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: Demolish and rebuild dwelling and create new vehicular access

LOCATION: Les Croutes, La Turquie, Vale.

APPLICANT: CLEC Limited

I refer to the application referred to below received as valid on 29/01/2020 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 24/04/2020

Drawing Nos: A7 Design: 19-1065 PD/01, 02, 03, 04, 05 & 06

Application Ref: FULL/2020/0236

Property Ref: C002550000

The Development & Planning Authority 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 dwelling, if permitted, does not represent a high standard of architectural design that would be in sympathy with its setting. The scale, bulk and proportions of the proposed replacement dwelling would not make a positive enhancement to the character of the area concerned and it does not achieve a sufficiently high standard of design to complement the architectural character of the area. The scheme is therefore contrary to Policy GP8 criteria a) and c) of the Island Development Plan.

2. The proposed dwelling by virtue of its size, height and bulk and relationship with the adjoining dwelling Tir na nog, would result in an unacceptable degree of overshadowing and loss of sunlight from the adjoining property, detrimental to the amenities enjoyed by the occupiers thereof. The scheme is therefore contrary to Policies GP8 criterion d) and GP9 criterion b) of the Island Development Plan.

3. The application has not been accompanied by a detailed hard and soft landscaping scheme. The application therefore fails to satisfactorily demonstrate that the proposed development and associated landscaping would reinforce the local rural character and distinctiveness of the area nor that such landscaping would

satisfactorily mitigate the impact of the development on the character and appearance of the area and having regard to the amenities enjoyed by the occupiers of Tir na nog to the north. The scheme is therefore contrary to Policy GP8 criterion e) of the Island Development 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, 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 Authority made this decision.

Copy of representations made

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

A J ROWLES
Director of Planning
Planning Service

States of Guernsey
Planning Service

PLANNING APPLICATION REPORT

Application No:	FULL/2020/0236
Property Ref:	C002550000
Valid date:	29/01/2020
Location:	Les Croutes La Turquie Vale Guernsey GY3 5EH
Proposal:	Demolish and rebuild dwelling and create new vehicular access
Applicant:	CLEC Limited

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

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OFFICER'S REPORT

Site Description:

Les Croutes is a detached dwelling situated to the south of Les Croutes and on the junction of Rue Godfrey and Le Parcq Lane. It is a small 3 bay cottage built 1898 – 1938, one and a half storeys, stone built with a slate roof and brick stacks, traditional in late Victorian Style. Les Croutes has a render exterior and timber windows and doors. A flat roof extension exists to the rear/south of the building and a timber vinehouse is

attached to the west elevation. A mono-pitched roof extension is situated to the southeast of the dwelling and a number of outbuildings and a shed are located to the southwest of the property. Vehicular access is situated on the junction of Les Croutes, Le Parcq Lane and Rue Godfrey. The roadside boundaries are marked by granite walls.

There are other new and notable buildings in the area, including East View to the northeast of the site. This is a moderné building built 2001-2004, single storey, low, grass roof, large windows, white, next to a cliff which effectively hides it.

Noirmont is a contemporary building built 2013-2016, 2 and 1.5 storey split into 3 volumes; vernacular shaped ends are dry stone with zinc 1st floor, central shape is a dark glass flat roof building with projecting flat roof forming a balcony. When viewed from the site this building is on top of a cliff but remains low and unobtrusive due to narrow and traditional shaped end elements which have low eaves, the use of materials and dark materials on the first floor.

Tir na nog is an adaptation of a traditional cottage built very close to the road and directly opposite the site to the north. Built between 1787 and 1898 it appears to be a traditional 5 bay cottage which has had its roof replaced with a mansard in which the lower part is rendered. The scale is small with narrow traditional windows facing the road.

La Haute Banque is a three storey late Victorian style house built between 1898 and 1938. This is notable as whilst it is tall the apparent bulk is kept down as the building and roof is narrow in plan.

There is also an abrupt change in character when turning off the main road which is built-up (Grande Rue / La Rochelle roads), to a generally rural character in which buildings are sparse with large open fields around and in between, the built development becomes more sparse as the land slopes slightly down towards the sea to the east.

The site (and the road) generally faces the rear elevations of the surrounding properties which line Kings Road and the elevated Rue Des Hougues De Normont to the north; Grande Rue to the west and what appears to be an un-planned estate or group of buildings that stretch from Grande rue to Rue Godfrey to the south. To the east there are views of the sea and the landscape becomes more open. The road and site is in a valley between two small hills so this and the surrounding buildings give the feel of an amphitheatre which gives the site and the area a particular and intimate character.

The site is located Outside of the Centres as designated in the Island Development Plan.

Relevant History:

Pre-application advice has been sought in this case.

