

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 two storey pool room, extend raised terrace area and erect Braai outdoor kitchen and flue to south (rear) elevation (revised scheme).

LOCATION: Parkway, Guelles Lane, St. Peter Port.

APPLICANT: Pulse Mechanical Electrical

I refer to the application referred to below received as valid on 05/09/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 27/10/2022

Drawing Nos: Naftel Associates drawing no's: (--)650 Rev A, 651 Rev B, (--)750 Rev B, (--)751 Rev B & (--)755 Rev A.

Application Ref: FULL/2022/1805

Property Ref: A102780000

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. By virtue of the restricted size of the site the proposed development would comprise a cramped and congested form of development which would result in the substantial loss of private amenity space associated with the existing dwelling, detrimental to the amenities enjoyed by the occupiers of that property. The proposal is therefore contrary to Policy GP8(a) and Annex I of the Island Development Plan.

2. The application has not been accompanied by sufficient, appropriate information relating to the proposed pool equipment to demonstrate that noise and vibration associated with this equipment would not have an unacceptable adverse impact on the amenities enjoyed by the occupiers of surrounding dwellings. The scheme is therefore contrary to Policies GP9 b. and GP13 a. 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/2022/1805
Property Ref: A102780000
Valid date: 05/09/2022
Location: Parkway Guelles Lane St. Peter Port Guernsey
Proposal: Erect two storey pool room, extend raised terrace area and erect Braai outdoor kitchen and flue to south (rear) elevation (revised scheme).
Applicant: Pulse Mechanical Electrical

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. By virtue of the restricted size of the site the proposed development would comprise a cramped and congested form of development which would result in the substantial loss of private amenity space associated with the existing dwelling, detrimental to the amenities enjoyed by the occupiers of that property. The proposal is therefore contrary to Policy GP8(a) and Annex I of the Island Development Plan.
 2. The application has not been accompanied by sufficient, appropriate information relating to the proposed pool equipment to demonstrate that noise and vibration associated with this equipment would not have an unacceptable adverse impact on the amenities enjoyed by the occupiers of surrounding dwellings. The scheme is therefore contrary to Policies GP9 b. and GP13 a. of the Island Development Plan.
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OFFICER'S REPORT

Site Description:

Parkway is a detached two-storey dwelling, currently undergoing extension and alteration, situated to the south of Guelles Lane. The property is elevated above road level and bounded by residential properties to the east, south and west and commercial premises to the north.

The site is located within the St Peter Port Main Centre Outer Area in the Island Development Plan.

Relevant History:

FULL/2018/0288 - Remove existing steps and replace roadside boundary wall to create new vehicular access and excavate behind to form parking area – granted

FULL/2018/0541 - Extend dwelling at first floor level to create 2 storey building, including balcony on north elevation and alterations to fenestration – granted

FULL/2018/2268 - Remove fence and section of hedge and erect wall (side/west boundary), and remove hedge and erect wall (side/east boundary) – granted

FULL/2018/2407 - Variation to plans previously approved to extend dwelling at first floor level to create 2 storey building including balcony on north elevation and alterations to fenestration - Erect balcony on flat roof and change window to bi-fold doors – granted

FULL/2019/2101 - Erect garage with terrace above to north (roadside) elevation and extend roof terrace at first floor level to south (rear) elevation – refused

FULL/2021/2186 - Install cladding to ground floor level and erect walls to east and west boundary (retrospective) – granted

FULL/2021/2396 - Erect garage with raised terrace at first floor level to north boundary (Revised Scheme) – refused

FULL/2021/2471 - Erect two storey pool room, extend raised terrace area and erect Braai outdoor kitchen and flue to south (rear) elevation – refused on the grounds that there was insufficient information relating to the proposed pool equipment to demonstrate it would not have an adverse impact on residential amenity and that the development would represent a cramped and congested development detrimental to the amenities of the occupiers of the property by virtue of the loss of private amenity space and harmful to the amenities of the adjoining dwelling.

FULL/2022/0972 - Erect garage with raised terrace at first floor level to north boundary (revised scheme) – refused

FULL/2022/1670 - Erect garage with raised terrace at first floor level to north boundary (revised scheme) – granted

Existing Use(s):

01 dwellinghouse

Brief Description of Development:

The application relates to the erection of a two-storey outbuilding to the rear of the dwelling containing a swimming pool and plant room. Glazing is proposed at ground and first floor level to the west and north elevations facing the house. The east elevation is blank because it will be formed by the existing boundary wall and the building will extend across the rear/south site boundary. New external steps are proposed between the raised terrace and detached pool house and adjacent to the east boundary, along with a new 1.8m high obscure glazed privacy screen set inside the boundary wall along the east boundary and to the northern edge of the terrace. The previously approved

first floor terrace is to be enlarged and a Braai external kitchen with associated chimney/flue is proposed to the west of the terrace.

