

## **REPORT TO MINISTER FOR THE ENVIRONMENT**

**By Graham Self MA MSc FRTPI**

Appeal by Mr Gary White against a refusal of planning permission.

Reference Number: P/2021/0829

Site at: Silcia, La Rue du Pont Marquet, St Brelade.

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### **Introduction**

1. This appeal is against the refusal of planning permission for development described in the application as: "Construct 1 No. two-bed dwelling to south of Silcia". In the refusal notice the proposal was described similarly, but with the addition of the words: "Access from Le Petit Pont Marquet".
2. The appeal is being decided by the written representations procedure. I inspected the site on 6 April 2022.
3. This report contains a description of the site and surroundings, followed by summaries of the cases for the appellant, the planning authority and other parties. I then set out my assessment, conclusions and recommendation. The appeal statements, plans and other relevant documents are in the case file for you to examine if necessary.

### **Reasons for Refusal**

4. Planning permission was refused for the following reasons:
  1. The proposal is considered to represent a cramped over-development of the site resulting in a compromised design which would have an unreasonable impact on neighbouring uses and is unable to deliver satisfactory parking or landscaping arrangements. The proposal is therefore contrary to the requirements of policies GD1, GD3, GD7, H6 and NE4 of the Adopted Island Plan 2011 (Revised 2014).
  2. The proposal would intensify the use of the site and therefore of the narrow access lanes and junction with the main road, La Rue du Pont Marquet. Satisfactory information has not been submitted to ensure that visibility at this junction meets the requirements of the highway authority to ensure highway safety as required by policy GD1 of the Adopted Island Plan 2011 (Revised 2014).

### **Procedural Matters**

5. The appeal form specified "Mr and Mrs G White" as the appellants. The statement submitted by the appellant's agent also referred to Mr and Mrs White as the appellants (plural). The applicant as stated in the application was Mr White, so it is Mr White who has the right of appeal under Article 108 of the 2002 Law. That is why I refer to him in the heading above and to the appellant (singular) in this report.
6. The reference to "access lanes" in the second reason for refusal appears to be an error and was meant to refer to "access lane" (singular) – that is to say, the access way labelled "Le Petit Pont Marquet (private road)" on several plans

including Drawing PL02. This error does not appear to have affected any party's case and could be corrected if necessary.

7. As is evident from the reasons for refusal quoted above, the decision on the application was made with reference to policies of the Island Plan 2011 (Revised 2014). This plan was still extant when the appeal was made. In late March 2022 the Jersey government adopted a new development plan, the Bridging Island Plan. The cases for the parties have mostly been put forward with reference to the earlier Island Plan policies, although some comments referred to the Bridging Island Plan. I arranged for both the appellant's agent and your Department to have the opportunity to submit further written comments following the adoption of the Bridging Island Plan. These comments are in the case file and I have taken them into account in my assessment below. This report has been delayed to allow for this process.

### Site and Surroundings

*References to photographs below refer to the numbered photographs at the top of Drawing 249-PL02. The viewpoints are shown on this drawing.*

8. The appeal site (ie the area edged red on the application plan labelled "Location Plan" (Drawing PL01) and on the "Existing Site Plan and Photos" (Drawing PL02) comprises the whole of Silcia's plot, although the red-edged area on other plans including Drawings PL05 ("Proposed Site Plan & Floor Plans" and PL06 ("Proposed Contextual Site Plan") show the site as the red-edged area comprising the rear part of Silcia's plot. To avoid possible confusion, references below to "the appeal site" should be taken to refer to the rear part of Silcia's plot.
9. The property named Silcia is a semi-detached single-storey bungalow occupying a plot on the south side of La Rue du Pont Marquet. At the rear, the plot borders an access way (evidently a private road) named Le Petit Pont Marquet. This access way has two possible entrances off La Rue du Pont Marquet, one to the east, one to the west. The eastern one is narrow and appears to be little used. The western one, where cars are shown on Drawing PL06, appears to be the route normally used for access to all neighbouring properties.
10. Apart from a very slight "dip" towards the centre, the rear part of Silcia's plot slopes up gently towards the rear (south)<sup>1</sup>, where there is a fence and low bank next to Le Petit Pont Marquet. Further south beyond Le Petit Pont Marquet the ground level rises more steeply and residential properties there are in fairly elevated positions.
11. In the south-west corner of the site there is a vehicular-width access into the site from Le Petit Pont Marquet. This access appears to have been formed fairly recently – its location is approximately in the foreground of Photos 7 and 8 (which are dated May 2021) but it is not visible in those photographs.
12. Most of the appeal site is covered with grass or scrub vegetation. The western boundary is marked by some dilapidated fencing and unkempt hedge shrubs. There is also a fence and shrub vegetation along the east boundary (visible in Photo 8).

