

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

By Graham Self MA MSc FRTPI

Appeal by Val Plaisant Apartments Ltd against a refusal to grant planning permission.

Reference Number: PP/2014/1831

Site at the rear of 47 Val Plaisant, Dorset Lane, St Helier.

Introduction

1. This appeal is being decided by the written representations procedure. I carried out a site inspection on 11 November 2015.
2. The appeal is against the refusal of planning permission for development described in the applications as: "Construct 3 storey two bedroom unit".
3. This report provides a brief description of the appeal site and surroundings, summarises the gist of the cases for the appellant and the planning authority, and then sets out my assessment and recommendation. The appeal statements, plans and other documents including some photographs are in the case file for you to examine if required.

Procedural Matters

4. The appeal form names the appellant as "Mr R Le Brocq of Val Plaisant Apartments Ltd". Under Article 108 of the 2002 Law as amended, the right of appeal in this type of case is held by the applicant company (named in the application form as Val Plaisant Apartments Ltd), and Mr Le Brocq did not have a right of appeal. The appeal was lodged by an agent (Mr A Dubras). However, I consider it reasonable to regard Mr Le Brocq as having acted as a further agent or sub-agent on behalf of the company, so on that basis the appeal can be treated as valid.
5. According to both the appellant's appeal statement and the officer's report submitted in evidence for the Department of the Environment, the application was made in outline. I have not been able to detect this from the application form available to me by means of the ECourt electronic document system.¹ Be that as it may, details of design, siting and means of access are shown in the application plans and in the absence of any written indication to the contrary it is appropriate to treat the application and appeal as seeking planning permission including these aspects.

Site and Surroundings

6. The appeal site is at the rear of a terraced property, 47 Val Plaisant, and fronts on to a cul-de-sac named Dorset Lane. Like its neighbours in the terrace, the building at No 47 has four storeys at ground, first, second and third floor levels, the top storey having roof level dormer-type windows. It has a late Victorian appearance; the roof is pitched, with its ridge parallel to Val Plaisant. The

¹I cannot find anywhere in the application form showing any written indication of an outline application.

building appears to be divided into flats (there are four bell-pushes next to the front door facing Val Plaisant). There are windows facing towards the appeal site on each floor of the building.

7. Dorset Lane serves an area of mainly residential properties. Off the east side of Dorset Lane there are entrances to the land behind the terrace fronting Val Plaisant. Some of this land is occupied by rear extensions, some by car parking space or garages. On the west side of Dorset Lane opposite the appeal site there are two-storey dwellings set at an angle to the road with individual parking spaces.

Case for Appellant

8. The appellant argues that the property is within the town area where policy suggests that development should be allowed. The apartments in the existing building do not have any amenity space as the area to the rear is used for car parking, but only two spaces are used by tenants. The proposal would create amenity space for the existing flats at No 47 in an area built over the car parking, and for the new unit in a walled roof garden and balconies. Consideration could be given to increasing parking provision to 4 to 6 spaces by mechanical means. The unit's accommodation would be above minimum standard and the development would act as a catalyst for further development to create a new street frontage onto a quiet cul-de-sac.

Case for Planning Authority

9. The planning authority's case is contained in the grounds for refusal and the officer's reports. Although the site is in the built-up area where there is a presumption in favour of development in accordance with the criteria of the spatial strategy (policy SP1), the height, scale and massing of the proposal would be out of character with the street scene, would not provide adequate amenity space or parking, would be overbearing and would cause unacceptable overlooking for neighbouring residential properties. Therefore the proposal would be contrary to the requirements of policies GD1 and H6 of the Island Plan.

My Assessment

10. The proposed development would involve constructing a building having a rear elevation about the same height as the eaves of the existing building at No 47, positioned about 7.25 metres from the rear of No 47. The application plans show that "amenity space" would be provided for the existing dwellings at approximately first floor level (or a little below first floor level) in the area between the existing and proposed buildings. Amenity space for the proposed dwelling would be at roof top level, and there would be first and second floor balconies facing Dorset Lane.
11. The main issues of dispute in this case are the effects of the proposed development on residential amenity, on the appearance or character of the area, and on parking provision. These issues should be considered having regard to the policies of the development plan (the Revised 2011 Island Plan).
12. In principle, it is desirable to make efficient use of land in the built-up town area in line with policies on sustainable development in the Island Plan. However, in my judgment this proposal would be unsatisfactory and unacceptable in several ways. Because of its height, bulk and closeness to the rear of No 47, the proposed building would have an oppressively dominant impact on the rear outlook from the dwellings at No 47. The proposed first-floor level amenity space would be of limited amenity value to residents in No 47 because it would

be overlooked from windows in the proposed building, as well as the overlooking which already occurs from No 47 and neighbouring properties. Two of the windows in the east elevation of the proposed building are shown in the submitted plans as bathroom windows and these could be obscure glazed, but other windows to a habitable room are shown at second floor level.

