

STATES OF JERSEY

Report to the Minister for Planning and the Environment

3rd party appeal by Robert Brown under Article 108(2)(a) of the Planning and Building (Jersey) Law 2002, as amended, against the grant of planning permission (P/2017/0967) to raise the roof to create a first floor at Le Petit Coin, La Route de St Jean, St Lawrence JE3 1ND

Date of hearing and site inspection: 7 March 2018

Inspector: Roy Foster MA MRTPI

Introduction

1 Le Petit Coin is one of a dozen or so dwellings within a small group reached by a rural track running off La Route de St Jean. The principal building is Le Coin Farm, a Grade 4 listed mid-19th century farmhouse with single-storey wings on both sides, now occupied as separate dwellings (The Cottage and Beau Coin). The other dwellings in the group have been created from former farm outbuildings or by later infill development. The appeal property, Le Petit Coin, is a small single-storey former garage and store converted into a 1-bedroom domestic unit following some planning permissions commencing in 2006. The proposal is to add a first floor to contain 3 bedrooms and 2 bathrooms and create more spacious living and storage accommodation on the ground floor.

The main issues in this appeal

2 From all that I have read, heard and seen concerning this case, I consider that the determining issues are (1) the adequacy of the arrangements for dealing with foul sewage in the light of Island Plan (IP) policy LMW2 and (2) whether or not the design of the proposal meets the design objectives of IP policies BE6 and GD1 (2) (c).

Discussion of the issues

Foul sewage

3 IP policy LMW2 imposes a presumption against new development unless it provides for foul drainage to be connected to the public mains system. However, the policy provides that a packaged treatment plant can be considered as an option in exceptional circumstances if connection to the mains system is not economically viable. Also, in the case of small-scale developments of various specified types, solutions relying upon existing septic tanks and tight tanks may be considered acceptable subject to various criteria.

4 The appellant's property (The Cottage) receives its water supply from a private borehole within its own grounds but not far from the cesspool/tight tank installed to collect the foul sewage from Le Petit Coin at the time when the latter was being converted into a dwelling. It is evident that the quality of that water supply has been prejudiced: a report from

the States of Jersey Official Analyst's Laboratory in December 2017 concluded that a water sample from a kitchen tap at The Cottage served by the borehole was 'bacteriologically unsafe'.

5 The appellant claims that the state of the water coming from his borehole is due to pollution stemming from the cesspool/tight tank at Le Petit Coin and is concerned that if the dwelling is enlarged the position could become worse.

6 The SoJ Environmental Protection Department comments (22 February 2018) that the boreholes at the Le Coin Court complex 'appear to be subject to occasional microbiological contamination', mentioning an incident in 2013 due to slurry run-off from neighbouring fields, a cause which does not appear to be present now. It also refers to two recent sample analyses, the first reported upon in December 2017 concerning the water supply at The Cottage (as described above) and a subsequent analysis reported upon in the February letter when increased contamination was present. As stated in that letter, two boreholes at the complex are contaminated. The tight tank at Le Petit Coin was therefore emptied and camera-surveyed: it was found to be 'in good structural order with no defects or leaks'. According to the letter the Department awaits further borehole results and continues to investigate other potential sources of contamination at and around the complex before it decides how to proceed.

7 The patterns of water supply and systems for dealing with foul sewage at the properties at the complex appear to have developed in a somewhat piecemeal way as the number of dwellings has increased over the years and land ownership and control has become more fragmented. In these circumstances it may become harder both to make ideal patterns of provision and to ensure regular, consistent and proper management of all the systems: it is therefore understandable that an issue such as the present contamination of the water supply is a matter of much concern and evident frustration to the appellant.

8 I note that the Department for Infrastructure's Drainage section commented upon the application in August 2017 that 'if there is an apparent increase in the occupancy of the property due to this development then we must recommend that the private drainage system is fully surveyed and investigated to ensure that it may cope with the proposal'. It seems that the system was surveyed by Drain-It Ltd (September 2017) before the present permission was granted and its condition is as described in the letter of 22 February. There has not been any official suggestion that the tank, at its current capacity, could not adequately serve the expanded building and it appears that the motivation of the scheme is not to increase the number of residents but to relieve overcrowding and allow what would probably be regarded as a more 'normal' level of occupation of what would remain a relatively modestly sized dwelling. I note the comments concerning past observed incidents of sewage overflow made in the context of the appeal both by the appellant and another neighbour (Mr Sangan) living at Beau Coin, close to Le Petit Coin. I recognise the concern and distress that such incidents would give rise to but, if proven, such issues would be matters of poor practice, maintenance and management to be actioned against under other regulatory powers rather than an inevitable consequence of the planning permission appealed against. I therefore do not support the appeal on this issue.

Design

10 Although the appeal building is small in scale and of modest style its exterior materials have features (rendered walls and cornerstones) similar to those of the nearby southern elevation of the listed farmhouse and it clearly forms part of the setting of that building. The impact of the proposal therefore needs to be assessed against the design aspects of IP policies GD1, GD7, BE6 and HE1.

11 Referring to the permitted drawings, the appellant submits that use of horizontal cladding on the raised sections of the exterior walls and the gable end of the extended dwelling would be out of character with the present buildings in the group at Le Coin since these are mainly faced with traditional materials - granite and render.

12 In my view that is a valid assessment, despite the contrary opinion of the DoE. As seen from the section of the private road serving the listed building and other properties to the south of it, including Le Petit Coin, the finishes to the raised walls and gable would not meet the design requirements of the stated IP policies because they would fail to be consistent with the character and appearance of the host building and the Le Coin complex of buildings, including the listed building at Le Coin Farmhouse within the setting of which it lies.

13 Although drawing 17-A04 appears to indicate cladding on the sections of wall referred to above, no details are included on the plan and permission P/2017/0967 is subject to the condition that a full specification of all external materials to be used in the works shall be submitted to and approved by the Department before works commence. In my view it is therefore reasonable to consider 17-A04 as only indicative. The appeal could therefore be allowed to the limited extent of appropriately strengthening and clarifying the wording of condition 1.

14 Such a condition could read: *'Notwithstanding the indicative external materials shown on drawing 17-A04, the new sections of wall at the property shall be finished to match those of the existing walls: full details of these external materials shall be submitted to and approved in writing by the Department of the Environment before the commencement of the works hereby permitted.'*

15 In other respects the design of the proposal would be satisfactory since the use of roof-lights on the north elevation would respect the privacy of the neighbouring property at Beau Coin and increased parking space would be provided by demolition of the existing porch at Le Petit Coin.

RECOMMENDATION

16 I recommend that the appeal be allowed to the limited extent of varying the condition attached to permission P/2017/0967 to read as set out in paragraph 14 above.

Roy Foster