

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

Site visit made on 20 May 2019

by N McGurk BSc (Hons) MCD MBA MRTPI

Reference: P/2018/1182

Amador, Tower Road, St Helier, JE2 3HR

- The appeal is made under Article 108 against a decision made under Article 19 to refuse planning permission.
 - The appeal is made by Mrs D Carter against the decision of the States of Jersey.
 - The application Ref P/2018/1182 by Mrs D Carter, dated 6 August 2018, was refused by notice dated 2 February 2019.
 - The proposed development is "Demolish existing garage and construct 2 No. 1 bed and 1 No. two bed residential units with associated landscaping and parking. 3D Model available. AMENDED PLANS: Establishment of a vehicle passing bay, installation of a privacy screen to first floor terrace, removal of two first floor windows, and the addition of two parking spaces."
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Recommendation

1. I recommend that the appeal be allowed and planning permission be granted for the proposed development, subject to the conditions set out at the end of this Report.

Procedural Matters

2. I have taken the description of the development proposed from the decision notice. This refers to amendments submitted by the appellant in response to matters raised in respect of the original application by the Department and others. I note that the original application was for "Removal of existing garage and replace with three flats in a two storey building with altered vehicular access and minor associated landscaping."
3. The reason for refusal refers to three Island Plan Policies (SP7, GD1 and GD7). Conflict with Island Plan Policy BE3 ("Green Backdrop Zone") was not a reason for refusal. The appeal site is located within the Green Backdrop Zone and it was agreed by all parties at the Hearing that Policy BE3 is concerned with relevant matters relating to character and appearance.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area, having regard to the provisions of the Island Plan, including those set out in Policies BE3, SP7, GD1 and GD7.

Reasons

5. The appeal site is located within a residential area in St Helier. It comprises part of the long garden to the front of Amador, a two storey detached house. As part of the proposal, Amador would retain that part of its front garden closest to the
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existing dwelling, along with its access from the front, via a driveway from a shared entrance with the proposed development.

6. The appeal site is largely flat, but rises steeply to the property's boundary with Edgehill. Edgehill is a two storey detached dwelling set slightly forward of Amador, with a long garden to the front and rear. The topography of the area is such that Edgehill sits considerably higher than Amador and whilst the front gardens of the two properties run alongside one another, they are at different levels, with a retaining wall in between.
7. There is a low granite wall to the front of the site, as well as a small garage. Amador is accessed from a private road. This private road is shared by several properties and comprises a relatively steep single-width lane from Tower Road. Immediately beyond the appeal site, the private road splits, reaching a cluster of relatively modern dwellings to one side and veering off to form Edgehill's driveway to the other.
8. Whilst residential, the area surrounding the site varies in character. The site lies close to but, due its topography, higher than, dense urban development to the west made up of largely terraced and semi-detached two storey dwellings. Along Tower Road, near to its junction with the private road, are detached and semi-detached two storey dwellings of both modern and more traditional appearance.
9. The presence of gardens, trees and occasional hedgerows softens the character of this part of St Helier and together with the rising ground upon which the site sits, results in the area around the site being seen against a backdrop of greenery from some distant views.
10. During my site visit, I observed that the presence of greenery and space afforded by the combined effect of gardens and changes in levels, lends the immediate area around the site a sense of "airiness" and distinguishes it from the more densely developed area lower down to the west.
11. However, the site and its surroundings have a generally built-up character. The private road from Tower Road has a tight, urban form, due to its narrow width, the presence of tall granite walls and glimpses to and views of, the surrounding urban area and housing, before reaching the entrance to the site, immediately beyond which are the aforementioned two storey houses, which appear close together in a cluster.
12. The site is located within the Built-up Area of St Helier and falls within the Green Backdrop Zone.
13. The spatial strategy of the Island Plan concentrates development within the Built-up Area and in particular, within St Helier. As part of this strategy, the Island Plan is explicit in recognising that, to meet the Island's housing needs, land in the Built-up Area must be:

"...developed at higher and more land efficient densities..." (Paragraph 4.10, Island Plan)
14. The proposed development, which would replace an area of garden land within the Built-up Area with three apartments, would result in a higher density of development within St Helier.

