

## REPORT TO MINISTER FOR THE ENVIRONMENT

by **N McGurk** BSc (Hons) MCD MBA MRTPI  
an Inspector appointed by the Judicial Greffe

Site visit made on 16 June 2025. Hearing held on 17 June 2025.

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### Reference: P/2024/1078

### The Pleiades, La Grande Route de la Cote, St Clement, JE2 6QR

- The appeal is made under Article 108 against a decision made under Article 19 to refuse planning permission.
  - The appeal is made by Harry Cohen against the decision of the States of Jersey.
  - The application Ref P/2024/1078 by Harry Cohen was refused by notice dated 5 December 2024.
  - The proposed development is demolition of existing conservatory and rebuilding of conservatory to North East elevation, construct additional second floor level and porch on South East elevation. Modification of vehicular access onto La Grande Route de la Cote.
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### Recommendation

1. I recommend that the appeal be dismissed.

### Introduction and Procedural Matters

2. This Report refers to the Planning Department as "*the Department*."
3. Following the Department's refusal of the application the subject of this appeal, the decision was subject to a Review, heard at the Planning Committee of 10<sup>th</sup> April 2025. At Review, the Planning Committee refused the application for the same reasons as the original refusal.
4. Two of the Department's reasons for refusal refer to electric car charging and ecology, respectively. In the case of both of these reasons for refusal, I am satisfied that in this specific case, they comprise relatively minor matters that could have been overcome via the use of appropriate conditions. Consequently, these two reasons do not form part of the main issues considered by this Report.
5. The Bridging Island Plan, adopted on the 25<sup>th</sup> March 2022, is referred to in this Report as "*the Island Plan*."
6. The summaries of the various cases set out below are neither exhaustive nor verbatim but summarise the main points made by the relevant parties. In reaching the recommendation set out in this Report, I have considered all of the information before me.

### Case for the Appellant

7. The proposal promotes the efficient use of land in the built-up area to achieve optimal density and would turn a 3-bedroom dwelling into a 4-bedroom dwelling. There is a shortage of 4-bedroom dwellings. The increase in density
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would be marginal and there would be no unreasonable impacts on neighbours. The proposal would be in keeping with local character.

8. In reaching its conclusions, the Department should have afforded more weight than it did to Island Plan Policies supporting higher density development in the Built-up Area and supporting the remodelling and extension of existing dwellings.
9. The proposed development would not be visually dominant or incongruous. It would not be any taller than neighbouring dwellings and the setting back of the proposed third storey would lessen its impact.
10. There are numerous examples of different types of three-storey developments in the wider area which itself is characterised by the presence of three-storey buildings with similar relationships to two storey dwellings to that which would result from the proposed development.
11. The proposal would not have an unreasonable overbearing impact on neighbouring dwellings. The site is in the built-up area where a level of harm is generally acceptable and where there is already a degree of mutual overlooking, loss of sunlight and overbearing impacts.
12. The proposed third storey would be set 3.5 metres away from the boundary with the neighbouring dwelling, Vidar and there is an ancillary building in Vidar's rear garden along the length of the shared boundary. These factors would greatly reduce the impact of the proposed development such that it would not be overbearing.
13. The relationship with the other neighbouring dwelling, Lismore, would be improved. The proposal would replace the existing relationship whereby dormer windows face one another in immediate proximity. Further, there would be no unreasonable overbearing impact due to Lismore's footprint extending further north-east than that of the appeal dwelling.
14. Given the above, there would be no unreasonable harm to residential amenity.
15. There is already a sub-standard parking arrangement arising from a single width entrance to the parking area for two cars, such that the first car entering the parking area is "trapped." Removing the low wall to the front of the property would allow two cars to enter and exit the property independently.
16. Reversing into parking spaces is common along La Grande Route de la Cote and the proposal would allow two cars to do this as well as enter the highway in a forward gear. As there would be no need to increase the existing parking provision, the proposal must be more acceptable than the current situation.
17. At another development elsewhere, for seven dwellings, a roadside wall was taken down to provide for parking. The character of the area would be little changed as a result of the proposed parking arrangement.

### **Case for the Department**

18. It is accepted that the proposed development is located in the built-up area, where there is a presumption in favour of residential development. However, whilst it may well be that a different form of extension would be acceptable,

there are major concerns in respect of the massing and scale of the proposal, its impact on neighbours and vehicle access/parking, hence why it was refused.

