

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: Conversion of 2 flats (Use Class 2) to dwelling (Use Class 1), demolish conservatory and erect 2 storey extension to south-east (front) elevation.

LOCATION: La Fosse Farm, Rue Des Pres, St. Pierre Du Bois.

APPLICANT: Ms P Burbridge

I refer to the application referred to below received as valid on 21/09/2022 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: JG Architecture - Pages 8, 10, 11, 12, 13, 14, 15, 16.

Application Ref: FULL/2022/1531

Property Ref: F012150000

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 would result in the loss of a unit of residential accommodation which has not been satisfactorily demonstrated as being substandard in any way, or incapable of upgrade to provide satisfactory living conditions, nor does the scheme relate to a site or building required for an important social or community requirement or the displacement of housing. The scheme is therefore contrary to all aspects of Policy GP12 of the Island Development Plan.

2. The proposed two-storey extension, by virtue of its location to the front of La Fosse Farm, its size, scale, proximity and relationship with Rue Des Pres, would form a prominent and obtrusive feature, disruptive and incongruous in its surroundings. The extension would be unrelated to, and out of keeping in this location detrimental to the visual amenities of the locality and contrary to Policies GP8 a. and c. and GP13 of the Island Development Plan.

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/2022/1531
Property Ref: F012150000
Valid date: 21/09/2022
Location: La Fosse Farm Rue Des Pres St. Pierre Du Bois Guernsey GY7 9AH
Proposal: Conversion of 2 flats (Use Class 2) to dwelling (Use Class 1), demolish conservatory and erect 2 storey extension to south-east (front) elevation.
Applicant: Ms P Burbridge

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The proposed development would result in the loss of a unit of residential accommodation which has not been satisfactorily demonstrated as being substandard in any way, or incapable of upgrade to provide satisfactory living conditions, nor does the scheme relate to a site or building required for an important social or community requirement or the displacement of housing. The scheme is therefore contrary to all aspects of Policy GP12 of the Island Development Plan.
 2. The proposed two-storey extension, by virtue of its location to the front of La Fosse Farm, its size, scale, proximity and relationship with Rue Des Pres, would form a prominent and obtrusive feature, disruptive and incongruous in its surroundings. The extension would be unrelated to, and out of keeping in this location detrimental to the visual amenities of the locality and contrary to Policies GP8 a. and c. and GP13 of the Island Development Plan.
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OFFICER'S REPORT**Site Description:**

La Fosse Farm, Rue Des Pres is a two-storey dwelling with granite front and slate roof. A flat roof extension is situated to the rear of the house and a pitched roof extension is also situated to its south east. A subservient extension/former barn exists to the northwest of the main house with a vinehouse to the front. This extension/barn contains two residential flats.

An 'L' shaped outbuilding/stable block is situated to the rear of the property.

The site is located Outside of the Centres and within the Agriculture Priority Area as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

June 2008 – application to demolish existing glazed porch and replace with conservatory. Granted November 2008.

June 2008 – application for the demolition of lean-to vinehouse and change of use of ground floor self-catering holiday unit to a residential unit. Granted November 2008

September 2007 – application to demolish lean-to greenhouse to front of the dwelling, pig sties, a garage and stable block and to erect a new conservatory to the rear of the dwelling (main house) and erect detached garage and stable block and additional hardstanding. Refused March 2008

July 2000 – retrospective permission sought to extend outbuilding (within curtilage) (immediate rear of former barn). Granted September 2000

September 1990 – revised application for a timber conservatory. Granted September 1990

September 1989 – application to convert part of guesthouse (first floor) to one self-catering holiday unit. Granted November 1989

September 1989 – application to construct a porch and stairway, replacement windows and doors and convert outbuilding to a residential unit (ground floor containing two bedrooms, lounge, bathroom and utility. Lounge and bedrooms facing out into vinehouse and with access from lounge to vinehouse). Granted November 1989

June 1989 – variation sought to permission for two self-catering units. Granted June 1989

November 1988 – permission sought to change the use of the barn (ground and first floors but excluding conservatory/vinehouse) to self-catering accommodation and for the main house to revert to a dwellinghouse. Granted February 1989

Existing Use(s):

01 dwellinghouse

02 flats

28 agriculture

The barn is recognised as containing two units of residential accommodation, each falling under Use Class 2 of the 2017 Use Classes Ordinance.