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the demolition of the existing dwelling and all outbuildings on the site and the construction of a replacement dwelling along with the formation of a new vehicular access from Les Croutes. It is not proposed to infill the existing vehicular access on the corner of Les Croutes, Rue Godfrey and Le Parcq Lane.

The drawings show the construction of a four bedroom dwelling however a number of other rooms, for example the study/snug and gym/playroom could be utilised as bedroom accommodation. The dwelling has been designed with a pitched and flat roof and exterior comprising granite and render with first floor balconies.

The application has been accompanied by a Site Waste Management Plan and a Design and Access Statement which addresses the requirements of Policy GP8 and GP9.

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

Island Development Plan policies:

OC1: Housing Outside of the Centres
GP1: Landscape Character and Open Land
GP8: Design
GP9: Sustainable Development
GP13: Householder Development
IP7: Private and Communal Car Parking
IP9: Highway Safety, Accessibility and Capacity

Representations:

Five letters of representation have been submitted objecting to the application and raising the following points:

Application submission

- The height of the cottage is not specified and the new building will be 9m high with a flat roof to 6m – what is the height of the existing cottage
- Land levels are to be raised
- Site poles should be installed to provide an understanding of the size, scale and impact of the new dwelling – on the immediate area and the coastal path at Le Parcq Lane
- The clever use of CAD drawings show mature trees that do not exist to help the new building appear less imposing but this is very misleading – many mature trees have already been removed from the site

- The application form states that the proposal does not involve the removal of trees or hedges but conifers and Sycamore trees have already been felled prior to the application being submitted

Contribution of the existing building

- The Guernsey cottage constructed at least 110 years ago reflects a time when the area was a hub for local granite, horticulture and agricultural industries and represents a quaint cornerstone now and is appreciated by those who live in the area and those who use the lanes for leisure – the development would be detrimental to Guernsey culture
- The cottage is a compact, traditional modest cottage in a quiet lane
- The proposed development is a missed opportunity for the cottage to be integrated into the development – perhaps a glazed extension to the west and a wrap-around low level extension to the existing cottage

Character and appearance of locality

- The installation of security gates is out of character in this agricultural area where there are five or six fields being used by local farmers – planning permission was refused for security gates at East View
- The development will have a harmful impact on the natural beauty and landscape quality of the area
    - it will be a blot on the landscape
    - it will compromise visual openness to the lane and the sea

Design of proposed dwelling

- The uniform structure of the composite stone cladding proposed does not blend well with the rendered and painted properties nor the profusion of granite walls surrounding the site
- The design and scale of the proposed dwelling is inappropriate for the rural lane – the development will dominate (height will increase by at least 25%) the land and spoil the natural beauty and character of the surroundings
    - The proposed building is massive by comparison to the existing
    - Its size and scale is not proportionate to other houses in the area
- The development would be significantly larger than the existing property (footprint and height) and would be out of keeping with the area – a replacement dwelling should be no higher than the existing
- The development will be served by limited green space

Privacy

- The development will have an adverse impact on privacy to the east due to the height of the dwelling combined with the increase in ground levels (Le Port Nermont, The Dell and Les Hauts Banques)
- The balcony will overlook the adjoining property, Tir Na Nog
- The full impact on privacy cannot be fully assessed

Overshadowing

- The development will dwarf the neighbouring property and will result in a loss of light and overshadowing of Tir Na Nog

Other matters

- The development will result in the loss of sea views which affects the natural beauty and landscape quality of the locality
- The property will devalue others in the locality

Consultations:

La Societe Guernesiaise – the building is relatively old and there are mature trees and flooded quarries nearby. Such locations are frequently used as roost sites by bats. It is recommended that the building is inspected by a suitably qualified person for current or recent use by bats and other wildlife before demolition takes place. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance, 2012. It would also be beneficial to include measures to support roosting bats within the development proposal. An informative note is recommended regarding these matters.

Summary of Issues:

The key issues in this case relate to the:

- Principle of new residential development
- Design, form, scale and massing of the proposed development
- Impact on visual amenity
- Impact on neighbour amenity

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

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

Policy OC1: Housing Outside of the Centres states that new residential development will only be supported in this location where it is through the subdivision of an existing dwelling or the conversion of a redundant building. As the planning application relates to the demolition of one dwelling and its replacement with one dwelling, which is not considered new housing, Policy OC1 is not directly relevant. Replacement dwellings on a one for one basis must be assessed against Policy GP13 of the Island Development Plan, this is irrespective of the size of the existing or proposed replacement dwelling.

Policy GP13: Householder Development sets out a number of criteria that should be satisfied. The policy also identifies that consideration must be given to the contribution the existing building makes to the character of the area concerned and that a Waste Management Plan should be submitted with a planning application. This must

demonstrate how waste associated with the development process is to be minimised, how existing materials on site are to be reused on or off site and how residual waste will be dealt with.

