

**PLANNING AND BUILDING (JERSEY) LAW 2002 (as amended)**

**Appeal under Article 108 against a decision made under Article 19 to  
refuse planning permission**

**REPORT TO THE MINISTER FOR THE ENVIRONMENT**

made under Article 115(5)  
by D A Hainsworth LL.B(Hons) FRSA Solicitor  
the inspector nominated under Article 113(2) from the list of persons appointed  
under Article 107

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**Appellant:**

Joanna Sheehan

**Application reference number and date:**

P/2020/0067 dated 6 February 2020

**Decision Notice date:**

17 September 2020

**Site address:**

Tramonto, La Route du Petit Port, St Brelade JE3 8HH

**Development proposed:**

"Construct ground floor extension to North and South elevations of garage and  
construct first floor above to create additional habitable space."

**Inspector's site visit date:**

29 September 2020

**Hearing date:**

13 April 2021

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**Introduction and background**

1. This is a revision of the proposed development in appeal P/2019/0946 that I reported on to the Minister on 23 October 2020. My recommendation to allow that appeal was accepted and the Assistant Minister granted planning permission for that development on 2 November 2020, subject only to the standard conditions A and B relating to the commencement of the development and the carrying out of the development as approved. The permission authorised the extension of the garage and the construction of a first-floor extension to create a one-bedroom residential unit.

2. As in the previous appeal, the application was recommended for approval but was refused by the Planning Committee. The Decision Notice gives the following reason for refusal: -

“By virtue of its scale and design, the proposed extension would have an unreasonable overbearing impact on the neighbouring properties, Rose Maris & La Hougue Farm. For this reason, the application fails to satisfy the requirements of Policy GD 1 of the adopted 2011 Island Plan (revised 2014).

3. This reason differs from the previous reason for refusal since only Rose Maris was referred to then. The two appeals would normally have been dealt with at the same time, but the pandemic disrupted the timetabling of events and the revised proposals were not considered during the previous appeal process. However, I did in fact assess the effect of the development then proposed on both Rose Maris and La Hougue Farm and I visited both these properties. I concluded in my report that it would be acceptable as respects both of them.
4. The circumstances that led to my previous recommendation have not changed since then apart from the consideration of the current appeal. There has been no change in the particular needs of a child of the family. The applicable planning policies are the same.

### **The appeal site and its surroundings**

5. Tramonto is a detached dwelling within a group of houses that are in the Built-up Area, as defined in the Island Plan. Rose Maris is a house that would have its rear windows and rear garden to the south of the proposed development. La Hougue Farm is a house that would have its rear windows and balcony and its rear garden to the east of the proposed development. Tramonto's garage is at a significantly lower level than both Rose Maris and La Hougue Farm.

### **The proposed revisions and their effect on Rose Maris and La Hougue Farm**

6. As with the previous approval, the revisions would match the profile and appearance of the existing dwelling.
7. A small addition to the approved garage extension would be constructed on the north side of the garage, which would allow the whole of the first-floor extension to be moved 3m to the north and planters to be placed on the resultant flat roof of the existing garage on its south side. The depth of the extension (viewed from south to north) would be slightly reduced. A window in the approved eastern elevation, which would have faced La Hougue Farm's boundary hedge, would be omitted. A small ground-floor link unit would be erected on the south side of the garage to provide a covered passageway between doorways.
8. The additions at ground-floor level would not have an impact on the amenities of Rose Maris or La Hougue Farm because the garage is at a much lower level. The revisions to the approved extension at first-floor level would benefit Rose Maris by moving the extension further away from this property and by introducing some green planting next to the elevation facing Rose Maris, and also by slightly reducing the depth of the roof slope that would be seen from Rose Maris. The revisions would not result in a change to the amenities of La Hougue Farm when compared to the effect of the approved development.

### **Inspector's conclusions and recommendations**

9. For the reasons set out above, I conclude that the development proposed in this appeal would not have an unreasonable impact on the amenities of Rose Maris or La Hougue Farm and that there would be no conflict with Island Plan Policy GD1.
10. I therefore recommend that the appeal is allowed and that planning permission is granted for development at Tramonto, La Route du Petit Port, St Brelade JE3 8HH, consisting of the construction of ground-floor extensions to the north and south elevations of the garage and the construction of a first-floor extension above the garage to create additional habitable space, in accordance with the application P/2020/0067 dated 6 February 2020 and the submitted plans and documents.
11. The standard conditions and reasons A and B, relating to the commencement of the development and the carrying out of the development as approved, should be imposed. An additional condition should be imposed in relation to the planters, as follows: -  
  
"1. The first-floor extension shall not be occupied until the planting on the garage roof shown on Drawing 5412-063A has been undertaken as shown. The planting shall thereafter be maintained as shown".  
  
Reason: "To ensure that the amenity benefits of the planting are delivered and retained pursuant to Island Plan Policy GD7."
12. The approved plans and documents will be the 19 plans and documents listed on the Decision Notice.

Dated 3 May 2021

*D.A.Hainsworth*

Inspector