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: Convert garage into dwelling and install gable window (south east elevation).

LOCATION: Le Grand Pre, Clos De Beauvoir, Rue Cohu, Castel.

APPLICANT: Mrs R E Salmon

I refer to the application referred to below received as valid on 03/12/2015 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 04/01/2016

Drawing Nos: Brian R Martel: 3949.02.01, 02 & 03.

Application Ref: FULL/2015/2808

Property Ref: D016180000

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 proposal involves the conversion of the outbuilding to a separate dwelling so the proposal does not fall clearly for assessment under policy RH1 or RH3 of the Rural Area Plan. However, the issues to be considered are similar in each case. The Department needs to be satisfied that the site is suitable for the introduction of residential use in terms of the existing characteristics of the site and its relationship with the surrounding area and that the new dwelling will be of good design and provide a satisfactory living environment.

The new dwelling would have a limited floor area. In particular, the first floor area is severely constrained by the limited roof height and the bedroom area would be below the minimum specified in the relevant Guernsey Technical Standards. The outside amenity space to be provided is limited in area, dominated by the building and by any necessary screening and has no direct access from the dwelling. The new dwelling would have an unsatisfactory living environment contrary to the requirements of policies RH1 and RH3 and their objectives.

2. As the proposal includes conversion of the existing building, policy RCE14 of the Rural Area Plan is relevant. This indicates that proposals to convert or re-use buildings will only be permitted where:
a) it has been clearly demonstrated to the satisfaction of the Department that the building is no longer useful, or capable of being used for its current or last known viable purpose or that more appropriate buildings are available to accommodate such use;
b) the building is of sound and substantial construction and is capable of conversion without extensive alteration, rebuilding or extension;
c) in Areas of High Landscape Quality, the building is of architectural or historic interest or makes a positive contribution to the character of the rural environment;
d) the conversion can be implemented without adversely affecting the character or appearance of the building; and,
e) the provision of curtilage, road access, driveways and parking, ancillary buildings and boundaries would not adversely affect the character of the building or its setting.

There is little evidence to show that the building is no longer useful as an outbuilding to the house. The agent's reference to complaints about noise has been noted. However, the submitted drawing shows the building would continue to be used for the storage of motorcycles.

The area of curtilage associated with the proposed dwelling is limited. It is unclear whether the site is large enough to accommodate parking, while the small area to the rear would have little amenity value.

As such, the proposal would not meet the requirements of policy RCE14 and its objective to make effective use of redundant buildings.

3. Policies RGEN7 and RGEN8 of the Rural Area Plan seek to ensure that new development has safe and convenient access and a satisfactory level of parking.

Although the existing building includes a garage door, it is unclear whether a car could easily access the garage. In any event, the garage is shown as a store for motorcycles on the submitted drawing. It is unclear whether the area to the south of the building is of sufficient size to accommodate a car. In any event, the visibility for any driver entering the highway at this point is limited by the existing garage on one side and the existing hedge on the other.

The proposal would not meet the requirements of policies RGEN7 and RGEN8 and their objectives.

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

ENVIRONMENT
A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

PLANNING APPLICATION REPORT

Application No:	FULL/2015/2808
Property Ref:	D016180000
Valid date:	03/12/2015
Location:	Le Grand Pre Clos De Beauvoir Rue Cohu Rue Cohu Castel Guernsey GY5 7TQ
Proposal:	Convert garage into dwelling and install gable window (south east elevation).
Applicant:	Mrs R E Salmon

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposal involves the conversion of the outbuilding to a separate dwelling so the proposal does not fall clearly for assessment under policy RH1 or RH3 of the Rural Area Plan. However, the issues to be considered are similar in each case. The Department needs to be satisfied that the site is suitable for the introduction of residential use in terms of the existing characteristics of the site and its relationship with the surrounding area and that the new dwelling will be of good design and provide a satisfactory living environment.

