

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

Appellant:

Graham Carpenter

Application reference number and date:

P/2023/1110 dated 3 November 2023

Decision Notice date:

25 April 2024

Site address:

"St. Quay", La Grande Route de la Côte, St. Clement JE2 6FT

Development proposed:

"Create vehicular access and parking to North-West elevation."

Inspector's site visit date:

9 September 2024

Hearing date:

12 September 2024

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 parking arrangement fails to provide adequate on-site manoeuvring space and visibility splays, which would result in a materially harmful impact on the amenity of the roadside vehicular users and pedestrians, contrary to SPG – Residential parking standards (October 2023) and Policies TT4, GD1 of the Bridging Island Plan 2022.

2. The proposal by virtue of its removal of the front boundary wall, would result in a development that will have a detrimental material and visual impact on and will fail to preserve the existing established character of the host site and wider area, contrary to Policy GD6, of the Bridging Island Plan 2022.”

The property and the proposed development

3. St Quay is a semi-detached bungalow in the middle of a row of three bungalows on the southern side of the A4 La Grande Route de la Côte, a short distance from Green Island. It has no vehicular access. The adjoining bungalow has vehicular access to the road from a large forecourt on the north-eastern side of the property. The detached bungalow on the other side of St Quay has vehicular access to the road using a track alongside the south-western side of the property which leads to the rear of the property. All three bungalows have front garden areas with roadside walls and fences.
4. It is proposed to demolish St Quay's granite roadside wall, front fence and pedestrian gate pillars to provide a forecourt parking area for two cars. Planting would take place in a strip of land between the parking area and the bungalow. A ramped pedestrian access would be provided from the pavement to the front door. A dropped kerb would be installed. The application plan shows how vehicular and pedestrian visibility splays would be provided.

Assessments

On-site manoeuvring space and visibility splays

5. The two parking spaces would meet the numerical and minimum space standards set out in the supplementary planning guidance *Residential parking standards* adopted in October 2023. It would not however be possible to turn vehicles within the parking area to allow them to be driven on to and off the parking area in forward gear. Reversing movements on to or within the road would therefore take place whenever the spaces were used.
6. The vehicular and pedestrian visibility splays shown on the application plan are for vehicles being driven off the parking spaces in forward gear. The vehicular splays would be dependent on drivers having a clear view over part of both neighbours' front gardens and boundary features.
7. The Government publication *Access onto the Highway - Standards and Guidance. A technical guide for the preparation of Planning Applications* issued in August 2019 sets out technical standards for development involving access to the road network. Paragraph 3.4 contains on-site turning requirements for single residential dwellings. It states [emphasis in original]: -

“There should be adequate room to turn a medium sized car to allow vehicles to enter and exit in a forward gear, *unless*:

- Visibility of traffic on the road meets the standards outlined in Section 5.0; **and**
- The 85th percentile speed on the main road is under 35mph; **and**
- Combined traffic flow on the road is under 400 vehicles per hour. See Appendix A illustrating roads where combined traffic flow is over 400 vehicles per hour.”

8. The application of these bullet points in the appeal is considered below.
9. Section 5.0 indicates at paragraph 5.6 that applicants for planning permission should show that they have and can maintain control over all visibility splay areas. It adds: -

“In cases where a Visibility Splay Area passes over land belonging to a Third Party, such as a neighbouring dwelling or field, to demonstrate such control, the Third Party, as owner, may need to be a signatory on the Planning Application. This requirement is often secured by a legally binding Planning Condition attached to any Permit of Approval for an application.”
10. I understand that the adjoining owners are signatories on the planning application. This bullet point will be satisfied if legally-binding controls are put in place.
11. The speed limit on La Grande Route de la Côte here is 30mph. Speed reports analysed over several days in February 2024 have shown that the 85th percentile speed is under 35mph. This bullet point has been satisfied.
12. This part of the A4 La Grande Route de la Côte is one of the roads illustrated on the map in Appendix A where combined traffic flow is stated to be over 400 vehicles per hour. The Department's Transport section have explained that the map represents the busiest roads on the Island where data has consistently across a measured hour found that they carry the highest traffic volumes, being key main roads leading to key destinations from residential built-up areas.
13. The speed reports referred to above also show traffic flows. The appellant maintains that they indicate that the normal two-directional flow during the survey period was under 400 vehicles per hour. The Department do not agree, pointing out that the reports show that combined flows in excess of 400 occurred on nine out of the sixteen peak periods recorded.
14. The difficulty with the appellant's approach is that he is seeking on the strength of a survey carried out during a period of eight days in February 2024 to set aside the long-term consistent analysis of data that has led to the inclusion of this part of the A4 in Appendix A of the guide. I do not consider that this is a convincing basis on which to conclude that the on-site turning requirements for single residential dwellings set out in Paragraph 3.4 of the guidance should not be applied in this instance.

The removal of the front boundary wall

15. The Department maintain that the low front boundary wall contributes to the established character of the area and that its removal would materially harm the area's character and appearance. The appellant considers that his proposals would, along with the works that have already been approved for the modernisation of the bungalow, enhance its character and provide it with parking space in common with its neighbours.
16. The granite boundary wall, with the interesting pedestrian gate pillars in the centre, are pleasing features when viewed from the road and contribute to the character and appearance of the bungalow and its surroundings. Their loss would not in my opinion enhance the modernised bungalow. The neighbours

do have parking space but, as noted in paragraph 3 above, they also have front garden areas and boundary walls.

Planning policy

17. Policy TT4 (Provision of off-street parking) of the Bridging Island Plan contains, in its final paragraph, a provision that applies to the proposals in the appeal. It states: -

“Development involving the loss of front gardens and their boundary features to provide parking with direct access to/from the highway will not be supported where this would harm the character and appearance of the street scene or compromise highway safety.”

18. For the reasons given above, the proposals would be in direct conflict with this policy both as regards the street scene and highway safety.

Development at Straven, Plat Douet Road - P/2022/1682

19. The appellant claims that the decision to refuse planning permission at St Quay is not consistent with the decision to approve planning application P/2022/1682. This is a development involving the demolition of a dwelling and garage and its replacement by seven linked houses with a row of eight shared parking spaces between the houses and Plat Douet Road. There will be no on-site turning space and reversing movements will occur in Plat Douet Road.
20. I appreciate the appellant's concerns, since consistency is an important part of the planning system. However, the planning considerations relating to sizeable comprehensive housing redevelopment proposals are not the same as those applying to proposals for parking spaces for single existing dwellings.

Recommendation

21. I recommend that the appeal is dismissed.

Dated 8 November 2024

D.A.Hainsworth

Inspector