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<sup>1</sup> The submitted topographical survey plan (Drawing PL03) and cross-section drawing (PL04) indicate that the rise from the ground next to the rear of the existing dwelling to the southern end of the site is about 1 metre (excluding the low bank along the southern boundary), or about half a metre to the position of the main rear wall of the proposed dwelling.

13. A vehicular entrance to Silcia's plot off La Rue du Pont Marquet (seen in the left-centre of Photo 1) provides access to a hard-surfaced parking area at the front of the property and to a garage near the western boundary. Two other outbuildings stand in the rear part of Silcia's plot south of the garage. One of these buildings, which is within the appeal site towards the rear of Silcia's plot, is not shown on any of the application plans and appears to have been recently constructed. It is roughly the size of a single garage and appears to be used for domestic or hobby purposes.
14. There are residential properties of varied ages and styles in the surrounding area. Immediately adjacent to the east of Silcia is Shandwick, the semi-detached bungalow pair of Silcia. East of the appeal site and to the south of Shandwick is a single-storey bungalow named Connemara (seen on the right of Photo 9). It has a conservatory attached to its rear (north) – this is the rear projection shown in Drawing PL02. Most of Connemara's rear garden is laid to lawn. Along the north boundary there is a wall about 1.6 metre high. The bungalow has a pitched roof with gable ends to east and west. The western gable (facing the appeal site) has no window or other openings.
15. The property immediately west of the appeal site, named St Jude, appears to have been extended to its rear (south) in the past. The extension shown on Drawing PL02 as having a pitched and hipped roof (ie shown with an approximate X-shape on this drawing) has a large glazed opening and appears to be used as a bedroom. The other extension is a conservatory. The garden area of this property borders Le Petit Pont Marquet in the south.<sup>2</sup>
16. West of St Jude, the dwelling fronting La Rue du Pont Marquet is Blarney, a bungalow which can be seen in Photo 2. South of Blarney there is a dwelling, labelled Hawthorn Cottage on Drawing PL02, next to the corner where Le Petit Pont Marquet turns north. This dwelling is in the centre of Photo 5 (also in Photos 3 and 6). As can be seen in those illustrations, it is a dwelling with two small dormer windows and two small roof windows at the front (west). There are also two small roof windows at the rear. Plans submitted in evidence for the appellant show that it has two bedrooms, a bathroom and shower room on the first floor.
17. Le Petit Pont Marquet provides access not only to the dwellings immediately around the appeal site but also to about a dozen houses grouped around Pinewood Close to the south-west, as can be seen on the location plan, Drawing PL01.
18. The junction where Le Petit Pont Marquet and Pinewood Close<sup>3</sup> meets La Rue du Pont Marquet is bordered on both sides by the boundary walls of adjacent properties. The wall to the east (or to the left in Photo 2) is about 0.8 metre high. The wall to the west varies between about 0.7 to 0.75 metre high, but a high evergreen hedge at the side of this property (visible on the right of Photo 2) also obstructs visibility along the main road from Le Petit Pont Marquet. The visibility splay eastwards from a set-back distance of 2.4 metres is approximately as shown on Drawing PL02, but this depends on a view partly across private land.

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<sup>2</sup> The dashed lines which appear on Drawing PL06 in the southern part of the plot of this property without any labelling do not represent any existing structure. They are apparently intended to refer to a past refusal of planning permission.

<sup>3</sup> It is not clear whether the length of road which leads directly off the main road (ie the length of private road with a north-south alignment) is for naming purposes part of Pinewood Close or of Le Petit Pont Marquet. The planning officer's report refers to this length as Pinewood Close; application plans (such as Drawing PL02) label it as Le Petit Pont Marquet.