The new dwelling would have a limited floor area. In particular, the first floor area is severely constrained by the limited roof height and the bedroom area would be below the minimum specified in the relevant Guernsey Technical Standards. The outside amenity space to be provided is limited in area, dominated by the building and by any necessary screening and has no direct access from the dwelling. The new dwelling would have an unsatisfactory living environment contrary to the requirements of policies RH1 and RH3 and their objectives.

2. As the proposal includes conversion of the existing building, policy RCE14 of the Rural Area Plan is relevant. This indicates that proposals to convert or re-use buildings will only be permitted where:
a) it has been clearly demonstrated to the satisfaction of the Department that the building is no longer useful, or capable of being used for its current or last known viable purpose or that more appropriate buildings are available to accommodate such use;
b) the building is of sound and substantial construction and is capable of conversion without extensive alteration, rebuilding or extension;
c) in Areas of High Landscape Quality, the building is of architectural or historic interest or makes a positive contribution to the character of the rural environment;
d) the conversion can be implemented without adversely affecting the character or appearance of the building; and,
e) the provision of curtilage, road access, driveways and parking, ancillary buildings and boundaries would not adversely affect the character of the building or its setting.

There is little evidence to show that the building is no longer useful as an outbuilding to the house. The agent's reference to complaints about noise has been noted. However, the submitted drawing shows the building would continue to be used for the storage of motorcycles.

The area of curtilage associated with the proposed dwelling is limited. It is unclear whether the site is large enough to accommodate parking, while the small area to the rear would have little amenity value.

As such, the proposal would not meet the requirements of policy RCE14 and its objective to make effective use of redundant buildings.

3. Policies RGEN7 and RGEN8 of the Rural Area Plan seek to ensure that new development has safe and convenient access and a satisfactory level of parking.

Although the existing building includes a garage door, it is unclear whether a car could easily access the garage. In any event, the garage is shown as a store for motorcycles on the submitted drawing. It is unclear whether the area to the south of the building is of sufficient size to accommodate a car. In any event, the visibility for any driver entering the highway at this point is limited by the existing garage on one side and the existing hedge on the other.

The proposal would not meet the requirements of policies RGEN7 and RGEN8 and their objectives.

OFFICER'S REPORT

Site Description:

Le Grand Pre stands on the junction of Rue Cohu with Clos de Beauvoir. The building to which this application relates is located in the rear garden and fronts onto Clos de Beauvoir. It appears as a single storey building when viewed from the road but includes accommodation in the roof space, served by three roof lights and a window in the northern gable. It includes a garage door at its southern end.

Relevant History:

2009/0268 14/07/2009 PMT to Demolish existing workshop and erect replacement

Existing Use(s):

Residential

Brief Description of Development:

The application seeks planning permission to convert part the building into an independent dwelling, retaining part of the ground floor as a workshop/garage for motorcycles. A new first floor window would be included in the northern gable.

The application provides for the area to the south of the building and a strip three metres wide to the rear taken from the garden of the existing house to be allocated as garden.

In support of the application, the agent states:

1. The existing garage / workshop was constructed to a high standard, which includes under floor heating, and adequate insulation with the floors and roof constructions, and is an existing garage for classic motor bikes. The construction of the building, with the exception of moving an internal timber stud partition to accommodate a dining area and to provide cavity fill insulation, does not require any alterations;
2. The existing first floor layout includes three high level roof windows on the rear roof slope, which will not comply with the current Building Regulations for escape due to a fire, therefore, a gable window has been introduced to comply with this regulation on the east elevation. The window does overlook the small front garden of the neighbouring property, but the rear garden would still remain private;
3. The rear garden of 'La Grande Pre' has had a section allocated to the proposed residential unit of accommodation for garden and amenity space;
4. There is also sufficient room on the east of the building to accommodate parking;
5. The existing garage / workshop is located within a built up residential area, and my client has had complaints from the residents regarding the noise when the motor bikes are started up; and
6. The building is intended to remain in the ownership of Mrs Salmon, and her heirs, and there is no intention of selling but it could be let out as an independent dwelling.

