

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 detached garage, erect 1.5 storey extension with link at first floor level to west (side) elevation, infill window and install rooflight to north (rear) elevation.

LOCATION: The Barn, L'Heritage Des Monts, Les Petils, Bordeaux, Vale.

APPLICANT: Mr & Mrs G Van-Katwyk

I refer to the application referred to below received as valid on 27/04/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 28/11/2022

Drawing Nos: ArcTech Freelance Architecture: GVK-22-1065-02C & -03C.

Application Ref: FULL/2022/0748

Property Ref: C00439A001

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 has an overbearing and unneighbourly relationship with the adjacent property to the south known as L'Heritage Des Monts, and if approved, would result in an unacceptable degree of overlooking. In its current form, the proposal would result in a substandard relationship with the neighbouring property and would unduly compromise the amenities of future neighbouring residents and therefore does not represent 'good' design for the purposes of Policy GP8.

Consequently, the proposal is considered to have a significant detrimental effect on the amenities of neighbouring residents, by virtue of the extent of overlooking from the first floor fenestration and terrace, together with its proximity to the boundary, which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met. The development would be contrary to Island Development Plan Policies GP8 and GP13.

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/2022/0748
Property Ref: C00439A001
Valid date: 27/04/2022
Location: The Barn L'Heritage Des Monts Les Petils Bordeaux Bordeaux
Vale Guernsey GY3 5NB
Proposal: Demolish detached garage, erect 1.5 storey extension with link
at first floor level to west (side) elevation, infill window and
install rooflight to north (rear) elevation.
Applicant: Mr & Mrs G Van-Katwyk

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development has an overbearing and unneighbourly relationship with the adjacent property to the south known as L'Heritage Des Monts, and if approved, would result in an unacceptable degree of overlooking. In its current form, the proposal would result in a substandard relationship with the neighbouring property and would unduly compromise the amenities of future neighbouring residents and therefore does not represent 'good' design for the purposes of Policy GP8.

Consequently, the proposal is considered to have a significant detrimental effect on the amenities of neighbouring residents, by virtue of the extent of overlooking from the first floor fenestration and terrace, together with its proximity to the boundary, which is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met. The development would be contrary to Island Development Plan Policies GP8 and GP13.

OFFICER'S REPORT

Site Description:

The application site, known as The Barn, comprises a detached dwellinghouse with a detached garage to the west. The dwelling was once a barn associated with the neighbouring property to the south known as L'Heritage Des Monts, for which planning permission was granted in the late 1990s to convert the barn into an independent unit of accommodation.

The façade of The Barn faces south, directly towards the neighbouring property and features fenestration at ground floor level, with small rooflights above. The property is served by a vehicle access which runs between the house and garage.

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

Relevant History:

FULL/2017/0909	Replace window with door and erect balcony on north elevation.	Granted
FULL/2014/0513	Relocate garage door from south to north elevation and install windows to south elevation.	Granted
PAPP/1999/1991 C00439A000	Convert barn to a dwelling	Granted
PAPP/1998/3420	Demolish barn and erect a dwelling.	Refused
PAPP/1996/5178	Convert barn to dwelling.	Granted
PAPP/1996/3236	Conversion of barn to dwelling.	Refused

Existing Use(s):

Residential

Brief Description of Development:

Planning permission is sought to demolish a detached garage and erect a 1.5 storey extension with link at first floor level to the west (side) elevation and infill a window and install rooflight to the north (rear) elevation. The application features a projecting pitched roof, gable window and terrace area to the south, and a gable window to the west.

The application was deferred as concerns were raised with regards to the effect of the development on the amenities of neighbouring residents, particularly at first floor level serving the bedroom and reading room. In response, the agent has provided further information concerning the proposed works.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

- The impact of the development on neighbour amenity.

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).**

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.

The extent and orientation of glazing at first floor level relative to the neighbour's outdoor and internal amenity space, the inclusion of a terrace area, together with its close proximity to the neighbouring boundary (approx. 2m), all leads to the conclusion that the development would increase the degree of overlooking to an unacceptable level.

Whilst it is recognised that the harm to the current owner would be negligible due to the current family arrangement as set out in the agent's supporting information (dated 27th July 2022), it is necessary to consider the relationship between both properties should one owner, or both owners, change in the future to ensure the amenity of future occupiers is not compromised.

Whilst it is also acknowledged that any future occupier of either property would recognise the relationship between both properties at the time of purchasing, the degree of overlooking and overbearing relationship as a result of the extension, would lead to an unneighbourly development which is sufficient to rebut the general support in favour of householder development (Policy GP13).

Consequently, the proposal is considered to have a significant detrimental effect on the amenities of future occupiers of the neighbouring property (L'Heritage Des Monts), by virtue of the extent of overlooking from the first floor fenestration and terrace, together with its close proximity to the boundary. The degree of harm is sufficient to rebut the flexibility afforded to householders so that reasonable development aspirations can be met (Policy GP13). The development would be contrary to Island Development Plan Policies GP8 and GP13.

For the reasons set out above, it is recommended that planning permission is refused.

Date: 28/11/2022

