Online Version

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: Erect sun lounge and external steps at rear of dwelling.

LOCATION: 15 Jardin De Haut, Mont Arrive, St. Peter Port.

APPLICANT: Mr & Mrs Mahy

I refer to the application referred to below received as valid on 26/01/2012 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 31/05/2012

Drawing Nos: Pentagon Home Improvements - 2052/11/1

Application Ref: FULL/2012/0216

Property Ref: A105500015-P01

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 extension would be clearly visible from the public highway to the south and together with its size and flat roof design the extension would not be well related to the existing dwelling and would not achieve an acceptably good standard of design. The extension would have a significant adverse effect on the character and visual amenity of the area and conflicts with the intentions of Policies GEN5, GEN6 and DBE1 of the Urban Area Plan.

2. By virtue of its elevated position together with its projection from the rear elevation of the dwelling, the layout of the site and neighbouring properties and the proximity of windows on neighbouring properties, the extension would have a significant adverse impact on the neighbour's reasonable enjoyment of amenity, contrary to the intentions of Policy GEN12 of the Urban Area Plan, and would result in an unacceptable quality of residential environment for

neighbouring properties.

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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

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/2012/0216
Property Ref: A105500015-P01
Valid date: 26/01/2012
Location: 15 Jardin De Haut Mont Arrive St. Peter Port Guernsey GY1 2AH
Proposal: Erect sun lounge and external steps at rear of dwelling.

Applicant: Mr & Mrs Mahy

RECOMMENDATION - Refusal

REASONS FOR REFUSAL

1. The extension would be clearly visible from the public highway to the south and together with its size and flat roof design the extension would not be well related to the existing dwelling and would not achieve an acceptably good standard of design. The extension would have a significant adverse effect on the character and visual amenity of the area and conflicts with the intentions of Policies GEN5, GEN6 and DBE1 of the Urban Area Plan.

2. By virtue of its elevated position together with its projection from the rear elevation of the dwelling, the layout of the site and neighbouring properties and the proximity of windows on neighbouring properties, the extension would have a significant adverse impact on the neighbour's reasonable enjoyment of amenity, contrary to the intentions of Policy GEN12 of the Urban Area Plan, and would result in an unacceptable quality of residential environment for neighbouring properties.

OFFICER'S REPORT

Site Description:

Semi-detached dwelling located within a row of four similar properties, two pairs of semi-detached dwellings. The properties are situated gable end to the highway to the south, are accessed via a footpath to the west and have associated gardens to the rear (east) with raised terraces. The site is located in a Settlement Area within the Urban Area Plan.

Relevant History:

19/02/2010 – FULL/2010/0152 – Permission granted to demolish existing outbuildings and chimneys. Alterations to door and window openings, construction of raised terraces and erection of fences.

Existing Use(s):

Residential Use Class 1.

Brief Description of Development:

Erect single storey flat roof extension to rear measuring 5.2m by 4.1m by 2.9m (high). Extension to be finished with rendered walls, white uPVC fenestration and a polyroof.

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

Urban Area Plan Policies:

GEN5 – Design
GEN6 – Character and amenity
GEN12 – Effect on adjoining properties
DBE1 – Design – General

Representations:

One letter of representation from neighbours to south (no. 16), main points as follows:

- Do not want the boundary fence to be removed, seeking assurance that there is space to build and maintain wall from applicant's property.
- No objections to proposal provided that wall can be built and maintained from applicant's property.

Consultations:

None.

Summary of Issues:

1. Design and impact on the character and amenity of the area
2. Effect on neighbouring amenity

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 extension would be located on a terrace elevated above the remainder of the applicant's and neighbouring gardens to the east.

During the course of consideration the application was deferred to seek a reduction in the size of the extension due to concerns about its impact on the character and amenity of the area and its effect on neighbouring amenity. The applicant declined to revise the application and the agent submitted additional comments in support of the original proposal. The agent states that although the extension would be visible from the clos road they do not believe it would be particularly intrusive and that it would not have a significant adverse effect on the character and visual amenity of the area. It is further stated that the extension would improve privacy levels and that the suggested reduction in the size of the extension would not affect either concerns about the extension's impact on the character and amenity of the area or its effect on neighbouring amenity.

The extension would be clearly visible from the public highway to the south and together with its size and flat roof design the extension would not be well related to the existing dwelling and would not achieve an acceptably good standard of design. The extension would have a significant adverse effect on the character and visual amenity of the area and conflicts with the intentions of Policies GEN5, GEN6 and DBE1 of the Urban Area Plan.

Due to the elevated position of the extension together with its projection from the rear elevation of the dwelling and the layout of the site and neighbouring properties the proposal would have an adverse effect in terms of overlooking of neighbouring gardens. Although it is noted that a letter received from the adjoining neighbours to the south does not object to the proposal on these grounds. In addition, the rear elevation of the existing

dwelling is situated approximately 17m from windows on neighbouring residential properties to the east. The extension would project 5.2m closer and this would exacerbate existing inter-visibility issues and would have an adverse effect on neighbouring amenity. The proposal would be contrary to the intentions of Policy GEN12 of the Urban Area Plan and would result in an unacceptable quality of residential environment for neighbouring properties.

It is consequently recommended that the application be refused.

The representor's comment regarding the retention of the south boundary fence is not a material planning consideration in this instance.

Date: 31/05/2012