

STATES OF JERSEY

REPORT TO THE MINISTER OF PLANNING AND ENVIRONMENT

APPEAL by Mrs Sandra Rabet under Article 108 of the Planning and Building (Jersey) Law 2002, as amended, against the grant of planning permission for a first floor extension at Camfra, Les Quennevais Drive, St Brelade

Department of the Environment (DoE) ref P/2015/0836

Hearing and site visit undertaken on 15 April 2016

Inspector: Roy Foster MA MRTPI

Background

1 Application P/2015/0836 was refused by officers under delegated powers. The applicant then requested a review of the decision by the Planning Applications Committee (PAC).

2 The PAC deferred its decision on the review in order to obtain clarification that an earlier planning permission for a first floor extension at the adjacent house (Salamis) remained valid. This was confirmed to be the case. That permission had been granted by a delegated officers' decision with the endorsement of the Chair – a procedure known as the '6 eyes' system which no longer operates. After a subsequent site visit the PAC heard representations from and on behalf of the applicant and the present appellant and resolved to grant permission for the Camfra extension.

Procedural point

3 At the hearing the applicant's agent accepted that there are certain factual inaccuracies in one of the approved drawings (CM/01A). She therefore undertook to submit a corrected version. These factual points are not particularly pertinent to the issue in this appeal. However, if the Minister is minded to confirm the PAC's decision by dismissing the appeal this should be subject to CM/01A being substituted by a corrected version agreed by the DoE.

Main issue

4 The main issue to be determined in this appeal is whether or not the extension would result in unreasonable harm to the living conditions of the adjacent house (Salamis) though loss of light and privacy and/or the introduction of an overbearing structure.

5 Camfra is a two-storey house in a short cul-de-sac off Les Quennevais Drive with a single-storey attached garage to the west. The garage to the appeal property shares a party boundary wall with the adjacent dwelling (Salamis), a bungalow. The proposal is to construct a first floor extension to Camfra above the garage.

6 The officers' report concludes that the scheme achieves a standard of design appropriate to the requirements of policies GD1, GD7 and BE6 of the Island Plan (IP). It does not identify any unreasonable loss of light to Salamis and considers that the additional windows would not cause unreasonable loss of privacy to that property in the context of the existing level of mutual overlooking in the cul-de-sac.

7 However, the report considers that the extension would represent an unduly dominant feature as seen at close quarters from windows within the eastern elevation of Salamis. For their part officers found this 'unreasonable harm' in terms of policy GD1. Planning permission was therefore originally refused on that ground until the PAC later granted permission after the review.

8 The appellant draws upon the officers' conclusion that the extension would be overbearing upon residents of Camfra but has additional concerns about loss of light and privacy.

9 On the matter of privacy, the lounge to Salamis projects some way in front of Camfra. This room has substantial windows facing south and west as well as a smaller window facing east towards Camfra. From my inspection I concluded that the angle of the steep downward

view from the new first floor window at Camfra towards the east-facing lounge window at Salamis would, at most, afford a view of only one very small corner of the lounge. Some small palm trees near the mutual boundary would help to mask even that very limited view. Any possible diminution of privacy would be therefore be minimal. Nor would the proposed extension be seen as overbearing from that window or cause significant loss of light.

10 Turning to the matter of dominance (the determining factor in the officers' recommendation), the decision of the PAC was influenced by the existence of a planning permission granted in 2009 for a first floor extension at Salamis (P/2009/1758). The DoE considers this permission still extant, since drainage trenches dug within the currency of the permission were deemed sufficient to have constituted commencement. This is confirmed in the report presented to the PAC in order to confirm the reasons why permission should be granted (following the committee's earlier indication that was minded to do so).

11 That report acknowledges (in relation to perceived dominance) that the garage at Camfra lies in close proximity to the eastern elevation of Salamis which contains windows facing the narrow side space. However, it expresses the view that the permitted extension at Salamis *'would have had a similar impact upon the amenities of Camfra.'* It goes on to note that if the extensions to both houses were to be completed *'the potential impact would be cancelled out with neither set of occupiers experiencing an unreasonable degree of harm...'*

12 From my inspection it was apparent that the position regarding the side windows at Salamis is not quite as set out in the officers' report or in some of the representations on this matter. Apart from the lounge window considered above, there are four other windows in the east-facing side wall of Salamis, all separated from the side wall of the garage at Camfra by a passageway about 1m wide. Moving from the front to the back of the house, the first of these four other windows is obscure-glazed and serves a shower room. The second is another lounge window positioned deeper within that room. The third is within the dining room/kitchen, the main window of which faces the back garden of the house, to the north. The fourth is a side window to a utility room which also has a glazed door facing the back garden. Therefore, the most critical two of these four windows are those serving habitable rooms (the dining room/kitchen and the lounge). However, both are secondary to the main windows in these rooms all of which face in other directions.

13 These two windows both have very short-distance outlooks onto the party wall of the garage at Camfra only 1m or so away. Any view of the sky above the wall is only obtainable by a person standing very close to the windows in question. In my judgement construction of the proposed extension at Camfra would result in some loss of light and outlook but in the circumstances here the structure would not be so unduly overbearing upon the habitable rooms at Salamis as to constitute 'unreasonable harm' in terms of IP policy GD1.

14 I am not convinced that the 'cancelling out' point (see para 11 above) concerning construction of both extensions is of particular relevance since the layouts and patterns of windows in the two houses are so different. Both extensions would introduce windowless first floors facing the other property but the effects of the two extensions on ground floor windows are not comparable. The extension at Camfra would itself remove the single west-facing high-level ground floor window in the main house east of the garage, thus ensuring that its occupiers could not be affected by any of the issues arising in this appeal even if the permitted extension was completed at Salamis. On the other hand, the effects upon occupiers

of Salamis would remain as described above even if both of the extensions were completed. Nonetheless, for the reasons described in the previous paragraphs I consider that the decision of the PAC should be upheld.

Other matters

15 The appellant suggests, together with Keith and Margaret Miller who live opposite the appeal site at Veronese, that the extension would add to parking and road safety issues in the cul-de-sac. The officers' report does not raise objection on these grounds and the DoE confirmed at the hearing that the proposed extension would not lead to an increase in the effective number of rooms in the house: one bedroom on the first floor would shrink to a box room and be replaced by a single, albeit larger, bedroom with en-suite facilities. The present parking facilities at Camfra satisfy the required standard of 3 spaces and I can see no reason to support the appeal on this ground.

16 The appellant also objects to the construction of the proposed extension on the party wall forming the boundary between the two plots of Camfra and Salamis. She asserts that no consent will be given by her for any method of construction or the erection of any scaffolding involving encroachment beyond the mid-point of the party wall forming the western wall of the garage at Camfra. I support the view of the DoE that this is a private matter not pertinent to the planning merits of this appeal or its determination.

RECOMMENDATION

17 I recommend that the appeal be dismissed. However, as noted at paragraph 3 above, the Minister should require that the revised version of drawing CM/01A (to be submitted on behalf of the applicant in this case) be substituted as the approved version of that drawing in permission ref P/2015/0836.

Roy Foster

Inspector

21 April 2016

PERSONS SPEAKING AT THE HEARING

For the appellant

Mr T Leonard, L&G Design

For the applicant

Mr J and Mrs S Constantine

Ms J Faulkner, Architect

For the DoE

Mr A Townsend