19. The impact of the proposed additional massing would be significant and exacerbated by the thick roof fascia. The proposed development would result in significantly greater massing and visual impact than neighbouring dwellings. The proposal would result in the appeal dwelling appearing visually dominant in its setting and out of character with the area.
20. The increased height and massing proposed would result in an unreasonable overbearing impact on the neighbouring dwellings to either side of the appeal dwelling.
21. Two 5m by 2m parking spaces could not be provided without removal of the roadside wall. The loss of boundary features to provide parking with direct access to the highway is not supported where it would harm local character or compromise highway safety.
22. Front boundary walls in the area are a positive local characteristic. The removal of the roadside wall to facilitate direct access to the highway would harm local character and would introduce highway safety concerns due to increased direct access points onto the main road.

### **Other Comments**

23. A number of objections to the proposed development were submitted by neighbours and these included the comments below.
24. The proposal would reduce the amount of sunlight reaching neighbouring garden areas and reduce natural light to neighbouring properties.
25. The appeal dwelling and its neighbours have been “shoe-horned” into a site that is already too small. Any further development will be overbearing.
26. There is on-street parking opposite the appeal dwelling, as well as the entrance to a car park, so great care needs to be taken when entering or leaving the appeal property. Widening the entrance would not alleviate the problem but would set a precedent for other properties.

### **Main Issues**

27. The main issues in this case are the effect of the proposed development on the character and appearance of the area; its effect on the living conditions of neighbouring occupiers, with regards to outlook; and its effect on highway safety.

### **Reasons**

#### *Character and appearance*

28. The appeal dwelling comprises a modest detached two storey dwelling, designed such that the first floor is largely at roof level and incorporates small dormer windows. The dwelling has a small integrated single garage and a conservatory to the rear, where there is a small rear garden.

29. The appeal dwelling is set back from the highway behind a low granite wall and hedge and a small parking area separates the dwelling's front elevation from the property's front boundary. The single garage door faces a single point of access to/from the highway parking area.
30. Whilst an access to La Mare Car Park is located close to the appeal property, on the opposite side of La Grande Route de la Cote, the surrounding area is predominantly residential. It is characterised by the presence of detached and semi-detached dwellings, mostly two storey but also including occasional 2.5 storey dwellings and single storey dwellings.
31. Dwellings in the area tend to be set close to the road, behind short parking areas and/or short front gardens. Houses also tend to be built close to one another, on relatively tight plots with small gardens to the rear.
32. Whilst the above provides for a relatively dense pattern of suburban development, the general absence of tall buildings, the predominance of pitched and/or hipped roofs and the presence of small garden areas and airy views to the coast, all combine to afford the area with a sense of spaciousness.
33. During my site visit, I observed that the appeal dwelling is similar in design and appearance to its neighbour, Lismore. Whilst the side elevation of the appeal dwelling extends right up to its boundary with this neighbouring dwelling, the use of matching materials and the similarities in design and height, together with the presence of gaps at first floor level due to roof pitches, present an appealing sense of uniformity and result in a form of development that does not detract from the area's spacious qualities.
34. Further to the above, a notable and attractive sense of uniformity is derived from the presence of low walls, with low pillars to entrances, to the front of dwellings along the same side of La Grande Route de la Cote as the appeal dwelling. Further, the appeal property and Lismore, like properties along the same side of the road to the south-east of the appeal dwelling, have low granite walls and together, these granite walls tie-in well with taller granite walls providing boundaries to properties across the opposite side of the road.
35. The proposed development would add a third storey to the appeal dwelling. The proposal would rise vertically from both side elevations and would have a flat roof, such that the dwelling would appear from the front as a three storey "block." The second storey would be set back slightly from the ground floor and the third storey would be set back from the second storey. The proposed flat roof would extend at three storey height for the full length of the existing footprint of the dwelling
36. I find that this would result in a development that would appear tall, "blocky" and starkly different to its surroundings. The introduction of a third storey and a flat roof would appear in contrast to neighbouring dwellings, none of which present such a form of built development at third storey height. I find that this would result in the appeal dwelling appearing incongruous, awkward and unduly dominant in its surroundings.
37. The visual harm arising from the above would be exacerbated by the presence of wide front-facing balconies with glazed balustrades at first and second floor level, the highest of which would extend almost the full width of the dwelling;

and the introduction of a thick aluminium roof fascia, along with the use of grey fibre cement planked cladding. These features would exacerbate the prominent appearance of the proposal and draw attention to its incongruous appearance.