Brief Description of Development:

The application relates to the amalgamation of two flats (Use Class 2) at La Fosse Farm into a single dwelling (Use Class 1) and to then demolish the vinehouse/conservatory and erect a two-storey extension to the front/southeast elevation.

The application has been accompanied by information in support of the proposals, explaining the existing arrangements/uses etc.

Whilst it is noted that planning permission was granted for the change of use of the self-catering unit to residential accommodation the submission sets out that there is no evidence or knowledge that this permission was ever implemented for self-catering purposes and Policy OC8(C) is not considered relevant.

In relation to the conversion of two flats to one house the submission seeks to address Policy GP12 acknowledging the need to protect housing stock and that schemes where no overall loss in housing stock would occur then schemes may be supported. It is argued that the conversion of two flats to one house represents an important community requirement in connection with the applicant's business, providing around the clock community care since 2007 and where the next generation will take the business forward in the future. Living on the site, it is argued, will offer a smoother transition as different family members take on different roles in the future. The application also refers to social benefits of the scheme and the ability of family to care for one another as and when required.

The applicant refers to the long-standing tradition for families to retain and evolve a property throughout generations and it was one reason for purchasing the site. The submission also highlights the current housing climate/crisis.

The submission sets out that the flats are now in a poor condition, particularly the upstairs flat. Both would require substantial expenditure to achieve a suitable standard. The expenditure is not considered feasible nor beneficial to the applicant (shared parking, lack of privacy, noise nuisance etc).

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

Island Development Plan policies:
GP12: Protection of Housing Stock
GP8: Design
GP9: Sustainable Development
GP13: Householder Development

Representations:

None.

Consultations:

None.

Summary of Issues:

The key issue in this case relates to the principle of the loss of existing housing stock as a result of the amalgamation of two flats into one house.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Conversion of two flats into one dwelling

Policy GP12 of the Island Development Plan sets out that the loss of existing housing, or a building designed for residential use but currently vacant can only be supported in specific circumstances.

The application sets out that both flats are in poor condition and require significant upgrade and expenditure which the applicant is not prepared to undertake. Furthermore, that there is a conflict between the flats and existing house in terms of privacy, noise nuisance and parking.

Whilst the accommodation may need upgrading the application does not demonstrate that there is no reasonable way to achieve this and provide satisfactory living conditions. The application has not been accompanied by a structural survey or any information that sets out that the accommodation is substandard in terms of its means of construction and there was no evidence on site to suggest that the accommodation was substandard in this respect. Whether the applicant is prepared to invest in the properties to achieve this is a matter of personal choice but does not demonstrate that the accommodation cannot be upgraded.

The arrangement of accommodation on site is such that there is the main house, La Fosse, with a two-storey element utilised as two flats, split horizontally. The site has historically comprised the main house with a flat and holiday let and later two flats. There are examples of semi-detached properties all over the island and this is not an uncommon arrangement and does not generate unacceptable levels of overlooking or loss of privacy between occupiers. There is no evidence to demonstrate that a pair of semi-detached properties would result in unacceptable noise nuisance between the occupiers of the different units nor that the occupation of a semi-detached

dwellinghouse (as proposed) would generate any less noise nuisance than the occupiers of two flats.

There is a large area to the side of the property, in front of the stable block which provides access and parking for multiple vehicles (5/6 vehicles without interfering with turning/field access etc and with overflow parking in the adjoining field to the northwest which has been laid with Gridforce) which does not clearly demonstrate a conflict in relation to parking provision, where the IDP expects each case to be considered on its own merits (IP7). The existing arrangement is not therefore, substandard by virtue of location.

The ground floor unit is shown to be accessed via a door in the northwest (and southwest) elevation of the conservatory/vinehouse, with doors directly from the parking area to the northwest. It comprises a kitchen/lounge, two bedrooms (one en-suite), separate bathroom and storage. Although the bedrooms have windows facing into an existing conservatory they would be served by adequate sunlight/daylight and is a historic arrangement for the ground floor unit. The accommodation also meets the current GTS in terms of room sizes and is not substandard due to size nor means of access.

