

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

### **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

---

#### **Appellant:**

Alexa Kerr

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

P/2022/1387 dated 8 June 2023

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

Hotel de Normandie Ltd

#### **Site address:**

Hotel de Normandie, St. Clements Road, St. Saviour JE2 7PX

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

“Construct third floor extension to East elevation. Various minor external alterations. Alter vehicular access onto La Greve D’Azette”

#### **Inspector’s site visit date:**

2 October 2023

#### **Hearing date:**

3 October 2023

---

#### **Introduction**

1. This is a third-party appeal against the grant by the Planning Committee of planning permission for the development described above. The application was recommended for refusal by the Infrastructure and Environment Department on the basis that the benefits of the development did not outweigh the harm that would arise. The decision notice records that:

“The Planning Committee considered that the benefits to the economy by way of additional hotel bedrooms would outweigh the adverse impacts arising from the scale and design of the proposals. The Committee agreed with the

Department that the balcony would be acceptable if a screen to block views to dwellings to the north was implemented.”

2. The permission was granted subject to the standard conditions relating to the commencement of the development and compliance with the approved details and to the following additional conditions:

“1. Prior to the first use of any part of the development hereby approved, the revised vehicle visibility splay and the cycle parking and access ramp as set out on approved drawing number MSP-2235-PL04 revision C shall be implemented, and thereafter permanently retained.

2. Prior to the commencement of the development hereby approved, details of privacy screening to the proposed roof terrace shall be submitted to, and approved in writing by, the Chief Officer. Such details, as may be approved, shall be implemented prior to the first use of the roof terrace and thereafter permanently retained as such.”

3. The reasons given for Conditions 1 and 2 were:

“1. In the interests of highway safety and to comply with Policies TT1 and TT2 of the Bridging Island Plan 2022.

2. In the interest of residential amenity, in order to comply with Policy GD1 of the Bridging Island Plan 2022.”

### **Description of the site and its surroundings and the proposed development**

4. Hotel de Normandie is a large hotel adjoining St. Clements Road, La Grève d’Azette and Beach Road that has been considerably extended in the past. To its north are other properties in Dicq Road and Beach Road. The development approved by the Committee consists of a third floor (fourth storey) extension to the Hotel’s eastern wing which fronts Beach Road. The appellant’s house and garden are on the opposite side of Beach Road here.
5. The hotel has parking areas off La Grève d’Azette and off Beach Road. The approved development includes the lowering of the walls and pillars along the La Grève d’Azette frontage in order to improve the sightlines for drivers exiting this parking area and oncoming drivers in the road.
6. The balcony referred to in the decision notice is a new terrace within the Hotel complex which will be accessible from the rear of the extension and be visible from some of the properties to the north of the Hotel and from La Grève d’Azette. The “minor external alterations” referred to are an air source heat pump service area and works to the existing Beach Road elevation consisting of insulation, rendering, horizontal banding and replacement window cills.

### **Main issues for consideration**

7. The hearing considered four main issues. These are listed below with details of representations received and my assessments and conclusions.

i) *Tourism and hospitality*

8. Policy SP6 "Sustainable island economy" of the Bridging Island Plan gives a high priority to supporting existing businesses. With regard to businesses providing visitor accommodation, Policy EV1 "Visitor accommodation" states:

*"Proposals which contribute to the quality and range of Jersey's visitor accommodation offer will be encouraged.*

*Proposals for extended or altered existing visitor accommodation throughout the island, and particularly in the identified tourist destination areas, will be supported.*

*Proposals for new visitor accommodation will be supported in the built-up area, and particularly in the identified tourist destination areas."*

9. The supporting text to Policy EV1 states:

*"Tourism and business travel represents one of Jersey's key economic sectors. It is a significant provider of employment and support for related local businesses, including shops, restaurants and bars; along with some of the island's heritage and cultural facilities. Jersey's tourism industry caters for both leisure and business travel; in 2019, Jersey accommodated over 777,000 visitors, which represents an increase on previous years. The Jersey Destination Plan sets ambitions to increase visitors to Jersey further to one million visitors by 2030."*

