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THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Change of use of office (use class 21) to residential unit (use class 2).

LOCATION: The Wing, St. Julians Cottage, Les Canichers, St. Peter Port.

APPLICANT: Mr F.M Gauson

I refer to the application referred to below received as valid on 15/11/2011 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 19/12/2011

Drawing Nos: CCD Drawing no: 3087/04

Application Ref: FULL/2011/3576

Property Ref: A111620000-P06

The Department has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The proposed unit would be single aspect and face directly onto the narrow and busy pedestrian path of Les Canichers. The sole east facing window, which is overshadowed by the building opposite, would provide inadequate daylight and a poor outlook for the proposed occupant of the unit and be likely to give rise to an inadequate standard of amenity in terms of overlooking, noise and disturbance. The proposal as submitted would therefore not provide a satisfactory living environment and standard of accommodation and would be contrary to Policy HO4 of the adopted Urban Area Plan.

OTHER REMARKS:-

Right of appeal against planning decisions

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal on the merits against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Department made this decision. The official Appeal Notice Forms are available on the Department's website at www.gov.gg/planning-appeals and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made

In reaching this decision the Department took into account any written representations arising from consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any representations made to the Department under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES
Director of Planning Control Services

ENVIRONMENT
A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

PLANNING APPLICATION REPORT

Application No: FULL/2011/3576
Property Ref: A111620000-P06
Valid date: 15/11/2011
Location: The Wing St. Julians Cottage Les Canichers St. Peter Port Guernsey GY1 1WB
Proposal: Change of use of office (use class 21) to residential unit (use class 2).

Applicant: Mr F.M Gauson

RECOMMENDATION - Refusal

REASONS FOR REFUSAL

1. The proposed unit would be single aspect and face directly onto the narrow and busy pedestrian path of Les Canichers. The sole east facing window, which is overshadowed by the building opposite, would provide inadequate daylight and a poor outlook for the proposed occupant of the unit and be likely to give rise to an inadequate standard of amenity in terms of overlooking, noise and disturbance. The proposal as submitted would therefore not provide a satisfactory living environment and standard of accommodation and would be contrary to Policy HO4 of the adopted Urban Area Plan.

OFFICER'S REPORT

Site Description:

The site is located on the west side of The Canichers just to the north of St Julian's Avenue and comprises a single ground floor room forming part of a larger building now divided into four flats. The room has a floor area of some 31m². It is understood that it was previously used as an office for the building company which undertook the flat conversion. It is now vacant.

Relevant History:

PREA/2011/3213	Meeting 20.10.11 to discuss previous refusal of planning permission – suggested that possibility of additional window at rear be explored
PAPP/2008/1042	Change of use to bedsit refused 25/06/2008 for reasons of poor provision for natural light and door and window fronting directly onto Les Canichers with consequent privacy and amenity issues contrary to Policy HO4
A11162/P4	Sub-divide premises to four flats granted 21/05/2001.

Existing Use(s):

Office – use class 22.

Brief Description of Development:

It is proposed to convert the room into a self contained residential unit. An internal lobby would be formed from the lane but otherwise the internal layout would be the same as that refused in 2008.

Supporting Information Submitted with the Application:

- The property has been for sale but no purchaser has been found
- The limited space available and lack of parking would appear to be the main reasons for little interest in this office space
- An entrance lobby has been included within the proposals but it has not been possible to provide a window on the rear wall – this is below the ground level of the yard to the rear
- In the immediate vicinity the dominant building type is residential

Compliance with Policy HO4:

- a) The wing forms an integral part of St Julian's Cottage; the rest of the building was converted ten years ago and the wing has been in use as an office; the whole building is an important part of the streetscape of Les Canichers and the wing is part of the historic setting of this street
- b) the office has been on the market for more than two years and its size, location, land use in the immediate area and lack of parking are contributive factors to the failure to find a buyer; the current owner no longer requires the space for office use
- c) the internal floor area of the wing is 31.89 m² and is sufficiently large to provide a studio apartment; an internal porch is proposed to provide a draught lobby and buffer zone between the external public and internal private space; the window opening provides light and ventilation at a point where the pedestrian lane is 2.3m wide; at the narrowest the lane is 1950mm wide and a number of windows open on the lane where the wall opposite is closer than at the wing and a number of properties have basement accommodation with windows onto a light wells. Some along part of the road open to vehicular traffic and the window in the wing has more space in front of it than other windows in the lane – the upper floors above the wing have a similar configuration; this area of town is historic and therefore windows in this configuration have been used for many years
- d) Many properties in this area of town do not have private parking although public parking is available within walking distance and the central area of town is within easy reach
- e) all the immediate buildings are in residential use
- f) the wing is not a protected building although within a conservation area but the proposal does not conflict with this policy

Compliance with Policy GEN2:

- this requires optimum efficient use of land which the currently under–utilised office space cannot be regarded as meeting whereas if inhabited as a residential unit it would be in use.