The preceding text to Policy GP13, paragraph 19.14.10 states:

In considering proposals for the replacement of a dwelling on a one for one basis, consideration will be given to the impact of the new building on the openness of the area rather than a comparison between the impact of the existing dwelling compared with the impact of the new. A replacement dwelling can therefore be larger than the dwelling it is replacing and have a greater impact upon the openness of the area concerned compared with the existing dwelling and will be supported where the Authority is satisfied that the proposed impact is acceptable when considered against all relevant policies of the Island Development Plan.

This provides a supportive position to be taken regarding design but this must be balanced against the contribution the existing building makes to the locality (paragraph 19.14.11). Whilst the building is not of a sufficiently high architectural and historic interest to warrant Protected Building status, it is an increasingly rare fisherman's / quarryman's cottage which makes a particular contribution to the character of the area due to its: age; scale – in particular the relationship between it and its surroundings and the neighbour opposite, Tir-na-nog; design and appearance; its materiality; its traditional appearance and detailing.

There are various policy criteria that must be satisfied in order for Policy GP8: Design to be met:

a) Achieve a good standard of architectural design, including the design of necessary infrastructure and facilities; and
b) Demonstrate the most effective and efficient use of land; and
c) Respect the character of the local built environment or the open landscape concerned; and
d) Consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space; and
e) Provide soft and hard landscaping where this reinforces local character and distinctiveness and/or mitigates the impacts of development and/or contributes to more sustainable construction; and
f) Demonstrates accessibility to and within a building for people of all ages and abilities; and
g) Offers flexible and adaptable accommodation that is able to respond to people's needs over time

Policy GP13 clearly sets out that a comparison should not be made between the impacts of the existing dwelling compared with the impact of the new but this has to be balanced against the requirement that the proposed new replacement building is of such a high quality of design that it would enhance the character of the area and make a more positive contribution than the building it is proposed to replace.

Concerns have been raised regarding the height of the property but also changes in land levels in order to accommodate the proposed development. The application site is located in an area where development is varied in terms of its height and design and the proposal relates to the construction of a dwelling approximately 9m to the ridge and 6.4m to the highest flat roof. The proposed dwelling will be taller and represent a greater scale and mass than the existing dwelling (7.5m high including chimney stack and approximately 6.5m to the ridge). The height of the proposed dwelling is significantly greater than all of the surrounding buildings which are architecturally designed to keep the apparent bulk and massing of their forms down.

The proposed building is very large in plan (almost double the footprint of the existing) although this does not, of itself, make the principle of the development unacceptable. However, the building is also large in elevation terms and the style of architecture emphasises its size. For example, the central gable on the west elevation is framed by a very chunky grey (zinc covered) wall and barge board (or verge) which emphasises the apparent scale of the structure; also the windows and doors are all oversized especially in comparison to the small fenestration of the neighbour Tir-na-nog; and the thin flat overhanging roofs emphasise the cuboid bulk beneath them.

The proposed building does not achieve a good standard of architectural design and it is not of such a high quality of design that it would enhance the character of the area and make a more positive contribution than the building it is proposed to replace. As such the scheme fails to accord with Policy GP13 and GP8 criterion a) of the Island Development Plan.

The construction of a two-storey dwelling on this site represents multi-storey development. The starting point is for multi-storey building unless there are overriding planning constraints and the proposed design complies with criterion b) regarding efficient and effective use of land.

The site is located in two landscape character zones as designated in the Island Development Plan. The western part of the site falls within the Lowland Hills and the eastern part where development is focused falls within the Northern Slopes/Shore (Mielles). A contemporary style dwelling on the site could respect the character of the local built and open environment concerned. However, in this case the proposed building appears to emphasise its size and scale through its three dimensional form and therefore does not respect the local character or the open landscape contrary to Policy GP8 criterion c).

The existing dwelling occupies a large plot and the proposed replacement dwelling would be situated in the area of the existing dwelling, towards the east of the site. The site is capable of accommodating the replacement dwelling proposed and although concerns have been raised regarding the extent of green space/soft landscaping it is concluded that the scheme does provide adequate external amenity space for future occupiers.

Concerns have been raised regarding the potential for overshadowing to the property to the north of the site, on the opposite side of the lane. The scheme has been designed

with a flat roof element adjacent to the north boundary but set away from the boundary by 4m with approximately 10m between the proposed dwelling and adjoining property, Tir na nog. The blank north elevation with an overhanging flat roof is considered to represent a form of development that will overshadow this adjoining property affecting direct sunlight to the south elevation. The additional landscaping proposed has been included with the intention of reducing the impact of the development on the occupiers of the adjoining dwelling. The landscaping could however have an adverse impact on daylight to the internal rooms of this neighbouring property if not carefully maintained. With regard to Tir na nog therefore the scheme does not address the aims of Policy GP8 criterion d) or Policy GP9.

