

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: Variation to previously approved plans to demolish dwelling and erect 3 flats - increase floor area including Juliet balconies at second floor level to north-east (rear) of unit 3.

LOCATION: Bermergal, Rosaire Avenue, St. Peter Port.

APPLICANT: Quatre Property Ltd

I refer to the application referred to below received as valid on 26/07/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 07/11/2022

Drawing Nos: JG Architecture: 2039 02.01C, 02.02D & 02.03D

Application Ref: FULL/2022/1428

Property Ref: A203200000

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 proposals are within a Conservation Area, but they do not conserve or enhance the special character, architectural or historic interest and appearance of the Conservation Area because the extension disorts the traditional Victorian gable shape. Therefore IDP Policy GP4 is not complied with.
2. The proposals do not consider the neighbour's health or well being due to the overlooking and overbearing nature of the extension on the neighbour's amenity space. The proposals are considered to have significant adverse effects on the amenity of the northern neighbour. Therefore the proposals do not comply with IDP Policies GP8(d) or GP13(a).

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/2022/1428
Property Ref: A203200000
Valid date: 26/07/2022
Location: Bermergal Rosaire Avenue St. Peter Port Guernsey GY1 1XY
Proposal: Variation to previously approved plans to demolish dwelling and erect 3 flats - increase floor area including Juliet balconies at second floor level to north-east (rear) of unit 3.
Applicant: Quatre Property Ltd

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposals are within a Conservation Area, but they do not conserve or enhance the special character, architectural or historic interest and appearance of the Conservation Area because the extension disorts the traditional Victorian gable shape. Therefore IDP Policy GP4 is not complied with.
 2. The proposals do not consider the neighbour's health or well being due to the overlooking and overbearing nature of the extension on the neighbour's amenity space. The proposals are considered to have significant adverse effects on the amenity of the northern neighbour. Therefore the proposals do not comply with IDP Policies GP8(d) or GP13(a).
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OFFICER'S REPORT

Site Description:

The application site did house a two and a half storey dwelling with single storey side extension, which has now been demolished. The site is surrounded by residential properties in all directions. Those to the north form part of the new development of Clos L'Ecole, those to the east front on to Brock Road with gardens and parking areas extending towards the site and those to the south face towards the site from the opposite side of Rosaire Avenue. The property to the west is attached to the building at the application site and forms part of the same terrace. The site is located within the St Peter Port Main Centre Outer Area in the Island Development Plan and is within a designated Conservation Area.

Relevant History:

FULL/2021/0691 – Demolish dwelling and erect three flats – Approved July 2021.

Existing Use(s):

Residential use class 2: flats.

Brief Description of Development:

This application is for a variation to the previously approved application, FULL/2021/0691 to demolish the dwelling and erect three flats. This application is to extend flat three on the second floor, by extending to the north and increasing the floor space by 21.62sqm.

Initially, there were concerns about overlooking to the north, so the application was deferred to request that the bedroom was positioned to the rear rather than the primary living space. However, with further assessment the overlooking would not be mitigated to a reasonable level, plus the perception of being overlooked would remain the same, as well as the proposal being overbearing to the neighbouring property which is single storey.

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

MC2 Housing in Main Centres and Main Centre Outer Areas
GP4 Conservation Areas
GP8 Design
GP9 Sustainable Development
IP6 Transport Infrastructure and Support Facilities
IP7 Private and Communal Car Parking

Representations:

None

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 surrounding area, Rosaire Avenue and the terraced housing are Victorian, they were built between 1873 and 1898.

The previously approved gable end was a typical mansard roof which was proportioned correctly, in the traditional manner, with a symmetry to each side around the chimney. This proportionality is important as it reflects the traditional appearance of the Victorian terraces which surround the site where one would expect a fairly typical ratio of depth to width which is dictated by the roof, it also reduces the apparent bulk of the building despite the lower floors being extended back.

The building and in particular the east side elevation/gable end of the building are important and set the wider character of the Conservation Area, as it is a stop end to the terrace which is highly visible from the mouth of Brock Road to the east. This sets the character of the road and the terrace of buildings behind which is a traditional Victorian terrace and therefore sensitive to matters of proportion and scale.

It is proposed to extend the rear of the building by adding a low pitched roof to the back of the mansard. This significantly affects the design as the gable end loses its traditional proportion and becomes very bulky and overbearing with what is clearly an extension to the top floor of the property. This would be very visible and harmful to the Conservation Area as described above. The rear fenestration was previously arranged in a logical way with doors and windows aligned, but the proposed changes to the top floor disrupt that arrangement and therefore the design quality of the building as a whole is diminished.

There is a single storey bungalow adjoining the northern boundary of the site which has its only amenity area to the southeast corner, which is directly to the north of the site in question. The proposals to bring the top floor of the house much closer to this bungalow would likely overshadow, overlook and appear oppressive in relation to that property.

The proposed alterations do not conserve or enhance the special character, architectural or historic interest and appearance of the particular Conservation Area, therefore the scheme does not comply with policy GP4.

The extent of overshadowing and overlooking to the neighbour to the north would be detrimental to their private amenity, therefore the proposals do not comply with GP8(d) and GP13(a).

For the reasons outlined above the recommendation for this application is a refusal.

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: 03/11/2022