

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

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

Report to the Minister

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

Appellant: Mr Brigham Young

Planning Permission Reference Number: P/2022/1698

Date of decision notice: 7 December 2023

Location: Tiree, Longfield Avenue, La Route des Genets, St. Brelade, JE3 8EB

Description of Development: New balcony to South elevation. Loft conversion and new dormer window to South elevation. Various fenestration alterations to North and South elevations. Internal alterations to layouts.

Appeal Procedure and Date: site inspection and hearing.

Site Visit procedure and Date: accompanied 28 February 2024, unaccompanied 27 February 2024.

Date of Report: 11 March 2024

Introduction and relevant planning history

1. This appeal concerns refusal to grant permission for development at Tiree, a semi-detached property located in St. Brelade.
2. Planning permission (P/2011/0482) to “Extend and remodel existing dwelling to provide three storey dwelling with terracing” was granted on 17 October 2011. Parties agree that development was commenced within the required period and I saw that building work was underway during my site inspection.
3. The appealed proposal seeks changes to the layout and fenestration of the consented scheme. Nevertheless, it has been treated as a ‘stand-alone’ application rather than a revised application. The Regulation Directorate, Infrastructure and Environment Department (the Department) recommended the scheme be approved. However, given the number of representations received, it was determined by the Planning Committee, who refused the application for a single reason:

“The proposed development by virtue of the size and scale of the dormer window and the different fenestration proposed to the South Elevation, will be visually at odds with the rhythm of the existing fenestration and uncluttered roof plane to the immediately adjoining semi-detached house at Iona, Longfield Avenue: to the visual detriment of the existing property, Tiree, and to the street scene in general. Accordingly, the proposal is contrary to Policy GD6 of the Adopted Bridging Island Plan 2022.”

4. A second historic permission (P/2011/0484) is referenced in some representations. It relates to creation of a separate dwelling (Le Jardin), located partially on land that formerly formed part of the garden of Tiree. That permission, which is being implemented, is separate to the appeal before me and I have not considered it further below.

The appeal site and proposed development

5. Tiree forms the western portion of a pair of semi-detached houses, which sit on the northern side of Longfield Avenue, on the slopes above St Brelade's Bay. Properties on the north side of Longfield Avenue are located on higher ground than properties to the south of the Avenue. Longfield Avenue also slopes down from east to west.
6. Longfield Avenue is a private cul-de-sac accessed from La Route des Genets. The eastern portion of the road is bordered by fields. Housing development is focused at the western end and the appeal site is bordered on all sides by development. There is no single discernible architectural style to the housing along the Avenue. Development from different periods is represented and I saw buildings of varying scale, height and design. There is no uniformity in use of materials or plot size.
7. The original building was a two and a half storey dwelling. The extant permission allows for construction of a new two and a half storey extension to the western face. This would have a pitched roof, similar to the existing, but set at a lower level. Velux windows would be inserted into the existing roof plane of both the southern and northern elevations. Velux windows would also be included in the roof plane of the new extension. The extant permission also includes for new windows in the face of the northern and southern elevations of the extension.
8. The proposals seek permission to make alterations to both the northern and southern elevations. On the northern elevation, it is proposed to alter the position of one of the velux windows and alter the position and size of a window at first floor level within the extension. A stainless steel flue would be removed from the roof.
9. On the southern elevation, it is proposed to replace the velux windows within the roof plane of the extension with a box dormer. Windows at first floor level of the extension would be enlarged to create sliding doors with glass balustrading. Sliding doors would also be installed to a window at first floor level of the original building and a balcony constructed. There would also be minor changes to the size of the windows of the extension at ground floor level and the approved porch would be removed. Internal changes to the layout are also proposed - habitable space would be created within the roof, to create a five-bedroom property. The main living space would be located on the first floor, rather than the ground floor.

Case for the appellant

10. The appellant has stated a single ground of appeal:
 - The proposal is not contrary to Policy GD6 of the Bridging Island Plan.

Case for the Planning Committee

11. The single reason for refusal of the application was stated above. It relates solely to the proposed changes to the southern elevation. The proposed box dormer is considered large and over-sized and hence at odds with the rest of the host building and the fenestration and balcony arrangements on the adjoining half of the semi-

detached house. The box dormer and balcony are also considered to be visually detrimental to the wider street scene, especially given the elevated position of the property. The proposals are not consistent with Policy GD6 Design Quality.

