Planning & Building (Jersey) Law 2002 - Appeal under Article 108

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

By Graham Self MA MSc FRTPI

Appeal by John and Danielle McLinton against a refusal to grant planning permission.

Reference Number: P/2015/0368

Site at: Victoria House, La Route de St Aubin, St Helier JE2 3LN

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 an application for retrospective planning permission. The development was described in the application as: "Retrospective application:- Demolish wall & roof of derelict washhouse. Rebuild larger as bedroom. Provide new bathroom".

3. This report provides a brief description of the appeal site and surroundings, summarises the basis of the cases for the appellant and the planning authority as made in their initial appeal statements, and then sets out my assessment, conclusions and recommendation. The submitted statements, plans and other relevant documents are in the case file for you to examine if required.

Procedural Matters

4. Following my site inspection I decided that it was necessary to put some questions to the appeal parties and invite responses on a number of matters. I did this in the interests of fairness and accuracy, as some of the submitted drawings appeared to be wrongly labelled and some of the evidence was conflicting in such a way that it was difficult to determine which evidence was correct. This report has been delayed to allow time for the resulting submissions, which will be available to you in the case file.

5. The following points about plan labelling are evident from the written responses to my queries:

    i) On drawing 13/14/15, the right hand side drawing labelled "Proposed Ground Floor Plan" shows what at the March 2015 date of the drawing was actually the "Existing Ground Floor Plan". The application sought retrospective permission for what existed at the date of this drawing, so the application relates to what existed. The left hand drawing is wrongly labelled "Existing Ground Floor Plan" - this layout did not exist in March 2015.

    ii) On other drawings, the label "Approved" is not always correct and appears to mean "Existing" (for example, the "Approved" west elevation on drawing 13/14-12B - the west elevation approved in October 2013 with a 4.5 metre wide timber sliding door is labelled in this drawing as "Proposed"). Although a "post-it" note labelled "Approved" was placed by Mr McLinton on drawings 13/14-10B, 11B and 12B, these drawings are *not* listed as approved in the decision notice dated 10 October 2013.

6. I return later in this report to other matters arising from my queries.

Appeal Site

7. The appeal site is on the north side of La Route de St Aubin, next to the junction with a cul-de-sac private road known as Mabel Place, which runs along the west side of the site. Victoria House, which faces the main road, is a townhouse evidently dating from the late nineteenth century. The building has a slate-covered mansard roof with ornate dormer windows at the front.

8. Victoria House has been subdivided to form two semi-detached dwellings. The appellants occupy the western unit. At the rear of this dwelling there is a courtyard area, with access from Mabel Place through an up-and-over garage-type door. Immediately behind this door there is an area roughly the size of a typical single garage; this area is covered by a corrugated metal flat roof but is not enclosed at the rear. Part of the courtyard area is occupied by a timber summerhouse which at the time of my inspection appeared to be used mainly for storing domestic items.

9. There are two extensions at the rear of the eastern unit of Victoria House. They both have flat fibreglass-covered roofs. The guttering has a slatted design with no down-pipes. One extension (next to Mabel Place) provides a bedroom, which has patio-type PVC doors leading on to the courtyard. The other extension on the opposite side of the courtyard provides a bathroom and toilet. The other accommodation in the western dwelling comprises two main ground floor rooms - a kitchen-dining room and front lounge - and a bedroom and bathroom on the first floor.

10. Outside the front of Victoria House there is a shingle-surfaced area accessible from Mabel Place next to its junction with the Route de St Aubin. The area in front of the eastern unit appears to be used for car parking by the occupiers of that unit, with access being across part of the area in front of the western unit.

Case for Appellants

11. The appellants contend that the reasons for refusal are based on non-facts or on personal interpretation of policies. The flat roof on the bedroom had already been approved for the subdivision scheme and the approved extent of the roof was greater than has been constructed. Whether it preserves or enhances the building's interest is immaterial. The Department has not explained their objections regarding details, materials or pattern of fenestration. The whole of the granite rear of the property was crumbling and peeling; it has been preserved; enhancement is a subjective matter open to opinion.

12. As for the objection about potential increased occupancy, the bedroom is not an extension but a restoration of a derelict washhouse within the main enclosing walls. Before subdivision, Victoria House had three double bedrooms. One bedroom has been lost and has been replaced so there is no increase in occupancy. The development has not prevented the use of the yard area as a parking space, as two cars can be parked in tandem. Together with parking at the front, four cars can easily be parked.

