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 outbuilding/store to residential dwelling including raise and alter roof height and install balcony to east elevation (Protected Building) (revised).

LOCATION: No 58A, 58 Hauteville, St. Peter Port.

APPLICANT: Mr & Mrs N Piper

I refer to the application referred to below received as valid on 02/08/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 29/06/2022

Drawing Nos: Paul Vaudin - 20-020-02D & 03D.

Application Ref: FULL/2021/1356

Property Ref: A407200000

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 siting and layout of the balcony, together with the height of the balcony and the high obscured screen along its east elevation would have a detrimental effect on the amenities of the occupiers of flat 2 by virtue of its overbearing and overshadowing effect. In addition, the revised proposal including a reduction in a section of the high privacy screen along the east elevation would have a detrimental effect on the privacy of the existing flats. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have a significant adverse effect on the amenities of neighbouring residents by virtue of its overbearing and overshadowing effect and its impact on the privacy of neighbouring properties. The proposal is contrary to Policies GP8, GP9 of the adopted 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/2021/1356
Property Ref:	A407200000
Valid date:	02/08/2021
Location:	No 58A 58 Hauteville St. Peter Port Guernsey GY1 1DQ
Proposal:	Convert outbuilding/store to residential dwelling including raise and alter roof height and install balcony to east elevation (Protected Building) (revised).
Applicant:	Mr & Mrs N Piper

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The siting and layout of the balcony, together with the height of the balcony and the high obscured screen along its east elevation would have a detrimental effect on the amenities of the occupiers of flat 2 by virtue of its overbearing and overshadowing effect. In addition, the revised proposal including a reduction in a section of the high privacy screen along the east elevation would have a detrimental effect on the privacy of the existing flats. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have a significant adverse effect on the amenities of neighbouring residents by virtue of its overbearing and overshadowing effect and its impact on the privacy of neighbouring properties. The proposal is contrary to Policies GP8, GP9 of the adopted Island Development Plan.

OFFICER'S REPORT

Site Description:

58 Hauteville is a 2½ storey building built up to the back edge of the footway to Hauteville. It is divided into five flats. The rear of the house has been the subject of significant alteration and extension. There is a rear garden/patio which has been subdivided to provide individual outdoor space for 3 of the flats. To the rear (south-east) of this the land slopes steeply away and there is a separate detached dwelling. There is a pedestrian access at the south-west end of the frontage onto Hauteville providing access to the rear and to the separate dwelling. There are existing walls along each side boundary. There is a two storey outbuilding on the western side of the garden (the subject of this application) and a separate conservatory on the eastern side.

58 Hauteville is a protected building as are both adjoining buildings and a number of others in the area. The application site is within the St Peter Port Main Centre Inner Boundary and Conservation Area.

Relevant History:

Oct 2020 to May 2021 - PREA/2020/1710 – Pre-application advice regarding convert outbuilding/store to a residential unit.

02/12/2015 – FULL/2015/2545 – Permission granted to erect dwelling at rear of existing property and carry out alterations to form new pedestrian access.

24/01/1994 – Permission granted to extend and alter dwelling to create five flats.

Existing Use(s):

Residential use class 2: flats

Brief Description of Development:

Planning permission is requested to extend and convert an outbuilding/store to create a two storey one bedroom dwelling. The proposal includes raising and altering the roof height to create a pitched roof and installing a balcony to the east elevation.

During the course of consideration the application was deferred due to concerns about the quality of the living environment of the proposed dwelling and potential changes that would be required to satisfy the Building Regulations which would further reduce the quality of the living environment. In response, revised plans have been received which seek to address the issues raised and include reducing a 3.3m section of the high privacy screen to the east elevation of the balcony to enhance the outlook from the proposed dwelling.

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

Policy MC2: Housing in Main Centres and Main Centre Outer Areas
Policy GP4: Conservation Areas
Policy GP5: Protected Buildings
Policy GP8: Design
Policy GP9: Sustainable Development
Policy IP6: Transport infrastructure and support facilities
Policy IP7: Private and Communal Car Parking
Policy IP9: Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

None

Summary of Issues:

The main issues in deciding this application are:

1. Whether the principle of new housing is acceptable.
2. The impact on the special interest of the protected building.
3. Design and impact of the development on the character and appearance of the Conservation Area.
4. Whether the development would result in a satisfactory living environment for the occupiers of the new dwelling.
5. The impact of the development on the amenity of people living in the area.

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).