Visibility to the west from that set-back distance is much more restricted by the hedge, and extends only a few metres along the main road depending on the precise set-back distance.<sup>4</sup> A mirror is positioned on the north side of the main road roughly opposite the junction with the private road.

19. The road at this point is subject to a 30 mph speed limit. There is a pavement (ie kerbed footway) on the north side of the road but not on the south side where some front garden walls abut the carriageway, and from my observations it appears that vehicles approaching from the east are frequently driven close to the south edge of the carriageway.

### **Case for Appellant**

20. The written material submitted for the appellant includes a statement of case with 12 appendices, a statement setting out responses to the planning authority's statement, to objections and to letters of support. An additional submission contains the agent's handwritten note of a planning committee meeting. The representations for the appellant about the Bridging Island Plan were submitted later. The main points made for the appellant are, in summary:
- The proposal is to form a two-bedroom cottage in the south end of Silcia's large garden with two parking spaces and a rear garden of 124 square metres in size which would be well above minimum standards.
  - The site is in the built-up area, in a sustainable location where Island Plan policies encourage new residential development to be located. The draft Bridging Island Plan also encourages residential development in this area to help meet housing needs.
  - The proposal has addressed the reasons for refusal of a previous proposal relating to inadequate car parking space and the lack of frontage landscaping.
  - The proposal would not represent over-development and would not unreasonably harm neighbours. The gaps between the proposed dwelling and neighbours would be comparable to or greater than the gaps between other dwellings in the area. The design would be traditional, like Hawthorn Cottage recently built in the garden of a nearby dwelling.
  - A recent approval (which was also subject of a dismissed third party appeal) for a new two-bedroom dwelling in the garden of a property in Clos des Sables shares many characteristics with the present proposal, though the plot in Clos des Sables was tighter and the proposed dwelling taller than its neighbours. The planning committee's reasons for approval of that application with particular reference to Policy GD1 also apply to the present scheme.
  - Too much weight was given to the objections on highway grounds. The majority of the planning committee did not consider the access issue justified refusing permission, so this should not have been stated as a reason for refusal. The proposal would not significantly increase the use of the access way and nearby junction.
21. In summary, the further comments about the Bridging Island Plan draw attention to the role of Les Quennevais as a location for new residential development to meet future housing needs, with reference to Strategic Policy 4, Policies SP2, PL2 and GD1, with Policy GD1 on design quality essentially mirroring Policy GD7 of

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<sup>4</sup> Visibility in this direction is described as "nil" in a consultation response by the Department for Infrastructure (Transport). To obtain a view westwards along the main road the drivers of most vehicles would have to pull out into the road.

the 2011 Island Plan. Reference is also made to the need to achieve higher densities in Policy H2 and the need to supply 2,650 open market homes by 2025 (Policy H3), including smaller homes (Policy H4). Those policies supplant Policies GD1, GD3, GD7, H6 and NE4 of the previous Island Plan. An additional comment states that the appellant is willing to install an air source heat pump which could be made subject to a condition of a planning permission, in the interests of sustainable development.

### **Case for Planning Authority**

22. The planning authority submitted a statement in response to the appeal with a copy of the officer's report on the application, a second response statement together with a copy of a committee minute, and an email responding to the appellant's agent's note of a planning committee meeting. The main points made are, in summary:
- Although the site is in the built-up area to which the Island Plan directs development, and the draft Bridging Island Plan encourages development in this location, detailed factors apply, including the cramped nature of the development, the impact on the area and on other properties, and highway safety.
  - The proposed dwelling would have two floors of habitable space in a building with raised eaves, within the garden of a single-storey building and adjacent to another single-storey building to the east.
  - Although the gardens for the existing and proposed dwellings would meet minimum space standards, both dwellings would have a cramped outlook. No meaningful landscaping would be possible given the layout.
  - The two proposed parking spaces in tandem would satisfy the planning authority's normal standards but visibility for vehicles leaving the site would be inadequate and vehicles could not be turned on site.
  - Comments in support were made by members of the planning committee but the conclusions drawn by the appellant's agent from his note of the committee meeting are not supported by his note.
  - Development at other sites referred to in the appellant's submissions does not set a precedent. The specific context is fundamental to the assessment of whether the impact of a development would be acceptable. The proposed dwelling would have a significant and dominant impact on the immediate locality and adjacent properties.
23. In additional comments relating to the Bridging Island Plan, the Department mention the need to take an overall holistic approach and say there are detailed issues including the cramped nature of the development and impact on highway safety which weigh against the development. Although new policies refer to Les Quennevais as a focus for growth, this should not be at all costs, and for example Policies SP3 and SP4 require development to reflect and respect an area's character and make a *positive* contribution to that character. In summary, the Bridging Island Plan continues the aims of the previous Island Plan, does not remove appropriate checks and balances, and does not diminish the concerns which led to the refusal of planning permission.

