

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: Install dormer window to north (rear) elevation, internal alterations and remove section of wall to widen vehicle access (Protected Building).

LOCATION: Eden Place, La Garenne Road, Vale.

APPLICANT: Dr L Brook

I refer to the application referred to below received as valid on 28/02/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 11/10/2022

Drawing Nos: Jason Hobbs Architectural Services - 6248/A/1.

Application Ref: FULL/2022/0504

Property Ref: C017240000

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 dormer window to the north elevation will have a negative effect on the appearance and special interest of the Protected Building that is not outweighed by the reasonable aspiration of the property owner and/or the contribution the development might make to the social and economic objectives of the States of Guernsey. The application is therefore contrary to Policy GP5: Protected Buildings.
2. The rear elevation of this Protected Building is prominent within the Conservation Area and the proposed dormer window by virtue of its position, scale and design would have a negative effect on the character and appearance of the Conservation Area, contrary to Policy GP4: Conservation Areas

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/2022/0504
Property Ref: C017240000
Valid date: 28/02/2022
Location: Eden Place La Garenne Road Vale Guernsey GY3 5SO
Proposal: Install dormer window to north (rear) elevation, internal alterations and remove section of wall to widen vehicle access (Protected Building).
Applicant: Dr L Brook

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed dormer window to the north elevation will have a negative effect on the appearance and special interest of the Protected Building that is not outweighed by the reasonable aspiration of the property owner and/or the contribution the development might make to the social and economic objectives of the States of Guernsey. The application is therefore contrary to Policy GP5: Protected Buildings.
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OFFICER'S REPORT

Site Description:

The property known as 'Eden Place' is a Protected one and a half storey pre-1900 dwelling which is sited 90 degrees from the road with the gable end directly facing west onto La Garenne Road. The house faces north and there are neighbouring properties to the north and south, to the east across the road is part of L'Ancrese Common, a Site of Special Significance, and to the west other residential properties. The property is located Outside of the Centres and within a Conservation Area as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to install a rear dormer window to the north elevation, with some internal alterations. Remove a 710mm section of roadside boundary wall, to increase the vehicular opening to 3665mm.

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

GP4: Conservation Areas
GP5: Protected Buildings
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 Conservation Area.
- Impact of the development on the special interest of the Protected Building.

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.

The Authority has a duty under Section 38 of The Land Planning and Development (Guernsey) Law, 2005 to pay *“special attention to the desirability of preserving and enhancing the character and appearance”* of Conservation Areas.

This duty is encapsulated in Policy GP4: Conservation Areas of the IDP which states that *“proposals for development within a Conservation Area will be supported where the development conserves and, where possible, enhances the special character, architectural or historic interest and appearance of the particular Conservation Area.”*

Policy GP5 states that it is the duty of the Authority to ensure the special interest, including the special character, features and setting, of a protected building are preserved in a manner that is proportionate to its special interest. Applicants will be expected to demonstrate an understanding of the special interest of the protected building so that it can be taken into consideration at the outset of the design and development process and, wherever possible, any negative effects on the special interest can be avoided.

The covering letter includes a short Statement of Significance (SoS), which broadly describes the building and when it was protected. The SoS does not study the parts of the protected building that will be affected but does describe the effect the development will have on the fabric of the Protected Building. The SoS fails to consider the effect the development, and in particular the dormer window, will have on the appearance of the Protected Building.

The north elevation of this protected building (dated approx. 1880) includes a pitched roof that extends over a larger footprint than would normally be expected for a traditional building. This results in a roof form with two pitches – a steep pitched roof to the south elevation and a slightly shallower pitch to the north elevation comprising a large area of roof, which includes three modern rooflights that are flush with the roof finish. This simple, albeit large roof, forms part of the appearance of the protected building and thus part of its special interest.

The north elevation is visible from numerous locations in the immediately vicinity, where it is viewed obliquely.

The application was deferred to seek alternatives, this resulted in an informal drawing showing a catslide dormer, in addition to the formally submitted drawing for a flat roof dormer. Although both of these have been assessed, as below, the plans submitted and thus determined are based only on the flat roof dormer.

The flat roof dormer.

In elevation this dormer appears to sit comfortably within the roof plan. However, when viewed obliquely, the side elevations will be visible and the dormer will appear to be very large within the roof plane. Furthermore, a flat roofed dormer will not be typically found on a late Victorian building. Principally due to the size of the dormer, but also its flat roof, this option will have a substantial effect on the appearance and thus the special interest of this protected building.

The catslide dormer.

This is larger than the flat roof dormer, so the effect on the appearance would be greater. The effect on the appearance of this protected building would also be substantial.

Policy GP5 requires any negative effects on the special interest of a protected building to be balanced against the reasonable aspirations of the protected building's owner, as well as the economic and social objectives of the States of Guernsey. The information to

support the application explains the physical alterations to the building and their benefits to the owner, but not why they are necessary.

The dormer window will help to create an ensuite bathroom and a larger landing area that is illustrated as being used as a workplace. This will not specifically contribute to a social or economic objective of the States of Guernsey. The creation of an ensuite bathroom (in addition to a bathroom at first floor level), together with an area that can be used for work might be an aspiration of the property owner but given its substantial effect on the overall special interest of the Protected Building this is not a reasonable aspiration. Therefore the negative effect on the overall special interest of the protected building is not outweighed by the benefits and/or the reasonable aspiration of the property owner. This part of the application is therefore contrary to IDP Policy GP5.

In addition to the above, the introduction of the dormer (both flat roof and catslide) will be visible in public views. Due to its size, position and design this will have a negative effect on the character and appearance of the Conservation Area, contrary to Policy GP4.

The application includes the partial demolition of the front boundary wall to widen the vehicle access. The boundary wall is not part of the Protected Building. However, it is a traditional stone wall that forms part of the character and appearance of the Conservation Area. The effect of removing approx. 710mm of this wall on the Conservation Area and setting of the Protected Building would be negligible. Therefore, it is considered that this part of the application would comply with policies GP5 and GP4.

However, in this instance, the recommendation is one of refusal due to the negative effect of the dormer window on the appearance of the Protected Building and Conservation Area.

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 Trees or Monuments or on SSS's.

Date: 11/10/2022