The scheme also refers to the infilling/partial infilling of ground floor windows in the south elevation of the dwelling.

Amenity space to serve the dwelling would remain to the west of the pool house and along the west boundary, to the side of the dwelling.

The application sets out that the height of the pool and terrace has been reduced to address matters relating to privacy, overshadowing and outlook. The reduction in height means that the pool cover does not project above the existing boundary wall thereby reducing its scale, appearance and impact on the locality. A privacy screen is proposed to the east boundary of the raised terrace area for neighbour privacy and the terrace itself has been enlarged. The Braai has been moved further from the east boundary and cladding introduced to enhance its appearance. The omission of the Jacuzzi would enlarge amenity space at terrace level and the land purchased to the west of the property enhances external space, offsetting the loss of soft amenity space. Furthermore, the omission of the Jacuzzi will reduce noise generated which would impact on residential amenity. It is requested that noise levels associated with plant and equipment is managed by condition.

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

Island Development Plan policies:

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One letter of representation has been submitted raising the following points:

- The existing high wall is overbearing and has resulted in a loss of sunlight; anything extending over the top of this would further diminish outlook
- Concerns exist regarding noise generated from the pool plant room which is at low level, adjacent to the boundary wall,
- Concerns exist regarding the pool should leaks/faults occur and how this would impact the neighbouring property and insurance
- When the wall was built it was finished on the Parkway side but not on the neighbour's side
- The building work is condensed to the east of the site and has the potential to impact on outlook and peace
- Concerns would not have been raised if the wall had been built as planned, with curved finishes where the height of the wall drops, this has not been done so leaves the neighbour more exposed

Consultations:

Office of Environmental Health and Pollution Regulation – there is insufficient information provided with the plans regarding the equipment that the applicant proposes to install in the plant room and concerns exist regarding the proximity between the plant room and neighbouring residential properties and the impact that noise and vibration from plant room equipment may have on neighbouring residents. Further information is requested:

- Details of plant equipment to be installed, including manufacturer's specification
- Distance from plant room to nearest noise sensitive property (this include domestic outdoor areas)
- Evidence that the noise level the proposed extraction system would operate at would be at least 5dB(A) below the lowest background noise level at any time (this is generally at night)
- Details of any proposed attenuation measures to reduce the noise level of the plant room equipment (the room itself will provide a level of noise reduction and details of the sound reduction level offered by the construction materials would be welcomed)

Any measurements and assessment shall be made in accordance with BS 4142:2014.

Summary of Issues:

The key issues in this case relate to the level of development on this site, the design and appearance of the outbuilding and other alterations and their likely effect on the character and appearance of the locality and the potential impact on residential amenity with regard to loss of privacy.

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.

Level of development on site

As outlined as part of the earlier refusal for a pool house at Parkway concerns exist regarding the level of development on site as a whole and the size of the pool house extension and terrace has not been substantially reduced as part of this revised application. Although an objective of the IDP is to use land in an effective and efficient way to make the best use of the finite amount of land available this must be balanced with ensuring adequate living standards are maintained with regard to the occupiers of a dwelling and its neighbours. Whilst there are no rigid amenities standards or figures in the IDP this does not mean that poor or inadequate standards of amenities will be acceptable and each case must be considered on its own merits in relation to the

policies in the IDP. There are specific objectives in Annex I relating to; internal space standards, privacy, aspect/outlook, external open space and daylight/sunlight.

The pool and covered terrace area to its east will be served by ample natural light through the provision of a motorised sliding roof and glazing facing Parkway itself. The main dwelling is served by accommodation that meets the internal space standards. The proposed pool house incorporating covered terrace to the east would not raise concerns in relation to space standards or light.

Outlook from Parkway would be altered and affected by the proposed pool house given the limited depth of the site and the high, imposing retaining boundary walls. Whilst it may be argued that the reduced outlook that would be generated by the pool house development would be a personal choice this does not represent a good standard of design when considering the health and well-being of future occupiers.

Access to external space can take various forms (garden, balcony, terrace, public parks/beaches etc.). Orientation, outlook and accessibility, for example, can greatly influence the quality of provision and the IDP expects external open space to be of high quality. Consideration must be given to the level and quality of external amenity space proposed to serve this substantial family home and a significant amount of built development has occurred on this site. The submission seeks to draw attention to the 40sqm of garden/amenity space that exists to the west of the site following the purchase of adjoining land. This was considered as part of the earlier refusal of permission for the pool house and the fact remains that the outbuilding would reduce external amenity space associated with the dwelling; the level of external amenity space would be severely curtailed and is not considered satisfactory to serve this dwelling.

