

PLANNING AND BUILDING (JERSEY) LAW 2002 (AS AMENDED)

Appeal under Article 108 (2) (a) against a decision to grant planning permission

Report to the Minister

By Sue Bell MSc., BSc, FCIEEM, CEcol, CWEM,
An Inspector appointed under Article 107

Appellant: Mr David Whalley

Planning Permission Reference Number: P/2022/0645

Decision notice date: 4 August 2022

Location: 45 Jardin du Hocq, La Rue du Hocq, St. Clement JE2 6GJ

Description of Development: Construct two storey extension to East elevation. Amended plans received.

Appeal Procedure and Date: Written submissions

Site Visit procedure and Date: Accompanied, 8 November 2022

Date of Report: 20 December 2022

Preliminary matter

1. Article 114 of the Planning and Building (Jersey) Law 2002 as amended sets out the procedures for appeals. Third party appeals are generally expected to be dealt with by way of a hearing. However, paragraph (5) of the Article allows the Inspector to deal with the appeal by way of written representations on the application of any party, or on his or her own motion, but only following consultation with all the parties.
2. The appellant requested this appeal be dealt with by written representations. Having read the material provided and sought the views of all parties, I agreed to this request.

Introduction

3. This is a third-party appeal by Mr David Whalley against a decision to grant planning permission for the construction of a two-storey extension to the east elevation of No. 45 Jardin du Hocq.
4. Permission was granted by the Infrastructure, Housing and Environment Department ('the Department') under delegated powers on 4th August 2022.
5. A summary of the cases presented by each party during the application and the appeal are presented below. Further details are available in the statements and other documents submitted by each party, which are available through the Planning Applications Register website.

The appeal site and proposed development

6. The appeal property is a semi-detached two-storey dwelling. It sits in a corner plot within a small residential development within St. Clement parish. There is an existing garage on the eastern elevation, with off-road parking between the road and the garage.
7. The applicant wishes to replace the existing garage with a two-storey extension. This would have a pitched roof, a garage door to the north elevation and a window in the eastern elevation. Internally, a garage would be retained at the northern end of the ground floor and a small snug would occupy the southern end of the extension. A bedroom and bathroom would be provided on the first floor.

Case for the appellants

8. The appellant is concerned that the proposed development would encourage vehicle parking on the road. He considers this would be contrary to the policies of the Bridging Island Plan, principally Policy SP3- Placemaking and Policy GD6 - Design quality. Furthermore, he is concerned that any parking on the road, particularly outside the appeal site, which is located on a bend, would result in increased risk for pedestrians and other car users. It could also act to obscure a 'virtual footpath'.
9. He considers that the provision for parking on-site would be inadequate and would not meet parking requirements and standards as set out in Supplementary Planning Guidance Policy Note: 3 Parking Guidelines (September, 1988) and "Access onto the Highway - Standards and Guidance. A technical guide for the preparation of Planning Applications" (2019) and would be contrary to Policies TT4, GD6, SP3, SP7 and H1 of the Bridging Island Plan.
10. In addition, the appellant considers that the proposal does not demonstrate that the development would provide adequate external storage to comply with the required Minimum Residential Standards (SPG, Policy Note 6, 2009).
11. The appellant has also questioned whether the loss of parking space, which he believes comprises permeable paving, would be consistent with the requirements of Policy WER6 - surface water drainage of the Bridging Island Plan.

Case for the Department

12. The site is located within the built-up area and as detailed in Policy SP2 of the Bridging Island Plan, an extension to a residential property in this area is acceptable, subject to meeting the tests of the Island Plan.
13. Parking standards require three parking spaces for a four-bedroom property, as is proposed. The proposal includes for a 1-car garage and sufficient space to the front/side of the house for at least two cars. The proposed parking and location of the parking is acceptable and in accordance with the Island Plan.
14. The dwelling is considered to have a good-sized rear and side garden and a garage, which can accommodate storage and secure bicycle storage. The Design Statement confirms that any additional surface water would be dispersed via a new soakaway in the rear garden. The Department considers these details to be acceptable and in accordance with the Island Plan.

Case for the Applicant

15. The applicant has provided further clarification of the internal dimensions of the proposed garage to illustrate the space available to accommodate a family car, bicycle and bin storage. The proposed garage is wider than the existing one.
16. Confirmation is also provided of the space available to accommodate three parking spaces on the proposed site (one in the garage and two off-road parking spaces). The applicant notes that this is consistent with all but one of the existing four bed houses within the same development.