13. Further loss of privacy for the existing dwellings would also arise from the presence of the roof-top amenity space at the proposed new building. The roof-top area would apparently be surrounded by a balustrade about 1.4 metres high, which for most adults would be less than head height. It would be possible to look down from a height and from a close distance (the actual dimension depending on the position and angle of individual windows), towards windows in the rear elevation of No 47 and neighbouring dwellings.
14. Policy GD1 of the Island Plan provides that development proposals will not be permitted unless they would not unreasonably harm what the Plan rather oddly terms "the amenities of nearby uses",² and not "unreasonably affect the level of privacy to buildings and land [which] owners and occupiers might reasonably expect to enjoy". Taking account of the points mentioned above, the proposal conflicts with the aims of this policy.
15. The appellant contends that the absence of any letters of representation on the original application shows that the proposal "would not interrupt or impinge on the benefits that existing residents have". That is a weak contention, since there may be numerous reasons why local residents did not object to the application.
16. Parking provision as a result of the development would be inadequate. The proposed building would take up existing parking spaces behind No 47 and the proposed three spaces could only be achieved with some "tandem parking" which would be likely to cause "shunting" movements of vehicles into and out of the site. Although it seems that only a small amount of traffic uses Dorset Lane, such movements would be intrinsically undesirable on safety grounds, especially since some of the dwellings nearby appear to be family-sized houses where some of the existing or future occupiers (and therefore local pedestrians) are likely to be children. I note the appellant's reference to the possible use of mechanical means to increase parking provision but it is not clear how this would be achieved and in the absence of such information I do not see this as an adequate solution. The assertion that only two existing parking spaces are used by residents takes no account of what could happen at any time as a result of changes in occupation of the flats at No 47.
17. Although there is no reason in principle why a structure with modern design features should not be inserted into an area with more traditionally-designed buildings, the proposed building would not in any way reflect the appearance or character of the surrounding area, particularly in respect of the building's rectangular form, the shape of windows, the proportions of window to wall areas, and the use of finishing materials such as aluminium. Because of these aspects, combined with its scale and siting, the building would be obtrusively out of character with the area and would conflict with the general thrust of Policies GD7 and H6 of the Island Plan.
18. Part of the appellant's case is that the street scene would be improved by the proposal and would be further improved if neighbouring sites were similarly

² "Uses" of land do not have amenities. Nevertheless in the circumstances of this case it is reasonable to interpret this expression as referring to the amenities of dwellings and their occupiers in the vicinity of the appeal site.

developed. The appellant also states that other owners are awaiting the result of this appeal before "doing the same thing".

19. The extensions and dormers at the rear of the Val Plaisant properties are a hotch-potch of different shapes and sizes, which give the street scene in Dorset Lane a somewhat cluttered appearance. Several rear extensions are rectangular in shape and have flat roofs; but none of them are of the scale of the proposed building. Moreover, in my judgment any improvement which might be gained by the proposal would be more than offset by the harm it would do to the amenities of local residents and in the other ways I have described. The presence of some relatively small structures which are not in keeping with the area and spoil its appearance is not a good reason for allowing a much larger one.
20. Even assuming (in the absence of any confirming evidence from owners) that the appellant's claim about the intentions of neighbouring owners is true, it does not help the appellant. If the proposed building were to be part of a terrace of similar scale, the impact on the outlook and amenity of existing occupiers would be more extensive, more harmful and more objectionable than the scheme subject to this appeal.
21. As part of my inspection I looked at a nearby area of modern housing (Eaton Mews, Belgravia Mews and Berkeley Mews), which has a tight-knit, fairly high-density layout. I also looked at a modern development behind the Old Red Lamp, shown in one of the photographs submitted for the appellant. These schemes are not the same as the appeal proposal and I do not consider that they set a precedent which should now be followed.
22. In reaching my conclusion I have had regard to all the other matters raised in evidence on which I have not specifically commented; they do not outweigh the points discussed above. Neither of the appeal parties has put forward suggestions or comments on possible conditions, but in any case I do not consider that conditions could overcome the objections to the proposal.

Conclusion and Recommendation

23. I conclude that planning permission was refused for sound reasons and I do not see any justification for overturning that decision.
24. I recommend that the appeal be dismissed.

G F Self

Inspector

19 November 2015