### **Representations by Other Parties**

24. About 20 written representations were submitted by local residents and others, some objecting to the proposal, some supporting it. Objectors variously refer to loss of light, loss of vegetation, overdevelopment, and traffic impact. Supporters

generally mention the need for family homes and the suitability of the site for the proposed development. Written comments on the objections were also submitted by Mrs White on the appellant's behalf.

## Assessment

25. This appeal raises a number of issues: those mentioned in the grounds for refusal of planning permission concern the design of the proposed dwelling and whether it would fit satisfactorily into the site, whether the impact on the amenities of neighbouring occupiers would be acceptable and whether the access arrangements would be suitable. Other issues include developments elsewhere, the supply of housing in Jersey, and the way the planning committee considered the application. All these points have to be considered in the light of relevant planning policies.

### Design and Visual or Amenity Impact

26. The proposed dwelling has clearly been designed with the confined size and setting of the site in mind. Some minor changes have been made following refusal of permission for a previous scheme. What is at present Silcia's rear garden would be split approximately into two. Silcia would be left with a rear garden mostly about 5.8 metres deep, and the proposed dwelling would have a rear garden varying in depth between about 5 metres and 8 metres (counting the proposed decking as part of the garden). At the front (south), the proposed dwelling would be set back about 2.8 metres from the proposed boundary wall next to the private road<sup>5</sup>. The position and type of first floor windows, including an obscure-glazed window to the bathroom, would be designed to prevent mutual loss of privacy between the proposed dwelling and Silcia.
27. Some of the design features can reasonably be criticised. Two examples are the flat-roofed rear projection, set at a slightly lower level than the rest of the building with an awkward-looking difference in eaves levels, and the presence of four roof windows in the front elevation. But these features are within the bounds of acceptability and considerable effort seems to have been made to design a dwelling allowing for the site constraints. The planning authority accept that space standards internally and for aspects such as car parking would be met.
28. However, I can see why the authority has opposed the development. In order to obtain headroom within the proposed first floor accommodation, the eaves height (about 3 metres) would be greater than would be normal for a single-storey bungalow, giving the building a rather "high-shouldered" appearance, and the ridge height would be about 6.2 metres. The dwelling would also be positioned on the highest part of Silcia's plot. The roof would be higher than those at Silcia and Shandwick and about 2.26 metres (or about 7 feet 5 inches) higher than the roof of the adjacent dwelling to the east, Connemara. The distance between the roofs of the proposed dwelling and Connemara would be about 2.4 metres.
29. Considered in isolation, these aspects of the proposal might not be critical. Here, in an immediate setting of single-storey bungalows, the combination of factors just described would make the proposed dwelling noticeably bulkier than its neighbours. Because of its height and bulk and tight setting, I think the dwelling would look unnaturally squeezed onto its plot, and would have a visually dominant effect compared with its immediate neighbours. The effect is perhaps most readily seen in Drawing PL09, although of course allowance has to be made

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<sup>5</sup> On Drawing PL05, this dimension is labelled 2.9 metres, apparently to the outside of the proposed wall.

for the artificially elevated viewpoint of the three-dimensional illustration. In summary, I agree with the "shoe-horned-in" description used in a planning officer's report.