Consultations

12. **IHE Transport's** response (27 January 2023) neither objected nor supported the proposals. It noted that the site is on a Parish Road and advice should be sought from the Parish in terms of its suitability to accommodate the development.
13. The **Natural Environment** team requested further information in the form of an initial ecological assessment (3 March 2023). This was based on existing information about the presence of known roosts and nesting features for bats and birds in the wider area, combined with the age and structure of the existing buildings.
14. **DFI-Drainage** requested further information in relation to drainage and any increase in occupancy numbers (21 March 2023).

Representations

15. Fifteen representations from ten individuals are shown on the Planning Register website. All but one of these representations object to the proposals. Points raised include:
 - Dormer window will tower above neighbouring properties.
 - Design does not represent an improvement on existing.
 - Proposed balcony different in style to that at neighbouring property and would spoil current design and character of adjoining properties.
 - Impact on character of area and skyline of the bay.
 - Not consistent with planning policy as does not consider St Brelade's Bay character appraisal or the Integrated Landscape and Seascape Assessment.
 - No landscaping proposals.
 - Loss of privacy from overlooking.
 - Disturbance to neighbours from living space at first floor level.
 - Impacts on traffic and car parking.
16. Several of the representations refer to the status of other planning permissions involving the site.
17. One of the respondents also submitted comments at the appeal stage, reiterating points made to the application.
18. One representation in support of the application was also received.

Inspector's assessment

19. Article 19 of the Planning and Building (Jersey) Law 2002 as amended states "In general planning permission shall be granted if the development proposed in the application is in accordance with the Island Plan". Planning permission may also be granted for proposals that are inconsistent with the Island Plan if there is sufficient justification for doing so. In reaching a decision, all material considerations should be taken into account.
20. The current Island Plan is the Bridging Island Plan, March 2022 ('the Island Plan'). Having regard to the policies within that plan, the reasons for refusal and the grounds

for appeal, and points raised in representations, I conclude that the determining issues in this appeal are:

- The quality of design and visual impact of the proposed dormer window and proposed fenestration on the south elevation.
- Effects of proposals on neighbouring properties.

Quality of design and visual impact of the proposed dormer window and proposed fenestration on the south elevation

21. There is no consistency in design along Longfield Avenue. Examples of different designs and styles are present, including more modern ‘cuboid’ development. Whilst I did not see other box dormers, given the existing variation in building height, design and style, I do not consider that such a feature would appear unduly prominent or incongruous in the street scene.
22. The proposed dormer would be centrally located within the roof plane, below the ridge of the pitched roof, but above the roof edge. Its scale would not appear out of proportion with the roof area, nor would the windows appear disproportionate or out of scale with other windows on the southern face of the building.
23. Tiree forms the western half of a pair of semi-detached dwellings. Whilst these dwellings may have originally been designed to be read as a pair, there have been historic changes to both properties. For example, the neighbouring property to the east benefits from an extension and a balcony served by sliding windows at first floor level. The proposals for Tiree would further reduce the uniformity between the two properties. However, there is no policy requirement which would prevent owners from introducing change to their property- even where this forms part of a semi-detached pair or a terrace - providing those proposals are in accordance with the Bridging Island Plan.
24. The proposed sliding doors at first floor level on Tiree would be taller and of a greater surface area than the consented windows. However, I do not consider that the scale of these would appear out of proportion with the face of the dwelling as a whole or appear disproportionate in the street scene. Nor would they be inconsistent with or out of proportion with the sliding windows present at first floor level on the adjoining property to the east. That is, I do not consider that the proposed changes would be detrimental to Tiree’s relationship with the property to the east or the street scene.
25. Policy GD6 - Design quality seeks a high quality of design that conserves, protects and contributes distinctiveness of the built environment, landscape and wider setting. It includes 8 key principles for design. Three of these have some relevance to the appealed proposal. The first relates to the relationship of the development to existing buildings, settlement form and distinctive characteristics of a place, having regard to the layout, form and scale of the development. I have concluded above that there is no single architectural style for the area in which the proposal is located and that it does not have any particular distinctive characteristics. The proposals would not alter the settlement pattern.
26. The second principle relates to the use of materials, details, colours, finishes, signs and illumination relative to the character and identity of the area; and its townscape and landscape setting. The proposals are for powder-coated aluminium windows and glass balconies. The box dormer would be lead clad. I find that the proposed materials, details and finishes would be modern, but muted. They would not appear

incongruous in their setting. Any concerns about materials and finishes could be addressed by condition.