Compliance with Policy GEN6:

- this seeks to preserve local characteristics of the environment – the use of the wing would return the space to full use and in so doing contribute to the preservation of the area

Compliance with Policy EMP4

- a) the proposals would not prejudice the potential to meet the future requirement for large floor plate office accommodation since the wing is not a large floor plate office
- b) the wing has been marketed by several estate agents for more than two years but no purchaser has been found
- c) the main use in the vicinity is residential therefore converting the wing would be entirely appropriate and its present use as an office is mismatched.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

Urban Area Plan – Settlement Area, Conservation Area and Central Area

Policy HO4	Conversion and sub-division of existing buildings
Policy HO6	Obsolete office space
Policy EMP4	Conversion of offices to alternative uses

Representations:

None.

Consultations:

None.

Summary of Issues:

- Loss of office accommodation
- Compliance with Policy HO4

Assessment against:

1 - Purposes of the law.
2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.
3 - General material considerations set out in the General Provisions Ordinance.
4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal falls to be considered against Policies EMP4 and HO6 of the Urban Area Plan, and in this case principally against Policy HO4.

EMP4 states:
"Changes from offices to other uses will only be permitted where:

a) the proposals would not prejudice the potential to meet future requirements for large floorplate office accommodation;
b) there is evidence of positive attempts to market the building and seek continuation or reinstatement of an office use; and
c) the resultant mix of uses would be compatible with each other."

HO4 states that:
"Proposals for the conversion and subdivision of existing buildings to provide housing will only be acceptable where:

a) the building is worthy of retention and capable of conversion;
b) the building is no longer required or suitable for its original purpose;
c) a satisfactory living environment and standard of accommodation can be achieved;
d) parking and servicing arrangements are appropriate;
e) neighbouring uses are compatible with housing; and
f) the development does not conflict with Policy DBE8 and other relevant policies of the Plan."

HO6 states:
"*The conversion of office space for residential use, or for a mix of uses, including housing, will be encouraged where the development does not conflict with Policy EMP4 and other relevant policies of the Plan."*

With regard to Policies EMP4 and HO6, the loss of office accommodation in this case would not prejudice the future requirements for large floorplate office accommodation; attempts have been made to market the building and since the neighbouring buildings are in residential use the resultant mix of uses would be compatible. The change of use from offices to residential would therefore be acceptable in principle in terms of these policies.

However the proposal falls to be considered principally against Policy HO4. Criteria a) and b) of this policy can be met, and since the building is located within the central area where

parking for this size of unit is assessed on merit, the neighbouring uses are residential and the building is not Protected, criteria d) e) and f) can also be met. Criterion c) of the Policy however requires that a satisfactory living environment and standard of accommodation can be achieved.

The total floor area of the unit would be around 31 m², which would include the internal lobby and shower-room, but could provide an acceptable size of accommodation for one person which would comply with minimum space standards applied under the Building Regulations and approved documents. The only window however faces east onto The Canichers and is only 2.3m away from the wall on the opposite side of the Lane. Whilst the agent states that this is the case for many of the properties in The Canichers, these properties have more than one window and many of these units are double aspect. The reliance on a sole east facing ground floor window, which is overshadowed by the building opposite, to provide natural light and outlook would not provide a satisfactory living environment for the occupants of the proposed building in terms of the provision of daylight and an acceptable outlook.

The previous reason for refusal also cited the location of the door and window fronting directly on the narrow pedestrian public thoroughfare of Les Canichers as giving rise to privacy and amenity issues. The proposal now includes the provision of an internal lobby which would overcome privacy issues to some extent but Les Canichers is a busy pedestrian path and the size of the window would mean that overlooking directly into the unit could occur and the frequent use of the path would also be likely to give rise to noise and disturbance for the occupant of the proposed unit. The proposal is therefore also inadequate in terms of possible overlooking and the provision of satisfactory amenity.

For these reasons the proposal would not provide a satisfactory living environment and standard of accommodation and would be contrary to Policy HO4.

The agent in his supporting statement refers to the proposal complying with Policies GEN2 and GEN6 but these policies, which relate to Comprehensive Development and Character and Amenity, are not considered to be relevant to this proposal.

It is considered that a potential acceptable alternative use of the room would be for it to be included within the adjacent flat.

Date: 19.12.2011