

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 dwelling, erect 2 dwellings and landscaping. Infill and alter existing vehicle access, create new vehicle access and field access.

LOCATION: Les Trois Quartiers, Route De Cobo, Castel.

APPLICANT: Mr P Payne

I refer to the application referred to below received as valid on 21/02/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 13/05/2022

Drawing Nos: PF+A Ltd - 7096-03 B1, B2 & B3.

Application Ref: FULL/2022/0444

Property Ref: D013720000

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 orientation and location of the development, its two-storey nature, level of hardstanding and site topography does not demonstrate a good standard of architectural design. The development would have an adverse impact on the openness of the area to the north and east of the site and does not take the opportunity to revisit the siting of the development in the interests of significant enhancements to sustainable development as the proposed development does not seek to maximise natural solar gain for the proposed accommodation.

The amenity space associated with both dwellings would be undermined by vehicles using Route de Cobo and the proposed access to the south of the site detrimental to the amenities that can be reasonably enjoyed by future occupiers. The scheme is therefore contrary to Policies OC1 v. OC1 iv., GP1 c., GP8 a., b., c., d. and e. and GP9 a. of the Island Development Plan.

2. The proposed development, as proposed, by virtue of the increase in the overall volume, would result in a scheme that does not represent a redevelopment scheme

that is of broadly the same volume as the approved subdivision scheme and is therefore contrary to Policy OC1 ii. 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



PLANNING APPLICATION REPORT

Application No: FULL/2022/0444
Property Ref: D013720000
Valid date: 21/02/2022
Location: Les Trois Quartiers Route De Cobo Castel Guernsey GY5 7UP
Proposal: Demolish dwelling, erect 2 dwellings and landscaping. Infill and alter existing vehicle access, create new vehicle access and field access.
Applicant: Mr P Payne

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed orientation and location of the development, its two-storey nature, level of hardstanding and site topography does not demonstrate a good standard of architectural design. The development would have an adverse impact on the openness of the area to the north and east of the site and does not take the opportunity to revisit the siting of the development in the interests of significant enhancements to sustainable development as the proposed development does not seek to maximise natural solar gain for the proposed accommodation.

The amenity space associated with both dwellings would be undermined by vehicles using Route de Cobo and the proposed access to the south of the site detrimental to the amenities that can be reasonably enjoyed by future occupiers. The scheme is therefore contrary to Policies OC1 v. OC1 iv., GP1 c., GP8 a., b., c., d. and e. and GP9 a. of the Island Development Plan.

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OFFICER'S REPORT

Site Description:

Les Trois Quartiers is a detached dwelling situated on a sloping site to the east of Route De Cobo. It is a one and a half-storey building which has been extended. Vehicular access serving the dwelling is located to the south of the property and a second access which falls within the domestic garden of the site is situated to the north of the dwelling and the track running east to the one and a half-storey cottage element of the building also falls within the recognised garden of Les Trois Quartiers. The pool house is situated

to the east of the main building, adjacent to the parking/turning area that serves the property.

Land to the north of the site is open and undeveloped agricultural land and an area of open land is situated to the east of the pool and pool house.

The site is located Outside of the Centres and within an Agriculture Priority Area.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

01 dwellinghouse

28 agriculture

Brief Description of Development:

The application relates to the demolition of Les Trois Quatiers and the erection of two detached dwellings projecting east into the site. The scheme proposes dwellings with granite, zinc and timber clad exteriors and aluminium windows. Each dwelling proposes open plan living accommodation, utility room, study and WC on the ground floor and three bedrooms at first floor level, one en-suite and one family bathroom. A new shared vehicular access adjacent to the north site boundary will offer access to two off-road parking spaces per dwelling. External amenity space is proposed to the south of the dwellings and incorporates a timber shed for use as secure and covered cycle storage.

The scheme has been accompanied by a Site Waste Management Plan and Sustainability Statement.

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

IP6: Transport infrastructure and support facilities

IP7: Private and Communal Car Parking

IP9: Highway Safety, Accessibility and Capacity

Representations:

La Societe Guernesiaise – draw attention to the fact that the buildings could be used by roosting bats. This part of the island was found to be important for bats in the 2021 Bailiwick Bat Survey and it is recommended that the buildings be inspected by an

appropriately qualified person for current/recent use by bats or other wildlife prior to demolition works. This would reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance, 2012. Measures to support roosting bats and nesting birds are also recommended as part of the redevelopment proposals.

Consultations:

Traffic and Highway Services – commented on the previous proposal for a new access to the south of the site. The approved scheme saw the replacement of the main access with an access approximately 15m to the South East with a 4.2m wide bell-mouth (access width at the pavement edge being 7m). THS are satisfied that the available visibility splay from the new access would enable sightlines of 33m in the direction of both oncoming and approaching vehicles and that the proposed field gate at the secondary access will not impact on the existing sightlines, or have a detrimental effect on traffic movements in the road, as vehicles enter or egress the field via a gated entrance.

