

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

### **Appeal under Article 108 against a decision made under Article 19 to refuse 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

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#### **Appellant:**

Michael Shenkin

#### **Application reference number and date:**

P/2023/1274 dated 19 December 2023

#### **Decision Notice date:**

16 May 2024

#### **Site address:**

Turnstone, 6 Fisherman's Wharf, La Grève de Lecq, St.Ouen JE3 2DL

#### **Development proposed:**

"Install 2No. windows to East elevation. Construct balcony and dormer window to North-West elevation. Install 3No. rooflights into South-West elevation."

#### **Inspector's site visit date:**

9 September 2024

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#### **Introduction**

1. This is an appeal against the decision of the Chief Officer to refuse planning permission for the development described above. The reasons given for the decision are: -

"1. The proposed in-set balcony on the north-west elevation by virtue of the design, scale and location, would result in the introduction of a dominant and intrusive feature prominently visible from the street scene, contrary to Policies SP3, SP4 and GD6 of Bridging Island Plan 2022.

2. The proposed in-set balcony on the north-west elevation, by virtue of its height, design, location and proximity to Driftwood (to the north-west), would result in an unacceptable level of overlooking impact, detrimental to

the amenity of Driftwood, contrary to Policy GD1 of the Bridging Island Plan 2022.”

### **The property and its surroundings and the proposed development**

2. Turnstone is part of Fisherman's Wharf, a residential development on the south-west side of the road. It is within the Coastal National Park and the Protected Coastal Area. The development includes a row of three single-storey dwellings facing the road, with Driftwood at its southern end. Turnstone is separated from Driftwood by an accessway. It is a two-storey house with its gable end next to the road; it is grouped with other two-storey houses in an arrangement that has some of them set back from the road by gardens and a house at the southern end that matches the appearance of Turnstone and also has its gable end next to the road.
3. The alterations proposed to be made to Turnstone involve: (i) the installation of two windows in the gable end, in addition to the two existing windows there; (ii) the construction in the roof slope facing the side of Driftwood across the accessway of (a) an inset balcony with a recessed window, in a position close to the gable end, and (b) a dormer window at the other end of this roof serving a bathroom; and (iii) the installation of three rooflights in the roof slope facing the gardens referred to above.

### **Assessment**

4. No concerns have been raised about the windows in the gable end, the rooflights or the dormer window and I have no reason to disagree. Similar proposals were previously approved by an expired permission P/2019/1154, when the planning considerations were comparable to today's. I note that this approval also included a small dormer window in the position where the inset balcony with recessed window is now proposed and also a small rooflight in this roof plane.
5. The key issues now are whether the change from the previously-approved dormer to the proposed inset balcony with recessed window warrants the withholding of planning permission because of its effect on the street scene or on the privacy of the occupiers of Driftwood.
6. Small dormer windows feature on many of the dwellings in Fisherman's Wharf, but the proposed inset balcony with recessed window would be significantly larger and more noticeable than any of these. It would be in a conspicuous position close to the roadside, where it would be a prominent feature in the street scene, particularly when viewed from the north-west. It would detract from the balanced appearance of Fisherman's Wharf seen from the road, which has a pleasing impact on the locality.
7. The side of Driftwood and its rear curtilage are already overlooked from the existing rear dormers of the house adjoining Turnstone and would have been overlooked from the dormers approved by permission P/2019/1154. The proposed inset balcony with recessed window would not increase overlooking of the rear curtilage of Driftwood but there would be a significant change in the impact on Driftwood's side window, which would be on the other side of the accessway directly below the balcony. Although Turnstone already has lower-level windows that face towards this window and the window would have been overlooked from the previously-approved dormer, what is now

proposed would be larger and would have a balcony sitting-out area from where it would be possible to look down into the window. I have taken into account the officer's opinion about this matter which was expressed in relation to the refused application P/2023/0904 but it is my opinion, supported by the current officer decision, that there would be a significantly greater impact on the level of Driftwood's privacy than is presently enjoyed.

8. The reasons given for refusing planning permission refer to Policies SP3 (Placemaking), SP4 (Protecting and promoting island identity), GD1 (Managing the health and wellbeing impact of new development) and GD6 (Design quality) of the Bridging Island Plan. I do not consider that the proposed inset balcony with recessed window would comply with these policies for the following reasons: it would not reflect and enhance its surroundings or make a positive contribution to local character and distinctiveness (SP3 and SP4); it would unreasonably affect the level of privacy that the occupiers of Driftwood might expect to enjoy (GD1); and it would not have a design quality that contributed positively to the distinctiveness of Fisherman's Wharf (GD6).
9. No considerations have arisen in this appeal that would justify granting planning permission for development that would be inconsistent with these policies and I have therefore recommended that the appeal should be dismissed.

### **Recommendation**

10. I recommend that the appeal is dismissed.

Dated 30 October 2024

*D.A.Hainsworth*

Inspector