Given the above, the erection of a two-storey pool house would represent an overdevelopment of the site detrimental to the health and well-being of occupiers of the development due to a lack of suitable external amenity space and the impact on outlook from the neighbouring dwelling. The proposal overall does not represent a good standard of design. The scheme is therefore contrary to Policies GP8, GP9 and GP13 of the Island Development Plan and Annex I of the IDP.

Although amendments have been made to the design and appearance of the development as previously identified, the site is in an urban area where plot sizes and properties are varied in their size and designs. As a domestic outbuilding the Island Development Plan offers flexibility for homeowners to exert personal choice in design matters. The building would be substantially screened from the Lane by the existing dwelling and given the low roof structure proposed. The proposal will not have an unacceptable detrimental impact on the local built environment. The flat roof design and highly glazed appearance of the proposed pool house is considered to represent a good standard of design in accordance with Policies GP8 and GP13 of the Island Development Plan.

A bungalow known as Amethyst is situated to the east of the site and a high boundary wall has been granted permission (see FULL/2018/2268). A revised design and height of wall was approved through the retrospective application granted in 2021 (see

FULL/2021/2186). The height of the detached building, which has been reduced since the scheme was previously considered and refused, enables it to sit entirely behind the existing boundary wall and this aspect of the development will not result in overlooking or loss of privacy to the occupiers of the dwelling to the east, in accordance with Policies GP8, GP9 and GP13 of the IDP.

The site has substantial retaining walls around the south, east and west boundaries. The very shallow mono-pitch roof is such that the height of the building has been kept to a minimum. A single-storey outbuilding runs along the north boundary of the garden of the adjoining dwelling, Hazeldean, offering separation between the proposed building and the driveway and amenity space serving this neighbouring dwelling. The position of the building and proposed fenestration is such that the proposed building will not result in unacceptable overshadowing or loss of privacy to the occupiers of this neighbouring dwelling.

The application also proposes an enlarged first floor balcony/terrace which would offer access from the living accommodation at Parkway to the pool house. As part of the 2018 scheme to extend the dwelling, including a balcony to the north, concerns were raised regarding the potential for overlooking and loss of privacy to the occupiers of the dwelling to the east. A 1.8m high obscure glazed screen was proposed to enclose the rear first floor terrace (east and west edges of the terrace). The current scheme proposes a 1.1m high balustrade to the south and west edges of the terrace and a 1.8m high privacy screen to the northern and eastern edges of the terrace. From the garden to the east a 2.285m section, 0.2m high would be visible above the existing east boundary wall.

The combination of the boundary wall and high screen, which can be required by planning condition, will ensure that overlooking and loss of privacy to the east is kept within acceptable limits. Although the screen would increase the height of the common boundary between the properties the screen is limited in length, lightweight and glazed thereby allowing light to pass through and will not generate an unacceptable degree of overshadowing nor sense of enclosure/harmful outlook from this property. The revised scheme accords with Policies GP8, GP9 and GP13 in this respect.

This terrace would be set further from the west site boundary because the site has been enlarged (as was the case when the 2022 scheme was considered and refused). As approved under application reference FULL/2021/2186 the boundary wall would be 4m high and given the height of the terrace and distance to the site boundary it would not be possible to obtain views into the garden of Earls Colne to the west from the terrace. The 4m high boundary wall will also prevent overlooking from the pool to the garden of Earls Colne and limit the potential for views into the building from the first-floor windows of this neighbouring property in accordance with Policies GP8 and GP9 of the Plan.

Turning to the proposed Braai/flue the proposed development would not result in harm to the local built environment being situated to the rear of the property and substantially screened from public view, and given the enclosed nature of the site, the height of the dwelling itself and high retaining boundary walls, and that no concerns

have been raised by the OEHPR regarding this aspect of the development. The chimney/flue associated with the Braai will need to meet current Building Regulations to ensure the appropriate dispersal of smoke which will manage these concerns expressed through the consultation process.

Confirmation has been received that the proposed development has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Poolhouse equipment

Although the applicant has requested that this matter be addressed by way of planning condition, the lack of information regarding pool equipment was a reason for refusal as part of the earlier scheme and the revised submission has not sought to address this earlier reason for refusal. There must be confidence that a planning condition can be complied with and it is far more difficult to address noise concerns post installation.

The proposed pool house would be situated in the corner of the site and constructed off the existing boundary walls. Given the first-floor position of the pool with pool related equipment below there is the potential for nuisance to arise in relation to vibration. OEHPR were consulted on the application and indicated a lack of information has been provided in this instance. As a result it has not been possible to establish whether the scheme would have a detrimental impact on residential amenity contrary to Policies GP8, GP9 and GP13 of the IDP.

Conclusions

Notwithstanding the above, the scheme does not comply with Policy GP8 (a) and Annex I of the Island Development Plan and is recommended for refusal.

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: 25 October 2022