10. Policy PL1 "Development in Town" states that development in St Helier "will be supported where it makes a positive contribution to the strategic concepts of the Plan for Town in order to help deliver a sustainable future for Town and the island".
11. The Hotel de Normandie is in the identified Tourist Destination Area centred on Havre des Pas in St Helier and it is in the built-up area. The extension will add 10 bedrooms to its existing 109 bedrooms, which regularly run at 98% occupancy in the summer and 90% in the winter. The Hotel has 50 employees and its kitchens provide an external catering service that employs a further 20 staff.
12. Visit Jersey has supported the extension, commenting that the Hotel is in a prime location, popular with visitors and open all the year round, therefore supporting Visit Jersey's objective to grow visitor numbers in the 'shoulder season'. The Jersey Hospitality Association has confirmed its full support for the extension, which they state will see investment in an area where other hotels have closed and will support every aspect of island life. Similar views have been expressed in the majority of the public comments received during the application and appeal processes.
13. The Department do not disagree that there is policy support for the extension. However, they point out that the advantages of this extension have to be balanced against the drawbacks that the Department, the appellant and other interested persons have raised.

14. I agree that a balancing exercise is required, although it is clear at the outset that there are significant economic, employment and tourism considerations that support this extension.

*ii) Design and appearance, street scene, listed buildings*

15. The eastern wing of the Hotel has a flat roof with substantial overhanging eaves on its Beach Road frontage. Other properties in this part of Beach Road are mostly two-storey or three-storey buildings in a mixture of styles. Several of them to the north of the Hotel are listed as good examples of late-Victorian seaside villas.
16. The extension will have pitched-roof parapet sides surrounding an inner flat roof. Tall windows will bisect its eaves and project beyond the lower parts of its pitched roofs. The horizontal banding and the new colouring will break up the somewhat stark appearance of the existing Beach Road elevation. External insulation will also be added here.
17. The Department have accepted that the height limit in Policy GD7 ("Tall buildings") will not be exceeded provided the "prevailing contextual height" is taken into account. The height of the roof will equate to the highest points of the original hotel's gables, behind which there is already a flat-roofed fourth-storey addition, but the height above which the Hotel already exceeds the height of other buildings in Beach Road will increase.
18. The Hotel has always been taller than surrounding buildings and historically this has been the prevailing context for hotels in this area. In recent times the context has changed significantly to include new apartment blocks four or more storeys high, all of which are much taller than their neighbouring buildings. I do not consider that this extension to the Hotel will be out of keeping with the prevailing contextual height in the area.
19. The eastern wing of the Hotel, when the extension has been added, will be more apparent in the street scene when viewed from La Grève d'Azette and from the nearest part of Beach Road, although it will not in my opinion look out of place. The Hotel as a whole will not look unbalanced - it already has an eclectic sequence of additions. There will also be improvements to the appearance of its existing Beach Road elevation and in its thermal performance. The listed buildings and their settings will be too far away to be adversely affected; they will therefore be protected pursuant to Policy HE1.
20. I consider that the design and appearance of the extension will be in keeping with the Hotel and its surroundings. To this extent it will not be in conflict with the principles of good design set out in Policy GD6. This policy also requires the impact on neighbouring uses to be considered and this is dealt with under issue iii).

*iii) Effect on neighbours' amenities, including outlook, privacy, sunlight and disturbance*

21. This issue arises in connection with the extension itself and in connection with the terrace at the rear of the extension.
22. Policy GD1 "Managing the health and wellbeing impact of new development" states:

*" All development proposals must be considered in relation to their potential health, wellbeing and wider amenity impacts, and will only be supported where:*

*1. the development will not unreasonably harm the amenities of ... nearby residents, and in particular, will not:*

*a. create a sense of overbearing ...;*

*b. unreasonably affect the level of privacy to buildings and land that owners and occupiers might expect to enjoy;*

*c. unreasonably affect the level of sunlight ... to buildings and land that owners and occupiers might expect to enjoy;*

*d. adversely affect the health, safety and environment of users of buildings and land by virtue of emissions ... including ... noise ...."*

