

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 single storey link extension and first floor extensions to the north and west elevations.

LOCATION: Le Bouvee De Haut, Le Frie Baton, St. Saviour.

APPLICANT: Mr & Mrs A Flouquet

I refer to the application referred to below received as valid on 17/06/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 12/10/2022

Drawing Nos: Jason Hobbs Architectural Services - 6284/A/1a & 2.

Application Ref: FULL/2022/1312

Property Ref: E009740000

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. Development that has been designed to relate well to its surroundings can make a positive contribution to the character of an area, however, in this case the proposals are poor in design, overbearing and dominant in scale and there is a lack of coherence of fenestration between the extension and the originally approved dwelling.

Although the scheme would not have any overlooking impacts on the north neighbouring property the massing of the extension is overbearing in such a prominent location. The proposals would have a detrimental impact on the character and appearance of the area as well as on neighbour amenity.

The proposals do not comply with parts a) or c) of Island Development Plan Policy GP8.

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/2022/1312
Property Ref: E009740000
Valid date: 17/06/2022
Location: Le Bouvee De Haut Le Frie Baton St. Saviour Guernsey GY7 9PJ
Proposal: Erect single storey link extension and first floor extensions to the north and west elevations.
Applicant: Mr & Mrs A Flouquet

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. Development that has been designed to relate well to its surroundings can make a positive contribution to the character of an area, however, in this case the proposals are poor in design, overbearing and dominant in scale and there is a lack of coherence of fenestration between the extension and the originally approved dwelling.

Although the scheme would not have any overlooking impacts on the north neighbouring property the massing of the extension is overbearing in such a prominent location. The proposals would have a detrimental impact on the character and appearance of the area as well as on neighbour amenity.

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OFFICER'S REPORT

Site Description:

The property known as 'Le Bouvee de Haut' was originally a mid-20th century bungalow, which gained permission to be rebuilt as a two storey dwelling with detached garage in March 2021. The dwelling will be set back from and face east onto Le Frie Baton Road. The land falls away from the south to the north. There is a neighbouring property at a lower level to the north and one across the road to the southeast, to the west and east is agricultural land. The property is located Outside of the Centres and is within the Agriculture Priority Area as defined in the Island Development Plan. At present the original building has been demolished and the site is void of structures.

Relevant History:

FULL/2020/1287 - Demolish and erect replacement dwelling and detached garage. Remove and replace hedge, alter vehicular access and erect gate – Approved March 2021.

FULL/2019/0589 - Demolish existing and erect replacement two storey flat roof dwelling and garage. Widen vehicular access, erect walls and gate – Withdrawn February 2020.

Existing Use(s):

Residential use class 1: dwelling house.

Brief Description of Development:

This application is to further reduce the ground level in front of the garage and erect a two storey link extension and two storey extension over the garage.

The application was deferred because the initial proposals were considered too bulky and dominant. The amended drawings have reduced the ridge so the proposals are a one and a half storey link & extension over the garage.

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

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

There has been one letter of representation and the issues are:

- The proposals are for an extra 120sqm, which is an increase of approximately 43%
- The plot of land upon which the development would be situated is small for such an increase in size of the building
- The development would overshadow in an unattractive, unfair and overbearing way the neighbour to the north.

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.

The history of this site is lengthy and varied when it comes to designing a new dwelling for this site. Each scheme before the previously approved FULL/2020/1287 showed overly large structures, which had not taken the topography and rural nature of the surrounding area or neighbouring amenity into consideration.

Eventually a Design Statement was produced, which informed the design of the approved dwelling. The scheme was scaled back in size, with a reduced footprint and the new dwelling was shown with full site sections, including the neighbouring property to show the relationship between the two.

The reasoning behind the approval (FULL/2020/1287) included the following paragraph; *The proposal would result in a substantial increase to the scale, mass and ridge height (2.5 metres) of the dwelling. The site is prominent in views along sections of the public highway, with earth banks and hedging restricting views elsewhere, and the replacement dwelling would have a greater impact on public views. However, the existing dwelling is smaller than neighbouring properties and the excavation of a section of the site to reduce the ground floor level of the proposed dwelling by 0.6 metres compared to the existing dwelling would help to reduce its visual impact in public views. The proposed dwelling would be set back slightly further from the highway and its increased scale, mass and height is unlikely to have a significant adverse effect on the openness of the area. In addition, the visual impact of the dwelling could be further softened with a comprehensive landscape scheme, including planting substantial native trees. This could be dealt with by condition. The overall design of the dwelling is satisfactory and it is concluded that the replacement dwelling would have no significant adverse effects on the open character and appearance of the area, in accordance with Policies GP1, GP8 and GP13.*

All new development will be expected to achieve a good standard of design which respects and, where appropriate, enhances the character of the environment. No one design approach for new buildings will be appropriate in all locations and indeed, such an approach would diminish from the varied character of development across the Island. Therefore, the correct approach to building design will depend upon the particular location of development and the specific factors affecting the proposals.

The approved dwelling was already a substantial increase on the existing dwelling, but it did respect the character of the area. The new proposals would further increase the size and massing of the dwelling, by adding a two storey link and one and a half storeys above a further sunken garage. This would significantly change the original design, especially to the north, which is the part of the building which is nearest to the lower neighbouring property. There have been no site sections submitted to show the relationship between the new proposed garage and link extension and the neighbouring property.

No information has been submitted to show how the excavation and reduced land levels of the driveway would work, especially as the previous design had already lowered the ground levels. However, even with this information, the recommendation would be the same.

Development that has been designed to relate well to its surroundings can make a positive contribution to the character of an area, however, the proposals are poor in design, overbearing and dominant in scale and there is a lack of coherence of fenestration between the extension and the originally approved dwelling.

Although the scheme would not have any overlooking impacts on the north neighbouring property the massing of the extension is overbearing in such a prominent location. The proposals would have a detrimental impact on the character and appearance of the area as well as on neighbour amenity.

The proposals do not comply with parts a) or c) of Policy GP8 and 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: 11/10/2022