15. As noted above, the appeal site is located in the Green Backdrop Zone. The Island Plan recognises that much of the setting of St Helier consists of hill slopes with low density residential development set amongst private gardens or natural landscaping, providing a green backdrop to the urban environment.
16. Policy BE3 was not referred to in the reasons for refusal and the Department's Committee Report was satisfied that the proposal would not be contrary to Green Backdrop Zone requirements. The Planning Committee, in reaching its decision, did not refer to the Green Backdrop Zone as a reason for refusal.
17. The proposal appears designed to fit into the landscape. Its broadly rectilinear form would reflect the linear shape of the garden and the addition of an interesting curve at the southern end appears designed to follow the shape of the boundary of the site in this location. The low two storey height of the building, with its mono-pitched roof, would, to my mind, result in a form of development that would appear to "nestle" into its surroundings by taking advantage of the sudden rise in height between the appeal property and its adjacent neighbour, Edgehill.
18. As a consequence of the above, the proposed development would appear neither obtrusive nor out of character with the local landscape, but would fit comfortably within it. Local topography means that the proposal, whilst visible from very close by and from some distant views, would not appear widely visible from the near distance, but would only be seen in glimpses.
19. There would be little if any impact on the Green Backdrop Zone as the proposal would fit within the contours of the landscape. Whilst it would result in a change to the nature of the garden area, the replacement planting proposed would serve to provide greenery that would appear in keeping with the site and its surroundings.
20. In addition to the above, I find that the proposed materials, notably the use of timber cladding, would result in a development that would appear to blend in well with its green backdrop and I consider that this would serve to add to the comfortable, nestled appearance of the proposal.
21. Further to the above, Island Plan Policy GD7 requires high quality design, such that new development should respect, conserve and contribute positively to its surroundings. The Planning Committee, in reaching the view that the proposal would be out of character with its surroundings, considered that the introduction of "an apartment block" into the area would result in a feature that would be out of keeping with and alien to, its surroundings.
22. During my site visit, I observed there to be a wide range of housing types in the wider area, including terraced houses, detached houses and semi-detached houses, and evidence has been provided of a recent permission at a nearby site for a large block of flats further up the same hillside upon which the appeal site is located.
23. The design of dwellings in the area varies greatly. From Tower Road, opposite the private access road to the site, a wide range of dwellings, from period properties through to modern dwellings, are clearly visible.

24. The roofscape of the area surrounding the site is similarly varied. There are houses with flat roofs, with mansard roofs, with pitched roofs, with dormer roofs and with pitched roofs.
25. There is no single, dominant house design. Rather, the existence of a wide variety of dwelling designs is, itself, a characteristic of the area.
26. In the immediate vicinity of the appeal site, there are several detached two storey dwellings. Amador and Edgehill appear as relatively large dwellings set within large gardens, whilst other houses, notably the cluster of dwellings located close to the entrance to the appeal site, appear smaller and are set much closer together.
27. Like the majority of dwellings in the area, the proposed development would reach two stories in height. The proposal's mono-pitched roof, whilst different to the very nearest dwellings, would not appear out of place within the wider area, not least as there are flat roofed dwellings immediately alongside the private road leading up to the site.
28. The proposed mono-pitched roof also serves to result in a structure that would not only nestle into the landscape, as above, but which would appear lower in height than neighbouring dwellings.
29. Indeed, I find that the relatively low height of the proposal, combined with the choice of timber cladding, fenestration and interesting design features, including the curved southern end, the presence of balconies and the angled zinc roof, would combine to result in a structure that would appear far-removed from "blocky" – as in an "apartment block." Rather, I consider that the structure proposed would appear modest in scale and sensitively designed to fit in well with its surroundings.
30. Much of the ground floor of the proposal would be not be visible from wider views and the proposed first floor would not run the full length of the building. Further, to some extent, due to its timber cladding, fenestration and roof design, the first floor of the proposal would have a light and airy "single chalet" appearance. The proposal as a whole only provides for a total of four bedrooms and its overall floor area is not dissimilar to that of nearby single dwellings.
31. Amador would retain a large area of front garden and I consider that from longer views, this would be "read" in combination with the space and landscaping provided as part of the proposal. I note that the proposal would incorporate external terraces and a large area for car parking.
32. Taking the above into account, I find that the proposal would not appear out of keeping with its surroundings. Rather, having regard to the requirements of the Island Plan, it would provide for higher density development within St Helier in a sensitive and appropriate manner.
33. Consequently, I find that the proposed development would not harm the character and appearance of the area. It would not be contrary to Island Plan Policies BE3, SP7, GD1 and GD7 which, together amongst other things, seek to protect the Island's character.

