which (as seen from the appeal site) is marked by a low fence set on a concrete base, together rising to about 1.2m. Thus anyone standing near this fence can easily overlook the sloping back garden and rear elevation of No 6 which are at a lower level than No 37. The garden of No 6 falls fairly steeply down from the base of the mutual boundary fence to an area of decking outside the ground floor windows of the house in the region of 3m or so lower.

5 The height of the garage (about 1.5m higher than the fence) and its position behind it would create some increase in the sense of enclosure experienced by residents of No 6 compared with the current situation. However, from the evidence of my visit I consider that the extent of this effect would be limited: the new structure would not be excessively overbearing within the context of policy GD1. There would also be some gain in terms of increased privacy from overlooking and reduced noise associated with the use of vehicles parked in the open close to the boundary fence. Moreover, there is potential to undertake planting upon the banked garden to soften the profile of the garage if residents at No 6 chose to do so.

6 The appellants refer to the diagrams produced in the context of the earlier refusal for a first floor extension and new garage indicating the shadowing effects of that scheme. However, those diagrams show that the increased shadowing upon No 6 was mainly created by the first floor extension rather than the garage. Insofar as those diagrams make it possible to infer the impact of the garage as now permitted (and accepting that the current proposed garage is slightly nearer the boundary than that previously refused), the effects upon the rear elevation and garden of No 6 would not be critically substantial and would occur mainly in winter. In my view the shadowing effects of the garage alone would not represent unreasonable harm in terms of policy GD1.

7 The previous refusal notice also referred to adverse impacts upon Island Plan policies GD7 and BE6 because the first floor extension would have been out of character with the house and detrimental to its appearance. No such effects would result from the proposed garage: it would not be out of character with the buildings and spaces of the surrounding area.

8 I therefore conclude that the decision of the DoE should be upheld.

9 I have considered all other matters raised in the appeal, including references to the offset of the wall, but none is sufficiently material to outweigh the matters discussed above.

RECOMMENDATION

10 I recommend that the appeal be dismissed.

Roy Foster