Representations

17. Two objections to the application were received, including one from the appellant. Both objections raise concerns about the loss of a parking space. Other concerns are: the risk of increased parking on communal roads; the difficulty in manoeuvring off-road; and that the proposed garage would be of insufficient depth to allow parking of a car.

Key Issues

18. Article 19 (1) of the Planning and Building (Jersey) Law 2002 as amended notes that all material considerations shall be taken into account when determining an application for planning permission. Paragraph (2) of the same article states “In general planning permission shall be granted if the development proposed in the application is accordance with the Island Plan.” The current Island Plan is the Bridging Island Plan, dated March 2022.
19. Having regard to the provisions of the Bridging Island Plan and other material considerations, I consider that the key issues in this appeal relate to:
 - the adequacy of the proposed parking provision
 - the adequacy of storage space associated with the proposal

Adequacy of the proposed parking provision

20. Policy SP2 Spatial Strategy of the Bridging Island Plan 2022 states that the concentration of development will be within the built-up area.
21. Policy TT4 Provision of Off-Street Parking sets out that “Development that has the potential to generate vehicular movements and a requirement for car and other forms of parking will be supported only where it provides an appropriate level of accessible, secure and convenient off-street motor vehicle parking, that is well-integrated with the development, and which accords with adopted parking standards in terms of number, type, quality, security and accessibility, to meet all users’ needs, with priority given to parking for people with mobility impairments.”
22. The policy also provides for variation from published standards where it can be demonstrated that any deviation will not lead to problems of indiscriminate parking in the locality.
23. The appeal site currently has space for parking at least four cars: one within the existing single garage and up to three on the forecourt area that lies between the existing garage and the road. Thus, the proposal would represent a loss of one

external parking space compared to the current situation. At the same time, the proposal would increase the number of bedrooms in the property from three to four. The appellant maintains that this would increase occupancy of the property from four people to six people. This assessment is based on guidance set out in “Supplementary Planning Guidance 6 - A minimum specification for New Housing Developments.”

24. The appellant has directed me to standards for parking provision, which are set out in Supplementary Planning Guidance Policy Note: 3, “Parking Guidelines” (1988). The proposal site lies within ‘Area 3’. Page 4 of the guidance suggests that a dwelling for four persons in Area 3 should provide three car parking spaces plus one visitor space, whilst a dwelling for six persons should provide four spaces plus one visitor space.
25. Given the date of publication of the “Parking Guidelines” I sought further information from the Department concerning their status. The Department has confirmed that these are currently the only adopted parking guidelines, but are considered to be out of date. New guidance is to be published in 2023. The Department also noted that both the previous Island Plan (2011, revised 2014) and the current Bridging Island Plan make reference to reducing dependence on the private car.
26. I accept that the proposal would reduce the number of parking spaces, whilst increasing the potential occupancy of the dwelling. Nevertheless, the proposal would still be served by three parking spaces within the property boundary. In terms of visitor parking, I saw that there are a number of off-road visitor parking spaces within the wider development. Some of these are within a very short distance (< 50 metres) of the proposed development.
27. The Bridging Island Plan provides the framework for decision-making for the use and development of land. It provides the most up-to-date approach to consideration of car use and parking in developments. It sets out aspirations to reduce the number of motor vehicle journeys, to increase active transport choices and to improve public transport. It also notes the role of the availability of parking at the start and end of the journey is a critical factor in car use. It suggests that where there is a generous provision of parking then the preferred mode of transport is likely to be the car. Whilst recognising the need for some car parking, the plan appears to favour reduced provision, to encourage alternative transport options. This approach is clearly at odds with the “Parking Guidelines”, which are based on predicting and meeting the demand for parking.
28. Whilst the “Parking Guidelines” have not yet been discontinued, they are of significant age and as discussed above, some at least of the principles on which that guidance is based have been superseded by those set out in the current Bridging Island Plan. In addition, I note that the “Parking Guidelines” states that it is intended as guidance only and is not intended to provide a set of rules, which are unreasonably inflexible. Taking account of the status of the “Parking Guidelines” as guidance, their considerable age and current policies to reduce parking provision set out in the Bridging Island Plan, I conclude that they are of limited relevance. That is, the requirements of the Bridging Island Plan set out the most up-to-date policy context for this issue.
29. I accept that the provision of three parking spaces at the proposal site is one short of the four for residents recommended in the “Parking Guidelines”. Nevertheless, the proposal site is based in the built-up area, within walking distance of local

