

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

Site visit made on 1 October 2018

by N McGurk BSc (Hons) MCD MBA MRTPI

Reference: P/2018/0627

Lavington, Beauport Estate, La Route Des Genet, St Brelade, JE3 8DG

- The appeal is made under Article 108 and 110 of Planning and Building (Jersey) Law 2002 (as amended) against the granting of permission to develop land.
 - The appeal is made by Mrs Valerie Palmer against the decision of the States of Jersey.
 - The application Ref P/2018/0627 by Mr Tristan Le Marquand and Miss Sanchia Stanley, dated 24 April 2018, was approved by notice dated 13 July 2018.
 - The application granted permission is "Construct first floor extension above garage. Extend and convert garage into 1 No. one bed self-contained unit."
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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 decision notice. This appears clearer than the description provided on the application form, which states, "Proposed alterations and extensions to existing house including associated externals and the creation of a self contained unit internally linked to the house."

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Coin de La Croute, with regards to privacy, outlook and daylight/sunlight.

Reasons

4. The appeal property, Lavington, is a two storey detached house with a mansard roof and it is located at the end of Beauport Estate, a cul de sac in a residential area. It has single storey elements to either side, comprising a guest wing and a garage. The property has a small garden area to the rear and a larger area of garden, with a driveway and parking area to the front, from which it is accessed from Beauport Estate.
 5. During my site visit, I observed there to be a wide range of house types in the wider area, including bungalows, dormer bungalows and two storey dwellings. Whilst relatively close together, houses tend to be set within surrounding gardens and this affords the area a pleasant green and spacious character.
 6. The neighbouring property to the rear of the appeal property is Coin de la Croute, which is a dormer bungalow located at the corner of La Rue de la Pigionnerie.
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7. Lavington's existing single storey garage is located closest to the gable end of Coin de la Croute, being separated by a small area of garden and a tall boundary hedge, both within the appeal site, and also by a narrow path running alongside Coin de la Croute. However, the juxtaposition of the two dwellings is such that the rear elevation of Lavington angles away from the site's boundary with Coin de la Croute, such that it is located further away from the neighbouring property as it extends away from its single storey garage.
8. The existing two storey element of Lavington includes three rear-facing first floor windows. One of these, located on a gable towards the middle of the dwelling, comprises a bedroom window which faces towards the end of Coin de la Croute's rear garden. During my site visit, I observed that this window provides for some views across the neighbouring garden, but that these are partially obscured by the presence of the tall boundary hedge, as well as that of a tall mature tree. In addition, Lavington's rear garden is wider at this point and as a consequence, this bedroom window is some considerable distance from the neighbouring garden.
9. The proposed development would involve the creation of a first floor extension above the existing garage area. It would include three new windows, one of which would serve a bedroom, whilst the others would be to a bathroom and an en-suite.
10. Due to the relationship between Lavington and Coin de la Croute, as described above, this would result in the formation of a new bedroom window close to the gable end of Coin de la Croute. This window would face directly towards the blank gable end of the neighbouring property. There would be some scope for views towards Coin de la Croute's rear garden, but I find that the angle of the outlook from this window, and the presence and proximity of the gable end would serve to limit such views to relatively minor glimpses and as such, there would be no significant harm to privacy.
11. Further to the above, I also find that the presence of the mature tree and the tall hedge provide for additional privacy between the two properties and note that the juxtaposition of the two dwellings is such that any views from the proposed bedroom towards Coin de la Croute's front garden would be at such an oblique angle that no harm to privacy would arise.
12. In reaching the above conclusion, I am mindful that Lavington already overlooks Coin de la Croute, albeit to a limited degree. For the reasons set out above, I find that this "limited degree" would not be increased to any significant, or unreasonably harmful extent by the development proposed.
13. During the course of my site visit, I observed the appeal property from Coin de la Croute. The path alongside the gable end of Coin de la Croute facing towards Lavington has the feel of a rather dark and narrow corridor. This results from the immediate proximity of the neighbouring boundary and the presence of the tall hedge. The sense of enclosure is further exacerbated by the overhanging branches of the tall tree located in Lavington's rear garden.
14. Whilst the proposed development would increase the height of Lavington in very close proximity to this corridor, it would have little apparent impact on the outlook from this area due to the presence of the tall hedge and the fact that the proposal would not bring development any closer to what is a blank gable

end wall of Coin de la Croute. A somewhat dark corridor would remain as a somewhat dark corridor and the proposal itself would only appear in glimpses through the hedge.

15. As an aside to the above I note that, during the course of the hearing, the applicants agreed to manage the mature tree in a neighbourly manner and I find that this would go a considerable way towards reducing the “oppressive” and harmful impacts arising from a tree that might otherwise comprise a positive natural feature.
16. The proposed development would only be visible from inside Coin de la Croute from the front-facing dormer’s small side window. However, the proposal would not unduly dominate the outlook from the first floor of Coin de la Croute, as it would not feature with any degree of prominence in the outlook from any of the main windows.
17. The proposed development would be visible from both the front and rear gardens of Coin de la Croute. However, I consider that there would be little to no adverse impact to the outlook from the rear of the neighbouring property, from where the general outlook would remain green, open and pleasant. Much of the proposal would be hidden from view from large parts of the rear garden, whilst from other areas, the presence of trees and the boundary hedge would serve to prevent any undue harm from arising.
18. Similarly, the presence of planting and the tall boundary hedge between the appeal property and Coin de la Croute’s front garden would limit the proposal’s impact on the outlook from that area. Whilst the development would be visible behind greenery, it would not impact on Coin de la Croute’s main outlook to the south and east, and would not appear as overbearing in views to the west, due to the relatively low mansard roof proposed and Lavington’s angled siting, away from Coin de la Croute.
19. Further to the above, I am mindful of the Department of the Environment’s comment that, within the urban area, some degree of harm arising from development is not necessarily unusual and taking this into account, Island Plan Policy GD1 (“General development considerations”) requires that development does not result in “unreasonable” harm.
20. Taking all of the above into account, I find that whilst the proposal would comprise a large development in close proximity to Coin de la Croute, it will not result in unreasonable harm to the outlook from this neighbouring property.
21. The proposed development would be located to the west of Coin de la Croute, in close proximity to that property’s gable end, as described above. As a consequence, there would be no overshadowing impact at all for the majority of the day and whilst there may possibly be some scope for minor overshadowing to parts of the rear garden at those times in the latter part of the day when the sun is in the south west, there is no substantive evidence before me to demonstrate that this would have any harmful impact.
22. I refer to the existing enclosed nature of the path alongside Coin de la Croute’s side gable earlier and whilst the proposal would result in development in close proximity, there is nothing to lead me to find that it would result in any unreasonable change in respect of the amount of daylight received in this, or

any other area of the neighbouring property. Again, there is no substantive evidence before me to the contrary.

23. Taking all of the above into account, I find that the proposed development would not harm the living conditions of the occupiers of Coin de la Croute in respect of privacy, outlook or sunlight/daylight. The proposal accords with Island Plan Policies GD1, H6 and BE6, which amongst other things, protect residential amenity.

Conditions

24. In granting planning permission, the Department imposed a planning condition requiring external materials to match those of the existing building. This is a necessary condition to ensure that the development is in keeping with local character and no changes are proposed.

Conclusion

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

N McGurk

INSPECTOR