The site is situated in Route de Cobo, Castel. The road is classified as a Traffic Priority Route within the Traffic Management hierarchy. A speed limit of 35mph applies past the site. Therefore, a recommended sightline of 33m would apply.

The carriageway outside the site is 5.5m wide with a 1.2m pedestrian pavement outside the site.

The site is served by two existing accesses: The main access which serves the driveway and shared parking area is 5.7m wide and bounded by two low granite walls which are below 900mm in height. Sightlines in both directions from this access exceed the recommended standard. The secondary access serves the field to the North of the cottages and enables access to the rear of the cottages. Sightlines from this access also exceed the recommended standard in both directions.

Summary of Issues:

The key issues in this case relate to the principle of demolishing the existing building and the erection of two dwellings on the site, the future living environment of occupiers of the development, the design and appearance of the proposed dwellings and their likely effect on the character and amenity of the locality and the potential impact on residential amenity and the impact of the development on the local area with regard to residential amenity and road capacity.

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.

Principle of demolition and rebuild

Policy OC1 offers support for the demolition and redevelopment of a building that meets the aims of the earlier subdivision aspect of the policy without the need to implement a subdivision planning permission. Planning permission was granted under application reference FULL/2018/2912 for the subdivision of the existing dwelling into two residential units, Les Trois Quartiers (dwelling A) and Cottage (dwelling B) (expired 06/03/2022 however this application was submitted as a valid application before that date). The application to construct two new dwellings, following the grant of permission for the subdivision of an existing building to two dwellings, therefore accords with OC1 i. and ii.

The location of the site is such that the existing property, given the open nature of the site to the south, is prominent in the streetscene however, the building has been substantially extended and altered over time. The existing building is not therefore, considered to make a particular positive contribution to the character of the area. The contemporary appearance of the proposed dwellings would make an equal contribution to the character of the area in accordance with OC1 iii.

Floorspace and volume

As originally submitted the application was not accompanied by information that seeks to demonstrate that the development would be of broadly the same floorspace and volume as the approved conversion scheme. This information was subsequently provided and set out that the existing floor area of the dwellings is 333.7sqm with a proposed floor area of 387.7 sqm representing a 16% increase in floor area whilst the volume is confirmed to be 1114.5 m3 at present with a proposed volume of 1527.76 m3. Given the 37% increase in the volume of the proposed dwellings the scheme does not accord with OC1 ii.

Landscape character and openness of an area

The application submission makes reference to the new dwellings being set further back from the road than the existing house and that they carefully consider the slope of the site and the surrounding area.

On the whole, residential development in the vicinity is frontage development with the majority of properties facing Route De Cobo. The scheme does not maximise the opportunities this largely undeveloped site offers and opts to turn away from the road frontage pushing development eastward on the site, impacting on the openness of the locality.

At present, the dwelling adjacent to the road is set down into the site with basement storage/garaging and the scheme shows levels raised in this part of the site but with levels lower than the road. The existing, as approved dwellings, project into the site with dwelling A adjacent to but set back from the road and dwelling B occupying a set back

position on the site, without a road frontage. Unit 1 as proposed would largely occupy the footprint of the existing building on the site whilst Unit 2 would be set further from the north boundary than the existing building and pushed away from the common boundary with its proposed neighbour, thereby occupying very little of the footprint of the approved scheme. The existing poolhouse building, to the east of the site is a single-storey flat roof building which has limited impact on the wider landscape character of the area.

Although the proposed scheme, to some degree, mirrors the existing layout of the site, the erection of replacement dwellings through Policy OC1 provides an opportunity to revisit the siting of dwellings (for sustainability and character/openness benefits) and should not be constrained by the existing site layout. Paragraph 16.1.10 outlines that there is potential to relocate a structure on the site or to use sustainable techniques to achieve enhancements that would not be possible through subdivision alone.

The combination of the proposed two-storey development projecting into the site with rising topography resulting in the rearward dwelling projecting above the height of the frontage dwelling, will have a detrimental impact on visual access to open and undeveloped land. By adopting this site layout the scheme does not leave the eastern part of the site undeveloped in order to contribute to the openness of the area when considering the open and undeveloped land to the north and east of the site. The scheme is therefore contrary to Policy OC1 v. (impact on the character or openness of an area), GP8 c. (respect the character of the open landscape) and GP1 criterion c. (opportunities to improve visual access to open and undeveloped land).

Design

The contemporary design of the dwellings proposed represents a good standard of architectural design that will respect the local built environment and with soft landscaping that would be appropriate in this location and which should help assimilate the development to its surroundings. Matters relating to external materials and landscaping can be controlled by condition where necessary.

The scheme has been developed to provide occupiers with adequate sunlight and daylight (GP8). The open plan layout of the ground floor accommodation is such that it offers flexible and adaptable accommodation that can respond to the needs of occupiers over time. There would also be the opportunity to construct extensions to these dwellings (exempt development/through a planning application) which would further enhance the accommodation available for future occupiers. As submitted the scheme would also offer accessibility to and within the ground floor area of the buildings in line with Policy GP8.