13. Refusal is of no benefit to anyone but is seriously injurious to the appellants. The development had to be carried out hastily to accommodate a visit by Mr McLinton's sister from Australia and the refusal of retrospective permission would cause major financial problems leading to eviction, bankruptcy and homelessness.

14. At the Review Committee meeting, parking and potential occupancy issues were raised which had not been mentioned in the original refusal notice. The proceedings were unfair because Mr McLinton was not given the chance to respond.

Case for Planning Authority

15. The decisions of the Department and the Review Committee have been based on the policies of the Island Plan and the planning merits of the development. The building is listed Grade 3, so the impact of the development on the building is a major factor. The Historic Environment Team opposed the development. The development fails to satisfy policies GD1, GD7 and HE1 of the adopted Island Plan.

16. Before this retrospective application the appellants obtained planning permission in October 2013 to subdivide Victoria House into two. Under that scheme, part of the rear extension next to the garage, and the garage (which was labelled "unusable" on the plans), was to be removed to allow improved vehicle access and parking. The dwelling has been subdivided but the rear extension has not been removed and the improved access has not been created, hence the second reason for refusal added by the committee. Where a second bedroom is added to a one-bed dwelling an additional parking space would normally be required.

17. The four parking spaces claimed by the appellants at the front of the building would be partly in the garden of the now separately owned eastern unit, would reduce amenity space and would require planning permission. This location is next to a junction with a busy main road.

18. The appellants are incorrect in stating that a flat roof on the newly created bedroom was approved as part of the subdivision scheme. The approved plans show the washroom and garage to be removed.

Assessment

19. Three main issues are raised by this appeal: first, the effect of the development on the appearance or historic character of Victoria House, having regard to its status as a listed building; second, whether arrangements for off-street parking space are adequate; third, the status in planning law of the recent subdivision development carried out at Victoria House. These issues have to be considered in the light of relevant planning policies contained in the adopted development plan (the Revised 2011 Island Plan), particularly the general design policy GD1 and policy HE1 on protecting listed buildings and places.

Effect on Appearance and Character of Listed Building

20. The fact that Victoria House is Grade 3 listed indicates that it is of historic or architectural importance, although not to the same degree as buildings in Grades 1 or 2. As the appellants point out, the disputed extensions do not affect the front of the building (which is the part mentioned in the listing description) and are also not visible from normal public places. It is therefore tempting to say that the extensions would do no harm to the public interest and I can see why the appellants take that view. There is some support for that view in the Island Plan, which states (in paragraph 3.14): "It is important that changes to protected buildings…..respect their integrity and character and do not detract from the essence of why they were Listed in the first place". It can reasonably be argued that "the essence of why Victoria House was listed" is the front elevation.

21. On the other hand, the Plan also states (in the explanatory text to policy HE1 at paragraph 3.18): "it is important to note that controls apply to the whole of a protected site, not just to the front elevation or the main building". Policy HE1 itself provides that planning permission will not be granted for extensions or alterations which would adversely affect the architectural or historic interest or character of a listed building. Policy GD1 provides that development should generally conform to relevant aspects of the Island Plan and protect and enhance the historic and built environment.

22. The building was apparently in a run-down state when the appellants bought it in 2012. Since then, the rear wall has evidently been grit blasted, re-pointed and painted. There is also some basis for the appellants' claim of inconsistency by the planning authority, since the PVC roof windows apparently permitted in 2013 are not Victorian. However, these are weak points in favour of the development, since it seems that it was mainly the conversion and subdivision of the property which helped to finance refurbishment work, rather than the extensions subject to this appeal; and allowing some modern features such as window fittings which do not affect the building's basic form does not set a precedent for permitting larger-scale extensions.

23. I conclude on this issue that because of their flat-roofed box-like shape and the use of non-traditional materials, the extensions detract from the historic character of Victoria House in conflict with Island Plan policies, although the degree of harm is limited because of the secluded location of the extensions and because they do not affect the front elevation.