The first floor unit is accessed via an external staircase and comprises a kitchen/diner, two bedrooms, bathroom and cupboard which meets the GTS in terms of accommodation size. This accommodation is single aspect, to the south with views over, and down on, the conservatory below. The first floor unit is not substandard due to its size nor means of access.

In view of the above therefore, the proposal does not comply with Policy GP12 a.

The submission sets out that the business operated is of economic and social benefit to the island, because it offers care to individuals living in their own homes. Nonetheless, the business primarily takes place off site, by a team of carers. There is no operational or locational requirement for the business to operate from this site nor that a larger unit of residential accommodation is necessary in order to undertake this business function. Any administrative functions taking place on the site would be akin to a study or office arrangement not a home-based business (for which planning permission is required). The scheme does not satisfy criterion b. of Policy GP12 (important, essential social or community requirement).

In relation to criterion c. this application does not relate to the displacement of housing (constructing a dwelling off-site to off-set the loss on the application site) and therefore does not meet GP12 criterion c. Furthermore, the site is located Outside of the Centres where new residential development is only supported through the subdivision of an existing dwelling or the conversion of a redundant building, neither of which apply in this case.

Extension

Notwithstanding that the principle of converting two flats into one house is contrary to policy GP12, having regard to Policy GP13 there would be scope to demolish the existing conservatory to the front of the building without harm to the character and appearance of the locality. The lightweight, glazed nature of the conservatory is such that it does not appear particularly intrusive in the street scene.

The scheme proposes the erection of a two-storey extension to the front of the dwelling that is subservient to the main house and with a timber clad and granite exterior. Although this would represent multi-storey development making efficient and effective use of land the substantial two-storey extension, in terms of its size, scale and materials (compared to the lightweight glazed conservatory), between the main buildings and the road would not represent a good standard of architectural design that respects the local built environment. The two-storey extension would be an incongruous feature, out of character in the street scene and harmful to the character and appearance of the locality and contrary to Policies GP8 a. design and c. respect the character of the local built environment and GP13 of the IDP.

Although the submission has been based on the two units of accommodation being occupied by different generations of the same family the development does not relate to an extension to La Fosse Farm itself but to its semi-detached neighbour unconnected and unrelated to the main house, La Fosse. The occupation of the proposed accommodation could not be required to be connected to La Fosse Farm. Consideration must therefore be given to the impact of the extension on the amenities of adjoining residential properties, the most likely to be affected in this case is La Fosse Farm.

The erection of a two-storey extension to the northwest of La Fosse Farm will result in overshadowing and loss of light to the windows in the front elevation of this adjoining dwelling. There would also be an element of mutual overlooking and loss of privacy between fenestration to the southeast of the extension to the ground floor windows and garden of La Fosse Farm where there would be access from both properties to the same external space, in front of the ground floor windows of La Fosse Farm. The scheme therefore fails to comply with Policies GP9 and GP13 in this respect.

A secondary, dressing room window at first floor level (southeast elevation) would also result in mutual overlooking between the two properties although this window could be conditioned to be obscure glazed and fixed shut if the scheme were acceptable in all other respects.

As the proposed dwelling (formed from two flats) is proposed to be occupied by family no division of the external amenity space is proposed, either to the front or rear of the property. As two independent units of residential accommodation however, the provision of access to open space must be addressed. The proposed dwelling would be served by amenity space to the front and rear, as would La Fosse Farm. A condition could be imposed relating to any new boundary treatments in order to manage the potential for overlooking and loss of privacy in future.

The proposed lounge is shown only to have a window into the proposed open plan living area and with no external windows or doors for light and ventilation. Unlike the arrangement with the conservatory, the lounge would not be able to borrow a great deal of natural light from the proposed two-storey extension. Overall however, the scheme would offer adequate sunlight and daylight for future occupiers.

The scheme has been designed to provide for the future occupiers of the dwelling with flexible living accommodation, off-road parking and private amenity space which will enable future occupiers to remain in the property for longer. The level of off-road parking on the site is satisfactory to meet the needs of occupiers of the accommodation.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees, buildings or sites.

Date: 28 November 2022