Whether the principle of the housing conversion is acceptable

As set out in Policy MC2, the majority of the Island's housing supply is to be provided within and around the Main Centres. The site is located in the St Peter Port Main Centre and does not form Important Open Land. As such Policy MC2 supports the development of the site for housing where it accords with all other relevant policies of the Island Development Plan. In this case, the proposal is for a single bedroom unit of accommodation. The number of bedrooms is dictated by the limited floor space of the building. As a result the proposal provides an appropriate mix and type of dwelling whilst making an effective and efficient use of land.

The impact on the special interest of the protected building

The main building fronting onto Hauteville is a protected building. The outbuilding the subject of this application does not form part of the protected building but it is located within its setting. The proposed alterations would be sympathetic to the character and appearance of the building and would have no adverse effects on the overall special interest of the setting of 58 Hauteville.

Design and impact of the development on the character and appearance of the Conservation Area

Situated to the rear of the main building fronting onto Hauteville, the outbuilding the subject of this application is not visible from the public highway Hauteville. The proposed alterations would be sympathetic to the character and appearance of the building and would have a neutral effect on the character and appearance of the Conservation Area. The application therefore complies with Policy GP4.

Whether the development would result in a satisfactory living environment for the occupiers of the new dwelling

The health and well-being of the occupiers of the development requires consideration as set out in part (d) of Policy GP8 and explained in more detail in Annex I (Amenities).

The objective to build at high densities is to be balanced with, but not override, the need to create acceptable living environments. Although there are no rigid standards for amenity provision, the factors to be considered include internal space provision, privacy, aspect/outlook, access to external open space and daylight/sunlight.

The proposed dwelling exceeds the Guernsey Technical Standards minimum internal space standards and would exceed the best practice guidance for a one person dwelling but would be below the best practice guidance for a two person dwelling over 2 floors (proposed 50sqm, best practice guidance 58sqm). The dwelling includes glazing in the south, east and north elevations and the first floor living area would also benefit from a rooflight. The size and positioning of the fenestration is likely to provide adequate daylight and sunlight, particularly to the living area. The ground floor bedroom has the potential to have some privacy concerns although the footpath outside of the bedroom would only serve one other dwelling which would limit the potential privacy issues. High privacy screens along a section of the proposed balcony would adequately prevent intervisibility issues with windows on neighbouring properties and the living area of the dwelling would have adequate privacy levels. The first floor living area would benefit from an attractive outlook towards the coast to the south-east. The size of the outdoor space, comprising of a detached courtyard and a balcony, would be appropriate for a dwelling of this size in this central town location although the quality of the outdoor spaces would be limited by the high boundary treatments which enclose these spaces and the layout and relationship of the courtyard which is detached from the dwelling.

As a whole, although there are some deficiencies, given this central town location, the proposed dwelling would achieve a low but satisfactory quality residential environment for future occupiers, in accordance with Policy GP8.

<u>The impact of the development on the amenity of people living in the area</u>
General material consideration (i) requires the Authority to consider the likely effect of the development on the reasonable enjoyment of neighbouring properties. In addition, Policy GP8 requires consideration to be given to the health and well-being of both the occupiers and neighbours of the development and Policy GP9 requires new development to demonstrate that it would not have an unacceptable impact on the amenities of neighbouring properties.

The proposed balcony would almost extend out to the south-west boundary fence along the amenity area of flat 2. The siting and layout of the balcony, together with the height of the balcony and the high obscured screen along its east elevation would have a detrimental effect on the amenities of the occupiers of flat 2 by virtue of its overbearing and overshadowing effect. In addition, the revised plans include the reduction in a section of the high privacy screen along the east elevation to improve the outlook and quality of the residential environment of the proposed dwelling. However, this has a corresponding detrimental effect on the privacy of the existing flats. Although the high screen could be reinstated along the entire length of the east elevation of the balcony to address privacy issues, as was originally proposed, this would not resolve the detrimental effect of the balcony on the amenities of the occupiers of flat 2 by virtue of its overbearing and overshadowing effect and it would have a significant detrimental effect on the outlook and overall quality of the living environment of the proposed

dwelling. As a result, it is concluded that the proposal does not achieve a good standard of design and it would have a significant adverse effect on the amenities of neighbouring residents by virtue of its overbearing and overshadowing effect and its impact on the privacy of neighbouring properties. The proposal is contrary to Policies GP8, GP9 of the adopted Island Development Plan.

Other Matters

No on-site car parking is available but considering its central town location and the nature of the development, on-site car parking would not be necessary in this instance. However, as set out in the Parking Standards Supplementary Planning Guidance, secure covered bicycle storage is required for the proposed dwelling. Further information would be required to demonstrate how this would be provided but as the proposal is not otherwise acceptable this has not been reviewed further at this stage.

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

It is recommended that the application is refused.

Date: 29/06/2022