Provision for Off-street Parking

24. The space in front of what is now the western dwelling at Victoria House (the appellants' dwelling) is too restricted and awkwardly shaped to provide satisfactory parking for more than one car. It is also unsatisfactory as a parking space if another parking space is provided in front of the eastern dwelling. The size of vehicle which might be owned or operated by current or future occupiers or visitors to either of these dwellings cannot be controlled by planning conditions, and it would be difficult for the driver of any vehicle other than a very small car to manoeuvre past a vehicle parked in front of the western unit to drive to or from the space in front of the eastern unit. "Tandem" parking here would be undesirable from a safety viewpoint, since the manoeuvring to and fro of vehicles at this location next to the main road could cause obstruction to vehicles turning into Mabel Place, leading to sudden stopping on the main road and a resultant increase in accident risk.

25. The area in front of the western dwelling at Victoria House is inadequate as a turning space for vehicles (despite the label "turning space" on drawing 13/14-10B). Parking even a single vehicle in front of either the eastern or western dwelling at Victoria House would almost certainly involve a reversing manoeuvre either from or into Mabel Place, causing the prospect of obstruction and hazard as mentioned above. The presence of a parked vehicle in the space which forms part of the frontage setting of this listed building would also detract from its setting. But the objections on safety and visual grounds are weakened by the fact that such an arrangement (for one vehicle in front of Victoria House as a whole) was permitted by the 2013 permission.

26. It would be possible to park a small car in the area behind the garage door off Mabel Place. More than one vehicle could be parked in this area, but only by severely limiting the amenity space behind the dwelling, especially as much of this space is already occupied by the summerhouse store. However, because of

the restricted access and the narrowness of Mabel Place, the layout is well below a normal modern standard. As is pointed out by the planning authority, currently applicable standards for a two-bedroomed dwelling would require more than one parking space, although there may be a case for not applying standards rigidly given the fairly small size of the dwelling.

27. My conclusion as regards parking is that the development has undesirable features, but these are supplementary objections which by themselves might not justify refusing planning permission.

The October 2013 Planning Permission and the Subdivision Development

28. The permission issued in October 2013 for the conversion of Victoria House into two dwellings is a significant part of the site's planning history having relevance to the present appeal. The appellants describe the application made in July 2013 as seeking permission for: "Subdivide to provide 2 No. dwellings and associated parking". However, according to the October 2013 decision notice submitted in the planning authority's evidence, the development is described differently, as: "Sub-divide dwelling to create 2 No. dwellings. AMENDED PLANS: Remove extensions to north elevation & replace with single dormer window. Sub-divide dwelling to create 2 No. Dwellings".

29. To interpret the October 2013 permission, it is necessary to refer to the plans listed as approved on the last page of the permission. These show that under this permission, the remnant structure of the former washroom (or most of it) and the structure around the garage door were to be removed and a widened access off Mabel Place at the rear of the site was to be formed, with a sliding timber door across the opening. Parking for the western dwelling was to be at the rear of the site, using this widened access.[1] A parking space for the eastern dwelling was apparently to be provided directly in front of the lounge window of the western dwelling.

30. The subdivision has taken place (the eastern unit was evidently sold in July 2014); but the former washroom structure has not been removed and the wider entrance has not been formed. The former washroom has been partly rebuilt and enlarged to provide a bedroom, and another extension has been built to provide the ground floor bathroom. The appellants' claim that the bedroom is "not an extension but a restoration" conflicts with the evidence: it is clear from the yellow-coloured areas on drawing 13/14/15, that the bedroom is larger than the former washroom - and indeed the description in the retrospective application ("demolish wall & roof of derelict washhouse; rebuild larger as bedroom") indicates that the bedroom involved an extension.

31. At the front, a right of way has apparently been arranged so that vehicles can be driven past the front of the western dwelling from Mabel Place to a parking space in front of the eastern dwelling. I would have thought that the different parking arrangement permitted by the 2013 permission would be undesirable from an amenity viewpoint, since occupiers of the western dwelling would be likely to suffer noise and disturbance from cars associated with the eastern unit being parked closely in front of their lounge. The existing arrangement may avoid that problem; but it places more importance on the availability of and ease of vehicular access to the space behind the western unit for parking, because of the

[1] Condition No 3 of the 2013 permission required that design and other details of the proposed sliding door had to be submitted and approved before development started, and then implemented. The evidence suggests that no such approval was obtained before development started - but even if it were, the second part of the condition requiring implementation has not been met.

inadequacy of the space in front of the western unit for both parking and for vehicular access to the eastern unit (or as a turning space). The changes at the rear which have not been implemented would have made it easier for most sizes of car to be driven into the site off Mabel Place.[2]

32. After the grant of the 2013 permission, there seem to have been some email exchanges between Mr McLinton and a case officer in your department. The evidence is unclear about what exactly may have been approved, or thought to have been approved, as a result of these exchanges;[3] be that as it may, there is no evidence that the permission was varied in any way which allowed the washroom and garage structures to remain in place, or altered the permitted layout involving the proposed wider entrance off Mabel Place.