27. The third relevant key principle relates to the impact of a proposal on neighbouring uses, including land and buildings and the public realm. My comments in relation to effects on neighbouring uses are considered further below.
28. I have also considered the effects of the proposals on the Green Backdrop Zone and the skyline as viewed from St Brelade's Bay. Policy GD8 - Green Backdrop Zone sets out (amongst other matters) that development in this area should not unacceptably increase the visual prominence of the development and should be well-related to existing development. Policy GD9 - Skyline, views and vistas seeks to prevent adverse impacts on the skyline, strategic views, and important vistas.
29. Longfield Avenue is in an elevated position and properties at the western end, including the appeal site can be seen from parts the beach and Le Mont Sohier in St Brelade's Bay. The main aspect from these viewpoints is of the western elevation, reducing direct views of the proposed changes to the southern face. As the proposed dormer would be within the face of the roof plane, below ridge height, it would not project further into the skyline than the existing buildings. Given the presence of other surrounding development and the distances involved, I do not consider that the proposals would have an appreciable effect on the appearance of the area as viewed from St Brelade's Bay.
30. In conclusion, I am satisfied that the proposed development would be consistent with the aims of Policy GD6, GD8 and GD9.

Effect of the proposals on neighbouring properties

31. Some of the representations raised concerns about the effects of the proposals on neighbouring properties in relation to privacy, over-looking, noise and light. I note these factors were not identified as a reason for refusal of the proposal.
32. Policy GD1 - Managing the health and wellbeing impact of new development sets out (amongst other things) that development will not unreasonably harm the amenities of occupants and neighbouring uses, including those of nearby residents. Development should not create a sense of overbearing or oppressive enclosure, not unreasonably affect the level of privacy to building and land that owners and occupiers might expect to enjoy, or unreasonably affect the level of sunlight and daylight to buildings and land that owners and occupiers might expect to enjoy.
33. The appeal property is set back from its southern boundary and is further separated from dwellings to the south by Longfield Avenue. In addition, the properties to the south of the road are also set back from their boundary with the road. Tیره already has windows on its southern elevation. Whilst the proposals would replace some of these windows with larger, sliding glass doors, it would not introduce new opportunities for over-looking which are not already present. The proposed balcony at first floor level would not result in a significant reduction in separation between properties north and south of the Avenue. Given the degree of separation between buildings on opposite sides of Longfield Avenue, coupled with the fact that neighbouring properties to the south are set down into the slope, I conclude that the proposals would not result in any sense of overbearing or in an unreasonable increase in over-looking.

34. The proposals include for a privacy screen on the eastern edge of the balcony, to prevent over-looking of the balcony of the adjoining property. This is not anticipated to affect light levels for the neighbouring property.
35. The proposals allow for relocation of the main living areas of the house to first floor level. I have considered concerns as to whether this would generate additional noise close to the sleeping areas of the adjoining property. As the property will continue for domestic use, I do not consider that noise levels would be appreciably different to the current arrangements.
36. The site visit and hearing were attended by two neighbours, including the occupants of the adjoining property to the east, who had originally objected to the proposals partially on amenity grounds. Both stated they wished to withdraw their objections.

Other matters

37. The appeal site is within the Island's Built-up area, where new development is acceptable in principle, subject to compliance with other policies within the Bridging Island Plan. The Department considers that the proposals comply with the required space standards.
38. The proposals are for the alteration to the roof and window openings of an existing property. As such, I do not consider that a landscaping plan is required or that there would be any effects on traffic or parking. I note that the Department considers that there is adequate off-road parking.
39. The Natural Environment Team sought further information. However, the current application seeks changes to structures for which work has already been consented and is being implemented. Thus, any necessary survey work should have been already undertaken.
40. The Department's officer report notes that a drainage modelling assessment was undertaken to demonstrate that foul and surface water arrangements were acceptable, in line with the response from DFI- Drainage.

Conditions

41. The Department's officer report did not suggest any conditions beyond the standard conditions relating to timescale for implementation and adherence with plans, which are applied to all permissions.
42. At the hearing, the Department suggested it may be appropriate to append a condition requiring the approval of materials. This could be based on submission of brochure details rather than samples of materials. The plans currently include some details of proposed materials. However, such a condition would provide additional reassurance that appropriate materials were used (e.g. for the privacy screen), consistent with Policy GD6 and GD1.

Conclusions

43. For the reasons set out above, I conclude that the proposals would be consistent with the Bridging Island Plan.

Recommendations

44. I recommend that the appeal should be allowed, and that planning permission should be granted. In addition to the standard conditions relating to timescale for implementation and compliance with approved plans, I suggest an additional condition, requiring prior approval of materials, also be appended to the permission.

Sue Bell

Inspector 11 March 2024