

REPORT TO MINISTER FOR PLANNING AND ENVIRONMENT

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

Site visit made on 6 March 2023. Hearing held on 7 March 2023.

Reference: P/2022/1250

10 Clos de L'Atlantique, Le Mont de la Pulente, St Brelade, JE3 8HE

- The appeal is made under Article 108 against a decision made under Article 19 to refuse planning permission.
 - The appeal is made by Robert Bonney against the decision of the States of Jersey.
 - The application Ref P/2022/1250 by Robert Bonney, dated 7 September 2022, was refused by notice dated 9 December 2022.
 - The proposed development is demolish existing conservatory. Construct single storey extensions to south and west elevations. Create terrace to south elevation. Raise roof to create more habitable space. Various internal and external alterations. Alter vehicle access onto Clos de L'Atlantique.
-

Recommendation

1. I recommend that the appeal be dismissed.

Procedural Matters

2. The Bridging Island Plan, adopted on the 25th March 2022, is referred to in this Report as "*the Island Plan.*"
3. This Report refers to the Planning Department as "the Department."
4. In support of his case, the appellant refers to Permitted Development. Whilst Permitted Development enables various forms of development to take place without the need for planning permission, I note that the appeal before me relates to a planning application for a form of development that does not comprise Permitted Development and that this appeal does not prejudice the opportunity for the appellant to exercise rights relating to Permitted Development.

The Case for the Appellant

5. The appellant considers that the Department has unreasonably and mistakenly concluded that the proposal is contrary to Policies GD1 and GD6 of the Island Plan.
 6. The appellant states that the appeal property is in need of modernisation, that the proposal is modest and that it would not unreasonably harm local character.
 7. The appellant points out that, amongst other things, the proposal respects building lines, utilises rooflights rather than dormers and includes subservient extensions.
-

8. The appellant states that the 24 homes making up Le Clos de L'Atlantique represent a mix of various styles and designs, including one and a half storey living by way of loft conversion or gable extension.
9. The appellant considers that the area should be described as "a mix of single and two storey dwellings defined by low pitch roofs."
10. The appellant states that there is no uniform step up or down in height and that dwellings stand at different heights. The appellant considers that the proposal does nothing to interfere with the generally low roofscape and that, if the skyline is interrupted, then it is interrupted by the Atlantic Hotel. The appellant considers that the proposed roof would present as a low form amongst mature landscaping.
11. The appellant states that housing developments built several decades ago fall well short of modern-day expectations, that previous approvals are more harmful than the development proposed and that collectively, previous proposals have served only to clutter, cramp and create a most unsatisfactory street scene.
12. The appellant points out that there is no designated service route and that Le Clos de L'Atlantique comprises a loop road along which vehicles travel in either direction they choose.
13. The appellant states that there is clear acceptance of the benefits to the appeal property by the rear access and parking proposed and that the benefits include relieving congested parking, improving road safety, providing practical entry and exit space, gifting a metre of valuable width to the southern loop road and providing visibility splays. The appellant considers that it is difficult to see that the proposal could be anything other than beneficial.

The Case for the Department

14. The Department states that dwellings in the area have low roof heights and given the natural ground slope in the area, are stepped, creating a pattern of development with a defined skyline, prominently visible from the street scene.
15. The Department considers that, whilst houses in the area have been altered, the scale and arrangement of extensions are more relevant and sympathetic to their location and their prominence in the street scene.
16. The Department states that the proposed roof would involve increasing the ridge height and that this would break the harmony of a group of largely identical dwellings and conflict with the established pattern of development in the area. The Department considers that the increase in roof height proposed would not be a modest increase and that it would have a significant visual impact and would result in an uncommon form of development.
17. The Department considers that the proposed increase in roof height, extending beyond the original ridge line, would not make a positive contribution to local character.
18. The Department considers that, whilst elements/principles of the proposal are acceptable, the form, design, roof height and roofline would result in a

development not in keeping with the established character of the area and which would conflict with the area's uniformity and harmony.

19. The Department states that the proposed access and parking to the rear garden would constitute an uncommon form of development in this part of Le Clos de L'Atlantique and that if approved, it would set a precedent for more similar forms of development in the area.

20. The Department states that, overall, the proposal fails to demonstrate that it would be sympathetic and subordinate to the character of the host dwelling and surrounding area and that the proposal would not be in keeping with the established character of Le Clos de L'Atlantique.

21. The Department concludes that the proposal would introduce an intrusive form of development.

Other Comments – Public Comments

22. A number of representations were received from neighbours. These were largely in objection to the proposal. Some of the comments refer to matters unrelated to the Department's reasons for refusal. The summary of neighbours' comments, set out below, is not exhaustive and relates to main points raised in respect of local character. Representations from neighbours stated that:

- The proposal is not "modest." It will appear dominant and out of keeping with neighbours.
- Over the years, residents have made sympathetic changes to their properties. The low profile and stepped ridges of roofs help maintain a low impact overall.
- The uniqueness of this small estate of bungalows lies in its clean lines and uniformity, each of the dwellings in the 3 rows rise uniformly, east to west. Any attempt to alter this, no matter how small, would stand out, spoiling what has been maintained for some 60 years.
- A scaled-down version of the development seems like it would be more appropriate and in keeping with the close.
- The property would become dominant in the road and would be out of keeping with the height and style of the other bungalows.
- The general proposed design of the house alterations looks pleasing. The slightly increased roof height allows for more living space and may be seen as a positive. The extra parking appears unnecessary and the loss of green space needs to be considered.
- The increase in ridge height and the demolition of the existing garden wall and fence to the south and introduction of a car park will have a negative impact on the character of the area.
- Raising the height of the property will result in it becoming dominant in the road and out of keeping with the height and style of other bungalows in Le Clos de L'Atlantique.