33. As is common ground between both sides, no condition was imposed with the October 2013 permission specifying that the washroom had to be removed. But it is an established principle of planning law that if a building operation for which planning permission is required is not carried out fully in accordance with the permission, the operation is unlawful. This principle applies here even without a condition specifying that implementation includes removal of the washroom, and even ignoring Conditions 1 and 3.[4]

34. Question number 5 in my message to the appeal parties specifically queried the basis of the appellants' statement that a flat roof larger than that now existing was approved. No evidence of any such approval has been submitted. The appellants say that if the washroom had been demolished, the southern part of the garage roof would have been left without support and a larger flat roof would have been needed to cover the proposed wider door and garage area. This argument is irrelevant because the proposal permitted as part of the subdivision scheme involved removing the garage roof as well as almost all of the washroom structure. Thus the appellants' claim that the flat-roofed bedroom extension was approved as part of the subdivision scheme is incorrect.[5]

35. In one of the responses to my questions, the appellants contend that it is possible for applicants to obtain two planning permissions "A" and "B" and be permitted to implement either scheme "A" or scheme "B". That is so. But in this instance, according to the evidence before me, what was applied for in July 2013 and then permitted in October was the subdivision scheme shown in the approved plans listed on the last page of the permission dated 10 October 2013. This, to adopt

[2] One of the 2013 application plans shows the swept path for a car about 4.3 metres long being reversed into the site and driven out forwards, using the widened opening.

[3] Emails were apparently exchanged about some door and shutter details relating to Victoria House itself, but no evidence has been put forward about what these details are. Anyway, they do not affect the fact that what was permitted involved removing the washroom and garage structure and providing a widened entrance.

[4] Condition 3 is referred to in the footnote on page 5. Condition No 1 stated: "The development hereby approved shall be carried out entirely in accordance with the plans and documents permitted under this permit. No variations shall be made without the prior written approval of the Minister for Planning and Environment". The first part of this condition is not well worded because it purports to force a developer to carry out the development. (Instead of "shall be carried out in accordance with….", a more satisfactory wording could have been either "shall not be carried out other than in accordance with…" or" shall only be carried out in accordance with….".) Nevertheless the legal principle explained above applies.

[5] What is shown in the ground floor plan in drawing No 13/14-10A and on the right hand side of drawing 13/14/11A is a layout having a sliding door along the Mabel Place elevation but no roof behind it. (On the latter drawing a narrow strip above the proposed sliding door is shaded and labelled: "Tiled roof covering to sliding folding door"). Both of these drawings are listed in the October 2013 decision notice as approved plans, along with drawing 13/14/12A.

the appellants' label, may be called subdivision scheme "A". There is no evidence of an alternative planning permission having been granted for a different subdivision scheme "B". The appellants appear to think that a developer can obtain planning permission for a development project, subject to conditions requiring it to be carried out in accordance with application plans, and then pick which parts to implement so as to end up with a significantly different development. That is a mistaken view.

36. In one of his comments on this point following my questions about the 2013 permission, Mr McLinton has stated: "Condition 1….basically means that if the applicant executes the work, that execution must correspond to the description and illustration of the works shown on the approved drawing". Exactly so - and from the evidence before me, that is what has *not happened* in respect of the subdivision development.

37. The planning permission for the subdivision scheme had a five-year implementation life; but the according to the planning authority, work to the western unit was "progressing slowly" in January 2015 and "virtually complete" in February 2015 - after work started on the extensions in December 2014. The appellants' evidence differs - according to them, the subdivision works were completed before the extensions to the western dwelling were built as a separate operation.[6]

38. Whichever of the foregoing statements is correct, the legal situation is the same. Either the subdivision development was complete before work started on the unauthorised extensions - in which case the subdivision development as completed was unlawful because it was not carried out in accordance with the 2013 permission. Or the subdivision development was *not* complete before work started on the unauthorised extensions - in which case the subdivision development was also unlawful because the extensions were built as part of the same ongoing operation, again not in accordance with the 2013 permission. Either way, the work which was carried out was so different from what was approved[7] that it does not constitute implementation of the 2013 permission.

