

## **PLANNING AND BUILDING (JERSEY) LAW 2002 (as amended)**

### **Appeal under Article 108 against a decision made under Article 19 to grant a planning permission**

#### **REPORT TO THE MINISTER FOR THE ENVIRONMENT**

made under Article 115(5)  
by D A Hainsworth LL.B(Hons) FRSA Solicitor  
the inspector nominated under Article 113(2) from the list of persons appointed  
under Article 107

---

#### **Appellants:**

Pont De L'Arche Objectors Group

#### **Planning permission reference number and date:**

P/2015/1572 dated 10 December 2015

#### **Applicants for planning permission:**

Pont De L'Arche Holdings Ltd.

#### **Site address:**

Pont De L'Arche, St Andrew's Road, St Helier JE2 3JG

#### **Description of development:**

"Demolish existing dwelling. Construct 2 No. three bed dwellings and 1 No. four bed dwelling with integral annexe and associated parking and landscaping."

#### **Site visit date:**

10 May 2016

#### **Hearing date:**

13 May 2016

---

#### **Introduction and procedural matters**

1. This is a third-party appeal against the grant by the Planning Applications Committee on 10 December 2015 of planning permission P/2015/1572 for the development described above. The permission is subject to two standard conditions and to eight further conditions, which regulate the external appearance of the development, the provision of privacy screens, the vehicular manoeuvring area and car parking spaces, the visibility splays, surface water drainage, refuse management, landscaping and the use of the integral annexe.
2. The development is a modification of proposals which were refused planning permission by the Department of the Environment under delegated powers in 2014 (ref: P/2014/0922). The development then proposed was the demolition of the existing dwelling and the construction of three three-bedroom dwellings

and one two-bedroom dwelling with associated landscaping and parking. Those proposals were reconsidered at a Ministerial hearing held on 6 February 2015 and the officer recommendation to refuse permission was endorsed.

### **The site and the surrounding area**

3. Pont De L'Arche is a house on a triangular plot at the junction of St Andrew's Road and Old St Andrew's Road. St Andrew's Road is a through road between La Route du Mont Cochon and Bellozanne Road. Old St Andrew's Road is a fairly narrow cul-de-sac that starts at the St Andrew's Road junction and ends next to La Route du Mont Cochon.
4. The site is in the Built-up Area of St Helier and in the Green Backdrop Zone for planning purposes. It is surrounded by residential properties.

### **The case for the appellants**

5. The appellants are not opposed to residential development on the site, but they object to the size and nature of the particular development that has been approved, which they maintain will have an unacceptable impact on residential amenities and on the safe use of Old St Andrew's Road. In particular, they state that the design of the development is out of keeping with the street scene, that the development will be dominant and overbearing and that it will result in a loss of spaciousness and light, reduce residents' privacy and exacerbate existing traffic and parking problems. They also question the status of the integral annexe.
6. In the appellants' opinion the development fails to comply with the relevant policies in the Island Plan.

### **Other representations**

7. The Roads Committee of the Parish of St Helier have not objected to the development but have commented on the lack of visibility to the west along Old St Andrew's Road at the proposed visitor parking space for Unit 1. They have also submitted other detailed comments. All the comments have been taken into account in the decision and in the preparation of the planning conditions referred to in paragraph 1 above.

### **The case for the applicants**

8. The applicants state that the site is in the Built-up Area close to the town, in a location to which the Island Plan directs new housing development. They acknowledge that the development will have a greater impact on neighbouring properties than the existing property, but maintain that the relationship will be normal for a suburban context. They state that the impact will be less than the previous proposals and that the planning standards relating to outdoor amenity space and car parking space will be exceeded. They point to the absence of objections from the Roads Committee in relation to traffic and parking problems in the area. They state that the annexe will be integrated into Unit 3, so that it could not be lived in independently.

### **The case for the Department of the Environment**

9. The Department state that the development will make more efficient use of a site in the Built-up Area and deliver better quality homes than the existing property. They maintain that its design is similar to the design of the Cliff Court development on the opposite side of Old St Andrew's Road and that the

height and depth of the development will be consistent with neighbouring properties. They consider that the development will maintain the character and appearance of the Green Backdrop Zone.

10. The Department state that when compared with the proposals previously submitted in application P/2014/0922, the amount of development on the site will be reduced. In particular, they indicate that the visual impact of the development will be condensed, potential overbearing and overlooking concerns will be removed and landscaping will help to integrate the development within the street scene and improve the appearance of the site.
11. The Department have therefore concluded that the development will comply with the Island Plan Policies SP 1 (Spatial strategy), BE 3 (Green Backdrop Zone), H 6 (Housing development within the Built-up Area), GD 1 (General development considerations) and GD 7 (Design quality).

### **Inspector's assessments and conclusions**

12. The main issues in the appeal appear to me to be the effect the development will have on (a) the character and appearance of the site and its surroundings, (b) the amenities of nearby residents and (c) traffic and parking conditions. I have dealt with these issues in turn below and reached conclusions, taking into account Policies SP 1, BE 3, H 6, GD 1 and GD 7.