- The ridge height follows the topography of the site and the proposed increase would make this dwelling appear at odds with its neighbours.

Main Issue

23. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

24. The appeal property is a modest detached bungalow, set close to the road behind a parking area to the front and with a garden to the rear which, relative to the size of the bungalow, is large.
25. The appeal property is located within a residential area. Le Clos de L'Atlantique comprises a development of modest detached bungalows which, like the appeal property, are generally set close to the road behind parking areas to the front and which have relatively large gardens to the rear.
26. During my site visit, I observed that many dwellings have been altered and/or extended, but that such changes generally appear in keeping with host dwellings and the surrounding area. I noted a number of differences between dwellings during my site visit, but overall, I was struck by Le Clos de L'Atlantique's considerable sense of visual uniformity.
27. This uniformity derives from a number of factors, as noted below.
28. The majority of dwellings that form Le Clos de L'Atlantique – including the appeal property – are set within neat, regimented rows, close to the road and with relatively large gardens to the rear. Dwellings are accessed from the road at the front.
29. The majority of dwellings comprise modest detached bungalows of very similar appearance and constructed of similar materials. Bungalows are set close to one another and are of a similar height. Original roof ridge heights tend not to have been breached. A partly uniform stepping effect arises from a rise in the ground from west to east.
30. Dwellings tend to have small flat-roofed elements to the front. This affords prominence to the pitched roofs of the bungalows and draws attention to the overall uniform appearance of dwellings in both near and far views.
31. Overall, the uniformity of the area presents an attractive and satisfying sense of rhythm and regularity.
32. The proposed development would involve the raising of the appeal property's ridge height. Relative to neighbouring dwellings, where no such raising of the original ridge has taken place, the proposed increase in height would appear substantial.
33. I find that this proposed increase in height would result in the main roof of the appeal property appearing as an incongruous feature within surroundings that are notable for their sense of uniformity.

34. The proposed raising of the ridge would severely disrupt the regularity and rhythm afforded by the otherwise low roofs and the stepped effect apparent in near and distant views.
35. In failing to respect the original ridge line, the proposal would jar with the harmonious attributes of the surrounding area and the harm arising from this would be exacerbated as a result of the proposal drawing attention to itself as a widely visible and prominent roof-level development.
36. Further to all of the above, additional harm to local character would arise as a result of the proposed access arrangement.
37. The appeal property, like neighbouring dwellings, is accessed directly from the front and has a private garden to the rear. This existing arrangement makes a positive contribution to the area's uniform qualities.
38. The introduction of vehicular access and parking to the rear garden would introduce an incongruous form of development, out of keeping with an area characterised by rows of dwellings accessed from the front and with gardens to the rear.
39. I find that this element of the proposal would result in a visually obtrusive feature. It would introduce vehicular access and car parking that would visually jar with its private rear garden setting and which would appear in stark contrast to and out of keeping with, the appearance of neighbouring gardens.
40. In addition, the introduction of vehicular access and car parking would severely disrupt the presently notable and satisfying regularity and rhythm afforded to the street scene by the existing arrangement of dwellings, private gardens and front-of-dwelling car parking.
41. Taking this and all of the above into account, I find that the proposed development would harm the character and appearance of the area. It would be contrary to Island Plan Policy GD6 ("*Design quality*") which, amongst other things, seeks to protect local character.

Other Matters

42. I acknowledge the appellant's consideration that the appeal property requires modernisation. However, there are different ways in which a dwelling might be modernised and I note above that many of the dwellings in Le Clos de L'Atlantique have been altered and/or extended. However, in this case, I have found that the proposed changes would result in significant harm and hence the recommendation below.
43. In support of his case, the appellant draws my attention to the height and scale of the Atlantic Hotel, nearby. The Atlantic Hotel appears as a large hotel some distance away from the appeal property. It does not appear as a bungalow along Le Clos de L'Atlantique and I do not consider that it lends any precedent to the development proposed and nor does it serve to mitigate the identified harm that would arise from the proposal.
44. Whilst the appellant considers that there is clear acceptance of the benefits of the proposed access arrangement, I have found that the proposed new access

and parking in the rear garden area would result in significant harm to local character and this is a factor that adds weight to the recommendation below.

45. The appellant considers that other extensions in Le Clos de L'Atlantique have resulted in poor development outcomes.

46. I note above that there have been alterations and/or extensions to other dwellings, but whilst this has resulted in some differences there is a strong positive overall sense of uniformity. I find that the proposal the subject of this appeal would detract from this to a significant degree and that, in this case, the presence of other forms of development elsewhere is not something that reduces or mitigates the harm that would arise from the proposal.

Conclusion

47. For the reasons given above, I recommend to the Minister that the appeal be dismissed.

Nigel McGurk BSC(HONS) MCD MBA MRTPI
PLANNING INSPECTOR