

## **REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT**

Site visit made on 1 October 2018

**by N McGurk BSc (Hons) MCD MBA MRTPI**

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### **Reference: P/2018/0024**

### **Chant du Ruisseaux, Plat Douet Road, St Saviour, JE2 7WN**

- The appeal is made under Article 108 against a decision made under Article 19 to refuse planning permission.
  - The appeal is made by Mrs N Marett-Gregory against the decision of the States of Jersey.
  - The application Ref P/2018/0024 by Mrs N Marett-Gregory, dated 3 January 2018, was refused by notice dated 11 July 2018.
  - The proposed development is a "New vehicle access."
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### **Recommendation**

1. I recommend that the appeal be dismissed.

### **Procedural Matters**

2. I have taken the description of the development proposed from the application form. I note that the decision notice is slightly different, "Create vehicular access onto Le Blanc Mondin."
3. The application the subject of this appeal was initially refused under delegated powers on 30 April 2018. A subsequent request for review by the Planning Committee was received and resulted in the application being refused by notice dated 5 July 2018, following a site visit on 3 July 2018.
4. The development the subject of this appeal involves the removal of a wall on the north east side of the appeal property's front garden to create an access and the creation of a parking space in the front garden. The development has already been carried out to the effect that the wall has been removed and the parking area has a tarmac surface. Consequently, in this decision notice I refer to "the development" rather than "the proposed development."

### **Main Issue**

5. The main issue in this case is the effect of the development on highway safety.

### **Reasons**

6. The appeal property is a two storey semi detached dwelling. It is set back behind a low wall from the junction of Plat Douet Road and La Rue des Pres to the front and it is within this area between the front of the house and the low wall that the development the subject of this appeal is located.
  7. The appeal property has a longer area of garden to the rear. Also, the side of the house is separated from Le Blanc Mondin, a narrow private road, by a narrow path and a fence.
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8. The surrounding area is predominantly residential in character, comprising a range of housing types. During my site visit, I observed that houses in the area tend to have parking areas to the front or side.
9. Policy BE8 of the Island Plan states that frontage car parking will not be allowed where it will have a detrimental impact on highway safety.
10. The development provides a car parking area to the front of the appeal property, with entrance to/from Le Blanc Mondin in almost immediate proximity to where Le Blanc Mondin meets La Rue des Pres, which itself, in this location, forms a junction with Plat Douet Road.
11. The Department for Infrastructure (Transport) (referred to in this Report as the "DFI") considers that La Rue des Pres in this location is a busy single 2-lane carriageway, providing a link between the centre of St Helier, the coastal road, Georgetown, Waitrose, Plat Douet Primary School, Rue des Pres Industrial Estate and the east of the Island.
12. I observed the site on a weekday morning and concur with the DFI's consideration in this regard. I found the junction immediately adjacent to the appeal property to be busy, with traffic moving at varying speeds. I also observed there to be a considerable number of pedestrian movements, including those of children and mothers with prams.
13. In the above regard, I note that immediately opposite the front of the appeal property there are three small raised islands. These provide a central pedestrian refuge, forming a crossing point for Plat Douet Road and La Rue des Pres. Whilst this provides for pedestrians crossing to/from a footway in front of the appeal property, part of this footway is not raised, but is denoted by markings. Pedestrians heading to or from this footway need to cross Le Blanc Mondin adjacent to the development the subject of this appeal. There is also an existing driveway, directly across Le Blanc Mondin from the development.
14. In addition during my site visit, I observed the presence of a telephone box, a post box and a local village store, all immediately across La Rue des Pres from the appeal property. I am mindful that these are features likely to encourage pedestrian movements across La Rue des Pres in the immediate vicinity of the appeal site.
15. Taking all of the above into account, the appeal site fronts a busy junction, with considerable associated scope for both pedestrian and vehicular movements at all times of day and especially during peak hours. The development would effectively create an additional access onto La Rue des Pres at the point where it is already met by Le Blanc Mondin.
16. As denoted by the submitted plan, the development requires a vehicle to enter directly to or from La Rue des Pres. However, such a manoeuvre would, I find, be severely hindered by the lack of sufficient visibility splayed onto La Rue des Pres.
17. Without significant manoeuvring on Le Blanc Mondin, a car or similar vehicle exiting the appeal site would enter La Rue des Pres at an awkward angle due to the very close proximity of the development to that road. This would result in a vehicle pulling straight out of the development over the end of Le Blanc Mondin

and onto La Rue Des Pres with severely restricted visibility looking back along the footpath alongside the appeal property towards Plat Douet Road.

18. I find that this would pose a severe highway safety risk in respect of other road users, particularly those using the refuge and footway in this location.
19. Of particular relevance to all of the above, the DFE has confirmed that the development fails to meet standard visibility requirements. In this regard, I am mindful that the main purpose of these requirements is to provide for highway safety.
20. The appellant, in support of her case, considers that the access to the drive on the opposite side of Le Blanc Mondin to the development provides a precedent. However, whilst that driveway is different to the development the subject of this appeal, it appears to me that the vehicular use of that driveway may itself pose risks to highway safety and I note that the DFI has raised such a concern. Notwithstanding this, I have found that the development harms highway safety and this is not a factor mitigated by the presence of other development elsewhere.
21. Taking all of the above into account, I find that the development is detrimental to highway safety. As such, it is in direct conflict with Island Plan Policy BE8, which seeks to ensure that development provides for highway safety.

### **Other Matters**

22. In support of the appellant's case, a doctor's letter has been submitted. This states that the development the subject of this appeal would minimise the appellant's walk from her front door to her car and that parking elsewhere would entail a hazardous walk. The author of the letter considers that it is important that the risks to the appellant are minimised by allowing her to park in front of her house.
23. However, whilst I am sympathetic in respect of the appellant's personal circumstances and I recognise that the development would provide for easier and more convenient access, I need to balance this against the harm resulting from the development in respect of highway safety. I have found above that the development would result in harm to highway safety. As such, it poses an increased risk to pedestrians and other road users and I consider this to be a factor that outweighs the appellant's needs in respect of the provision of a more convenient car parking space.

### **Conclusion**

24. For the reasons given above, I recommend to the Minister that the appeal be dismissed.

*N McGurk*

INSPECTOR