39. The removal of the remnant washroom structure and the garage (with its metal door and corrugated metal roof) was presumably regarded as a positive factor, enhancing the listed building and its setting, when the planning authority granted conditional planning permission for the subdivision scheme. It is not clear why, having granted a permission subject to conditions requiring the development to be carried out fully in accordance with the submitted plans, the Department seem to have been unconcerned about the substantial completion (or "virtual completion") of development which was materially and blatantly not in accordance with those plans. The Department say that the development control section does not normally visit sites to confirm completion.[8] This implies that the planning authority do not normally check whether developments have been carried out in accordance with permissions. At the very least, it is apparent that no check was made on whether the conditions in the October 2013 permission were complied with.

[6] This evidence came in response to my question No 1 to the parties.

[7] As noted in paragraph 28, what was approved was described in part as: "Remove extensions to north elevation…"

[8] The appellants mention a site inspection by a Mr Ferbrache. It seems possible that there is a misunderstanding by the appellants about the role of a building inspector who visited the site. He was presumably checking on building bye-law (or building control) matters, not planning permission matters.

40. This last comment particularly applies to the "pre-condition" about the design details for the garage door. The stated purpose of this condition was to protect the appearance of the listed building. As far as I can tell from the evidence, the Department seem to have been happy for the subdivision development to proceed without the pre-condition having been complied with.

41. A Review Committee visited the site in June 2015 (presumably accompanied by a Department officer), when it must have been obvious that the subdivision scheme had been completed. According to the minutes of that visit, the committee were aware that the subdivision development had not been carried out in accordance with the 2013 permission. The minutes show that the committee were concerned about parking provision, but not about whether the subdivision development was lawful.

42. An incidental point about the Committee's visit is that at this event, Mr McLinton evidently re-stated the appellants' claim that the extensions would have been "permitted development" if the building had not been listed. This claim has not been disputed by the planning authority; but it is incorrect - the bathroom extension is more than 2 metres in height and is adjacent to the neighbouring property, so even ignoring the listed building status of Victoria House, the construction of this extension did not meet criterion A.2(f)(iii) of the Planning and Building (General Development) (Jersey) Order 2011.

43. In their response to my questions the Department say they are not seeking to argue that the subdivision of the building is unauthorised. Although the phrase "not seeking to argue" is open to different interpretations, this seems to mean that the Department believe the subdivision development as carried out to be authorised and lawful. If so, I cannot understand the reason for this belief. The subdivision development scheme is clearly not still ongoing, and the presence of the currently unauthorised extensions makes it impossible for the subdivision development to be completed in accordance with the October 2013 permission. There is also a contradiction with the Department's later submission, in which the Department say that if the appeal is dismissed, they would have to consider enforcement action "to achieve….[among other things]….the creation of the parking spaces". Such enforcement action could only be considered on the basis that the parking spaces had not been provided in accordance with the 2013 permission, and therefore that the subdivision development was unauthorised.

44. The Department have also stated that if the appeal is upheld (which would mean granting planning permission for the extensions and the retention of the existing garage door arrangement), "the Department does not anticipate taking any action on the basis that the subdivision has not been carried out correctly". It seems to me that this statement is inevitable, since as noted above, the practical effect of permitting the extensions would be to prevent enforcement action being taken against the main unlawful aspects of the subdivision development.

45. Both the planning authority and the appellants in this case have got themselves into a tangle of errors, misunderstandings and misinterpretations of planning law. The result is a legally unsatisfactory muddle. In effect, the Department (and I think the appellants) are saying that the present appeal is to be used to decide whether or not the subdivision scheme actually carried out is acceptable or lawful. Yet the subdivision development is not the subject of the present appeal - the application now subject to appeal did not seek retrospective permission for the subdivision scheme as implemented, and granting permission for the appeal scheme would not permit the subdivision development, which would remain unlawful despite enforcement action not being taken against it.

Personal and Other Matters

46. The personal, financial and medical factors described by the appellants are material considerations.[9] They have limited weight because planning permissions are not normally granted for personal reasons, and it would be wrong for a planning permission to be granted just to extricate the appellants from problems which are to a large extent of their own making; but personal factors can tip the balance in cases which are otherwise evenly balanced.