#### *The effect on the character and appearance of the site and its surroundings*

13. Policy SP 1 states that development will be concentrated in the Built-up Area and within St Helier in particular. It therefore encourages residential development in this location and the site is clearly large enough to accommodate more housing than the single detached house that stands on it at present.
14. Policy H 6 indicates that new dwellings will be permitted in the Built-up Area, provided they comply with the housing standards that are required in relation to matters such as internal room sizes, amenity provision and parking. The development will meet these standards.
15. Policy BE 3 protects the Green Backdrop Zone, which exists in this part of the Island in order to protect St Helier's setting, comprising hill slopes with low-density residential development amongst private gardens or natural landscaping. The policy focuses on preventing development taking place that would be harmful to landscape setting and character.
16. There is therefore some tension in the application of Policy BE 3 and Policies SP 1 and H 6. So far as this appeal is concerned, the area around the site is substantially built-up and is suburban in character, with housing of a variety of styles, ages and densities. The site itself contains no landscape features of significance and there are none in the adjacent area.
17. Policy GD 7 relates to design quality. It seeks to promote development that respects its built context and requires development to adequately address and appropriately respond to a list of criteria, amongst which are scale, form, massing, siting and relationship to existing buildings.
18. The plans show that the main area of the garden to the south-west of the existing house will largely remain and that the appearance of the somewhat stark corner of the site next to the road junction will be improved by planting.

Condition 7 of the permission requires a scheme of landscaping for the whole of the development to be approved by the Department and implemented.

19. The development will follow the existing pattern of development along the frontages of Old St Andrew's Road. The amount of development on the frontage of the site itself will be greater than at present, but there will still be an adequate gap between it and the house to the west and between it and the road junction, and the height of the development will be little different to that of the existing house. Condition 8 of the permission prevents the use of the integral annexe as a separate independent dwelling.
20. I have some reservations about the design of the development, since its appearance from the road junction could be considered to be unappealing, but I recognise that its southern elevations, facing St Andrew's Road, will have features in common with the appearance of the Cliff Court development on the opposite side of Old St Andrew's Road. Condition 1 of the permission will enable the Department to exercise some control over the development's external appearance.

*The effect on the amenities of nearby residents*

21. Criterion 3 of Policy GD 1 indicates that development will not be permitted if it unreasonably harms the living conditions of nearby residents. The features of the development that residents state will particularly affect them relate to its scale and layout, which they maintain will be dominant and overbearing and result in a loss of spaciousness, light and privacy. Policy GD 7 (see paragraph 17 above) is also relevant to these concerns.
22. Because of its additional width and volume, the development will be considerably more obvious than the existing house when it is viewed from nearby properties. This will have an impact in particular on the outlook from the Cliff Court development. The height of the development will, however, be consistent with the height of the existing house and the space that will be maintained between residential properties will be consistent with the area as a whole. The privacy of neighbours will be protected by the design of the development, which will have only secondary windows on the first floor facing the Cliff Court development and have privacy screens protecting the neighbours to the west of the upper-floor terraces at the rear.
23. The Plan's strategy of concentrating development in the Built-up Area and meeting housing needs in that Area will inevitably lead to proposals for new dwellings that affect the amenities of existing dwellings and the existing relationship between properties. Policies GD 1 and GD 7 seek to address these concerns and to strike a balance. In this instance it seems to me that, although nearby residents will experience some reduction in the standard of amenities that they currently enjoy, the development will not be dominant or overbearing or result in a loss of spaciousness, light or privacy to an extent that 'unreasonable' harm will be caused to amenities within the meaning of Policy GD 1.

*The effect on traffic and parking conditions*

24. Criterion 5 of Policy GD 1 indicates that development should 'not lead to unacceptable problems of traffic generation, safety or parking' and should provide 'a satisfactory means of access, manoeuvring space within the site and adequate space for parking'.

25. The amount of traffic using Old St Andrew's Road is low and on-street parking is not permitted. However, the width of the road and the lack of on-street turning space, coupled with the number of residents, visitors, delivery vehicles and service vehicles requiring access to properties, create issues for road users from time to time. These issues seem to me to be ones of inconvenience rather than road safety, apart from the potentially-hazardous reversing movements that take place occasionally along the length of the road.
26. The layout of the junction between Old St Andrew's Road and St Andrew's Road is a little unusual, because of its width and the access drive joining here from the apartments to the north-east. St Andrew's Road is quite busy at peak periods. The standard of visibility at the junction is acceptable, however, and drivers have a clear view of each other.
27. The development will obviously result in more traffic using the section of Old St Andrew's Road near to the junction and in more movements onto and off the site, than is likely to occur at the existing house. This will add to the inconvenience currently taking place, but it should not result in significantly more reversing movements along the length of the road.
28. Each of the new dwellings will have its own vehicular access and will have a sufficient number of on-site parking spaces to comply with the standards that are usually applied to development of this kind. Like the Parish Roads Committee, I have some concerns about the lack of visibility at the visitor parking space for Unit 1, but this will not be an unusual situation at a residential access, and in a location where traffic is slow-moving it should not result in unsafe movements.
29. On the whole, in my view the effect of the development on traffic and parking conditions will be acceptable and will comply with Criterion 5 of Policy GD 1.

*Overall conclusion*

30. For the reasons explained above, I have on balance come to the conclusion that the appeal should not succeed and that planning permission P/2015/1572 should not be reversed or varied.

**Inspector's recommendation**

31. I recommend that, in exercise of the power contained in Article 116(2)(c) of the Planning and Building (Jersey) Law 2002 (as amended), the appeal should be dismissed.

Dated 20 June 2016

*D.A.Hainsworth*

Inspector