30. The proposal would include constructing a wall 1.8 metre high along the new rear boundary between the new dwelling and Silcia, and a structure of about this height would be necessary to provide reasonable privacy between the two properties. However, it would make the outlook from the rear of both dwellings quite confined. Whether this aspect of the development should be regarded as satisfactory is a matter of judgment; bearing in mind the location of the site in a built-up area, I suggest it would be marginally acceptable - slightly more so for Silcia than for the proposed dwelling since for the latter, the north-facing restricted garden behind a building more than 6 metres high would get little sunlight.
31. The claim for the appellant that the proposed dwelling would have a "traditional" design is in my view rather far-fetched. Skylights have traditional origins, but the Velux windows specified in the submitted plans would be noticeably modern features, especially given their number and size. The sliding patio doors in the west elevation of the flat-roofed kitchen would not be "traditional"; nor would the shape of the living room window in the south elevation or the glazed area next to the front door. These features would not be particularly objectionable, but it does not help the appellant's case to argue that they would be traditional. Similarly, describing the proposed dwelling as a "cottage" is in my view stretching that term beyond its normal usage in a planning context.
32. Some of the objections about the effect on the amenities of neighbouring dwellings are in my judgment overstated. Because of its height and position close to some boundaries, the development would cause some overshadowing of parts of neighbouring gardens. For example, the proposed dwelling would reduce the incidence of late-afternoon sunlight at some times of year in the rear garden of Connemara. But bearing in mind relevant policy, the issue here is not whether any harm to amenity would be caused, but whether such harm would be unreasonable. Looked at in that light, I consider that the direct effect on the residential amenities of neighbouring occupiers would not by itself justify refusing planning permission.

#### **Access, Traffic and Highway Issues**

33. On these aspects there are two main concerns: one is the layout of the access into the site from Le Petit Pont Marquet; the other is the junction between this private road and La Rue du Pont Marquet.
34. The proposed driveway would be capable of accommodating up to two small or medium sized cars in tandem. Vehicles would have to be reversed either into or out of the site. Visibility from the driveway, and visibility of emerging vehicles from a vehicle travelling westwards along Le Petit Pont Marquet, would be obstructed by the hedge along the rear boundary of the neighbouring property St Jude (seen on the left of Photo 7). Visibility eastwards at the access, and visibility of the access from the east, would be satisfactory and could be controlled as the land within a visibility splay would be within the appeal site.
35. Vehicle speeds along this private road could reasonably be expected to be low, and the number of pedestrians using this road quite small. The fact that an access into the site capable of being used by a vehicle has recently been formed from the private road is not a major point either for or against this aspect of the appeal - a secondary access for Silcia, created apparently without need for

planning permission, would anyway be unlikely to generate the frequency of vehicular traffic which could typically be expected from the proposed dwelling.

36. This is a situation where in practice a layout which is technically sub-standard would be unlikely to cause serious safety hazards. The fact that Le Petit Pont Marquet is a private road also means that normal standards appropriate to public highways would not apply. Nevertheless the possibility of accidents here cannot be ignored, especially given the the "tandem" parking layout, lack of turning space within the site, the absence of footways (pavements) and limited space for visitor parking in the private road.
37. At the junction where the private road meets the main public road, visibility to the east partly depends on the driver of a vehicle emerging from the private road being able to see across private land (where the words "Low level wall below 900mm" appear on Drawing PL02). Visibility to the west is very limited as explained in my site description, and both of these fields of view involve land not within the control of the appellant. The mirror on the north side of La Rue du Pont Marquet did not appear to me to give a good view of approaching traffic, and from the available evidence it is not clear where the responsibility lies for maintenance (or even the long-term presence) of this mirror.
38. At present traffic generated by around 19 dwellings, most of which appear to be larger than the proposed two-bedroomed dwelling, apparently uses this junction, so it is reasonable to assume that the proposed development would not add more than around 4% to current traffic flows into and out of it.<sup>6</sup> The increase in accident risk would be correspondingly small but again cannot be ignored, especially bearing in mind the public highway status of the main road and factors such as the restricted, substandard visibility and absence of any footway on the south side of this road.
39. It is relevant to note that when planning permission was granted in 2014 for the erection of the dwelling now named Hawthorn Cottage to the rear of Blarney, the then IHE (Transport) department commented that a proposed improvement to the visibility splay (along the main road) was sufficient for the proposal to be supported. There is no evidence that any improvement to the visibility splay actually resulted from this development, and it seems that any improvement could only have been to the east anyway (because only the land to the east would have been within the then applicant's control). Be that as it may, the Department for Infrastructure (Transport) has objected to the current proposal. The fact that the junction between the private road and the public main road is already used by traffic generated by existing dwellings does not seem to me to be a good reason for allowing accident risks to increase by adding more traffic. Even small increases can have a significant cumulative impact.