38. In addition to the above, the proposed development would result in the loss of the low granite wall forming the appeal dwelling's boundary.
39. This would result in the creation of visual gap and open frontage entirely unlike any other along this part of La Grande Route de la Cote. I find that the proposed removal of the front boundary wall would severely detract from the area's uniform qualities and that this would be to the significant harm of local character.
40. Taking all of the above into account, the proposal would result in harm to the character and appearance of the area. This would be contrary to Island Plan Policies SP3, SP4 and GD6, which amongst other things, seeks to protect residential amenity.

#### *Living conditions*

41. The proposed development would extend to the rear at three storey height, with a flat rather than pitched or hipped roof. During my site visit, I observed that the appeal dwelling, along with its neighbours to either side, Lismore and Vidar, are situated on relatively narrow plots, such that, whilst detached, the dwellings are located close to one another.
42. The proposed development would be set in a small distance from the shared rear boundary with Vidar but this would still result in the presence of a three storey high wall in close proximity to Vidar's rear elevation and rear garden. Whilst there is an ancillary building situated in Vidar's rear garden, along the shared boundary with the appeal property, the proposed development would, due to its height and projection, rise above this building.
43. Taking the above into account, I find that to some degree, the proposal would appear to "loom" above the shared boundary between the appeal dwelling and Vidar. However, whilst this would result in an overbearing effect, I consider that, due to the existing relationship between the two dwellings, it would not change the situation to such an extent as to comprise unreasonable harm.
44. The proposed development would rise at a three storey height along its shared boundary with Lismore for the full extent of the appeal dwelling's length. Windows to the sides of the appeal dwelling and Lismore already face towards each other in very close proximity and whilst the pitch of the appeal dwelling's roof provides for glimpses of the sky from Lismore's side windows, such glimpses are, as a consequence, already severely constrained.
45. Thus, whilst the development of a vertical wall three stories tall in close proximity would retain this highly constrained outlook from Lismore's side windows, it would not change the existing situation to such an extent that it would introduce unreasonable harm.
46. Taking all of the above into account, I find that the proposed development would not result in unreasonable harm to the living conditions of the occupiers of Lismore and Vidar with regards to outlook. In this regard, the proposal would

not be contrary to Island Plan Policy GD1, which amongst other things, seeks to prevent unreasonable harm to residential amenity.

#### *Highway safety*

47. As above, the proposal would require the removal of the appeal dwelling's front boundary wall. Notwithstanding that this would result in significant harm to local character it would, were it to take place, provide for two car parking spaces with direct access to La Grande Route de la Cote.
48. This would result in a car parking solution that would provide direct access onto La Grande Route de la Cote. However, it would also increase the number of direct access points onto the road. In this respect, the appellant notes that cars would need to reverse off La Grande Route de la Cote in order to then exit the car parking spaces in a forward gear.
49. Whilst I note that it is not entirely uncommon for cars to manoeuvre in such a way along La Grande Route de la Cote, I am also mindful that in this location, direct access to the road from dwellings along it is from single rather than double access points.
50. Pavements in the area are narrow and pedestrians and other road users already need to navigate vehicles manoeuvring to enter and leave La Grand Route de la Cote. I find that the creation of two direct access points immediately alongside one another would harm the safety afforded to pedestrians and road users by the presence of the appeal dwelling's low wall and the presence of only a single point of access.
51. Consequently, I find that the proposed development would result in harm to highway safety, contrary to Island Plan Policy TT4, which amongst other things, seeks to facilitate highway safety.

#### **Other Matters**

52. A number of objections to the proposal were received from the occupiers of neighbouring dwellings. These included references to the loss of sunlight resulting from the proposed development.
53. Combined with its very close proximity to the neighbouring dwellings to either side, the height and massing of the proposed development would likely result in some reduction in the overall amount of sunlight reaching those properties. However, I find that in this case, this reduction in sunlight would not amount to something so harmful as to be unreasonable.
54. In considering this appeal, I am mindful that the proposed development would add residential living space to the appeal dwelling and result in the creation of a 4-bedroom dwelling. This is something that stands in favour of the proposal, but it does not mitigate or outweigh the unreasonable harm identified.
55. In support of his case, the appellant refers to other developments in the surrounding area and considers that they provide good examples of how three storey developments are commonplace and result in relationships with adjacent two storey dwellings that are not harmful.

56. However, the circumstances associated with these other developments are different to those relating to the proposal the subject of this appeal. Notwithstanding this and in any case, I have found that the proposed development would result in significant harm and this is not something that is lessened or mitigated by the presence of other developments elsewhere.

### **Conclusion**

57. For the reasons set out above, I recommend to the Minister that the appeal be dismissed.

Nigel McGurk BSC(HONS) MCD MBA MRTPI

PLANNING INSPECTOR

10<sup>th</sup> July, 2025