The scheme has been designed with the majority of bedroom accommodation at ground floor and with living accommodation and balconies at first floor level. There are no residential neighbours to the immediate west or south of the dwelling and the first floor north elevation of the development is shown to be blank in order to manage the potential for overlooking and loss of privacy to Tir na nog. The public consultation also raises concerns regarding overlooking from the proposed balconies however the balcony to the west of the development will be substantially screened from Tir na Nog to the north by the two storey wall of the building and is of limited size. This balcony served from the study/snug will not result in unacceptable overlooking and loss of privacy to the occupiers of the adjoining dwelling to the north.

Concerns have been raised regarding the potential for overlooking and loss of privacy to occupiers of dwellings to the east of the site. These properties are separated from the application site by the lane and a field and are over 30m from the application site. The scheme may increase the perception of overlooking however given the distance separation between the development and properties to the east this would not represent sufficient grounds on which to refuse planning permission.

Policy GP8 criterion e) refers to the provision of soft and hard landscaping to reinforce the local character. The application drawings do not include a detailed landscaping scheme for the entire site showing proposed hard and soft landscaping although the indicative details show a scheme that could be suburban in nature. A planning condition can be imposed relating to these matters to help assimilate the development to the surrounding area but without such a condition the hard and loft landscaping as shown would not reinforce the local character nor satisfactorily mitigate the impact of the development. As a result the scheme does not satisfactorily address criterion e) of Policy GP8. Although comments have been received regarding the removal of trees from the site no trees on the site are protected therefore they can be removed at any time without the need for planning permission.

The scheme has been designed to provide the future occupiers of the dwelling with flexible living accommodation and private amenity space which will provide access for all and will enable future occupiers to remain in the property for longer. The scheme therefore addresses Policy GP8 criteria f) and g).

Car parking provision and effects on surrounding highway

Policies IP7 and IP9 relate to private car parking and highway safety, accessibility and capacity respectively.

The property is served by pedestrian access onto Les Croutes and a vehicular access on the junction of three roads with poor visibility to the west and south/east. Policy IP7 and the adopted Supplementary Planning Guidance relating to car parking sets out maximum parking standards. Outside of the Centres off-road parking provision is considered on a case by case basis and in this case the site is located on a road served by the local bus network and without opportunity for on-street parking due to its width. The scheme does not indicate that any covered and secure cycle storage will be provided although this could be addressed through the provision of storage within the integral garage. As such the scheme satisfies Policy IP7 with regard to parking and ways in which future occupiers can utilise alternative modes of transport.

Policy IP9 relates to highway safety and capacity. This would not change as a result of the proposed development for the replacement dwelling on a one for one basis. The proposal would introduce a second vehicular access to serve the property however this would represent an improvement over the existing situation with regard to visibility to the east and west. Although a gate is proposed to the new access it would not be set sufficient distance from the road to enable a vehicle to pull clear of the road whilst the gate is operated. Nonetheless, Les Croutes is not heavily trafficked and the proposed access arrangement will not result in the unacceptable disruption to the free flow of traffic with regard to road safety and traffic management. Overall, Policy IP9 has been addressed in this case.

Waste Management Plan and Sustainable Development

The application has been accompanied by a Waste Management Plan which is considered to be satisfactory in this case. The matter can be further controlled by planning condition.

With regard to Policy GP9: Sustainable Development, it has been demonstrated that the proposed development will comply with Building (Guernsey) Regulations 2012 and therefore has taken into account the use of energy, resources and any adverse impact on the environment.

Other matters

Concerns have been raised regarding the erection of a gate to serve the vehicular access for the replacement dwelling and reference has been made to the refusal of permission for a gate at another property. Each application must be considered on its own merits and the refusal of permission elsewhere does not set a precedent in relation to development on this site. Planning permission at Eastview was refused in 2011 and since that time the Rural Area Plan has been superseded by the Island Development Plan (2016) and therefore the current application must be assessed against the policies now in place.

A number of matters have been raised during the public consultation process on this application including concerns regarding loss of private views and devaluation of

property which are not material planning considerations and as such cannot be taken into account during assessment of the application. Some other matters raised in relation to additional development at the application site would need to be subject of a further application for planning permission, if proposed by the applicant in the future. Each planning application must be considered on its own merits and against the planning policies in place at the time.

Conclusion

It is concluded that the application does not accord with all relevant policies in the Island Development Plan and it is therefore recommended for refusal for the reasons set out above.

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

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

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

Date: 15 April 2020