

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 outbuilding/glasshouse, erect outbuilding/workshop to south boundary and remove section of roadside wall to widen vehicle access.

LOCATION: Flint Cottage, Portinfer Road, Vale.

APPLICANT: Mr G Massy

I refer to the application referred to below received as valid on 07/04/2022 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: Lovell Ozanne & Partners Ltd: AA70-10577-S1-01, 02A, 03A & 04A

Application Ref: FULL/2022/0904

Property Ref: C024570000

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 introduction of an outbuilding/workshop of the proposed scale and design associated with a residential dwelling-house would be at odds with the surrounding built environment along Portinfer Road, to the detriment of the character and appearance of the surrounding area, by virtue of its scale, mass and design. The proposal does not represent 'good' design for the purposes of Policy GP8. In its current form, the development 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.

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/2022/0904
Property Ref: C024570000
Valid date: 07/04/2022
Location: Flint Cottage Portinfer Road Vale Guernsey GY6 8LG
Proposal: Demolish outbuilding/glasshouse, erect outbuilding/workshop to south boundary and remove section of roadside wall to widen vehicle access.
Applicant: Mr G Massy

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The introduction of an outbuilding/workshop of the proposed scale and design associated with a residential dwelling-house would be at odds with the surrounding built environment along Portinfer Road, to the detriment of the character and appearance of the surrounding area, by virtue of its scale, mass and design. The proposal does not represent 'good' design for the purposes of Policy GP8. In its current form, the development 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.

OFFICER'S REPORT

Site Description:

The application site comprises a semi-detached dwelling-house located to the east of Portinfer Road. The property is served by a garage and outbuilding/glasshouse to the rear of the dwelling, located adjacent to the south boundary.

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

Planning permission was granted in 2020 to change the use of agricultural land to domestic garden (FULL/2020/0562). The change of use of land includes the outbuilding/glasshouse to the rear.

Relevant History:

PREA/2021/1136	Demolish workshop/green house and erect new workshop and widen existing entrance to property.	Pre application advice
PREA/2020/1296	Change of workshop door	Pre application advice
FULL/2020/0562	Change of use of agricultural land to domestic garden.	Granted

Existing Use(s):

Residential.

Brief Description of Development:

Planning permission is sought to demolish the outbuilding/glasshouse and erect an outbuilding/workshop adjacent to the south boundary, to the rear of the dwelling.

The application also includes removing a section of the roadside wall to widen the vehicle access and creating parking provision to the front of the property.

The application was deferred over the size of the proposed outbuilding/workshop to the rear of the site (approximately 32m length x 9m wide x 6m high) and its limited association to a domestic ancillary structure by virtue of its size. It was strongly advised that the structure be significantly reduced in size that is more proportionate and closely related to the existing domestic buildings on site.

The agent noted that the original structure may have appeared large, although the applicant wished to maximise the storage potential for his vehicle collection and associated vehicle spare parts and equipment within a structure supplied from the UK.

The agent has reduced the size of the structure noting that the original structure had an internal volume of approximately 1,496m³, with the amended scheme incorporating an internal volume of 916m³. The agent has noted that the volume of the structure has been reduced by 39% from the original application.

It is also noted by the agent that the existing structure has been in use as a domestic car workshop/garage/store for over 30 years prior to purchasing the property, and in advance of the recent permission to change the use of the land from agriculture to domestic curtilage (FULL/2020/0562). An immunity certificate was also issued in 2018 during the purchase of the property.

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

GP8 Design
GP9 Sustainable Development
GP13 Householder Development

Representations:

None received.

Consultations:

The Office of Environmental Health and Pollution Regulation's comments:

"I have reviewed the proposed plans which include the erection of a workshop which were received by post on 22nd June and there are a number of issues of concern that I must raise. I am concerned about the potential for noise nuisance to arise and as such would recommend that the following conditions are attached to the consent:

- *Industrial plant and machinery (including the compressor, the tyre machine and if the car lift) shall be operated in the building only while all doors and windows remain closed.*
- *The compressor, the tyre machine and the car lift shall only be used between the hours of 8am and 6pm Monday – Friday and 8am and 1pm on Saturdays. There shall be no use of the compressor, the tyre machine or the car lift on Sundays or bank / public holidays.*
- *Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.*
- *If, during development, contamination is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.*

I would be grateful if these issues are considered during the determination of this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter."

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the development is acceptable.
- The impact of the development on the character and appearance of the area.

- 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.

Despite the amendments made to the scheme following the deferral of 25th August 2022, concerns still arise about the size of the structure.

The size of the revised structure is approximately 28m length x 7.8m wide x 8m high. Consequently, the structure is more akin to a commercial building associated with an industrial use class, rather than a domestic property. The material palette is also reflective of an industrial building.

It is therefore considered that the proposed outbuilding/workshop would fall outside the scope of Policy GP13 (Householder Development) by virtue of its overall design, including its scale, mass, form, siting and materials. The proposal would represent inappropriate development to the rear of a domestic property as it does not respect the character of the local built environment (Policy GP8) associated with residential properties. In addition, the overall bulk and size of the structure would be overbearing to the amenities of neighbouring residents.

Other matters:

The potential use of the structure could be conditioned accordingly in line with the comments from the Office of Environmental Health and Pollution Regulation, if the size of the structure were to be reduced.

Furthermore, the development to the front of the property would also be acceptable in principle under policy, subject to appropriate conditions.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

Subject to 'scaling-back' the workshop/outbuilding, and addressing the design and appearance, the proposal has the potential to be supported under policy.

Conclusion:

In its current form, the application is not considered to comply with the relevant Island Development Plan policies; it is therefore recommended that planning permission be refused.

Date: 11/10/2022