23. As to the extension itself, its windows will face Beach Road to the east, La Grève d'Azette and the seashore to the south and other parts of the Hotel to the west. The main concerns are the effect on the appellant's house and garden with regard to overlooking, privacy and loss of sunlight; no other residential properties are significantly affected by the extension in these respects.
24. The appellant states that the distance between the wall of the Hotel on Beach Road and the [side] wall of her house is about 15 metres, although the applicant's drawings show the gap to be 12 metres at the nearest point. Beach Road is in the gap.
25. It will be possible to view parts of the house and the main part of the garden from the five third-floor (fourth-storey) windows in the extension's Beach Road frontage. The view will be similar to that which can already be obtained over the road from the Hotel's existing Beach Road frontage, which has nineteen windows serving thirteen bedrooms on the first and second floors (second and third storeys).
26. The extension will result in the Hotel's eastern wing looking bulkier when viewed from the appellant's property and its additional height will result in the property experiencing a brief loss of sunlight at certain times during the year. Impacts of this kind have occurred regularly when additional development has taken place in this built-up area.
27. The terrace will be shielded to the east and west by higher parts of the Hotel. No residential properties will be affected by its aspect to the south, which will be towards the seashore over parts of the Hotel and its parking area and over La Grève d'Azette. The residential properties to the north of the Hotel will be over 30 metres away from the northern end of the terrace and their privacy will be protected by Condition 2, which requires privacy screening to be erected.
28. Representations have been submitted about the potential for residents to be disturbed by amplified noise emanating from the terrace at unsociable hours. I do not consider that this is likely to happen, taking into account the terrace's

shielding within the Hotel complex, its distance from residential properties and the need for the Hotel to avoid disturbing guests occupying nearby bedrooms.

29. For the above reasons, I have concluded, applying Policy GD1, that the development will not unreasonably harm the amenities of nearby residents, and in particular will not be overbearing, have an unreasonable effect on privacy or sunlight or result in unacceptable disturbance.

*iv) Traffic, vehicular access, road safety and parking provision*

30. Concerns have been expressed in the representations about the effect of the additional accommodation on these matters, particularly in view of the existing levels of vehicular and pedestrian traffic in the locality, the bend in La Grève d'Azette next to the Hotel's entrance and exit, on-street parking conditions and the adequacy of the Hotel's existing off-street parking spaces.
31. The Department and the applicants have responded as follows. They point out that Policy TT1 "Integrated safe and inclusive travel" will be complied with by the provision of the improved visibility splay on La Grève d'Azette. They indicate that compliance with Policy TT2 "Active travel" will be achieved by the provision of cycle parking as set out in the approved plans and they state that the Hotel's existing forty off-street parking spaces will be adequate, taking into account the availability of frequent bus services here and the continuous walking routes to facilities on Havre des Pas and in the town centre.
32. I agree with the Department and the applicants on this issue. I also note that Policy TT4 "Provision of off-street parking" indicates that the provision of further off-street car-parking space in St Helier will not be supported except for certain short-stay purposes.

**Inspector's overall conclusion, other matters and recommendations**

33. My overall conclusion is that the development will be in accordance with the Bridging Island Plan and that, on balance, the benefits of the development in terms of its contribution to economic, employment and tourism objectives significantly outweigh any drawbacks that may arise. I therefore recommend that the appeal is dismissed.
34. It transpired during the hearing that when the planning permission was granted the provision of a Percentage for Art contribution and a contribution towards the improvement of the Eastern Cycle Route Network were both overlooked. The applicants indicated at the hearing that they would nevertheless make appropriate contributions. I therefore recommend that the planning permission is varied so that its implementation is made subject to the prior entering into of a suitable planning obligation under Article 25 of the Planning and Building (Jersey) Law 2002 (a) to make a Percentage for Art contribution in accordance with an agreed Public Art Statement and (b) to make a contribution at the rate of £1800 per 100m<sup>2</sup> of new floor space towards the improvement of the Eastern Cycle Route Network.

Dated 3 November 2023

*D.A.Hainsworth*  
Inspector