#### **Housing Supply**

40. The need to increase the supply of housing in Jersey, and the resultant problems faced in particular by young people trying to find a first home, are well known. This is a common theme in the written representations in support of the proposal. It is also part of the appellant's case, which refers to the need (as identified in the Bridging Island Plan) to build 2,650 new open market houses during the plan period 2022 to 2025.

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<sup>6</sup> This can only be an estimate, based on an approximately 5% increase in the number of dwellings, reduced to allow for the relatively small size of the proposed dwelling.



41. Policies PL1 and PL2 of the 2014 Island Plan both referred to the importance of using land in the built-up area (including areas outside St Helier itself) to help meet Jersey's housing needs. Policy PL2 of the Bridging Island Plan refers to the built-up area of Les Quennevais as a focus for growth which is expected to help "accommodate the need for residential development" in the plan period. The proposal would contribute to meeting this need. A large proportion of new housing in Jersey is apparently likely to be in the form of flats, and the appeal proposal would provide an alternative. These are significant factors to weigh in support of the proposal.

#### **Precedent**

42. Part of the case put forward for the appellant refers to developments elsewhere, including Connemara and Hawthorn Cottage. The plot of Connemara is smaller than would be the plot of the proposed dwelling, but Connemara is a single-storey building. Hawthorn Cottage is not sited directly behind Blarney in the same way as would be the proposed dwelling behind Silcia, so again is not directly comparable although the dwellings themselves would have some similarities.
43. Reference is also made to a development at 52A Clos des Sables, which I saw as part of my inspection. There, a new bungalow has been built on a confined plot, but it is a single-storey bungalow with integral garage, fronting a conventionally laid-out residential street with footways on both sides; so not only do the dwelling design and off-road parking arrangements differ from those subject to this appeal, but also the street setting is not the same as at the appeal site.
44. Other developments mentioned in the submissions include St Ebremond (Palace Close, St Saviour), where planning permission was evidently granted despite IHE (Transport)'s objection because of a substandard access, and a 2012 court judgment relating to development at the Metropole Hotel where the test of "unreasonable" impact was an issue.
45. When assessing this case you will no doubt wish to consider the need for reasonable consistency of decisions on planning applications, and that is what apparently underlies some of the arguments for the appellant about developments elsewhere. It is not for me to say whether permission should have been granted for any or all of the developments mentioned in support of the appellant's case. Either way, I do not consider that they have set such a precedent as to justify permitting the proposal subject to this appeal.

#### **Planning Committee Meeting**

46. It is not clear to me why the appellant's agent thought it necessary, at a late stage in the appeal process, to submit in evidence the handwritten notes he made during a planning committee meeting. Whatever the reason, the notes (which of course do not have the status of an official minute) do not support the agent's claim that: "Three members of the committee had no issue with the access onto Rue de Pont Marquet or its impact on neighbours." The notes<sup>7</sup> record one member as saying: "Not convinced this will cause a traffic problem", and another member as saying: "Not concerned by access". The notes do not record the other two members as saying anything specific about the access. The fact that their views are not recorded in the agent's note may or may not mean that they "had no issue" with it; and whatever may have been said during the committee meeting, the evidence before me indicates that the committee voted

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<sup>7</sup> The handwriting as reproduced is unclear in places but I think I have interpreted it correctly.

to refuse planning permission on grounds which include reason for refusal Number 2 referring to the access arrangements.