47. The reasons why the extensions were constructed are understandable, although there are some inconsistencies in the evidence. For example, the letter from a doctor submitted by the appellants only refers to the "medical advantage" of a ground floor bathroom, not to a medical need, and not to both a bedroom and a bathroom on the ground floor. Moreover, according to the appellants the bedroom was created because of a pressing requirement for accommodation for Mr McLinton's sister and her daughter while they visited from Australia.

48. I note Mr and Mrs McLinton's willingness to discuss "possible middle ground solutions", but I cannot comment on whether some alternative form of development may be acceptable, since that could be seen as prejudicing a future application. I have considered whether there might be justification for a "split decision" allowing one of the rear extensions and not the other. However, in the absence of any such suggestion by either the appellants or the planning authority I do not see good reason for doing so.

49. I also note Mr McLinton's latest submission making two points. The first is that it seems enigmatic for the Minister to approve building works with his right hand and refuse them with his left. This refers to the fact that building bye-law approval was issued for the development subject to this appeal. As Mr McLinton should know (since he says he has practised architecture for 53 years), building bye-laws do not cover matters which come under planning law and policy. There will be numerous development projects which meet one set of requirements but not the other.

50. Mr McLinton also objects to the States planning committee having the power to "judge and rule", when its chairperson does not have any relevant professional qualifications. In democratic societies, planning decisions are often made by elected members of councils or governments, usually after receiving professional advice which may or may not be agreed with. I can see why the appellants consider it unfair that a new ground of refusal (relating to car parking) was introduced by the Review Committee without the appellants having a chance to make representations about it; but it is not for me to suggest in this report how committee site visits should be conducted.

Conclusion and Recommendation

51. There are weaknesses in the arguments for both sides. The planning authority's case is weakened by their apparent unconcern about unauthorised development. The appellants' case is weakened by a misinterpretation of what was permitted in 2013, causing some false comparisons.

52. The decision will depend on the weight put on the various factors discussed above, which will be a matter for your judgment. In summary, the degree of harm to the appearance and character of Victoria House is limited, but the

[9] I do not think it appropriate to describe these medical or financial details in a report which will be published, but the evidence is in the appellants' written submissions.

development nevertheless causes some harm, and there is policy-based support for this objection even though the rear extensions do not affect the front elevation. The objection on grounds of inadequate parking provision is a supplementary, but not by itself compelling, point. The legal issues described above are a complicating factor; and notwithstanding their limited weight, the appellants' personal circumstances cannot be ignored. On balance I judge that despite flaws in their case, the planning authority were right to refuse planning permission. Therefore I recommend that the appeal be dismissed.

53. If you decide that the appeal should be allowed and planning permission granted, I suggest that conditions should be imposed, and I append a note on that matter.

G F Self

Inspector
9 December 2015

Note on Possible Conditions

1. If permission is granted a condition should be imposed to prevent the space in front of both dwellings at Victoria House being used for parking any more than one vehicle. The aim of such a condition would be to prevent tandem parking for safety reasons and to limit the visual impact of car parking in front of the listed building. Whether a parking space should be in front of the western unit or the eastern unit is debatable since either arrangement has undesirable features as discussed above, though I think parking associated with the eastern unit would do less harm to amenity if it takes place in front of the eastern unit than in front of the western unit.

2. The space in front of the eastern dwelling is apparently not within the appellants' ownership or control, so it would not be possible to impose a condition directly specifying how this space may be used. If planning permission is granted, it may be possible for the planning authority to enforce the front parking layout shown on the plans subject to the October 2013 permission (the only part of the permission which could be enforced); but whether the authority would consider it expedient to enforce is unknown. To allow for these factors, a condition would have to be worded along the following lines: "No more than one vehicle shall be parked in the area in front of the western dwelling at Victoria House, but if the area in front of the eastern dwelling at Victoria House is used for parking a vehicle, no vehicle shall be parked at any time in the area in front of the western dwelling".

3. The standard condition about the time within which the development must be implemented would not be applicable since the permission would be retrospective.

4. A condition similar to Condition No 1 attached to the 2013 permission (requiring the development to be carried out entirely in accordance with the permission) would also be superfluous, since the development has already been carried out. A condition requiring the garage door to be substituted by a timber door as approved in 2013 could not be validly imposed because the layout would not enable that width of door to be installed.