OC1, GP8 and GP9 all relate to residential amenity and consideration must also be given to the future living environment of occupiers of the development. The size of the plot and its relationship with surrounding existing dwellings is such that the proposal will not result in overshadowing or loss of light to adjoining neighbours. Although the accommodation is two-storey where the existing building is one and a half, the topography of the site and surroundings and the relationship of the dwellings to those

outside the site is such that the scheme will not result in unacceptable overlooking and loss of privacy to the occupiers of adjoining dwellings.

The scheme has been developed to manage the potential for overlooking and loss of privacy between the two dwellings on the site by limiting fenestration in the east and west elevations. Primary outlook is to the north and south and the distance between the two dwellings is such that whilst some mutual overlooking of external amenity space may occur this would remain within acceptable limits.

The two-storey buildings proposed represent efficient and effective use of land however, the scheme does not seek to make improvements over the existing situation or approved conversion scheme in terms of the use of land because a significant area, both to the north and south of the dwellings, has been given over to hardstanding for accesses and off-road parking. Although the hardstanding can, by condition, be required to be permeable to represent a more sustainable form of development the application submission does not specifically address this.

Whilst planning permission has previously been granted for a vehicular access to the south of the site the access serves little purpose for the current proposal as the designated parking for the two dwellings is to the north of the site. The purpose of the proposed access relates to a possible future proposal for the development to the rear (subject of a separate application to be considered against the relevant planning policies at that time). As a result, the proposed extent of hardstanding across the site appears excessive, and whilst may not significantly differ from the existing arrangements, does not show consideration for efficient use of land, sustainable design and development and is contrary to Policies GP8 b. (efficient and effective use of land), e. (hard landscaping that contributes to more sustainable construction), GP9 a. (use of energy and resources) and OC1 iv. (enhance sustainable design).

Although the scheme provides an adequate area of amenity space to serve each dwelling this would be affected, in the case of both properties, by vehicle movements. As the application has been designed with development in depth rather than addressing the street frontage the enjoyment of the garden associated with unit 1 would be compromised by traffic on Route de Cobo and the access proposed to the south which may serve both/either dwellings proposed and which may access a future residential development should a future application be granted permission. The enjoyment of the garden of unit 2 would also be compromised by the shared access proposed to the south which could serve between 1 and 3 dwellings subject to planning permission. This aspect of the scheme therefore fails to comply with Policy GP8 d. (provision of private amenity space).

Sustainable Development

The application has been supported by a Sustainability Statement setting out that the dwellings have been positioned/orientated and with fenestration to maximise natural sunlight and light without overshadowing from other buildings whilst maximising the available roof area for PV cells. The scheme also refers to the provision of electric charging points. Attention is drawn in the submission to the reuse of materials (concrete

for hardcore and salvaged Cobo granite for the exterior of the new dwellings/landscaping). The scheme is proposed to achieve excellent air tightness with continuous air tight barriers. The information contained in the sustainability report goes some way to addressing how the scheme can offer sustainable design with regard to Policy GP9 however, the buildings have been designed with principal accommodation facing north and south with little in the way of fenestration (for light and natural ventilation) in the east and west elevations. As a result, bedroom 1 and the kitchen and study accommodation all face north which does not offer good natural solar gain to these parts of the building.

The introduction of flat roof rooflights over the kitchen and dining area manages the potential for overlooking and loss of privacy between the dwellings and will offer natural light but, overall, the lack of fenestration in the east and west elevations and roofslopes does not demonstrate that the scheme will maximise opportunities for solar gain. The scheme is considered to be contrived and does not satisfy OC1 criteria iv. (significantly enhance sustainable design), GP8 a. (good standard of design) and GP9 a. (designed paying particular regard to location and orientation to take into account the use of energy and resources).

The Waste Management Plan is considered satisfactory in this particular case and further details could be controlled by condition.

Other matters

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

The application form and block layout plan indicate that at least two off-road parking spaces would serve each dwelling which is considered satisfactory in this location. Therefore the aims of Policy IP7 have been satisfied in this respect. The application does not specifically refer to permeable paving and it would be appropriate for this matter to be managed by planning condition should permission be granted.

Timber sheds are proposed which can offer secure and covered cycle storage to address the requirements of Policy IP6.

There have been no changes in the policies against which the access to the south of the site and the field access gate would be considered. They were considered to provide safe vehicular accesses to the site with regard to Policy IP9 when considered in 2018 and this remains the case in connection with this application. A new access for parking north of the proposed dwellings is also now proposed which demonstrates good visibility onto Route de Cobo with adequate space on site for turning to allow vehicles to exit the site in a forward gear meeting the aims of Policy IP9 of the Island Development Plan.

Conclusion

In view of the above therefore, the scheme is recommended for refusal.

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: 13 May 2022