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

Rural Area Plan

RGEN7 - Safe & convenient access
RGEN8 - Parking & open space
RGEN11 - Effect on adjoining properties
RH1 - New housing
RH3 - Subdivision of dwellings to provide additional housing units
RCE14 - Conversion & re-use of buildings

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. whether the principle of conversion to a dwelling is acceptable;
2. the impact of the development on the appearance and character of the area;

3. the impact of the development on the amenity of people living in the area; and
4. parking and access issues,

taking into account the policies set out above.

<u>Assessment against</u>:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues set out in 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The proposal involves the conversion of the outbuilding to a separate dwelling so the proposal does not fall clearly for assessment under policy RH1 or RH3. However, the issues to be considered are similar in each case.

The site is within a predominantly residential area and the principle of creating a new dwelling is acceptable. However, any dwelling must be satisfactory in terms of its design, amenity and the provision of a satisfactory living environment.

The new dwelling would have a limited floor area. In particular, the first floor area is severely constrained by the limited roof height and the bedroom area would be below the minimum specified in the relevant Guernsey Technical Standards. The outside amenity space to be provided is limited in area, dominated by the building and by any necessary screening and has no direct access from the dwelling. The new dwelling would have an unsatisfactory living environment.

As the proposal includes conversion of the existing building, RCE14 is relevant. This indicates that proposals to convert or re-use buildings will only be permitted where:
a) it has been clearly demonstrated to the satisfaction of the Department that the building is no longer useful, or capable of being used for its current or last known viable purpose or that more appropriate buildings are available to accommodate such use;
b) the building is of sound and substantial construction and is capable of conversion without extensive alteration, rebuilding or extension;
c) in Areas of High Landscape Quality, the building is of architectural or historic interest or makes a positive contribution to the character of the rural environment;
d) the conversion can be implemented without adversely affecting the character or appearance of the building; and,
e) the provision of curtilage, road access, driveways and parking, ancillary buildings and boundaries would not adversely affect the character of the building or its setting.

There is little evidence to show that the building is no longer useful as an outbuilding to the house. The agent's reference to complaints about noise is noted. However, the submitted drawing shows the building would continue to be used for the storage of motorcycles.

The building appears to be of sound and substantial construction. The application includes very limited works of alteration.

The site is not located in an Area of High Landscape Quality.

The building is of modern construction and has little character. However, in any event, the proposed works are very limited.

The area of curtilage associated with the proposed dwelling is limited. It is unclear whether the site is large enough to accommodate parking, while the small area to the rear would have little amenity value.

The limited extent of alteration proposed means that any impact on the character and appearance of the area would be negligible.

The new dwelling would face an existing bungalow on the opposite side of the road. However, there are no first floor openings on this side and only one ground floor window. The potential for overlooking is limited, especially as there is a hedge on the front boundary of the bungalow opposite.

The new dwelling would have a first floor window in each gable looking towards the adjoining dwellings. However, these windows would not overlook the private gardens to these adjoining dwellings so any loss of amenity would be limited. There are three roof lights to the rear overlooking the rear garden of *Le Grand Pre*. However, their position and size are such that any view from these is likely to be limited.

Although the existing building includes a garage door, it is unclear whether a car could easily access the garage. In any event, the garage is shown as a store for motorcycles on the submitted drawing. It is unclear whether the area to the south of the building is of sufficient size to accommodate a car. In any event, the visibility for any driver entering the highway at this point is limited by the existing garage on one side and the existing hedge on the other.

In conclusion, the proposal would result in a dwelling with an unsatisfactory living environment, contrary to the requirements of RH1 and RH3. The building was built as an outbuilding to the existing dwelling on the site and remains suitable for this purpose. The curtilage to be associated with the new dwelling would not provide satisfactory amenity space while the limited provision for car parking would further reduce the amenity of the new dwelling and represent a hazard to road safety.

3 - General material considerations set out in the General Provisions Ordinance.

The matters to be considered under Section 13 of the Land Planning and Development (General Provisions) Ordinance 2007 have been assessed as part of the section dealing with policy issues set out in 2 above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no impact on protected trees, buildings or sites.

Date: 4 January 2016