Other Matters

34. During my site visit, I observed the appeal site from various locations. Whilst elements of the proposal would be seen from nearby dwellings, existing dwellings look towards, across and/or over each other to some extent and the relationship between the proposal and existing dwellings would be commensurate with that which might normally be expected within the Built-up Area.
35. In the above regard, I concur with the view of the Department in that, having regard to Island Plan Policy GD1, there would be no unreasonable harm to residential amenity.
36. The proposal would result in some change in respect of views and outlook, but I am satisfied that it would not lead to changes so significant that unreasonable harm would arise. In this regard, I am mindful of proposed design features, including fenestration and screening, which have been purposefully designed to take the amenity of neighbours into account.
37. There are concerns from neighbours in respect of access. However, whilst I note that the proposal may result in some additional journeys along the private access road, the Department is satisfied that there will be no harm to highway safety resulting from the proposal.
38. Further to the above, the proposed development will result in a significant improvement to the private access road, through the creation of a passing place where none currently exists.
39. This will allow for cars to pass one another and/or provide a refuge for other road users, along what is currently a single-width lane without a passing place. Whilst concerns have been raised in relation to construction of the passing place, I note that improvement works, by their very nature, often require some degree of short-term disruption in order to provide for longer term benefits.
40. Some neighbours are proposing the creation of a gate along the private road, beyond the access to the appeal site. This is a matter for the owners of the private road. I note that the proposed passing place would be for the benefit of all users of the private road.
41. A concern has been raised in respect of the impact of the development on retaining walls. Whilst I note that the proposed development will need to be structurally sound, there is no substantive evidence to demonstrate that the proposal cannot be developed without resulting in harm to land outside the site.
42. Comments have been raised in respect of an existing pond. An ecological survey has been carried out and this demonstrates that the loss of this pond will not result in harm to biodiversity. A new, replacement pond will be provided on site.

Conditions

43. The Officer's Report provided by the Department originally recommended that the application the subject of this appeal be approved. That Report contained the conditions numbered 1) and 2) set out below.

44. I note that the condition in relation to the passing bay will provide a significant benefit for all users of the access road; and that the condition in relation to any extensions, alterations or erection of outbuildings is necessary in the interests of residential amenity.
45. Further to the above, neighbours have raised concerns in respect of the impacts of construction. As noted above, the appeal site is within a residential area. There is some scope for noise and disturbance arising from building operations to have an unreasonable impact on residential amenity. In this regard, I recommend the imposition of a condition to control hours of work and to prevent operations from taking place during those times when local residents can reasonably expect a higher degree of peace and quiet.
46. Landscaping comprises an important part of the proposed development. There was discussion at the Hearing in respect of imposing a landscape condition and the appellant had no objections to this.
47. The Department has also referred me to conditions relating to setting a three year time limit for implementation and for requiring compliance with submitted details. These conditions are commonly referred to as the Department's "standard conditions A and B."
48. I recommend that the proposal be subject to standard conditions A and B, plus the four conditions set out below, should the Minister determine to allow the appeal and grant planning permission.

Conclusion

49. For the reasons given above, I recommend to the Minister that the appeal be allowed and planning permission be granted subject to the Department's standard conditions A and B, as well as the following conditions.
- 1) The new passing bay shall be created prior to the first occupation of the new development. The new passing bay shall not be used for the parking of vehicles.

REASON: To ensure that the benefits of the new passing bay are achieved as soon as possible for the benefit of all users of the access road, in accordance with Policy GD1 of the Island Plan 2011 (Revised 2014).
 - 2) Notwithstanding the provisions of the Planning and Building (General Development) (Jersey) Order 2011 and any amendments thereto, no extensions to the property, alterations to the roof or the erection of any outbuildings shall be undertaken unless a planning application has been submitted and approved for that work.

REASON: Planning permission has been granted on the basis that, on balance, the impact on adjoining properties and the character of the area is not unreasonable. The Department considers it appropriate and necessary to retain control over any further alterations to the site to ensure that this balance is retained.
 - 3) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: In the interests of protecting neighbouring occupiers from noise and disturbance.

- 4) No part of the development hereby approved shall be occupied until all hard and soft landscape works as indicated on the approved plans have been carried out in full. Following completion, the landscaping areas shall be thereafter retained as such.

REASON: To ensure that the benefits of the approved landscaping scheme are carried out and completed, making a positive contribution to the amenities of the site in accordance with Policies GD1, GD7, NE1 and NE4 of the Island Plan 2011 (Revised 2014).

N McGurk

INSPECTOR