

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 balcony at 1st floor level to north-east (side) elevation.

LOCATION: Portland, 44 Domaine De Beauport, Hauteville, St. Peter Port.

APPLICANT: Mr J N Van Leuven

I refer to the application referred to below received as valid on 24/09/2021 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 17/11/2021

Drawing Nos: Courtillet Design - 20-649 11A

Application Ref: FULL/2021/2135

Property Ref: A40671A044

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 development would not conserve or enhance the character or appearance of the Conservation Area or the character of the local built environment due to the introduction of the balcony which features strongly horizontal proportions and which would thereby negatively contrast with the vertical proportions of the existing buildings and predominant fenestration patterns of the surrounding Conservation Area, in conflict with the relevant provisions of Island Development Plan Policies GP4 and GP8(c).

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



PLANNING APPLICATION REPORT

Application No: FULL/2021/2135
Property Ref: A40671A044
Valid date: 24/09/2021
Location: Portland 44 Domaine De Beauport Hauteville St. Peter Port
Guernsey GY1 1DL
Proposal: Erect balcony at 1st floor level to north-east (side) elevation.
Applicant: Mr J N Van Leuven

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development would not conserve or enhance the character or appearance of the Conservation Area or the character of the local built environment due to the introduction of the balcony which features strongly horizontal proportions and which would thereby negatively contrast with the vertical proportions of the existing buildings and predominant fenestration patterns of the surrounding Conservation Area, in conflict with the relevant provisions of Island Development Plan Policies GP4 and GP8(c).

OFFICER'S REPORT

Site Description:

The property known as 'Portland' is a four and a half storey town house, which is located at the north-eastern end of the row of houses known as Domaine de Beauport. Its elevated position results in it forming a prominent feature. The property is surrounded by the rear gardens of several Protected Buildings. The property is located within a Main Centre and a Conservation Area as defined in the Island Development Plan.

Relevant History:

FULL/2020/1248 - Erect four storey extension with second floor Juliet balcony to north-east (side) elevation and extend raised patio area to south-east (rear) of property – Approved July 2021.

FULL/2014/3089 - Erect extension extending to three floors, with basement, on north-east side – Approved May 2015. The extension was not built.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to erect a balcony at first floor level on the northeast elevation.

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

GP4 – Conservation Areas

GP8 – Design

GP9 – Sustainable Development

GP13 – Householder Development

Representations:

None

Consultations:

None

Summary of Issues:

- Design of the development.
- Impact of the development on the character and appearance of the area.
- Impact of the development on neighbouring properties.

Assessment against:

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 as set out in 2 below.

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

Policy GP4: Conservation Areas will support proposals for development where the development conserves and, where possible, enhances the special character of the particular Conservation Area. Policy GP8 states proposals should achieve a high standard of design which respects and where possible enhances the character of the environment. Policy GP13 supports development where there are no significant adverse effects on the amenities of neighbouring properties.

‘Portland’ forms one of what appears as a terrace of modern houses designed in a traditional manner and located on the St Peter Port skyline. They are prominent in long distance views from a number of locations in the town. The houses are of consistent

form and appearance and the terraced buildings feature a staggered ridge line as they follow the land levels. The recently approved extension would continue the line of these buildings and would step down in a similar way, presenting as subservient to the main building. As such, it would appear as a continuation of the terrace and would therefore have a limited visual impact.

One of the main contentions about the recently approved application was the horizontal emphasis of the second floor fenestration (with Juliet balcony), and how these elements would impact on the character and appearance of the conservation area when read in context with the townscape. The assessment concluded that without the additional horizontal element of a balcony, the fenestration and Juliet balcony would have a generally neutral impact on the conservation area and the application was approved.

This application is now requesting a balcony, which would add in a substantial and visually obvious way to the horizontal element which has just been described, and by virtue of which would cause significant adverse impacts on the special quality, character and appearance of the conservation area.

Therefore, because the proposals introduce an element with horizontal proportions which would not respect the character and appearance of the high solid/void ratio and vertical proportions of the existing buildings and fenestration pattern, the development as now proposed would have a negative impact on these elements and in turn would detract from the Conservation Area. As such, the proposal would not comply with IDP Policy GP4 or Policy GP8(c) and therefore it is recommended that the application be refused.

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

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. Where relevant the issues are considered in section 2 above.

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

The proposal would have no impact on Protected Buildings, Trees or Monuments or on SSS's.

Date: 10/11/2021