services, schools and shops. There is also an easily accessible bus service. Given the accessible nature of the development, the age of the “Parking Guidelines” and the clear intention of the Bridging Island Plan to discourage travel by private car, I align with the Department’s view that three spaces would provide adequate provision for off-road parking for residents of the property.

30. In addition, I am content that there is adequate visitor parking within close proximity to the proposal site such that there is no need to provide space specifically for that purpose within the appeal site.
31. Policy TT4 of the Bridging Island Plan allows for development that does not meet adopted minimum standards where it can be demonstrated that this would not lead to indiscriminate parking in the locality. When considered with the proximity of visitor parking, I am satisfied that the proposals would not lead to indiscriminate parking on the estate roads. In addition, I understand that the company which manages the estate does not permit parking on the road-way.
32. I have considered the appellant’s concerns that the proposal could lead to unauthorised parking on the ‘virtual footpath’. As I have already concluded, I am satisfied that there would be adequate parking, both off-road within the appeal site and in visitor parking close by, to avoid the need to park on the roadway including the virtual footpath.
33. The appellant has suggested that the original design of the estate as a whole (including the proposal site) provided off-street parking in the interest of high-quality design. He suggests that allowing a development which would encourage parking on the road would not be consistent with the requirements of Policy SP-3 Placemaking and Policy GD6 of the Bridging Island Plan.
34. The nature, design and proposed finishes of the proposed development, which is for a small extension to a dwelling house, is consistent with the existing character and function of the area as required by Policy SP3 Placemaking. It would also conserve, protect and contribute positively to the distinctiveness of the built environment, landscape and wider setting as required by Policy GD7 - Design quality. The proposal would not alter the existing access arrangements and I have already concluded that the proposed level of parking (including communal visitor parking) would be sufficient for there to be no reason for parking on the roadway. Thus, I conclude it would be in accordance with the requirements of Policies SP3 and GD6.

The adequacy of storage space associated with the proposal

35. The appellant has raised concerns as to whether the proposal would provide adequate external storage space in line with the Minimum Residential Standards set out in SPG, Policy Note 6. In particular, the appellant is concerned that the proposal would not provide adequate space for bicycle storage.
36. Policy TT2 of the Bridging Island Plan requires that development should provide accessible, secure and convenient on-site cycle parking. “Access onto the Highway - Standards and Guidance. A technical guide for the preparation of Planning Applications” recommends allowing 1 cycle space per bedroom.
37. The proposed dimensions for the garage would accommodate adequate space to accommodate a car (defined using the adopted parking space standards set out in the “Parking Guidelines”) and for additional internal storage. During my site

inspection I saw that the proposal site has a rear garden area, allowing for additional external storage, if required. I am therefore satisfied that the proposal would allow for on-site cycle parking and provide for sufficient external and internal storage.

Other matters

38. The appellant's comments on surface water drainage are acknowledged. I note that the Design Statement shows that any additional surface water arising from the development would be dispersed via a new soakaway in the rear garden, thus managing surface water on site in line with the requirements of Policy WER6 - surface water drainage of the Bridging Island Plan.
39. The effects of the development on neighbouring amenity have been considered by the Department. I am content that the proposals would not result in unreasonable harm to the amenities of occupants and neighbouring uses and is therefore consistent with the requirements of Policy GD1 of the Bridging Island Plan.

Conclusions

40. For the reasons set out above, I find that the proposal would provide adequate parking and would not lead to indiscriminate parking on the roadway and hence would not be detrimental to safety, amenity or design quality. The proposals would include for sufficient internal and external storage space, including space to accommodate bikes. They would not have an adverse effect on the amenities of neighbouring properties. Arrangements for surface water management would also be acceptable.
41. I therefore conclude that the proposals would be in accordance with the Bridging Island Plan.

Recommendations

42. I recommend that the appeal should be dismissed and that the original Planning Permission be confirmed

Sue Bell

Inspector 20/12/2022