47. As regards the reference to "its impact on neighbours",<sup>8</sup> the agent's notes record one member as saying: "Is just enough space" – which might be interpreted as referring to impact on neighbours – but no specific comment on this topic by the other committee members is recorded in the notes. If anything, the comments which are recorded show that two committee members appear to be objecting to the impact of the proposal on neighbours.<sup>9</sup>

#### **Bridging Island Plan**

48. As noted in paragraph 7 above, the planning policies potentially relevant to this case when the application was made and when the appeal was lodged were those of the Island Plan as revised in 2014, but the written submissions include comments about the provisions of the new Bridging Plan, particularly relating to housing supply. I have referred to those comments above. The case in favour of this proposal is strengthened by the adoption of the new plan with its designation of Les Quennevais as an area for growth, and the emphasis on the need to meet the need for housing. However, detailed concerns and objections remain.
49. As far as I can see from the now-published version, the Bridging Island Plan does not have any stated policy on the traffic or highway safety effects of development proposals, other than some very generalised statements in Policy TT1 and a similarly general reference to "wellbeing impacts" in Policy GD1.<sup>10</sup> I assume that this does not mean that proposals judged as having the potential to increase accident risks are now to be regarded as more acceptable than under the previous Island Plan; but it implies that where planning permission is refused on highway safety grounds, no specific policy applies.

#### **Other Matters**

50. Some of the topics mentioned in written representations have limited bearing on the appeal decision and I do not consider it necessary to comment on them in detail. These include the effects of the proposed development on foul drainage, the risk of flooding, and wildlife. It has also been alleged that support for the proposal is from those on whom it would have no impact, which I take to mean people who do not live near the site. I make no comment on that matter as I have not been able to verify addresses, which have been "redacted" for confidentiality reasons.

#### **Conclusions**

51. There is a fairly close balance of arguments for and against this appeal. The proposal would help in a small way to increase the supply of housing in a built-up

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<sup>8</sup> In interpreting the statement that "Three members of the committee had no issue with the access onto Rue de Pont Marquet or its impact on neighbours", I think the agent intended here to mean the impact of the proposed dwelling on neighbours, not the impact of the access onto Rue de Pont Marquet on neighbours.

<sup>9</sup> One member is recorded as saying: "Have (?) a bungalow on this site" and another as saying: "Go with officer's recommendation", both of which comments (assuming that "a bungalow" means a single-storey dwelling) appear to be objecting to the proposal on grounds of impact on neighbours.

<sup>10</sup> Policy GD1 of the 2014 Island Plan contained a criterion indicating that development should not lead to "unacceptable problems of traffic safety". This criterion does not appear in the Bridging Plan version of Policy GD1 - it mentions numerous possible impacts of development, even including electro-magnetic fields; but not traffic or vehicles.

part of Jersey where, in general, planning policies aim to encourage "sustainable" development. Planning permission has been granted for new dwellings on other quite restricted sites, those developments having *some* similarities with this proposal. The adverse effects on the privacy of neighbouring properties would not be so harmful as to justify refusing planning permission. But in several detailed respects relating to the building's bulk and height (combined with land levels), access road layout and highway safety, there are cogent objections to the proposal. This is a case where no single factor by itself is compellingly decisive, but taken together I judge on balance that the negatives outweigh the positives, and that the planning authority's decision to refuse planning permission was well-founded.

### **Possible Conditions**

52. If my recommendation is not accepted and if planning permission were to be granted, standard conditions covering the time period for implementation and implementation in accordance with the submitted plans would be appropriate. A condition taking away "permitted development" rights for enlarging the proposed dwelling or constructing outbuildings (so as to bring any such proposals under normal planning control) would also be appropriate, given the restricted size and setting of the site. You may also wish to note the appellant's willingness to accept a condition requiring installation of an air source heat pump subject to prior approval of details.
53. There can sometimes be circumstances where conditions requiring "off-site" improvements to a road junction can be imposed, or preventing a development being carried out until such improvements have been made; but such circumstances do not apply here, so no such condition would be valid.

### **Recommendation**

54. I recommend that the appeal be dismissed and the refusal of planning permission be confirmed. Taking account of my findings on some of the issues, and of my comments about the apparent absence of a policy on highway safety in the Bridging Island Plan (hence no reference to policy in Reason 2 below), I also recommend that the reasons for refusal be modified as follows:
1. The proposal would result in a cramped over-development of the site which would have an undesirably harmful impact on the appearance and character of the area, contrary to Policies GD1 and GD6 of the Bridging Island Plan.
  2. The proposal would intensify the use of the access road and its junction with the main road, La Rue du Pont Marquet. Visibility at this junction does not meet the requirements of the highway authority and the development would unacceptably increase the risk of accidents.

*G F Self*

Inspector

31 May 2022